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HEALTH AND SAFETY EXECUTIVE

The HSE Board

HSE's role in response to a serious incident/emergency

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Issue

1. HSE's role in responding to major incident and civil contingency events.

Timing

2. Routine

Recommendation

3. The Board is invited to agree:
 - a) HSE's 'Concept of Operations' Statement setting out our role in responding to a serious incident/emergency event (Annexes A, B and paragraph 7)
 - b) That the major incident and civil contingencies procedures are amalgamated to become one 'emergency response' procedure;
 - c) That the upcoming civil contingencies exercises should be used to further improve and spread knowledge about civil contingencies, including about COBR and IMRG, across HSE.

Background

4. Since the special HSE Board meeting in February 2006 we have improved the major incident and civil contingency procedures; reviewed the Duty Officer system and agreed improved terms and conditions for those responding to an incident.
5. In addition, the Operations Management Team (OMT Paper 58/1) at its November 2006 meeting reviewed recent incidents affecting FOD and HID which demonstrated the emergency services expectation of HSE to attend site and/or GOLD and provide a 24/7 response to significant incidents. OMT asked that this paper come to the HSE Board to seek agreement to implementing further measures to improve the resilience of HSE's response.

Argument

6. This paper sets out HSE's response to non-nuclear incidents. NSD have a different role and have already developed their own robust response arrangements to a nuclear emergency event.
7. HSE's investigation role in a major industrial incident is understood externally and supported strongly within HSE. However there isn't the same clarity or confidence in relation to our role in providing advice to others responding to an incident. We need a clear position on HSE's role in responding to an emergency event. Cabinet Office has asked us to provide a 'Concept of Operations' statement. The statement in Annex A has been agreed by OMT, taking into account LAO advice, Cabinet Office guidelines and the expectations placed on us by other responders. The key elements are:
 - a) HSE has a 24/7 response that includes a 'decision maker' who will assess the incident and determine HSE's initial approach and deployment of resource;
 - b) We will use our best endeavours to respond to any reasonable request for information or provide a site response to an ongoing live incident. We cannot guarantee attendance out of hours but as a minimum we will offer telephone advice.
 - c) We will have proportionate arrangements (a Duty Officer and an up to date list of telephone contacts), via regional plans, to allow HSE staff involved to access telephone advice from "experts" within HSE/HSL and from third parties if necessary;
 - d) HSE will proactively contact those leading the response to an incident to make them aware of what support we can provide.

A diagram outlining what the response will look like is at Annex B. **Do the Board endorse the statement in Annex A?**

8. It is proposed that the steps required to get to this position, outlined below, are implemented as a priority.

Steps Required to Deliver this Role

9. HSE's current response capability has 3 broad stages, which are detailed at Annex C, in summary they are:

Stage 1 - Ability to receive incoming traffic;

Stage 2 - Ability to make managerial decisions on HSE's response to significant incidents; engage within Whitehall; attend COBR, IMRG etc; and provide a media response;

Stage 3 - Ability to deliver the chosen response

NSD's response is outlined separately in Annex D.

10. HSE's 'in-hours' response to an incident is, not unexpectedly, more resilient and robust and provides a higher level of assurance when compared to that out of hours. Our out of hours arrangements in practice rely on availability and goodwill.
11. An analysis of out of hours calls showed that in the first 6 months of 06/07 the Duty Officer received 589 calls relating to FOD and HID (including OSD); of which 175 were immediately passed through to an Inspector out of hours. 152 calls were referred to

FOD and HID (excluding OSD¹), of these 17 (11%) resulted in an immediate out-of-hours site visit. Further data is given in annex E.

The 'Decision Maker'

12. The “decision maker” has an important role as they balance the pros and cons of providing an immediate response. There is a reputational risk if HSE makes the wrong decision and does not start to respond but to respond unnecessarily disrupts staff out-of-hours and in the longer term, may reduce the willingness of staff to be available as it relies on their goodwill.
13. The decision maker needs to:
 - a) Recognise any wider implications for HSE;
 - b) Identify the response and commit the HSE resource needed on behalf of HSE with regard to attendance at site and attendance at GOLD/SILVER;
 - c) Be able to input, act on and respond to instructions from HSE’s COBR/ IMRG representatives etc;
 - d) Be able to respond proactively to any media enquiries with assistance from Press Office; and
 - e) Be able to handle the sensitivities involved with any incident.
14. To provide the necessary business assurance FOD and HID will allocate this responsibility, out of hours, to operational Band 1s, with the Duty Officer contacting the appropriate Band 1. In hours the first contact would, normally, continue to be to the Band 2.
15. The possibility of moving to a formal rota system with various options (regional rota, national rota etc.) has been examined. It has been discounted at this stage, mainly on grounds of cost, and acceptability to the staff it directly impacts on, although wider soundings will be taken. This means that, out of hours, we will continue to rely on the goodwill and availability of staff.
16. Historically, where an emergency response is required, the Duty Officer has always been able, ultimately, to contact a decision maker. However, the measures outlined in the rest of this paper (paragraphs 18-25) are an important part of increasing our assurance that an appropriate response is made by HSE.
17. If a member of HSE staff is required to work out of hours then the recently revised recompense arrangements mean that TOIL is available and where exceptionally for operational reasons TOIL is not viable then limited payments may be made. In practice it is difficult for most Band 1’s to take TOIL.

Training & exercising

18. Appropriate training is critical to reinforce the skills, knowledge and confidence of the staff involved. Operational Band 1s have been canvassed and the majority have indicated that they need further training on responding to a civil contingency/major incident and in managing the early stages of such an incident. The current Managing Major Incidents course will be revised to reflect any new arrangements and will be supplemented by tabletop or similar exercises. It is proposed that these will be made

¹ Because of practical difficulties arranging transport OSD’s visit are made as soon as practicable or when it is safe to attend so OSD are excluded from this part of the analysis looking at immediate site visits.

mandatory for those likely to act in a decision maker role. Funding for this course is already available but any extra cost implications will be considered by OMT.

19. As part of the testing and exercising programme agreed by the Board in 2006 (Board paper B/06/57) OPSD will prepare a civil contingencies exercise for use within HSE in addition to the exercises mentioned in paragraph 26.

Regional plans

20. In order to get to the position outlined Annexes A & B, OMT have decided to develop combined FOD and HID regional response plans. These will include what happens in the event of the most appropriate decision maker not being available as well as access to specialist back up. It is proposed that this is piloted in Scotland prior to national implementation.
21. HID have a number of national Inspectorates, which will need to be considered in the regional plans.

Technical backup via telephone

22. Work is underway to develop the necessary arrangements to ensure that contact, during an incident, can be made with the necessary “experts” within HSE/HSL and third party experts where appropriate.
23. There may be a need in some specialised areas to go to external experts at an early stage and this will come with associated costs. However, in practice these will not be high unless we have to enter into standby contracts. Appropriate authorisation will be sought if such experts are required.

Amalgamation of the major incident and civil contingencies procedures

24. There are currently two sets of procedures that relate to HSE’s response to a serious incident – the major incident and civil contingencies procedures. There is currently limited cross over between the two procedures and this can lead to confusion over where one starts and the other ends. Revising the procedures is a natural progression from the February 2006 Board meeting decisions and would allow clearer instructions to be provided to HSE secretariat, press office, civil contingencies unit and the operational D/d’s on what is required of them in an emergency event. **To ensure our response to any emergency event takes into account both civil contingency and major incident implications we propose that these procedures should be revised and become one procedure on ‘HSE’s emergency response’.**
25. Attendance at COBR and IMRG should be by suitably qualified, competent and appropriately security cleared senior HSE staff. A list will be maintained of those cleared and able to attend.
26. Exercise MAX indicated that there was some discomfort across HSE due to unfamiliarity in dealing with civil contingencies emergencies. **The Board are asked to agree that the opportunity for HSE to input to appropriate civil contingencies exercises across Government should be used to further improve the level and spread of knowledge within HSE, particularly on COBR and IMRG.**

Consultation

27. OMT members, HID, FOD, NSD, Policy Group and HSL.

Presentation

28. Once the statement is agreed it will form the basis of our 'Concept of Operations' statement and will be forwarded to Cabinet Office and other key players as a priority. We will also indicate how long we need to fully implement the new arrangements. As we roll-out regional plans, approaches will also be made to local and regional response forums, and the emergency services to publicise our role.
29. There is a business risk if we fail to deliver in such a sensitive area so it is essential to implement the statement prior to publicising it locally.

Costs and Benefits

30. There will be some costs involved in developing the regional plans but this is not expected to be significant as it is building on the already existing D/d plans. There will be T&S and opportunity costs incurred through the provision of additional training. These costs will be considered by OMT. To put these into perspective, resourcing one of NSD's level 2 emergency arrangement exercises is estimated at £10,000.
31. The benefits in improving HSE's resilience via plans, exercising and training will be much clearer, cohesive and effective response to major incidents and civil contingencies, which in turn should enhance HSE's reputation.

Financial/Resource Implications for HSE

32. The development of regional plan should not involve much additional work, as it will build on the work already commissioned by FOD HQ to improve Divisional plans. OPSD will work closely with FOD and HID to minimise any burden on operational staff.

Environmental Implications

33. N/A

Other Implications

34. Improving HSE's emergency response arrangements should lead to a better understanding of HSE's position and an enhancement of HSE's reputation externally.

Action

35. The Board is invited to agree:
- a) HSE's Concept of Operations Statement setting out HSE's role in responding to a serious/ emergency event (Annexes A, B and paragraph 7)
 - b) That the major incident and civil contingencies procedures are amalgamated to become one 'emergency response' procedure; and
 - c) That the upcoming civil contingencies exercises should be used to further improve and spread knowledge about civil contingencies, including about COBR and IMRG, across HSE.
36. Any further actions will be led by OPSD, working in cooperation with other parts of HSE as appropriate.

HSE's role in response to a serious industrial or related incident/emergency

Introduction

1. HSE'S role is set out in the Health & Safety at Work Act 1974 (HSWA) that is to act as the regulator to require that the risks from work activities are correctly assessed and controlled. HSE has a duty to provide advice on how the Act may be complied with.
2. In addition to this HSE has a duty as a category 2 responder under the Civil Contingencies Act 2004 and (Contingency Planning) Regulations 2005, with a duty to provide relevant technical or specialist advice. This includes information on the nature of any potential hazards of the site/organisation.
3. Any assessment of the level of risk must, in the first instance, be for the duty holder or industry specialist representative in conjunction with the Category 1 responder. However, HSE will become involved if the duty holder is unavailable or doesn't hold the confidence of the public or emergency services.
4. The principles of HSE's response apply to all areas of HSE work except nuclear incidents. Whilst HSE is designated a Category 2 responder, NSD are the equivalent of a Category 1 responder for nuclear incidents.

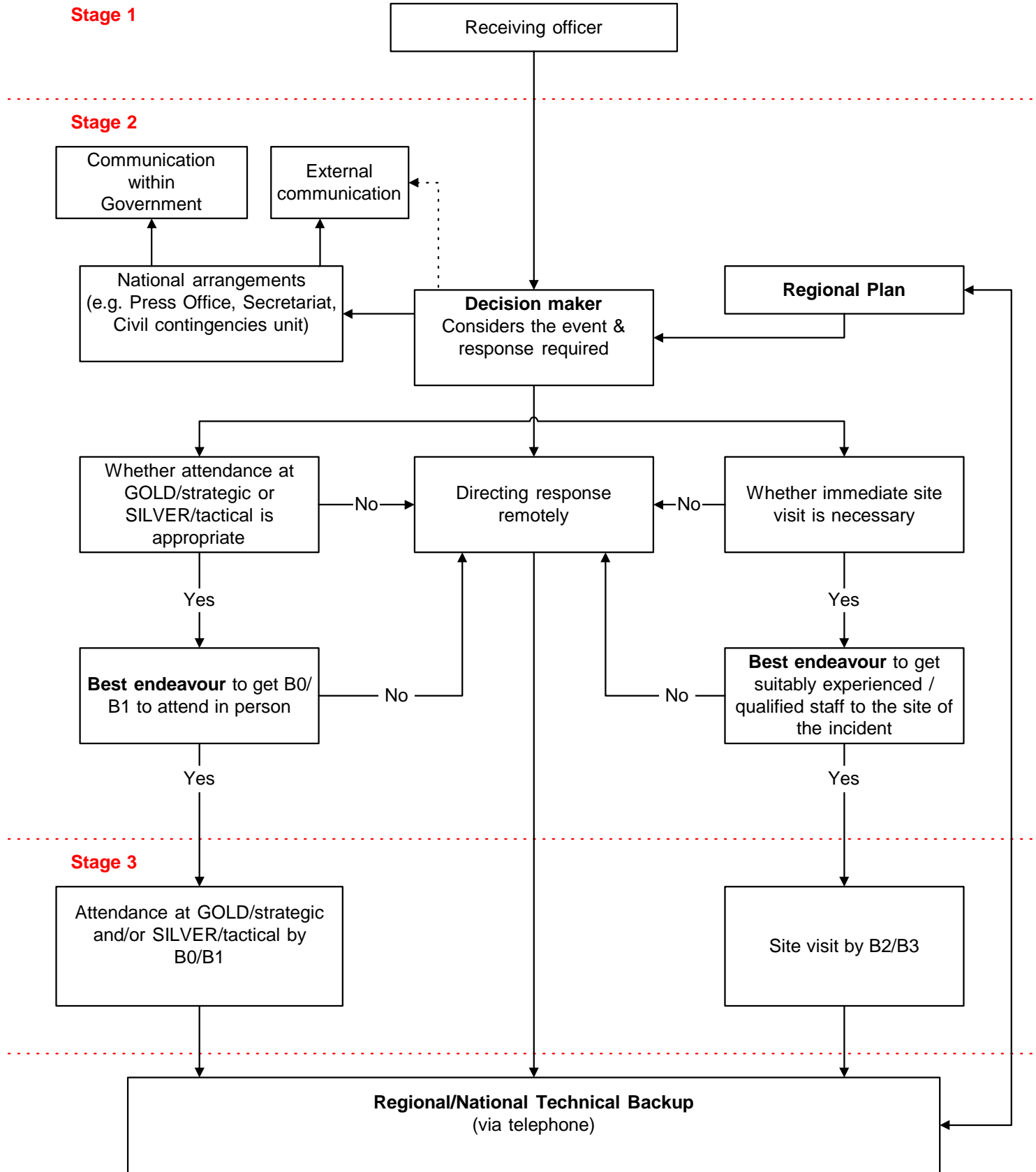
HSE's response

5. HSE has a 24/7 response to incidents that includes a decision maker who will assess the initial incident and determine HSE's approach and deployment of resource.
6. We will use our best endeavours to respond to any reasonable request for information or provide a site response to an ongoing live incident. We cannot guarantee attendance out of hours but as a minimum we will offer telephone advice.
7. We will have proportionate arrangements (i.e. a Duty Officer and an up to date list of telephone contacts) in place via regional plans to allow HSE representatives to access telephone advice from "experts" within HSE/HSL and from third parties with identified expertise. Experts will not be on a call-out rota and physical attendance is not guaranteed but is on a best endeavours basis.
8. HSE will proactively contact those leading the response to an incident to make them aware of what support we can provide (even when not notified).

Internal management

9. We will have combined FOD and HID regional response plans.
10. Where the emergency phase of an incident lasts more than 24 hours HSE's response will be resourced nationally if required.
11. We will maintain a list of those cleared and able to attend COBR and IMRG.
12. HSE Secretariat and Civil Contingencies Unit will engage as necessary contacts with Whitehall.
13. Press Office and GNN will coordinate any external communication (via the Duty Press Officer out of hours) with input from operations. Where appropriate a spokesperson will be made available for media interviews. Where significant publicity is expected the Press Office will arrange for any press statements to be loaded onto the HSE website.

Model Response to Incidents



HSE's Current Major Incident Response Arrangements

After the immediate response phase HSE's primary role is to discharge its investigation function. The emergency services and the duty holder are primarily responsible for controlling risks. HSE is a category 2 responder under the Civil Contingencies Legislation.

HSE's response has 3 broad stages

- Stage 1 – ability to receive incoming 'traffic'
- Stage 2 – ability to make managerial decisions on HSE's response
- Stage 3 – ability to deliver chosen response.

Stage 1 (has 24/7 cover achieved via)

- In hours 'normal' arrangements: ICC, DDs, press office, HSE secretariat, Civil Contingencies secretariat
- Out of hours: Duty Officer plus Duty Press officer. Duty officers are reimbursed via an allowance of £330 per week and £340 weekend.

Stage 2

- In hours calls are passed to the appropriate B2 for decision. Normal arrangements apply for contacting HSE secretariat, press office etc. for their actions;
- Out of hours relies on the duty officer being able to contact managers (i.e. B2s and above) via DD contact lists. No formal rota system exists across HSE and DDs have different arrangements.
- The duty press office are informed either directly or via the Duty Officer
- The HSE Secretariat are contacted by the Duty Officer in the event of a major incident.
- Out of hours, of the approx. 1132 calls annually received Duty Officers pass on approx. 304 calls to decision makers in FOD and HID (approx. 25/month). Each D/d provides criteria for the DO's to "filter" the calls received.
- In 2006 it was agreed that senior manager could claim TOIL (or overtime in exceptional circumstances) for out of hours work.

Stage 3

- In hours site response, normal HSE Secretariat and Press Office, Civil Contingencies secretariat etc arrangements;
- In practice out of hours deployment relies on the availability and goodwill of inspectors with remuneration based on TOIL or overtime payment.

NSD Role in a Civilian Nuclear Emergency Response

The relevant legislation is the Radiation Emergency Preparedness and Public Information Regulations (REPIR) 2001; the Civil Contingencies Act does not apply to sites regulated by NSD. It should be noted that Licence Conditions under the Nuclear Installations Act also apply to licensed sites. Whilst the legal framework is different, NSD are the equivalent of a Category 1 responder with DTI acting as the Lead Government Department (LGD).

The DTI, as LGD, has a role in bringing together the organisations involved in offsite nuclear emergency planning through the Nuclear Emergency Planning Liaison Group (NEPLG). This group is chaired by DTI and includes representatives of the nuclear operators, emergency services, local authorities emergency planning officers and Government Departments & agencies involved in the response to a nuclear emergency. NEPLG provides a forum for discussing problems, exchanging information and experience and has issued consolidated guidance for nuclear emergency planning.

In the event of a nuclear emergency the HSE (NSD) role is to:

- Lead and manage NSD's response
- Advise and support the Chief Inspector
- Support the remote teams
- Advise the GTA
- Provide the rolling brief to CI, Secretariat, HSE Press Office, and GTA
- Co-ordinate any regulatory action
- Monitor Licensee activities
- Safeguard the reputation and authority of NSD / HSE

In order to fulfil these roles NSD has a well established response to an emergency whereby following the initial notification they:

1. Despatch an Inspector to the site;
2. Despatch a team to support GOLD;
3. Despatch a team to the duty holder;
4. Coordinate their activities and provide technical input from the Incident Suite in Redgrave Court, Bootle.

The response is tested on a regular basis in support of the nuclear emergency exercise programme.

A key role that NSD also resources and supports for any nuclear emergency on a civil nuclear site is the Government Technical Adviser (GTA). The GTA would be appointed by a DTI Minister following advice from NII and would normally be a Deputy Chief Inspector of NII. The GTA would be responsible to the lead Minister and provide independent and authoritative advice to police and other authorities on countermeasures, the course of the emergency, the end of the emergency phase etc. Also he would attend media briefings.

**Out-of-Hours Calls Referred Immediately by the Duty Officer to Band 1 or 2s
March - August 2006**

Division	No of calls	Immediate Out of Hours visit made	Of which presented an ongoing incident
CD	11	1	
ESE	20	6	
London	11	0	
Midlands	28	5	
N West	16	1	
Scotland	8	0	
WSW	18	1	
YNE	20	2	
Total FOD	132	16	
HID (excludes OSD)	20	1	
OSD	23	*	
Total HID	43		
Grand Totals	175	17	6

* Because of practical difficulties arranging transport OSD's visit are made as soon as practicable or when it is safe to attend so OSD are excluded from this part of the analysis.

Types of ongoing incident with out-of-hours site visit

- Unstable structure
- Scaffold collapse
- Fairground & question of structural safety
- Electric shock where it was not clear if supply had been isolated
- Fire at Grangemouth

Types of on going incident where immediate site visit was declined

- Police raid on an illegal drug manufacturing operation.
- Asbestos spotted in a derelict building
- Hole in ground
- Unstable demolition that could be managed remotely.