

## **Appendix 5**

### **Level 2 HSE Emergency Response Plan (ERP) Initial Response Guide**

The HSE Emergency Response Plan (ERP) should be used where the Divisional MIRP has been activated and either:

- an incident has the potential to be declared a major incident by the CEO or HSE Board, **or**
- an incident exceeds the response capability of the Division; **or**
- in the event of a major Civil Contingency Event where central arrangements are activated by Cabinet Office. (The plans also cater for when HSE's attendance is requested at the high level, cross government committee COBR without the need for an associated operational response e.g. flooding)

A major civil contingency event is:

- where the capabilities of local or regional responders to respond effectively has been exceeded; **and**
- where emergency regulations, under the Civil Contingencies Act 2004, have been invoked, **or**
- COBR, the central response arrangements have been activated

#### **Who has the authority to invoke the ERP?**

The CE/Director Regulation, in consultation with the relevant Head of Division, Chair of the HSE Board, Ministers and Legal Advisors Office as appropriate.

The HSE Board can instruct that an incident is designated as an HSE Major Incident under section 14(2)(a) of the Health and Safety at Work etc. Act 1974.

#### **Initial notification**

Following an incident there are two formal routes of notification within HSE:

1. via the divisional response to the incident where the Divisional Director advises the CE/Director Regulation of a potential major incident or that COBR are likely to meet; or
2. directly from Cabinet Office (Civil Contingencies secretariat) when COBR is convened to either:
  - a. HSE Secretariat or EPU in office hours; or
  - b. The HSE Duty Officer out of hours.

HSE Secretariat or the Duty Officer will immediately contact the Civil Contingencies Coordinator (i.e. Head of Emergency Planning Unit) and the lead HSE MB member to alert them to the COBR meeting.

**Note:** Information by TV news may often precede formal notification

| <b>Chief Executive/Director Regulation</b>  |
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| <b>The Role</b>   |
| <ul style="list-style-type: none"> <li>• To decide whether an incident should be classed as an "HSE Major Incident"</li> <li>• To oversee HSE's overall response to an incident and where appropriate take the lead in representing HSE at senior level meetings</li> </ul>   |
| <b>Key Tasks</b>  |
| <ul style="list-style-type: none"> <li>• Determine initial strategy</li> <li>• Consider Whitehall engagement</li> <li>• Determine frequency of briefings</li> <li>• Decide on status of incident</li> <li>• Represent HSE as appropriate</li> </ul>   |
| <p><b>Determine initial strategy</b><br/>In consultation with Divisional Director determine HSE's initial response strategy. Consider:</p> <ul style="list-style-type: none"> <li>• Employee/public safety</li> <li>• Stakeholder perspective</li> <li>• Reputation/credibility</li> <li>• Economic consideration</li> <li>• Most likely/worst possible outcome</li> </ul>  |
| <p><b>Consider Whitehall engagement</b></p> <ul style="list-style-type: none"> <li>• Consider whether the event is a civil contingency event.</li> <li>• Contact Cabinet Office to ascertain/consult on whether COBR needs to meet</li> <li>• Contact DWP &amp; other government departments to advise of HSE role and involvement</li> <li>• Respond to requests for attendance at COBR</li> <li>• If necessary, consider HSE attendance at DWP Crisis Management Centre</li> </ul> <p><b>If COBR convened</b></p> <ul style="list-style-type: none"> <li>• Identify and appoint a COBR representative (&amp; deputy as appropriate)</li> <li>• Advise the appropriate Divisional Director</li> <li>• Monitor any information coming into HSE from COBR.</li> </ul>  |
| <p><b>Determine frequency of briefings</b></p> <ul style="list-style-type: none"> <li>• Brief appropriate Divisional Director on initial strategy</li> <li>• Determine frequency of briefings and advise HSE Secretariat for dissemination</li> <li>• Monitor and approve as necessary briefings for the HSE Chair and Ministers</li> </ul>   |
| <p><b>Decide on status of incident (ie should it be designated as an HSE Major incident)</b></p> <ul style="list-style-type: none"> <li>• Consult with D/D Heads, LAO, HSE Chair, Ministers</li> <li>• Consider the significance of the incident</li> <li>• Any separate investigation by other regulatory bodies</li> <li>• The effect of the investigation on HSE as a whole</li> <li>• Concerns of HSE Chair, ministers, other government departments, devolved administrations and regulatory bodies.</li> </ul> <p><b>If declared an HSE major incident determine investigation arrangements - consider:</b></p> <ul style="list-style-type: none"> <li>○ Appointing an <b>Investigation Manager</b> to take over from the <b>Incident Controller</b> in managing the initial divisional response</li> <li>○ Appointing an <b>Investigation Business Manager</b></li> <li>○ Appointing and agreeing composition of a <b>Major Incident Investigation Board (MIIB)</b></li> <li>○ Whether <b>MIIB</b> should have an Independent member</li> <li>○ Decide whether a triage for a Policy &amp; Procedure Review should take place and if so appoint an HSE MB member to oversee the triage.</li> </ul> |

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| <b>HSE Parliamentary and Secretariat Unit</b>   |
| <p style="text-align: center;"><b>The Role</b></p> <p>To support the provision and coordination of necessary information to DWP Ministers and officials and to HSE senior management</p>  |
| <p style="text-align: center;"><b>Key Tasks</b></p> <ul style="list-style-type: none"> <li>• Dissemination of information</li> </ul>  |
| <p><b>On receipt of notification about a potential major incident, civil contingency event or if COBR due to convene</b></p> <ul style="list-style-type: none"> <li>• Alert HSE MB and HSE Board</li> <li>• Alert <b>HSE Media and Campaigns team</b> (0151 951 5897 or 0151 922 1221 out of hours)</li> <li>• Alert <b>Emergency Planning Unit</b> (0203 028 3377) or Duty Officer if out of hours (0151 922 9235)</li> <li>• Inform other internal &amp; external stakeholders</li> </ul> |
| <p><b>If immediate steer from CE/Director Regulation is required, disseminate CE/Director Regulation decision</b></p> <ul style="list-style-type: none"> <li>• Notify internal and external stakeholders, including Minister's Private Office and the DWP Health and Safety Stewardship Team, DWP</li> <li>• Brief the HSE MB at the prescribed frequency</li> </ul>  |
| <p><b>Additional duties if an HSE Major Incident is declared or COBR is convened</b></p> <ul style="list-style-type: none"> <li>• Maintain contact with those leading and co-ordinating the HSE response</li> <li>• Provide advice on briefing the HSE Chair and the Minister</li> <li>• Support the provision of that briefing</li> <li>• Disseminate relevant up to date information to HSE MB, HSE Chair and Board and Minister's Office.</li> </ul>                                     |

## HSE Media and Campaigns Team (Press Office)

### The Role

To coordinate HSE's media handling and internal communications strategies on receipt of notification about a Divisional or Board major incident, civil contingency event or if COBR convened.

### Key Tasks

- Developing media handling and internal communications strategies,
- Leading negotiations with journalists and managing media interest.
- Preparing news releases and media briefings
- Media monitoring

### Develop media handling and internal communications strategies

- Lead press officer (or duty press officer, if out of hours) to brief the Head of Media, and heads of internal and external communications.
- Confirm who the lead press officer is, for the initial phase of the incident.
- **Head of Media** to
  - Liaise with the **Incident Controller** and agree a media strategy.
  - Make contact with the lead department/agency for media relations and agree the strategy.
  - Alert DWP press office.
  - Link into wider Government central communications activity, such as Cabinet Office's News Co-ordination Centre, as appropriate
- Involve internal communications team in sharing information inside HSE.

### Deliver strategy and manage media interest

- Handle enquiries from media.
- Develop 'lines to take' with policy and operational divisions or prepare official statements for use in answering questions from the media.
- Advise on and approve the media handling sections to ministerial submissions.
- Establish contact details for key staff on the ground and those managing HSE's response.
- Organise media briefings, statements and press notices (if appropriate)
- ensure regular updates are provided
- Liaise with counterparts in other government departments, partners and stakeholders (as appropriate).
- Identify potential spokespeople for interview and brief where appropriate.
- Arrange for any press statements to be uploaded to HSE website, (if appropriate).

### Media monitoring

- Set up media monitoring arrangements, agreeing format and frequency with **Incident Controller** and Head of Media.

## HSE COBR Representative

### The Role

To represent HSE at COBR meetings where HSE may be called on to provide technical information and advice e.g. information regarding the impact of threats to HSE enforced major hazard sites; a strategic view of health and safety during the response, advice on CBRN or other technical matters within our expertise.

### Key Tasks

- Provide input to COBR and protect HSE's reputation

### Preparation

- Obtain details of the incident;
- If appropriate, obtain the names and contact details
  - for the HSE Strategic (Gold) representative(s)
  - of the **HSE Incident Controller**;
- Ask **EPU** to contact Cabinet Office to confirm attendance as HSE representative
- Obtain relevant Cabinet Office briefing material from **EPU** e.g. the Common Recognised Information Picture (CRIP) and/or any Situation reports (Sit Reps)
- Obtain the 'COBR - hints and tips' guidance from **EPU**
- Work with **EPU** to commission briefing for use in COBR meetings from those in HSE best placed to provide it, taking into account the circumstances of the incident
- Liaise with **HSE Secretariat** about how/when to brief DWP Ministers and commission briefing as necessary from those in HSE best placed to provide it;
- Ensure Minister's Private Office is kept up to date with developments (via Secretariat if possible)
- If Minister is attending COBR (Ministerial), offer to accompany to provide support

### Attendance at COBR

- Handle enquiries from media – consulting with **HSE Media and Campaigns team**.
- Develop 'lines to take' with policy and operational divisions or prepare official statements for use in answering questions from the media.
- Advise on and approve the media handling sections to ministerial submissions.
- Establish contact details for key staff on the ground and those managing HSE's response.
- Organise media briefings, statements and press notices (if appropriate) and ensure regular updates are provided
- Liaise with counterparts in other government departments, partners and stakeholders (as appropriate).
- Identify potential spokespeople for interview and brief where appropriate.
- Arrange for any press statements to be uploaded to HSE website, (if appropriate).

## HSE Emergency Planning Unit

### The Role

To coordinate HSE's response to a civil contingencies event

### Key Tasks

- Assist in any requests to contact staff or relay information, particularly if the incident has taken place out of hours and/or staff are difficult to contact.
- Liaise with **HSE Parliamentary and Secretariat Unit (Caxton House)** to relay all relevant information to senior managers.
- Support senior managers attending COBR; attend COBR if requested
- Ensure Duty Officer and Duty Press Officer are aware of the major civil contingency incident and are appropriately briefed
- Prepare briefings for DWP Ministers and HSE colleagues, consulting others as required.
- Circulate a reminder about security issues, if necessary, to all those involved in the HSE response to a civil contingency event.

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| <b>Investigation Manager (IM)</b>  |
| <p style="text-align: center;"><b>The Role</b></p> <p>To manage the overall conduct of the investigation - appointed by the <b>HSE CE/Director Regulation</b>, the <b>IM</b> would usually take over from the divisional <b>Incident Controller</b> who has managed the initial response</p>   |
| <p style="text-align: center;"><b>Key tasks</b></p> <ul style="list-style-type: none"> <li>• Provide HSE's strategic oversight &amp; liaise with the emergency services' Strategic command</li> <li>• Appoint <b>Investigation Team Leader</b> and agree investigation terms of reference &amp; objectives</li> <li>• Decide on the investigation arrangements required</li> <li>• Manage staff welfare, T&amp;S and expenses</li> <li>• Provide briefings and prepare investigation reports</li> </ul>  |
| <p><b>Appoint Investigation Team Leader</b></p> <ul style="list-style-type: none"> <li>• Appoint an individual to act as <b>Investigation Team Leader</b> by consulting with the operational D/D that regulates the site of the major incident</li> </ul>  |
| <p><b>Agree investigation terms of reference &amp; objectives</b></p> <ul style="list-style-type: none"> <li>• Agree investigation terms of reference with <b>HSE CE/Director Regulation</b></li> <li>• Agree objectives with <b>Investigation Team Leader</b></li> </ul> <p><b>Decide on the investigation arrangements</b></p> <ul style="list-style-type: none"> <li>• Discuss the arrangements for liaising with emergency services strategic (gold) command with the <b>Incident Controller</b></li> <li>• Determine the requirements for accommodation, communication facilities and business control *</li> <li>• Call &amp; chair meetings of the <b>Major Incident Investigation Board (MIIB)</b></li> <li>• Plan the investigation and ensure it is conducted in line with HSE's Investigation Procedure</li> <li>• Ensure all key decisions are recorded appropriately</li> <li>• Decide how FOI requests should be managed *</li> </ul> <p><b>Consider appointing an Investigation Business Manager to undertake the duties marked with an asterisk (*) on your behalf</b></p> |
| <p><b>Manage Staff welfare, T&amp;S and expenses*</b></p> <p>Normal T&amp;S rules apply to the investigation team's expenses, but all reasonable actions will be supported. Normal HSE hotel rates via Redfern may be waived to accommodate staff in suitable hotels.</p> <p><b>Consider</b></p> <ul style="list-style-type: none"> <li>• Contacting the local finance manager for their advice &amp; input</li> <li>• Welfare arrangements for visitors *</li> </ul>  |
| <p><b>Briefings and Investigation Reports</b></p> <ul style="list-style-type: none"> <li>• Ensure a full briefing is received from the <b>Incident Controller</b>, if applicable</li> <li>• Brief the CE/Director Regulation/HSE MB/Divisional Director responsible for the site; HSE Chair, Ministers (via the HSE Secretariat)</li> <li>• Formulate &amp; coordinate HSE's media response with <b>HSE Media and Campaigns Team</b></li> <li>• Consider FOI requests and how they may be handled</li> <li>• Prepare an interim report within 1 month of incident occurring</li> <li>• Prepare factual report and final report with recommendations</li> <li>• Notify the CE/Director Regulation/HSE MB of any urgent H&amp;S actions identified in the investigation</li> </ul>   |

## Investigation Team Leader (ITL)

### The Role

To manage the day-to-day investigation of the major incident - accountable to the **Investigation Manager (IM)**, the **Investigation Team Leader** is usually from the Operational team that regulates the site, but with no responsibility for the routine oversight of inspection of the site or duty holder involved in the incident. The **Investigation Team Leader** takes over from the divisional **Incident Lead Inspector** involved in the initial divisional response.

### Key tasks

- Tactical (silver) liaison
- Investigation arrangements
- Briefings

### Tactical liaison

- Liaise with emergency services tactical (silver) command
- Brief the emergency services on HSE's role
- Agree site access for HSE staff
- Determine a recovery strategy, liaising with emergency services, that seeks to preserve critical evidence
- Arrange a joint investigation strategy, if required

### Investigation arrangements

- Plan the investigation
- Arrange evidence logging and storage arrangements, if required
- Ensure investigation conducted in accordance with HSE's Investigation Procedure
- Ensure all key decisions are recorded in accordance with procedures.
- Set up and maintain appropriate logs eg site incident log, photograph log, daily movement log
- Coordinate communication strategy with **IM and HSE Media and Campaigns Team**

### Consider:

- What analytical investigation methods will be used
- The provision of advice/assistance to the emergency services. Try to resolve any issues with advice from the **IM** before formal action is required.

### Briefings

- Ensure **IM** kept fully apprised of developments on site
- Ensure appropriate people are briefed on the conduct of the investigation, including the **Major Incident Investigation Board (MIIB)**
- Ensure all HSE staff on site are briefed on entry to the scene, observance of emergency services protocols and any arrangements with other parties



## **Investigation Team**

### **The Role**

The **Investigation Team** will comprise of the necessary Inspectors, specialists and administration staff from HSE or HSL - to undertake the investigation, reporting to the **Investigation Team Leader (ITL)**.

### **Key task**

- To investigate the incident

### **What to do:**

- Liaise with the emergency services
- Attend the Police forward control point as required
- Undertake the investigation as directed by the **ITL**
- Ensure investigation conducted in accordance with HSE's Investigation Procedure
- Coordinate with the **ITL** to ensure decisions are recorded in accordance with procedures.

## Major Incident Investigation Board (MIIB)

### The Role

The **Major Incident Investigation Board (MIIB)** is formed when the Director Regulation/HSE Board declare a major incident. Its composition is determined in response to the nature of the incident concerned and its role is to advise the **IM** and **CE/Director Regulation** on the conduct of the investigation into the incident.

### The role of any independent team member is to provide:

- a source of independent advice to the major incident investigation; and
- assurance to the HSE Board (in the case of HSW 14(2)(a) investigations) and the **CE/Director Regulation** on the adequacy of the investigation and the conclusions drawn.

### Key tasks

- Monitoring the course of the investigation via regular reports from **Investigation Team leader (ITL)** on progress and outcomes
- Ensuring the investigation identifies the immediate & underlying causes of the incident and extent to which the duty holder has complied with the law
- Ensuring that the process of evidence collection and the conclusions drawn from the evidence are robust and will withstand scrutiny
- Considering, in consultation with Legal Advisor's Office, whether to publish interim technical reports if broader health and safety lessons emerge
- Agreeing the action to be taken by HSE as a result of the investigation, including enforcement action if appropriate in line with the HSE Enforcement Policy Statement.  
**Note:** the Board Member(s) independent of HSE are **not** involved in enforcement action considerations
- Endorsing the report on the outcome of the investigation

### Additional independent member key tasks

- Providing an independent view on the interpretation of the evidence collected and the conclusions drawn and assurance to the **CE/Director Regulation** that the major incident investigation met its their terms of reference
- Ensure that the performance of duty holders has been thoroughly examined, the immediate and underlying causes of the incident have been identified and remedial actions have been taken or are proposed