

Joint Emergency Service Interoperability – Command Training – Pre Read



Contents

Welcome to Joint Emergency Services Interoperability – Command Training.....	3
Joint Emergency Services Interoperability Principles (JESIP).....	3
Legislation.....	4
Civil Contingencies Act 2004.....	4
Devolution.....	6
Criminal Procedure & Investigations Act 1996.....	6
The Freedom of Information Act 2000.....	7
Health and Safety at Work etc. Act 1974.....	7
Human Rights Act 1998.....	8
Coroners and Justice act 2009.....	9
Emergency Service Workers (Obstruction) Act 2006.....	10
Fire and Rescue Services Act 2004.....	10
Terrorism.....	11
The role and responsibilities of a Tactical Commander.....	13
The role and responsibilities of an Operational Commander.....	14
Course pre-requisites.....	16

Welcome to Joint Emergency Services Interoperability – Command Training

Thank you for enrolling on the Joint Emergency Services Interoperability Training – Command programme. The Command programme has been developed to provide appropriate learning and development for Category 1 responders from the 'blue light' services to work together effectively at this level of command, in response to multi-agency incidents.

The learning programme which you are undertaking provides a framework for Commanders to think through joint working at an operational and Tactical level at a major incident. This in turn will develop your awareness of where you can add value (in the context of your role and responsibilities) throughout the various stages of the Joint Decision Model (JDM).

This training primarily takes place in a classroom-based learning environment. As an introduction to the classroom-based phase you are requested to complete the pre requisite work prior to attendance. These tasks are directly related to underpinning knowledge required for more practical classroom-based activities which you will undertake during the course.

Completion of this preliminary work will therefore initiate and facilitate the (further) development of your knowledge and expertise in relevant areas, which will be consolidated as the training programme progresses. The course focuses upon a number of key aspects of joint interoperability working, as follows:

- The Role of Tactical Commander
- The Role of Operational Command
- Multi-Agency Response

One of the principal advantages of the Operational Command programme is that participants come from all blue light services with differing perspectives. Accordingly we are aware that responses by individual delegates to the questions in this portfolio are likely to vary in the level of detail provided. All that we ask is that you complete the portfolio insofar as it reflects your current levels of knowledge and experience within your own organisation.

Joint Emergency Services Interoperability Principles (JESIP)

Responses to incidents have in the past been criticised in public enquiries due to the lack of interoperability between the Emergency Services. JESIP has provided agreed joint working practices to improve the way the Police, Fire and Ambulance services work together when responding to major and complex incidents. The programme was resourced and supported by the emergency services via their respective professional bodies. The Programme sponsor was the Home Office with support from the Cabinet Office, Department of Health and Department for Communities and Local Government.

JESIP has produced a number of products to support the understanding and embedding of interoperability across the emergency services. The first product is the Joint Interoperability Framework. All of the JESIP products originate from the information within the doctrine. The key areas are:

Co-location

Joint Communication

Coordination

Joint Understanding of Risk

Shared Situational Awareness

Joint Organisational Learning – JOL

Legislation

Civil Contingencies Act 2004

Following the fuel crisis and the severe flooding in the autumn and winter of 2000 and the outbreak of Foot and Mouth Disease in 2001, the Deputy Prime Minister announced a review of emergency planning arrangements. The review included a public consultation exercise which reinforced the Government's conclusion that existing legislation no longer provided an adequate framework for modern civil protection efforts and that new legislation was needed.

The Act, and accompanying regulations and non-legislative measures, will deliver a single framework for civil protection in the United Kingdom capable of meeting the challenges of the twenty-first century.

The Act is separated into two substantive parts:

- Part 1: focuses on local arrangements for civil protection, establishing a statutory framework of roles and responsibilities for local responders.
- Part 2: focuses on emergency powers, establishing a modern framework for the use of special legislative measures that might be necessary to deal with the effects of the most serious emergencies.

The definition of emergency in the Act focuses on the consequences of emergencies. It defines an emergency as:

- an event or situation which threatens serious damage to human welfare
- an event or situation which threatens serious damage to the environment; or
- war, or terrorism, which threatens serious damage to security.

Category 1 responders are those organisations at the core of emergency response (e.g. emergency services, local authorities). Category 1 responders are subject to the full set of civil protection duties. They are required to:

- Assess the risk of emergencies occurring and use this to inform contingency planning
- Put in place emergency plans
- Put in place Business Continuity Management arrangements
- Put in place arrangements to make information available to the public about civil protection matters and maintain arrangements to warn, inform and advise the public in the event of an emergency
- Share information with other local responders to enhance coordination
- Cooperate with other local responders to enhance coordination and efficiency
- Provide advice and assistance to businesses and voluntary organisations about business continuity management (Local Authorities only).

Category 1 responders (“core responders”)

- Police forces
- British Transport Police
- NHS Ambulance Trusts (incl foundation Trusts)
- Fire and Rescue Services
- Maritime and Coastguard Agency
- Local authorities
- Health bodies
- Public Health England
- Environment Agency

Category 2 responders (“cooperating responders”)

Category 2 organisations (e.g. Health and Safety Executive, transport and utility companies) are “cooperating bodies” who while less likely to be involved in the heart of planning work, will be heavily involved in incidents that affect their sector. Category 2 responders have a lesser set of duties – cooperating and sharing relevant information with other Category 1 and 2 responders.

- Utilities
- Telephone service providers (fixed and mobile)
- Network Rail
- Train Operating Companies (passenger and freight)
- London Underground
- Transport for London
- Airport operators
- Harbour authorities
- Highways Agency
- Health and Safety Executive

Devolution

The Act applies to the whole of the UK and reflects the various devolution settlements:

Civil protection is largely devolved to Scotland. However, the Scottish Parliament consented to Part 1 of the Act being extended to Scotland. In light of this, the powers conferred on Ministers under Part 1 of the Act (power to make regulations and guidance etc.) are, in relation to devolved matters in Scotland, exercisable by Scottish Ministers. The Scottish Ministers and UK Ministers must consult each other when exercising their legislative powers under Part 1.

In Wales, UK Ministers will make legislation and issue guidance in relation to responders in Wales. However, the Act requires the UK Ministers to obtain the consent of the Assembly before taking action in relation to a responder in Wales which falls within devolved competence.

In Northern Ireland, different administrative arrangements at the local level make it impossible for Part 1 to apply to Northern Ireland in the same way as it applies in the rest of the UK. It does apply to certain bodies in Northern Ireland who exercise non-devolved functions (e.g. Maritime and Coastguard Agency, Police Service of Northern Ireland). In addition, the Northern Ireland Administration has developed the Northern Ireland Civil Contingencies Framework, which will ensure that responders falling within transferred competence act in line with the duties set out in the Act.

Criminal Procedure & Investigations Act 1996

Disclosure and Freedom of Information

The disclosure of unused material in criminal cases forms an essential part of any policing investigation. It still remains as 'one of the most important – as well as one of the most misunderstood and abused – of the procedures relating to criminal trials' according to Lord Justice Gross (2011). The Police Investigation team are likely to appoint a disclosure officer who will be able to advise on relevant material and disclosure procedures. Decision logs and Debrief information could be subject to disclosure and form part of the unused material. In deciding whether the material satisfies the disclosure test the investigator must pay particular attention to material that has potential to undermine the prosecution case or assist the defence. Material should be made available to the officer in charge and disclosure officer so that an informed decision can be made. Debrief material includes not only the debrief report but also individual feedback and notes made by any party at a debrief.

The Freedom of Information Act 2000

The Freedom of Information Act 2000, which came into force on 1 January 2005, provides greater levels of access to information held by public authorities. It does this in two ways:

- a. It requires public authorities to make information routinely available through publication schemes
- b. It provides individuals with a general right of access, on request, to information that public authorities hold.

Public authorities deal with many information requests each year as part of their normal business and send out forms, leaflets, consultation papers and answer letters. There are also many existing schemes by which members of the public can get access to information, for example under the Data Protection Act 1998, under the Environmental Information Regulations, via libraries and via publications (such as annual reports). The Freedom of Information Act's role is to enable individuals to access even more information than they could before. However, the Act supplements these existing rights of access; it does not replace them.

All communications in writing to a public authority, including those transmitted by electronic means, may include requests for information within the meaning of the Act. Even requests for information that public authorities already provide as part of their normal business will be covered. But the Act is not intended to make the provision of that information any more difficult or bureaucratic.

Certain types of requests will require very careful handling, for example:

- Where disclosure might harm an important public interest, such as national security or international relations
- Where disclosure is prohibited by statute
- Where environmental information is requested
- Where responding to the request might involve provision of personal information about other individuals
- Where disclosure might breach a duty of confidentiality.

Health and Safety at Work etc. Act 1974

Section 2 of the Health and Safety at Work etc. Act 1974 details the duties owed by an employer to all employees and requirements as to the preparation of health and safety policy, the appointment of safety representatives, the promotion and provision of measures to ensure health and safety and where required to establish a committee to take responsibility of reviewing health and safety measure.

Section 3 of the Health and Safety at Work etc. Act 1974 places a duty on employers or those self-employed in respect of persons other than those who are employees. It provides that the employer

or self-employed person has a duty not to expose others to risks and if there are any to provide information as to such.

Human Rights Act 1998

Schedule 1 – (This lists the Articles of the European Convention on Human Rights to which the Human Rights Act 1998 applies.)

Article 2 right to life

1. Everyone's right to life shall be protected by law. No one shall be deprived of his life intentionally save in the execution of a sentence of a court following his conviction of a crime for which this penalty is provided by law. Article 1 of the Thirteenth Protocol to the European Convention on Human Rights, which has been ratified by the UK and is now included in Schedule 1 of the Human Rights Act 1998 abolishes the death penalty in all circumstances.
2. Deprivation of life shall not be regarded as inflicted in contravention of this Article when it results from the use of force which is no more than absolutely necessary:
 - a. in defence of any person from unlawful violence
 - b. in order to effect a lawful arrest or to prevent the escape of a person lawfully detained
 - c. in action lawfully taken for the purpose of quelling a riot or insurrection.

Article 5 right to liberty and security

3. Everyone has the right to liberty and security of person. No one shall be deprived of his liberty save in the following cases and in accordance with a procedure prescribed by law:
 - a. the lawful detention of a person after conviction by a competent court
 - b. the lawful arrest or detention of a person for non-compliance with the lawful order of a court or in order to secure the fulfilment of any obligation prescribed by law
 - c. the lawful arrest or detention of a person effected for the purpose of bringing him before the competent legal authority on reasonable suspicion of having committed an offence or when it is reasonably considered necessary to prevent his committing an offence or fleeing after having done so
 - d. the detention of a minor by lawful order for the purpose of educational supervision or his lawful detention for the purpose of bringing him before the competent legal authority
 - e. the lawful detention of persons for the prevention of the spreading of infectious diseases, of persons of unsound mind, alcoholics or drug addicts or vagrants
 - f. the lawful arrest or detention of a person to prevent his effecting an unauthorised entry into the country or of a person against whom action is being taken with a view to deportation or extradition.
4. Everyone who is arrested shall be informed promptly, in a language which he understands, of the reasons for his arrest and of any charge against him.
5. Everyone arrested or detained in accordance with the provisions of paragraph 1(c) of this Article shall be brought promptly before a judge or other officer authorised by law to exercise judicial

power and shall be entitled to trial within a reasonable time or to release pending trial. Release may be conditioned by guarantees to appear for trial.

6. Everyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings by which the lawfulness of his detention shall be decided speedily by a court and his release ordered if the detention is not lawful.
7. Everyone who has been the victim of arrest or detention in contravention of the provisions of this Article shall have an enforceable right to compensation.

Article 6 right to a fair trial

8. In the determination of his civil rights and obligations or of any criminal charge against him, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law. Judgment shall be pronounced publicly but the press and public may be excluded from all or part of the trial in the interest of morals, public order or national security in a democratic society, where the interests of juveniles or the protection of the private life of the parties so require, or to the extent strictly necessary in the opinion of the court in special circumstances where publicity would prejudice the interests of justice.
9. Everyone charged with a criminal offence shall be presumed innocent until proved guilty according to law.
10. Everyone charged with a criminal offence has the following minimum rights:
 - a. to be informed promptly, in a language which he understands and in detail, of the nature and cause of the accusation against him
 - b. to have adequate time and facilities for the preparation of his defence
 - c. to defend himself in person or through legal assistance of his own choosing or, if he has not sufficient means to pay for legal assistance, to be given it free when the interests of justice so require
 - d. to examine or have examined witnesses against him and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him
 - e. to have the free assistance of an interpreter if he cannot understand or speak the language used in court.

Coroners and Justice act 2009

An Act to amend the law relating to coroners, to investigation of deaths, certification, and registration of deaths.

Duty to investigate certain deaths

1. A senior coroner who is made aware that the body of a deceased person is within that coroner's area must as soon as practicable conduct an investigation into the person's death if subsection (2) applies.
2. This subsection applies if the coroner has reason to suspect that:
 - a. the deceased died a violent or unnatural death,

- b. the cause of death is unknown, or
- c. the deceased died while in custody or otherwise in state detention.

Coroner is responsible for any deceased and deceased remains:

- The Coroner must authorise Recovery
- The level of examination of the victim
- The safe retention of the deceased
- The transfer/handing back to the family/NoK
- Any exhumation of deceased remains

Emergency Service Workers (Obstruction) Act 2006

Section 1 of the Emergency Workers (Obstruction) Act 2006 creates an offence of obstructing or hindering fire, ambulance, coastguard, RLNI and other similar services when they are responding to an emergency.

1(1) A person who without reasonable excuse obstructs or hinders another while that other person is, in a capacity mentioned in subsection (2) below, responding to emergency circumstances, commits an offence.

1(3) for the purposes of this section and section 2 of this Act, a person is responding to emergency circumstances if the person:

- a. Is going anywhere for the purpose of dealing with emergency circumstances occurring there; or
- b. is dealing with emergency circumstances or preparing to do so.

Section 2 of the Emergency Workers (Obstruction) Act 2006 creates an offence of obstructing or hindering anyone who is assisting fire, ambulance, coastguard, RLNI and other similar services when they are responding to an emergency.

2(1) a person who without reasonable excuse obstructs or hinders another in the circumstances described in subsection (2) below commits an offence.

Fire and Rescue Services Act 2004

Section 44 of the Fire and Rescue Services Act 2004

Section 44 of the Fire and Rescue Services Act 2004 grants certain powers to employees of a fire and rescue authority in particular circumstances.

44(1) an employee of a fire and rescue authority who is authorised in writing by the authority for the purposes of this section may do anything he reasonably believes to be necessary:

- a. if he reasonably believes a fire to have broken out or to be about to break out, to extinguish or prevent the fire or protect life or property
- b. if he reasonably believes a road traffic accident to have occurred, to rescue people or protect them from serious harm
- c. if he reasonably believes an emergency of another kind to have occurred, for the purpose of discharging any function conferred on the fire and rescue authority in relation to the emergency
- d. for the purpose of preventing or limiting damage to property resulting from action taken as mentioned in paragraph (a), (b) or (c).

44(2) In particular, an employee of a fire and rescue authority who is authorised as mentioned in subsection (1) may under that subsection:

- a. Enter premises or a place, by force if necessary, without the consent of the owner or occupier of the premises or place
- b. move or break into a vehicle without the consent of its owner
- c. close a highway
- d. stop and regulate traffic
- e. restrict the access of persons to premises or a place.

Terrorism

Section 32 Terrorism Act 2000 – terrorist investigation

Section 32 of the Terrorism Act 2000 provides an explanation of the term ‘terrorist investigation’.

Section 33 of the Terrorism Act 2000 – cordoned areas

It states:

33(1) an area is a cordoned area for the purposes of this Act if it is designated under this section.

33(2) a designation may be made only if the person making it considers it expedient for the purposes of a terrorist investigation.

33(3) if a designation is made orally, the person making it shall confirm it in writing as soon as is reasonably practicable.

33(4) the person making a designation shall arrange for the demarcation of the cordoned area, so far as is reasonably practicable:

- a. By means of tape marked with the word ‘police’, or
- b. in such other manner as a constable considers appropriate.

Section 34 of the Terrorism Act 2000 – power to designate

Section 35 of the Terrorism Act 2000 – duration

Section 36 of the Terrorism Act 2000 – police powers

It states:

36(1) A constable in uniform may:

- a. order a person in a cordoned area to leave it immediately
- b. order a person immediately to leave premises which are wholly or partly in or adjacent to a cordoned area
- c. order the driver or person in charge of a vehicle in a cordoned area to move it from the area immediately
- d. arrange for the removal of a vehicle from a cordoned area
- e. arrange for the movement of a vehicle within a cordoned area
- f. prohibit or restrict access to a cordoned area by pedestrians or vehicles.

36(2) A person commits an offence if he fails to comply with an order, prohibition or restriction imposed by virtue of subsection (1).

36(3) It is a **defence** for a person charged with an offence under subsection (2) to prove that he had a reasonable excuse for his failure.

The role and responsibilities of a Tactical Commander

The overarching aim of the Tactical Commander is to ensure rapid and effective actions are implemented that save life, minimise harm to people and mitigate the incident. To achieve this you will need to:

- Be aware of and understand the multi-agency command structure, commander roles, responsibilities, requirements and capabilities (including gaps) and monitor the operational command structure including Bronze and functional roles
- Determine whether the situation merits the activation of the strategic level of coordination and recommend accordingly
- Establish a common view of the situation by building shared situational awareness (SSA)
- Initiate, if appropriate, and identify the chair of a multi-agency Tactical Coordinating Group (TCG) at the earliest opportunity, and then at regular intervals, to ensure shared situational awareness
- Construct and agree the overall joint intent, objectives and concept of operations for their achievement within a joint plan
- At regular intervals assess and disseminate through the appropriate communication links, the available information and intelligence to properly evaluate the threat, vulnerabilities and risk, to establish and maintain multi-agency shared situational awareness and decision making
- Provide accurate and timely information to inform and protect communities, working with the media and utilising social media through a multi-agency approach
- Understand how continually changing hazards/risks affect each organisation and work with multi-agency colleagues to conduct a joint assessment of risk, putting in place appropriate mitigation and management arrangements to continually monitor and respond to the changing nature of emergencies for your organisation
- Ensure your legal and statutory responsibilities are met and doctrine considered in relation to the health, safety, human rights, data protection and welfare of individuals from your organisation during the response
- Share and coordinate tactical plans to ensure multi-agency compatibility and understanding of the initial tactical priorities and on-going tactics
- Identify and agree a common multi-agency forward control point for all operational commanders and remain suitably located in order to maintain effective tactical command of the incident or operation and maintain shared situational awareness
- Manage and coordinate, where required, multi-agency resources and activities, providing a joined-up and directed response
- Liaise with relevant organisations to address the longer-term priorities of restoring essential services and help to facilitate the recovery of affected communities
- Ensure that all tactical decisions made and rationale are documented in a decision log, to ensure that a clear audit trail exists for all multi-agency debriefs and future multi-agency learning
- Ensure an effective investigation is commenced

Facilitate or make available debriefing facilities (supporting the operational commander and debriefing them).

The role and responsibilities of an Operational Commander

The overarching aim of the Operational Commander is to ensure rapid and effective actions are implemented that save life, minimise harm to people and mitigate the incident. To achieve this you will need to:

- Make an initial assessment of the situation and ensure appropriate resources are requested and where appropriate, a declaration of a major incident takes place
- Have an understanding of the role of each agency in the effective management and coordination of victims, survivors and relatives
- Establish Shared Situational Awareness by agreeing a common view of the situation, its consequences and potential outcomes and the actions required for its resolution
- Carry out a briefing at the earliest opportunity. Ensure the message is clear and commonly understood, at regular intervals
- Convene meetings to share and coordinate information, intelligence and operational plans, to ensure multi-agency compatibility and clear understanding of the initial tactical priorities and on-going tactics
- Maintain shared situational awareness by effective communication to all multi-agency organisations, to assist in the implementation of the operational plan
- Construct a joint action plan and priorities necessary for its execution in sufficient detail for each service to have a clear understanding of the other responders' future activities by nature, location and time
- Understand all the multi-agency operational commander roles, core responsibilities, requirements and capabilities (including gaps)
- Identify and agree the triggers, signals and arrangements for the emergency evacuation of the scene or area within it, or similar urgent control measures
- Conduct, record and share on-going dynamic risk assessments, putting in place appropriate control measures with appropriate actioning and review
- Understand how continually changing hazards/risks affect each organisation and work with your multi-agency colleagues to action these issues
- Ensure your legal and statutory responsibilities are met and action them in relation to the health, safety and welfare of individuals from your organisation during the response
- Make and share decisions within their agreed level of responsibility, being cognisant of consequence management and disseminate these decisions for action to multi-agency colleagues
- Identify and action the challenges their organisation's operational plan may cause multi-agency partners
- Determine whether the situation requires the activation of the next level of command support (Tactical Coordinating Group (TCG)) and make appropriate recommendation

- Update the Tactical Commander on any changes including any variation in agreed multi-agency tactics within their geographical/functional area of responsibility
- Ensure that all operational decisions made are recorded, to ensure that a clear audit trail exists
- Consider organisational post-incident procedures.

Course pre-requisites

Students attending the course must have completed the below pre requisites:

- Complete MLE learning package
- Familiarise themselves with local plans

Delegates must navigate to the Joint Emergency Services Interoperability Programme (JESIP) website at <http://www.jesip.org.uk/home>, and complete the below modules:

- Complete the Initial responder E learning Package – <http://www.jesip.org.uk/e-learning>
- Read and understand the Joint Decision Model module on the JESIP Home Page
- Read and understand the Situational Awareness module on the JESIP Home page