

## Chapter 44 – Critical incident management

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## 44. Introduction

The Home Office has developed its capability to manage Critical Incidents, both operational and non operational, through a command structure and following the basic principles of Critical Incident Management.

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### 44.1 Definition

Any incident where the outcome or consequence of that incident is likely to result in:

Serious harm to any individual,

Significant community impact

Or

A significant impact on the business of the Home Office or Immigration Enforcement

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#### 44.1.2 Common Objectives

There are some common objectives which apply to all emergency services and other organisations responding to an emergency or major incident.

**The first priority for Immigration Enforcement is to work with the other agencies and emergency services to save and prevent loss of life.**

The primary objectives for Immigration Enforcement, the police and other emergency services in respect of an emergency or major incident are:

- ◆ Saving and protecting human life
- ◆ Relieving suffering
- ◆ Containing the emergency, limiting its escalation or spread
- ◆ Providing the public and businesses with warnings, advice and information

- ◆ Protecting the health and safety of responding personnel
- ◆ Safeguarding the environment
- ◆ As far as reasonably practicable, protecting property
- ◆ Maintaining or restoring critical activities
- ◆ Maintaining normal services at an appropriate level, especially those which protect the public
- ◆ Promoting and facilitating self-help in the community
- ◆ Facilitating investigations and inquiries
- ◆ Facilitating the recovery of the community
- ◆ Evaluating the response and recovery effort
- ◆ Identifying and taking action to implement lessons learned

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### 44.1.3 Policy Statement

The work of Immigration Enforcement involves a level of risk. All areas of work throughout Immigration Enforcement should include a comprehensive risk assessment, be noted on a risk register and the business continuity plan but there is always the potential for unexpected events and incidents to arise and when they do, tragic results can follow. There is also the possibility that legal action will be taken either against the Immigration Enforcement or against individual managers, when the management of the incident will be examined in detail and managers could be held personally accountable for their actions. Most importantly, we have a responsibility to staff, colleagues and those with whom we come into contact to handle such incidents as professionally and effectively as possible.

The purpose of this guidance is to ensure that in the event of a critical Incident occurring, there is a clear system in place for all officers to follow to ensure that the incident is managed appropriately and in a consistent manner which will stand up to the scrutiny of any subsequent investigation. Immigration Enforcement in common with the police, other emergency services and some other Government departments adopt the Gold, Silver and Bronze Command structure as a model to follow.

Within this system, the Bronze, Silver and Gold Commanders have specific roles. **Gold** holds ultimate responsibility for the handling and outcome of the incident and sets out the **strategy** for

dealing with it. **Silver** formulates a **tactical** plan to achieve Gold's strategy, and passes this to **Bronze** who takes the **operational** decisions necessary to implement it.

Incidents which occur within a local business area will normally be managed locally by that business area's command and control procedure. Similarly, where business areas in conjunction with corporate support can manage operational and reputation issues around individual incidents they will be managed as business as usual.

Where an incident goes beyond the capabilities of a command to manage and escalate into a cross business or develops into a national incident it may not be possible to manage it as business as usual. In the event of an incident rising beyond the capabilities of a business area / directorate gold commander, this policy is to be implemented throughout the UK Border Agency, including all commands, directorates and business areas and across all grades.

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#### **44.1.4 What is a Critical Incident?**

In the wider context, critical Incidents for Immigration Enforcement as a whole are incidents and events of any scale outside of the usual business activity that can result in serious consequences. They can be both operational and non-operational. What follows are examples, these lists are by no means exhaustive

##### **Operational**

- Death of any person
- Serious injury to any person
- Hostage taking of any person
- Attempt or threat of suicide
- Self harm or attempted self harm
- Assault
- Escape from detention
- Encounter with serious crime
- Riot/public disorder
- Media presence/involvement
- Multi-agency "blue on blue" incident
- Industrial action

Radiological Detection (Cyclamen Procedures apply- Annex E)

Corrupt or criminal acts

Local security threat

### **Non operational**

Pandemic

Whistleblower

Legal action

Breach of procedure

Corruption, misdemeanour or crime

Unexpected immigration crisis e.g. the Chinese cockle pickers at Morecambe Bay

A specific high profile case e.g. one involving public figures or one which brings the

Immigration Enforcement into adverse media attention

Many of these examples on their own would not necessarily constitute a Critical Incident (breach of procedure for example) but the outcome of that breach, or its consequences may. The above incidents have the potential to escalate to a higher level and become a Immigration Enforcement wide Critical Incident managed by the National Gold Commander.

### **Cyclamen**

Cyclamen is the UK's radiological detection capability. There are established operating and response procedures in place for Cyclamen, including the appointment of bronze/silver/gold commanders to deal with any incident. These procedures are agreed through ACPOTAM with all responders, port/airport operators and the Regions. (See Annex E)

### **National incidents**

There are a number of incidents likely to cause major disruption to the business preventing the Home Office from meeting its objectives, which falls beyond the capabilities of business continuity management. These would be managed by the national gold commander and maybe as part of a multi agency critical incident. Some examples of these are listed below:

- ◆ unexpected mass immigration event e.g. mass expulsion of people by a foreign power
- ◆ acts of terrorism directly affecting Immigration Enforcement
- ◆ major disruption of transport network nationally
- ◆ loss of access to a number of Home Office premises
- ◆ natural disasters and severe weather conditions (e.g. floods)
- ◆ major loss of IT systems
- ◆ major disruption of utility, power, or communications networks
- ◆ widespread and prolonged industrial action by staff or by third parties
- ◆ concerted action by protest groups
- ◆ sustained disorder affecting multiple sites
- ◆ major act of terrorism, civil unrest or war which, though not directly targeted at the Home Office, has a significant effect on Home Office working

There are four stages to an incident:

- ◆ **Planning for a critical incident.** The gold/silver/bronze command structure ready to access, a business continuity plan, risk registers and emergency communications guidance can assist in the planning.
- ◆ **The recognition and declaration of a critical incident**
- ◆ **Managing the situation** and preventing any further escalation of events through the command structure
- ◆ **Managing a return to normality**, recognising when an incident is no longer critical, working with the Business Continuity Plan and a debrief.

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#### 44.1.5 The Command Structure

The Gold (strategic), Silver (tactical), Bronze (operational) command structure is role based rather than grade based. Role is allocated according to skill, expertise, location and competency.

## Gold Commander

The Gold Commander is ultimately responsible for determining the strategy for managing an incident including any tactical parameters that the Silver or Bronze Commanders should follow. The

Gold Commander must retain strategic oversight of the incident. While Gold should not make tactical decisions, they will be responsible for ensuring that any tactics deployed are proportionate to the risks identified, meet the objectives of the strategy and are legally compliant.

### Key responsibilities of the Gold Commander:

- ◆ Assume overall command of the incident which extends until their period of tenure ends.
- ◆ Set, review, update and communicate their strategy, inclusive of media strategy.
- ◆ Located in a place where they are easily contactable with all the necessary tools and staff to manage the incident effectively.
- ◆ Remain available for the Silver Commander.

## Silver Commander

Silver is responsible for producing the tactical plan following the strategy set out by Gold. There can be more than one Silver Commander but each must have a clearly defined and logged remit.

### Key responsibilities of the Silver Commander:

- ◆ Assume tactical command of the incident
- ◆ Appoint any further Bronze Commanders as appropriate
- ◆ Set, review, update and communicate the tactical plan
- ◆ Located appropriately to exert their tactical command over the incident. Depending on the circumstances this may be:
  - ◆ Near the scene, to offer the best service
  - ◆ At a nearby Home Office office
  - ◆ At a pre-designated silver control
  - ◆ At a basic command unit control room

The Silver Commander may use the following guidance to help them understand their role when dealing with a critical incident.

**What** - what are the aims and objectives to be achieved?

**Who** - who by, police, emergency services and partner agencies, what resources are available?

**When** - timescales, deadlines and milestones in delivery of tasks;

**Where** – locations?

**Why** - what is the rationale within the overall aims and objectives set by the gold commander

**How** - how are these tasks going to be achieved, what barriers to achieving them may be encountered.

### **Key responsibilities of the Bronze Commanders**

- ◆ Assume operational command of the incident or specified supporting activity
- ◆ Have a clear understanding of the Gold Commander's strategy, the Silver Commander's tactical plan and their role within it
- ◆ Suitably located in order to maintain effective operational command of their area of responsibility
- ◆ Review, update, and communicate any changes that may affect the tactical plan

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### **44.1.6 Planning for a Critical incident**

The best way to contain any incident is to be well prepared for any eventuality. All areas of our business should be thoroughly risk assessed, incorporating business continuity plans and community impact assessments and recognising risks on a risk register. A command structure with the flexibility to respond to a range of incidents for each region / directorate / business area must be identified and ready to be set up in the event of a critical incident, including at a national level. In the event of an incident escalating beyond the directorate Gold Commander then the on call national Gold Commander must be informed. (See Annex B)

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### **44.1.7 Critical Incident Management Packs**

A CI Management Pack should be readily accessible, and up to date. It should contain, as a minimum:

- ◆ A copy of this guidance and checklists
- ◆ On call Gold Commander(s) details
- ◆ Contact details ie The Command and Control Unit, Local Management, Other business areas (Ports, ICE,, Intel offices etc), Local Emergency Services.
- ◆ Up to date staff lists
- ◆ Point of contact to access next of kin details in the event of an emergency
- ◆ Up to date duty lists
- ◆ Decision logs

A critical incident management pack should contain as much information as you consider relevant, but should be portable.

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### **44.1.8 Recognising and Declaring a Critical Incident**

Anyone can declare a critical incident, but doing so confers responsibility. Whilst the decision to declare a critical incident should not be taken lightly, it is much better to do so, take the appropriate action and then “undeclare” it, rather than do nothing and increase the potential for escalation. In the event of escalation, the decision to declare a Home Office wide critical incident lies with the duty Board member who will then inform the national Gold Commander.

The actions taken earliest during a critical incident (“the golden hour”) are often the most crucial. It is important that an incident is declared as soon as the potential for a critical situation is perceived. You do not require evidence, or for an event to have already occurred to recognise its potential.

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### 44.1.9 The Golden Hour

The '**Golden Hour**' is not restricted to 60 minutes. It is the initial period following the incident occurring when the best opportunities exist to take decisive action.

#### **Strategic action**

A strategy must be set to establish a structured dynamic response to serious / critical incidents at the earliest opportunity; this will improve the likelihood of a successful outcome, including community confidence.

#### **Tactical considerations**

There are a number of areas to be considered during the 'golden hour', these include:

**Victims** – Identify, support and sensitivity preserve evidence.

**Scenes** – Identify, preserve, assess and log

**Suspects** – Identify, arrest and preserve

**Witnesses** – Identify, support and prioritise. Note first account and description of any suspects

**Log** – Decisions, reasons, resources, conditions, circumstances

**Clear Lines of Responsibility** – Identify, inform, brief, coordinate and review

**Family/Community** - Identify, inform, establish needs/expectations/concerns, primary support, sensitivity

**Physical Evidence** – Preservation, CCTV, escape routes, public transport routes, ambulances

**Prevent Contamination** – Victims, Suspects, Scenes (ambulances etc), exhibits

**Intelligence** – Identify, prioritise, maximise, exploit consider community and open source intelligence

**Community Concerns** – Establish through Lay Advice, anticipate possible developments, risks to public confidence, rumours etc...

**Media Strategy** – Use the Rapid Response Team in the early stages of any incidents. Adopt principles of basic media strategy.

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### 44.1.10 Business Continuity Management

Each business area, command or directorate has a Business Continuity Plan (BCP) in place. The threshold at which each business area declares an incident is for that business area to determine.

Should an incident escalate beyond the capabilities of the business area's BCP then a Critical Incident should be declared and the critical incident management guidance must be followed.

An incident is likely, by its definition, to have a significant impact on normal service delivery. A continued business capability and service is still required to be delivered, both in the area directly affected and across the rest of the Home Office both during and after an incident. The critical incident management guidance focuses on managing the incident itself whereas Business Continuity Plans are focused on business recovery in a prioritised manner. Business Continuity Management must therefore run parallel and have close communication with critical incident management but with its own structure and not forming part of the Gold, Silver and Bronze command.

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## 44.2 Managing a Critical Incident through the Command structure

The management of a Critical incident through the Bronze, Silver and Gold command structure ensures clear lines of communications and a rapid response from Immigration Enforcement.

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### 44.2.1 First steps

Early communication of the event is crucial once a critical incident is declared. All critical incidents that occur across Immigration Enforcement **must** be reported to the Command and Control Unit. If the incident is centred around an event where a local command structure is in place you must alert the appointed Bronze, Silver and Gold Commanders immediately.

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### 44.2.2 The Role of the Command and Control Unit

The Command and Control Unit is available 24 hours a day, 7 days a week. All staff are Bronze and Silver Commander trained and a number are trained as Gold Commanders. It is necessary to report all critical incidents to the Command and Control Unit, if the incident requires a referral to the IPCC or the Professional Standards Unit the Command and Control Unit will undertake this role.

### **Directorate level incidents**

If an incident is to be handled locally, the Command and Control Unit should be advised that an incident is occurring. This ensures the Command and Control Unit is involved from the start and should an incident escalate, valuable time is not lost passing on information later in the event. The Command and Control Unit will be there to provide support, advice and specialist knowledge, and can support the commanders should events escalate or continue over a long period.

### **The Independent Police Complaints Commission**

Any incident that occurs in England or Wales which needs to be referred to the IPCC must be referred to the Command and Control Unit (CCU) in the first instance. Incidents that occur in Scotland and Northern Ireland are not subject to IPCC oversight but still should be reported to the Command and Control Unit (CCU). For further information, including details of those incidents that will need IPCC involvement please refer to IOI 08 08.

It is intended that any incidents, serious complaints and conduct matters which occur in Northern Ireland should be subject to an independent oversight by the Police Ombudsman for Northern Ireland (PONI). Once this oversight is in place, referral to PONI will follow the same procedures as set out for IPCC.

In Scotland serious complaints, incidents or conduct matters where there is a reasonable inference of criminality or a death then such matters are referred to the Area Procurator Fiscal by the Police on behalf of the Immigration Enforcement. The Police Complaints Commissioner of Scotland (PCCS) can oversee cases where there is not reasonable inference of criminality. The PCCS will be able to review cases where the complainant is dissatisfied with the outcome of an investigation by Immigration Enforcement. They will not have an investigatory role like the IPCC or PONI.

### **Joint Police and Immigration Enforcement Activity in England and Wales**

In the event of a critical incident occurring in England and Wales where a joint Immigration Enforcement Police team are operating **each** organisation has a statutory requirement to report

incidents to the IPCC under certain circumstances. The criteria for each organisation are similar therefore scenarios are limited within joint operations, regardless of whether it was led by Police or Immigration Enforcement, that would fall within the criteria for one to refer but not for the other.

- ◆ The Home Office's obligations are stated in Section 2 (1) (a) of the Home Office (Complaints and Misconduct) Regulations 2010.  
[Home Office \(Complaints and Misconduct\) Regulations 2010](#)
- ◆ The Police obligations are stated in Schedule 3 (4) of the Police Reform act 2002.  
[Schedule 3 of the Police reform act](#)

The decision to refer an incident is an independent decision to be taken by each organisation based upon its own criteria and policies and should not be made solely to emulate the decision of the other. However on a practical level staff involved in the management of the incident should communicate their intentions to report or not as a matter of courtesy to the other organisation as it may be publicly questioned why one organisation acted differently to the other.

### **Sole Immigration Enforcement activity when Police assistance is requested**

If the Police are called to assist after sole Immigration Enforcement activity and an injury / death subsequently occurs then **both** the Police and Immigration Enforcement would be legally obliged to make a referral.

In the event of the Police being called in response to an injury / death having occurred, then **only** Immigration Enforcement would be legally obliged to make a referral. In any borderline cases the view should be taken that the referral should be made in the interests of the public confidence in the oversight regime.

### **Escalation of incidents**

If an incident escalates beyond the control and capabilities of the directorate gold commander, then the Command and Control Unit **must** be contacted immediately. The Command and Control Unit will contact Immigration Enforcement duty Board member who will decide whether or not to declare a UK Border Agency wide critical incident. If an Agency wide critical incident is declared, the Command and Control Unit will notify the duty national gold commander, the Rapid Response Team and the Director of Communications of the incident escalation.

## **National level incidents**

The Command and Control Unit should be informed immediately of any incident with national or serious implications for the UK Border Agency. The Command and Control Unit will act as a support to any existing commanders, or assist in establishing an appropriate command structure if none exists. In all incidents, the Command and Control Unit will respond to appropriate tasking within the Gold/Silver/Bronze Command structure.

## **COBR (Cabinet Office Briefing Room)**

COBR meets to discuss high-priority issues that cross departmental borders within government. In most cases COBR is convened as part of the civil contingencies committee, which plans government responses in times of emergency. The function of COBR is to determine government policy and strategy in relation to an incident and provides a forum for the co-ordination of the Government response. The operational control of the incident remains in the hands of the Gold Commander although COBR arranges for any specialist assistance required and importantly is the single source of Government communication with Gold.

## **CIRAM**

Following the terrorist attacks of 7 July 2005, the CIRAM protocol was drawn up to ensure full Home Office participation in the COBR mechanism. CIRAM outlines procedures to deliver a rapid response to critical incidents and manage continuing operational activity at the Ports and Borders through an agreed structure (see annex E).

## **All incidents**

The Command and Control Unit maintains detailed and up to date critical incident packs which can be viewed by other offices as required. The Command and Control Unit can take responsibility for or co-ordinate the following in any event:

- ◆ Liaison with the emergency services and establishing who should take primacy
- ◆ Media handling – the command and control unit will liaise with the Rapid Response Team to ensure that accurate and up to date information is communicated effectively and appropriately, particularly to ministers and communications to minimise reputation damage.
- ◆ Liaison with Legal Advisors Branch to ensure the response to any incident is proportionate and legitimate

- ◆ Liaison with the Employee Assistance Programme

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### **44.2.3 Decision Logs and Scribes**

Accurate, complete and detailed decision logs are crucial to the successful management of any Critical Incident. Every decision, however minor, must be logged ensuring that the rationale behind the decision is recorded accurately. At the conclusion of any incident, these logs will be made available to the officer conducting the debrief, and if appropriate, to the investigating authorities and the courts. The importance of logs is paramount to auditing the decisions made.

There are practical difficulties of managing an incident; making decisions, relaying those decisions, taking advice whilst maintaining full and accurate notes therefore it is recommended that wherever possible, commanders should appoint scribes.

The Gold Commander remains ultimately responsible for the contents of the logs, and must ensure they are of a standard that would allow the Gold Commander to return to them up to seven years later, and know instantly why a decision was made, and defend that decision if necessary. Blank log books can be obtained from the Command and Control Unit.

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## **44.3 The end of an Incident**

Once a Critical Incident has been called to an end there are still processes to follow which are part of the entire management of a Critical Incident.

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### **44.3.1 Final Steps**

Once the seriousness of an event has receded and the strategy devised by Gold has been achieved, Gold should declare a formal end to the incident. This must be relayed immediately to Silver and Bronze Commander, and all commanders should note it in their logs. This decision must also be relayed to the Command and Control Unit. All paperwork relating to the incident, including extraneous notes should be collected and retained locally for seven years.

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### 44.3.2 Debrief and recovery

A debrief, led by Gold, but involving all those who played an active part in the incident (including other agencies) must be held as soon as is practical following the end of an incident. This is essential to allow the business to return to normal, to highlight any lessons learned in preventing a similar incident occurring in the future, and to air any difficulties or grievances over the handling of the incident. The advice of the employee assistance programme should be sought to establish if there is a need for a psychological debrief for any of those involved, but it should be remembered that participation in such a debrief is voluntary and should not take place until all the legal requirements have taken place. A detailed written record of any debrief should be made. To ensure lessons are learned and shared through the Home Office a copy of the debrief notes and action points should be sent to the Command and Control Unit (CCU). The continued implementation of a business continuity plan throughout the incident should facilitate a recovery and return to business as usual.

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### 44.3.3 Further information

Training in Critical Incident Management including the command roles is available and it is the responsibility of all directors to ensure their staff receives the relevant training.

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## **44.4 Support services for those involved in an incident**

There is a variety of support services available to those officers and staff members involved in a Critical Incident both during the incident and after.

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### **44.4.1 First Aid**

- ◆ If an incident does occur in or near the premises, first aid may be required for a member of staff or a resident.
- ◆ Official cars must be equipped with a first aid kit.
- ◆ Identify any person who is qualified to provide first aid (police officers and arrest team members are all trained in first aid).
- ◆ Inform colleagues as soon as possible when first aid is required.
- ◆ Where necessary seek further medical assistance as soon as possible i.e. call for an ambulance.
- ◆ Inform the duty CIO of any incident where first aid or other medical assistance is required.
- ◆ Officers are responsible for obtaining and updating immunisation protection against communicable diseases such as hepatitis B and tuberculosis. There is no requirement for anyone to undergo immunisation and individuals should discuss this with their GP.
- ◆ Any officer at risk of HIV infection as a result of exposure to an infected person should be offered appropriate prompt medical treatment as well as counselling.

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### **44.4.2 Counselling**

- ◆ Where an incident occurs which results in any suggestion of the need for counselling, the line manager or duty CIO/HMI (whoever is available sooner) will ensure that staff are aware of the availability of the [Employee Assistance Programme \(EAP\)](#). The EAP provides a 24/7 support helpline.
- ◆ Any incident, no matter how minor, should be reported in the first instance to the duty CIO.
- ◆ Where care teams are available in local offices, these should be used as the first point of contact for after care.

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#### **44.4.3 Compensation**

- ◆ If clothing or personal property is damaged as a result of an incident at work an officer may make a claim for compensation. See [HO notice 123/97](#).
- ◆ If injured, the officer may be entitled to seek recompense from the Criminal Injuries Compensation Board.

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#### **44.4.4 Legal advice**

- ◆ The will consider all requests to assist an officer with any legal proceedings he wishes to pursue or is being pursued against him.
- ◆ Even if the Immigration Enforcement or the police are not taking any legal action the officer involved may be able to take out a private prosecution for common assault against the alleged assailant.

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#### 44.4.5 Responsibilities of line managers during Enforcement Operations

- ◆ To ensure that all staff have received the appropriate level of training, prior to undergoing enforcement visits.
- ◆ To authorise visits only when satisfied that a sufficient risk assessment has been carried out and all hazards evaluated and either eliminated or controlled to an acceptable level.
- ◆ To ensure that staff wear PPE on all enforcement visits.
- ◆ To ensure that staff wear other PPE when the risk assessment has shown it as a necessary control measure.
- ◆ To establish a communication procedure with staff prior to their departure from the office.
- ◆ To ensure that, where staff have been identified as unfit to drive through fatigue, alternative arrangements are in place to ensure their safety.
- ◆ To maintain contact with staff that are on duty but out of the office.
- ◆ To ensure that those on visits have reported the outcome and their safe return to the office or a police station.
- ◆ To advise staff of the services available from the [Employee Assistance Programme \(EAP\)](#) where the need is identified.
- ◆ To follow up any reported incidents, whether verbal or in writing, completing the appropriate accident report forms and investigating the incident.

**Note: All the suggested actions listed above are to be used as an aide memoir for personal safety on enforcement work. The points covered are not exhaustive and common sense should be applied at all times.**

## 44.5 Incidents or complaints

From 25 February 2008 any serious incident or complaint arising from the use of 'specified enforcement functions' (e.g. arrest, search, detention, etc) by immigration officers and officials of the Secretary of State in England and Wales will need to be referred to the Independent Police Complaints Commission (IPCC). In the event of an incident the Command & Control Unit must be contacted.

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### 44.5.1. Procedures to be followed

- ◆ In the event of an incident occurring (regardless of whether it be in England, Wales, Northern Ireland or Scotland), which is outside of the usual parameters of your daily business, it must be referred to the Command and Control Unit (CCU) immediately

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- ◆ The incident must be referred regardless of whether or not there is a complaint made.
- ◆ Additionally, if you are made aware of the death of a person following recent contact with Immigration Enforcement officers exercising specified enforcement functions, this should also be reported to CCU.

Incidents will usually be managed locally under existing Gold/Silver/Bronze command arrangements and the CCU will log the event and offer support and assistance as necessary. CCU will then decide whether the case meets the criteria for referral to IPCC. Where referral is deemed not necessary they will only keep a record of the incident.

In the event of an incident where referral to the IPCC is deemed necessary **CCU will make the referral to the IPCC**. The CCU is the single point of contact for the Independent Police Complaints Commission and all incidents **MUST** be referred to CCU at the first possible opportunity.

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## **44.5.2 Background to independent oversight of Immigration Enforcement serious complaints, incidents and conduct matters**

Due to the expansion of Immigration Enforcement's enforcement capability, ministers agreed that there should be independent scrutiny and oversight of Home Office staff using 'specified enforcement functions'. This would bring Immigration Enforcement in line with other law enforcement organisations such as Police, HM Revenue and Customs, and the Serious and Organised Crime Agency. The IPCC has an oversight of all these bodies.

## **44.5.3 IPCC arrangements**

The legal framework was put in place from 25 February 2008 allowing the IPCC to have responsibility for overseeing investigations into the most serious incidents and allegations involving Home Office staff in England and Wales using 'specified enforcement functions'.

The IPCC's oversight over HMRC was introduced on 28 December 2005 and was not restricted to those exercising specified enforcement functions. When HMRC staff transferred to the Home Office in 2009, new Regulations were enacted.

The 2009 Regulations provided that:

- Where immigration powers are being exercised, the 'specified enforcement functions' test must be applied.
- Where customs functions are being exercised, all matters meeting the IPCC referral criteria should be referred

The remit of IPCC was extended further in 2010 to provide independent oversight of serious complaints and conduct matters that arise as a result of Home Office **contractors** exercising the functions of the Secretary of State in relation to immigration, asylum and customs

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#### 44.5.4 What are 'specified enforcement functions'?

They are listed in section 41 of the Police and Justice Act 2006 and Regulations made under this section. They include:

- ◆ Powers of entry
- ◆ Powers to search persons or property
- ◆ Powers to seize or detain property
- ◆ Powers to arrest persons
- ◆ Powers to detain persons
- ◆ Powers to examine persons or otherwise to obtain information, (including power to take fingerprints or to acquire other personal data), and
- ◆ Powers in connection with the removal of persons from the United Kingdom

Please note that these powers include:

- ◆ Surveillance and associated activity
- ◆ The non-exercise of the above powers (e.g. the failure to use a power when required to do so. This will be restricted to matters relating to officer's conduct and will not cover Home Office Policy decisions for example, not to detain in certain cases)

The powers do not include:

- ◆ The making of an immigration decision
- ◆ The making of any decision to grant or refuse asylum
- ◆ The giving of any direction to remove persons from the UK

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#### 44.5.5 Categories of incidents which should be referred to the IPCC

A case will only be referred to the IPCC if it meets the mandatory referral criteria:

- ◆ Death or serious injury

Serious injury means a fracture, a deep cut, a deep laceration or an injury causing damage to an internal organ or the impairment of any bodily function.

- ◆ Serious assault

The offence is committed when a person assaults another, thereby causing actual bodily harm such as:

- Loss or breaking of a tooth
- Temporary loss of sensory functions (which may include loss of consciousness)
- Extensive or multiple bruising
- Displaced broken nose
- Minor fractures
- Minor but not merely superficial cuts
- Psychiatric injury that is more than fear, distress or panic.

◆ Serious sexual offences

'Serious sexual offences' shall be construed as including all offences under the Sexual Offences Acts of 1956 to 2003 that are triable only on indictment and such other offences under the said Acts of 1956 to 2003 appearing to an appropriate authority to be an offence where a Magistrates' Court would be like to decline jurisdiction.

◆ Serious corruption – restricted to the enforcement functions specified in s.41 of the Police and Justice Act 2006.

The term 'serious corruption' shall refer to conduct that includes:

- Any attempt to pervert the course of justice or other conduct likely to seriously harm the administration of justice, in particular the criminal justice system
- Payments or other benefits or favours received in the connection with the performance of duties where a Magistrates' Court would be likely to decline jurisdiction
- Corrupt controller/handler/informer relationships
- Provision of confidential information in return for payment or other benefits or favours where the conduct goes beyond a possible prosecution for an offence under section 55 of the Data Protection Act 1998
- Extraction and supply of seized controlled drugs, firearms or other material.

Attempts or conspiracies to do any of the above

- ◆ Criminal offences aggravated by discriminatory behaviour
- ◆ Any incident which engages Articles 2 (the Right to Life) or 3 (against inhuman or degrading treatment) of the European Convention on Human Rights.

Article 2 states that 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.

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 escape of a person lawfully detained;
- (c) in action lawfully taken for the purpose of quelling a riot or insurrection.

Article 3 states that no one shall be subjected to torture or to inhuman or degrading treatment or punishment.

NB: The IPCC also has the power to 'call in' and oversee any complaint or conduct matter due to its gravity or exceptional circumstances. Similarly, Immigration Enforcement can voluntarily refer any complaint or conduct matter to the IPCC due to its gravity or exceptional circumstances.

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#### **44.5.6 How the incident will be investigated**

Once a "live" incident is brought under control, CCU will then hand responsibility for managing the case and ongoing liaison with the IPCC to the **Immigration Enforcement Professional Standards Unit (PSU)**.

The IPCC has a number of offices across the UK, which are organised into five regions; North, Central, Wales & South West and London & South East. Each region reports to a Commissioner.

All incident referrals made by Immigration Enforcement to the IPCC will be overseen by the Commissioner for the North region. The management of each referral will be handled by the IPCC Wakefield casework team.

Once a case has been reported to IPCC Wakefield, the Commissioner will decide which type of investigation would be most appropriate to look into the matter. The four possible types of investigation are;

- ◆ **IPCC independent investigation:** in which the IPCC would use its own investigators to look into the incident or complaint.
- ◆ **IPCC-managed investigation:** in which the Police or Immigration Enforcement Professional Standards Unit would undertake the investigation under the direction and control of the IPCC.
- ◆ **IPCC-supervised investigation:** in which the Police or Immigration Enforcement Professional Standards Unit would have control and direction of their own investigation. The IPCC would agree the Terms of Reference for the investigation and monitor progress against them.
- ◆ **Local investigation:** in which the Police would make their own investigation (if there is alleged criminal activity); or Immigration Enforcement Professional Standards Unit make their own investigation, which requires no further involvement with IPCC.

Depending on the nature of the incident or complaint, PSU may be appointed by the IPCC to undertake an investigation into the matter. Alternatively, PSU will provide support and a single point of contact for a Police or IPCC investigation.

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**Restricted – do not disclose – end of section**

As part of the investigation, it is possible that Home Office staff will need to be interviewed about the complaint either as witnesses or because there is a possibility that they have been involved in criminal activity or activity which could be seen as misconduct.

Where staff are interviewed by the Police or by an IPCC investigator because they may have committed a criminal offence, they will be interviewed 'under caution'. Before an interview 'under caution' is begun, the interviewee must be offered the opportunity to obtain free and independent legal representation.

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### 44.5.7 Complaints

Any allegations or complaints received via existing complaints processes will be considered by the **Professional Standards Unit** who will decide whether to notify the IPCC.

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### 44.5.8 Help and support

Any incident which is referred to the IPCC is a serious matter and people may have been involved in or witnessed traumatic events.

The Employee Assistance Programme (EAP) is available to employees who are involved in an investigation by the IPCC. The EAP provides a 24/7 support helpline which will provide information and advice for employees. The service is accessed by telephone and the contact numbers is 0800 917 7395.

Managers should be aware that this service is also available to them should they need support or advice on how to deal with a particular situation.

Advice and support is also available to members through their trade union. Please contact your trade union for further information.

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### 44.5.9 Oversight in Scotland and Northern Ireland

The IPCC's remit is in regard to serious complaints, incidents and misconduct matters arising in **England and Wales** only.

In **Scotland** the law is different. Oversight is provided by the Crown Office and Procurator Fiscal Service who have a role to play in cases of deaths or where there is an inference of criminality. This oversight is supplemented by the Police Complaints Commissioner for Scotland (PCCS) who has a slight different role to that of the IPCC. The PCCS oversee any complaints, regardless of the level of seriousness, arising in Scotland. **They will not investigate a critical incident.** In cases

where a person make a complaint to Immigration Enforcement about a matter where enforcement powers have been used and remains dissatisfied with the response they have received the PCCS has a remit to review the handling of that complaint. PCCS will oversee Home Office complaints handling. The PCCS's remit will be extended by way of an agreement which is currently being developed.

The current Agreement only relates to Home Office officers exercising immigration functions. Officials are working to extend this Agreement to Home Office officers, officials and contractors exercising customs functions.

For **Northern Ireland** the Police Ombudsman for Northern Ireland (PONI) has agreed to take on a similar role to that of the IPCC in England and Wales. Primary legislation is being sought to extend their remit in this regard. Officials are also seeking to implement a non-statutory arrangement with PONI to cover the interim period before primary legislation can be passed.

Contacts for further information about this guidance are:

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**Restricted – do not disclose – end of section**

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## **Annex A**

UK Border Agency – generic check lists

### **Critical Incident Management Guidance**

- ◆ Generic Check List for Operational Critical Incidents
- ◆ Generic Check List for Non Operational Critical Incidents

### **Checklists**

The checklists are intended to provide an aide-memoire for officers in dealing with Critical Incidents. The suggested actions in these lists are not exhaustive, are not necessarily to be followed in the order given and may vary with each incident. The lists are not prescriptive and all Command officers must be prepared to make decisions and take action appropriate to the unique circumstances of individual incidents.

### **Independent Police Complaints Commission**

If there is to be an IPCC investigation it is extremely important that staff feel supported and informed. You must ensure staff receive appropriate legal advice and have access to counselling provided by the EAP (Employee Assistance Programme). In extreme cases you may wish to consider a psychological debrief once the incident is closed. The Command and Control Unit can assist with legal advice and support services

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## **Operational Critical Incident**

To be followed for the following scenarios:

- Death of any person
- Serious injury to any person
- Hostage taking of any person
- Suicide threat or attempt
- Self harm or attempted self harm
- Assault
- Escape from detention
- Encounter with serious crime
- Riot/Public disorder
- Media presence/involvement
- Multi Agency Incident

This checklist is intended to provide an aide-memoire for officers involved in dealing with a Critical Incident. The actions are suggested options and will not necessarily follow the order given here, nor will they all be applicable in all circumstances, as each incident will by its very nature vary. The list of suggested actions is not exclusive, and all Command officers should be prepared to take their own additional decisions on how to manage the incident taking the unique circumstances of the incident in to account. Officers should use the following list as a checklist and record the decisions they take regarding the management of the incident in their decision log.

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## Bronze

### Critical Incident declared

- ◆ Bronze Commander nominated
- ◆ If feasible and necessary, take control of the scene and people present
- ◆ Deal with any officer safety issue – consider withdrawal or move to a place of safety if appropriate
- ◆ Call Police/Emergency Services as appropriate
- ◆ Ensure ELS administered to those needing it whilst awaiting Emergency Services
- ◆ Preserve scene and evidence
- ◆ Inform nominated Silver who will instigate CI procedures in the office
- ◆ Conduct dynamic risk assessment of new situation throughout incident
- ◆ Avoid moving casualties/bodies if possible
- ◆ Officers present should expect to be treated as potential suspects or witnesses. **There maybe IPCC involvement**
- ◆ Record location people taken to e.g. hospital, Police station
- ◆ Appoint scribe to record chronological events and decisions made (including reasoning and outcome)
- ◆ Deploy team as per instructions from Silver and ongoing dynamic risk assessment of situation as it evolves
- ◆ Liaise with Emergency Services at the scene regarding scene preservation, cordon area where appropriate
- ◆ Take photos of scene
- ◆ Record witness details
- ◆ Deploy team in accordance with Police/Emergency Services instruction where necessary
- ◆ Assist Police with their investigations
- ◆ Refer the media to Press Office or nominated person (Media Bronze)
- ◆ Regular updates to Silver
- ◆ When advised of stand down by Silver, stand down team from incident
- ◆ Ensure all relevant paperwork completed by officers present at the scene and handed to Silver for collation
- ◆ Partake in formal debrief

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## Silver

### Bronze informs of a CI taking place

- ◆ Agree on instigation of CI Management procedures
- ◆ Open decision log and record all decisions taken
- ◆ If decision is not to proceed as a CI, inform Gold
- ◆ If decision made to instigate CI procedures, brief Gold and take their strategic instructions
- ◆ Appoint scribe/loggist if appropriate
- ◆ Appoint officer to undertake normal duties to enable full concentration on CI Management
- ◆ Ensure copies of the Operational Order is available
- ◆ Develop and co-ordinate the tactical plan considering:
  - ◆ Gold's strategy
  - ◆ Legal considerations
  - ◆ Human Rights considerations
  - ◆ Community Impact considerations
  - ◆ H&S of staff
- ◆ If multi agency involvement establish contact with other stakeholders at Silver level (Police, Agencies and Other Government Departments)
- ◆ Ensure the Command & Control Unit has been contacted.
- ◆ If appropriate appoint further Bronze Commanders to deal with specific aspects of the incident e.g. the media, police liaison
- ◆ If appropriate arrange relief of staff at the scene
- ◆ Ensure any officers removed from the scene are taken to a secure area where they will remain available for interview.
- ◆ If necessary seek additional staff/resources from Gold
- ◆ Ensure refreshments are provided to staff at the scene
- ◆ If the incident continues over a long period, co-ordinate change over of staff
- ◆ Advise Employee Assistance Programme 0800 917 7395
- ◆ If appropriate instruct bronze (HR Officer) to advise next of kin of staff involved and keep them informed
- ◆ Liaise closely with Bronze and obtain regular updates
- ◆ Brief staff and keep them updated
- ◆ Ensure Bronze has considered all the actions outlined in the bronze checklist
- ◆ Oversee the tactics being used by Bronze and ensure they meet with the strategic and tactical plan
- ◆ Provide regular updates to Gold and take their further instruction on the strategic handling of the incident
- ◆ Continually review tactical plan to support the strategic overview and relay any new instructions to Bronze
- ◆ When advised of stand down by Gold, advise Bronze
- ◆ Attend formal debrief
- ◆ Collate all records of the incident (including notebooks, extraneous notes and decision logs)
- ◆ Ensure H&S forms are completed and passed to the HASLO
- ◆ Copy written record of debrief to the Command and Control Unit

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## Gold

- ◆ Open decision log (appoint scribe/loggist if necessary)
- ◆ Obtain full contact details for Silver and Bronze commanders
- ◆ Inform the Command and Control Unit on 0161 261 1640 and liaise for further support.
- ◆ Obtain a copy of the operational order (for possible IPCC involvement)
- ◆ Appoint officer to undertake normal duties to enable full concentration on CI management.
- ◆ Devise and implement overall CI Strategy Plan:
  - ◆ Define the overall intention
  - ◆ Determine the parameters
  - ◆ What resources are needed
  - ◆ Any specialist skills required
  - ◆ Any legal considerations
  - ◆ Any Human Rights
  - ◆ Any Community Impact
  - ◆ The Health and Safety of the public and officers involved
- ◆ Produce a statement of intent
- ◆ Advise Silver of the strategy
- ◆ If multi agency involvement establish contact with other stakeholders at Gold level
- ◆ Approve Silver's tactical plan before implementation
- ◆ Appoint any Gold support staff, and any tactical advisors
- ◆ Consider resources/specialist skills required to deal with the incident and obtain them
- ◆ Ensure appropriate resources, including officers, are available to Silver to enable implementation of the strategy
- ◆ Identify and liaise with other stakeholders at Gold level:
  - ◆ Emergency Services
  - ◆ Coastguard
  - ◆ Local Council
  - ◆ Community Representatives
  - ◆ Other Government Departments
  - ◆ Legal advisors
- ◆ Decide primacy in the handling of the incident with other stakeholders
- ◆ Throughout the incident, review the strategy and relay further strategic decisions to Silver
- ◆ Maintain objectivity and avoid being drawn into tactical decision making
- ◆ Ensure the Command structure is in place and monitor its effectiveness
- ◆ Monitor the effectiveness of Silver and the tactical plan
- ◆ Keep the Command and Control Unit informed of any developments
- ◆ Keep senior managers (local incident) / duty board members (National Incident) apprised of the incident and developments
- ◆ Formally close CI (record in Decision Log) and advise Silver
- ◆ Lead the formal debrief
- ◆ Pass decision log and any related paperwork to the Command and Control Unit

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## Non Operational Critical Incidents

It is possible that a non-operational critical incident, such as one of those given in the examples below, could occur as a result of a routine enforcement operation:

Pandemic

Whistleblower

Legal action against the Dept

Breach of procedure

Corruption, misdemeanour or crime

Unexpected operational crisis, e.g. Chinese cockle pickers at Morecombe Bay

A specific high profile case e.g. one involving public figures or one which brings the IS into adverse media attention

This checklist is intended to provide an aide-memoire for officers involved in dealing with this kind of Critical Incident. The actions are suggested options and will not necessarily follow the order given here, nor will they all be applicable in all circumstances, as each incident will by its very nature vary. The list of suggested actions is not exclusive, and all Command officers should be prepared to take their own additional decisions on how to manage the incident taking the unique circumstances of the incident in to account. The decision as to whether or not to treat an incident as critical will depend on the scale of the incident and the potential for damage. Officers should bear this in mind when considering whether or not to treat an incident as critical, and must be able to justify their choice of action. Officers should use the following list as a checklist and record the decisions they take regarding the management of the incident in their decision log.

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## Bronze

- ◆ Open decision log and record all decisions taken
- ◆ Deal with any remaining officer safety issues
- ◆ Appoint scribe/loggist if necessary
- ◆ Appoint Bronze support staff/tactical advisors if appropriate
- ◆ If necessary seek additional Bronze Commanders from Silver to deal with specific aspects of the incident
- ◆ Co-operate with any police investigations/enquiries
- ◆ Monitor progress of any criminal investigation of IS staff
- ◆ Liaise with other Stakeholders at scene and/or at Bronze level
- ◆ Deploy team as per instructions from Silver and ongoing dynamic risk assessment of situation as it evolves
- ◆ Refer media to Press Office/nominated person (Bronze media)
- ◆ Brief staff and keep them updated
- ◆ Liaise with hospital regarding any casualties
- ◆ If the incident continues over a long period, co-ordinate change over of Bronze staff
- ◆ Collate any records already in existence that have a bearing on the incident
- ◆ If appropriate, liaise with the Legal Advisors Branch
- ◆ Provide regular updates to Silver and take their further instruction
- ◆ Attend formal debrief
- ◆ Pass any paperwork to Silver for collation

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## Silver

- ◆ Open decision log and record all decisions taken
- ◆ If necessary, appoint scribe/loggist
- ◆ Appoint officer to undertake normal duties to enable full concentration on CI Management
- ◆ Ensure the Command and Control Unit has been contacted
- ◆ Develop and co-ordinate the tactical plan considering:
  - Gold's strategy
  - Legal considerations
  - Human Rights considerations
  - Community Impact considerations
  - The H&S of staff involved
- ◆ If multi agency involvement establish contact with other stakeholders at Silver level
- ◆ If appropriate appoint further Bronze Commanders to deal with specific aspects of the incident e.g. staff welfare, the media, police liaison
- ◆ If appropriate appoint Silver support staff and tactical advisors
- ◆ Liaise with other Stakeholders at Silver level
- ◆ Brief staff and keep them updated
- ◆ If appropriate arrange relief of staff at the scene
- ◆ If necessary seek additional staff from Gold
- ◆ If staff are at scene ensure health and welfare provisions are considered (relief staff, refreshments, etc)
- ◆ Advise Employee Assistance Programme 0800 917 7395
- ◆ If appropriate instruct bronze (staff welfare) to advise next of kin of staff involved and keep them informed
- ◆ Liaise closely with Bronze and obtain regular updates
- ◆ Brief staff and keep them updated
- ◆ Ensure Bronze has considered all the actions outlined in the checklist
- ◆ Oversee the tactics being used by Bronze and ensure they meet with the strategic and tactical plan
- ◆ Provide regular updates to Gold and take their further instruction on the strategic handling of the incident
- ◆ Continually review tactical plan to support the strategic overview
- ◆ When advised of stand down by Gold, advise Bronze
- ◆ Attend formal debrief
- ◆ Collate all records of the incident (including notebooks, extraneous notes and decision logs)
- ◆ Ensure H&S forms are completed and passed to the HASLO
- ◆ Copy written record of debrief to the Command and Control unit

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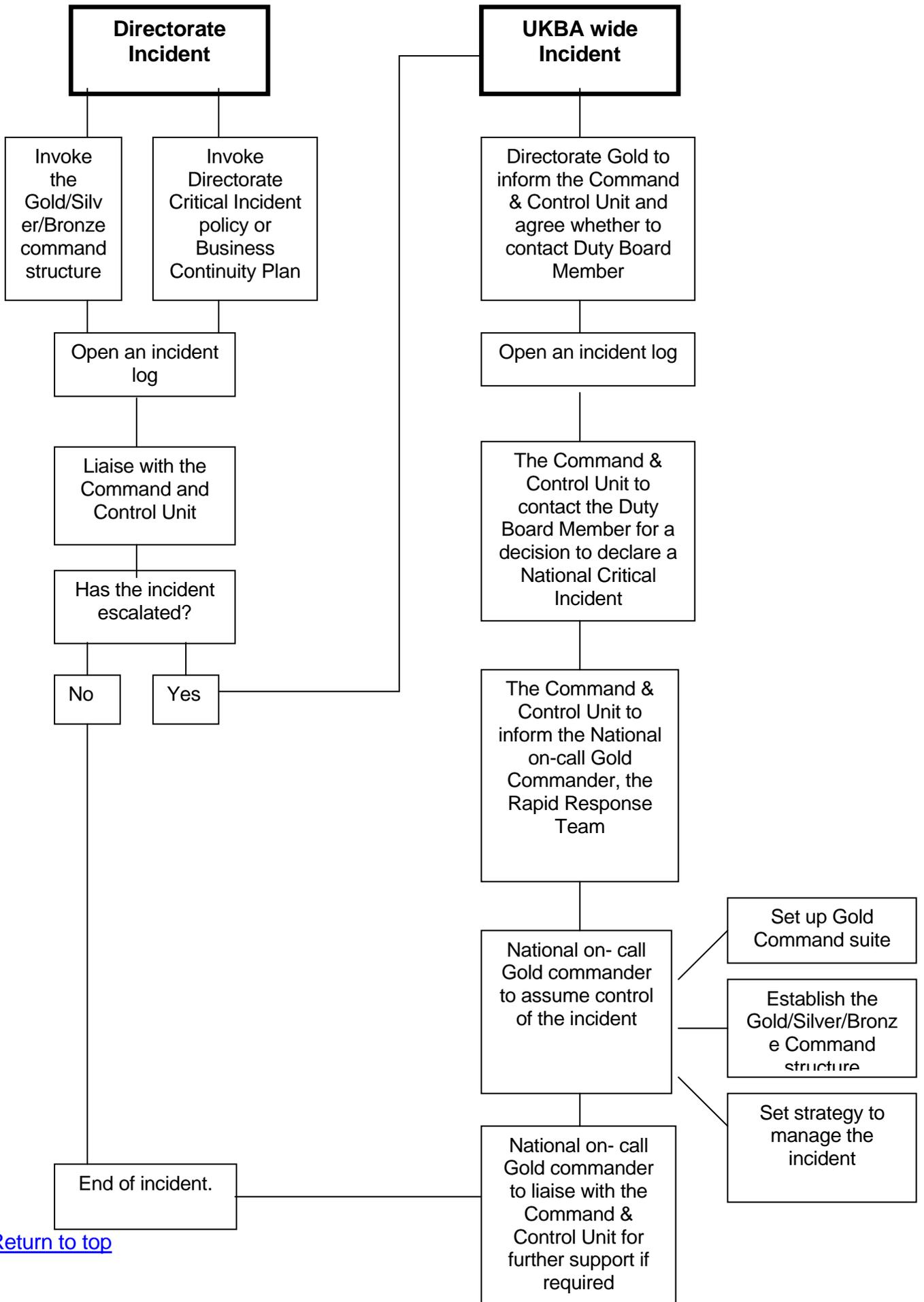
## Gold

- ◆ Open decision log (appoint scribe/loggist if necessary)
- ◆ Obtain full contact details for Silver and Bronze commanders
- ◆ Inform the Command and Control Unit on 0161 261 1640
- ◆ Appoint officer to undertake normal duties to enable full concentration on CI management.
- ◆ Devise and implement overall CI Strategy Plan:
  - ◆ Define the overall intention
  - ◆ Determine the parameters
  - ◆ What resources are needed
  - ◆ Any specialist skills required
  - ◆ Any legal considerations
  - ◆ Any Human Rights
  - ◆ Any Community Impact
  - ◆ The Health and Safety of the public and officers involved
  
- ◆ Produce a statement of intent
- ◆ Advise Silver of the strategy
- ◆ Approve Silver's tactical plan before it is implemented
- ◆ Appoint any Gold support staff, and any tactical advisors
- ◆ Consider resources/specialist skills required to deal with the incident and obtain them
- ◆ Ensure appropriate resources, including officers, are available to Silver to enable implementation of the strategy
- ◆ Identify and liaise with other stakeholders at Gold level:
  - ◆ Emergency Services
  - ◆ Coastguard
  - ◆ Local Council
  - ◆ Community Representatives
  - ◆ Other Governments Department's
  - ◆ Legal advisors
  
- ◆ Decide primacy in the handling of the incident with other stakeholders
- ◆ Throughout the incident, review the strategy and relay further strategic decisions to Silver
- ◆ Maintain objectivity and avoid being drawn into tactical decision making
- ◆ Ensure the Command structure is in place and monitor its effectiveness
- ◆ Monitor the effectiveness of Silver and the tactical plan
- ◆ Liaise with Silver for regular updates
- ◆ Keep the Command and Control unit informed of any developments
- ◆ Formally close CI (record in Decision Log) and advise Silver
- ◆ Lead the formal debrief
- ◆ Pass decision log and any related paperwork to the Command and Control Unit.

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Annex B

Escalation Process Map For Critical Incident Management



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**Annex C**

**Decision Log**

ROLE

EVENT

WHAT IS THE INFORMATION (SUMMARY)

WHAT IS MY DECISION

RATIONALE –WHY HAVE I MADE THIS DECISION

OFFICER MAKING THE ENTRY .....  
SIGNATURE .....  
TIME & DATE .....

OFFICER MAKING THE DECISION.....  
SIGNATURE.....  
TIME & DATE .....

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**Revision History**

<b>Date change published</b>	<b>Officer/Unit</b>	<b>Specifics of change</b>	<b>Authorised by;</b>	<b>Version number after change (this chapter)</b>
		OEM Revision		1
23 July		Insertion of 'Incident and complaints' section	Angela Pearce	44 v2
26 Sept		Insertion of 'Critical Incident Management Guidance'	Matthew Coats	44 v3
November 2009		Amendment of 'Critical Incident Management Guidance'	Lin Homer	44 v4.1
17.12.2010		Amended Debrief levels	G Adams	44 v4
April 2011		Amendment of 'Critical Incident Management Guidance'	Eddy Montgomery	44 v5
27/11/2013	Enforcement & Returns Operational Policy	Minor formatting changes; inclusion of revision history in external version; removal of UKBA references; restricted boxes updated in 44.2.1, 44.3.3, 44.5.6, 44.5.1, 44.5.9; and removed in 44.5, annex A -C.	Kristian Armstrong, Head of Asylum, Enforcement and Criminality Policy	44 v6