



Critical Incident

Effective Date:	January 2022
Last Reviewed:	New Procedure
Next Review Date:	January 2027
Division/Department:	Corporate Performance
Responsible Officer:	Manager People Safety & Performance
HPE CM Record Number:	22/14873

1 Associated Policy

Work Health & Safety Policy

2 Application

Purpose

Council recognises that critical incidents can arise that may seriously impact on the safety of staff, visitors, contractors and volunteers. This procedure provides processes for managing and reviewing critical incidents to prevent reoccurrence.

Scope

The Critical Incident Procedure is designed to assist both those with primary responsibility for the management of critical incidents and other staff, and to respond appropriately in the event of a critical incident.

Overview

The critical incident procedure will be initiated whenever the following occurs:

- Armed robbery.
- Physical or emotional assault by a member of the public that results in medical intervention, police and/or emergency services attendance resulting in admittance to hospital
- Assault by a member of staff resulting in medical intervention, police and/or emergency services attendance or hospitalization.
- Civil disorder or building invasion.
- Bomb threat.
- A threat of or an actual terrorist attack.
- Any incident that is reportable to SafeWork NSW (see section 38 of the WHS Act).

3 Definitions

Term	Meaning
Critical Incident	<p>All incidents requiring a Level 2 investigation are deemed to be “critical incidents” along with the following:</p> <ul style="list-style-type: none"> • Armed robbery. • Physical or emotional assault by a member of the public that results in medical intervention, police and/or emergency services attendance resulting in admittance to hospital • Assault by a member of staff resulting in medical intervention, police and/or emergency services attendance or hospitalization. • Civil disorder or building invasion. • Bomb threat. • A threat of or an actual terrorist attack. • Any incident that is reportable to SafeWork NSW (see section 38 of the WHS Act).
Notifiable Incident	<p>In the Work Health and Safety Act 2011 No 10, <i>notifiable incident</i> means:</p> <ul style="list-style-type: none"> • The death of a person. • A serious injury or illness of a person. • A dangerous incident.
Serious Incident	<p>An incident resulting in:</p> <ul style="list-style-type: none"> • Death of a person. • Amputation of a limb. • Person placed on life support system. • Immediate threat to life. • Loss of consciousness of a person due to impact associated with physical force, hazardous substance, electric shock or lack of oxygen. • Major damage to any plant, equipment, building or structure. • Uncontrolled explosion, fire, escape of gas, steam or dangerous goods. • Imminent risk of explosion, fire or escape of gas, steam or dangerous goods. • Entrapment in a confined space. • Collapse of an excavation. • Entrapment of person in machinery. • Serious burns to a person. • A spill or incident resulting in exposure or potential exposure of a person to a prohibited or notifiable carcinogenic substance or other hazardous substance.
Dangerous Incident	<p>Means an incident in relation to a workplace that exposes a worker or any other person to a serious risk to a person’s health or safety.</p>
Councillor indemnity	<p>Councillors, as elected representatives are exempt from prosecution under WHS legislation.</p>

4 Relevant Legislation

WHS Act.

- Part 2, Section 19, Primary duty of care
- Part 2, Section 27, Duty of officers
- Part 2, Section 28, Duties of workers
- Part 2, Section 29, Duties of other persons at the workplace
- Part 2, Section 38, Duty to notify of notifiable incidents
- Part 2, Section 39, Duty to incident sites

WHS Regulations.

- Chapter 3, Part 3.1, Clause 34, Duty to identify hazards
- Chapter 3, Part 3.1, Clause 35, Managing risks to health and safety
- Chapter 3, Part 3.1, Clause 36, Hierarchy of controls
- Chapter 3, Part 3.1, Clause 37, Maintenance of control measures
- Chapter 3, Part 3.1, Clause 38, Review of control measures
- Chapter 3, Part 3.2, Clause 46, Duties of worker
- Chapter 3, Part 3.2, Clause 47, Duty of person other than worker

5 Procedure

5.1 Scene Safety

Following a critical incident, the manager and supervisor of the area involved in the critical incident will ensure the area is safe and assistance rendered to injured persons. Emergency services will be informed firstly, with their manager and the Manager People Safety & Performance notified immediately after. The site must be left untouched unless there is an issue of immediate danger that requires it to be altered. Injured persons should only be moved if safe to do so and if in immediate danger. Remember do not put yourself in danger in an attempt to assist others.

The Manager People Safety and Performance will immediately engage a suitably qualified lawyer to attend the site in order for staff to be afforded client attorney privilege under section 269 and to give immediate guidance. To expedite the process one contact for consideration is;

Clare Kerley – WHS Lawyer, Special Counsel
T +61 2 8267 3888 or M +61 402 997 206

The HS&IM Coordinator will immediately attend the site to commence investigations. Every effort should be made to identify and retain witnesses. Initial investigations will include photos and schematics of the area and supporting documentary evidence.

An Emergency Response Folder for Critical Incidents is available in hard copy on the HS&IM Coordinators desk.

5.2 Reporting

Managers/supervisors in consultation with those involved will complete an Incident Report Form as soon as reasonably practicable. It is the responsibility of the Manager People Safety & Performance to ensure SafeWork NSW are notified of any notifiable or reportable incident as soon as is reasonably practicable but no later than 48 hours post the incident. In the absence of the Manager People Safety & Performance, a delegated Council representative such as the HS&IM Coordinator may notify SafeWork NSW in conjunction with the relevant Manager. SafeWork will issue a report number which must be kept for future reference.

5.3 Employee Assistance

Immediately following a critical incident the Manager People Safety & Performance will debrief those involved in the incident and will provide contact details of Council's Employee Assistance Program. If the incident is of such a nature that it is felt that EPA services should be brought in to provide immediate support, then this is to be arranged by the Manager PS&P.

Council's EAP provider is:

AccessEAP - Phone: <u>1800 818 728</u>
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Employees have access to EAP services via The Hub.

5.4 Incident Investigation

Immediately following a critical incident, an incident investigation will take place in accordance with this procedure and include the completion of form [Level Two investigation form \(22/16514\)](#). This process will be driven by the Manager People Safety & Performance. A critical incident at Woollahra is deemed to be any reportable incident to SafeWork NSW or which has a risk rating of extreme. The Manager PS&P may decide to alternatively have the incident investigated by an independent party. Council's independent investigator is;

Shane Hather, shanehather@gmail.com Ph. 0405 577 000.

5.5 Supply of Information to SafeWork NSW.

When emergency services arrive at the site the Police will investigate the incident and staff are required to answer their questions to the best of their ability. If SafeWork NSW attend then staff are required to also answer their questions however they **should request that questions be subject to a 171 sticker being included in the investigators notes prior to responding for the following reasons;**

172 Abrogation of privilege against self-incrimination

- (1) A person is not excused from answering a question or providing information or a document under this Part on the ground that the answer to the question, or the information or document, may tend to incriminate the person or expose the person to a penalty.
- (2) However, the answer to a question or information or a document provided by an individual is not admissible as evidence against that individual in civil or criminal proceedings other than proceedings arising out of the false or misleading nature of the answer, information or document.

Additionally, no documentation (forms, procedures etc.) will be supplied to SafeWork without a formal request from them including production of a 155 notice.

5.6 Additional Support.

All correspondence regarding the matter will include Councils lawyer to ensure Legal Professional Privilege is maintained.

6 Flow Chart

Critical Incident Flowchart

- Ensure the worksite is made safe by controlling the hazard(s) as possible.
- Do not disturb the scene and isolate the area.
- Remove others to safety if safe to do so.
- Do not place yourself or others in danger.

- Notify emergency services if necessary on 000.
- Notify Supervisor and Manager
- Notify Manager People Safety and Performance
- Apply necessary first aid.

Manager PS&P to engage legal counsel.

SafeWork NSW
Ph. 13 10 50

- Take photos and draw schematics of worksite.
- PS&P to determine investigation response, interview witnesses and record contact details.
- Manager People Safety and Performance to determine need for EAP services.
- Manager People Safety and Performance to notify SafeWork as necessary.

- Answer question posed by Police however a 171 request to supply information sticker must be requested before responding to SafeWork Questions.
- No paper work or documents to be supplied to to SafeWork NSW without formal application by the Regulator via a 155 request.
- Manager/supervisor to complete an Incident Report form available via the WHS section of The Hub.

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7 Documentation/References

	HPECM Reference
Level Two investigation form (22/16514)	See WHS section of The Hub

8 Related Policies and Procedures

	HPECM Reference
WHS&IM procedure – Legal Compliance	See WHS section of The Hub
WHS&IM procedure – Management Responsibilities	See WHS section of The Hub
WHS&IM procedure – Records	See WHS section of The Hub
WHS&IM procedure – Consultation and Communication	See WHS section of The Hub
WHS&IM procedure – Corrective Actions	See WHS section of The Hub
WHS&IM procedure – Critical Incident Investigation	See WHS section of The Hub
WHS&IM procedure – Emergency Response	See WHS section of The Hub
WHS&IM procedure – First Aid	See WHS section of The Hub
WHS&IM procedure – Incident Reporting and hazard identification	See WHS section of The Hub
WHS&IM procedure – Risk Management	See WHS section of The Hub
WHS&IM procedure – Training	See WHS section of The Hub
WHS&IM procedure – Management Review	See WHS section of The Hub
WHS&IM procedure – Inductions	See WHS section of The Hub
WHS&IM procedure – Auditing	See WHS section of The Hub
WHS&IM procedure – WHS&IM Reporting	See WHS section of The Hub

Procedure Amendments

Date	Responsible Officer	Description
January 2022	Manager People Safety & Performance	New Procedure
May 2022	HS&IM Coordinator	Added trim # changed font to 11 and updated branch naming convention.
July 2022	HS&IM Coordinator	Added doc control
September 2023	HS&IM Coordinator	Updated Policy Statement name, hyperlinked documents and other minor changes.
Nov 2023	HS&IM Coordinator	Hyperlinked documents listed in the test body for easier use of procedure.
Nov 2023	HS&IM Coordinator	Added section on including lawyer (5.1) in all correspondence to ensure legal professional privilege and reference to emergency response folder on HS&IM Coordinators desk.