



Emergency  
Response

**CMS**  
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# Emergency Response Health and Safety

Any incident. Any time.



# CMS Health and Safety

Our Health and Safety team has an extensive and successful history of advising clients when incidents happen at work. Fast and decisive actions in the first few hours following an incident are critical to ensure the injured are cared for, the internal investigation is properly conducted, and the risk to others and the company are managed.

Our team has experience in dealing with a variety of health and safety issues ranging from near miss incidents to fatalities and from fire and explosions to crushing incidents. We are available to provide you with advice from the moment the incident arises and guide you through any regulatory investigation should one arise. With our 24-hour emergency support hotline clients can rely on our pragmatic and business-orientated advice regardless of the time of day.



[Lukas Rootman is] someone you want on your side. He gives straightforward, pragmatic advice from the outset and is a hugely impressive individual with unparalleled knowledge.

*Client feedback, Chambers & Partners*

## Steps

1

### **Step one – make the incident area safe and secure**

Ensure any injured person is receiving the appropriate treatment and call the emergency services if necessary. Make the incident area safe and secure, limiting the number of people able to access the area.

2

### **Step two – notify the relevant person(s) in your company**

Make contact with the person responsible for health and safety in your company. This person will know the policies and procedures to follow when an incident occurs.

3

### **Step three – follow emergency procedures**

The responsible health and safety person should inform you of the emergency procedure to follow when an incident arises. These procedures should be tailored to your business and should be followed.

4

### **Step four – inform the injured party's next of kin**

Contact should be made with the injured person's next of kin. They should be notified of how serious the incident is and where the injured person is or where they are being transported to (e.g. the name of the hospital).

5

**Step five – set up a core investigation team**

Appoint a lead person to coordinate the team's investigation and keep the team small. To assist with legal privilege, CMS should be instructed as part of the investigation team to direct the internal investigation. Keeping the circulation of documents and communication about the incident within the core team, along with obtaining the advice of a legally qualified person immediately, will assist with protecting legal privilege.

6

**Step five – initial investigation and record keeping**

The core team should begin its investigation as soon as possible after becoming aware of the incident. Points to consider will include: time and date of the incident, the person(s) involved, the location, what happened, the environmental impact and the initial findings on the cause of the incident. A record should be kept of the findings.

7

**Step seven – assess whether a regulator needs to be notified**

If the incident is serious the HSE and/or police will need to be notified by the 'quickest practicable means without delay'. If the HSE and/or police notify you that they will be attending your premises immediately contact CMS for assistance.

**Other points to consider:**

Preserve all evidence related to the investigation and do not interfere with it.

All correspondence with any regulator must be documented and a record must be kept of any documents shared with the regulator.

The investigation powers of the regulator are wide and cloaked in legislative powers, however take care in providing information requested, and at the least ensure a record of the documents supplied are kept. No documentation is to be shared with the regulator without first considering factors such as relevance, privilege or impact.

Incidents are varied and each presents unique facts and challenges. The steps above are informative, but judgment should be exercised to ensure what is right for your business in the circumstances.

Our team at CMS understand how to mitigate against potential risks and readily apply the steps required during difficult situations. For more information please contact:

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