

Report title

---

## Operational Risk Assessment (ORA) policy

---

Meeting

**ODCB**

Corporate Management Board

Date

**14 October 2013**

Report by

DAC Peter Cowup, Acting Head of Operational Procedures

Document Number

**Item 5**

---

---

### Summary

This report outlines the status of the draft Operational Risk Assessment (ORA) policy and seeks the Corporate Management Board's (CMB) authorisation for its publication.

This report also provides recommendations on how this change in policy should be communicated to staff, noting that the contents of this policy explicitly authorise greater flexibility in the application of operational procedures at operational incidents.

The successful implementation of this policy requires a considered approach being taken to its communication and to the training provided, as the information being conveyed is more subtle and less clear cut than conventional operational procedure.

Appended to this report as Appendix 1 – Draft ORA policy (as agreed by Heads of Service and BJCHSW).

### For decision

Formal agreement is sought to:

1. Publish and replace PN 342 Dynamic Risk Assessment (DRA) with PN 342 Operational Risk Assessment (ORA) which, in accordance with the decision taken at a previous CMB meeting, includes the concept of operational discretion.

- ## Background

- 3 Simon Burgess died after falling into 3 feet of water in a boating lake. The coroner called on the fire service to "improve their training to ensure the right decision is made in future drowning cases."



*"The fact of the matter is that on July 7, 2005 London Fire Brigade were operating in the same environment as the other emergency responders and yet did not take or were not willing to take the same calculated risks that were being taken by, for example, British Transport Police at King's Cross.*

*"There are other examples which we could bring to mind if it was thought necessary. In our submission the sense has emerged from the inquest that the pendulum may have swung too far in favour of an overly cautious approach."*

5. The Health and Safety Executive (HSE) has published guidance to assist Fire and Rescue Authorities in balancing risks, particularly in their wider role to protect the public and property, while meeting their health and safety at work duties to protect their staff and others.

6. The document is called *'Striking the balance between operational and health and safety duties in the Fire and Rescue Service'*.

Within this document the HSE recognises that firefighters and managers can face difficult moral dilemmas and often have to make decisions in what are sometimes extremely hazardous, emotionally charged and fast moving situations.

7. Within this document, the HSE states:

*"The primary duties under health and safety law are on employers. HSE inspectors, when inspecting or investigating an individual Fire and Rescue Authority using HSE's own procedures, including the Work Related Death Protocols, will consider:*

- *...how the actions taken by that Authority measure up to what would be considered reasonable in the circumstances;*
- *the actual information about the incident that was available to staff when they had to make operational decisions in what we recognise are sometimes dangerous, fast moving and emotionally charged environments. Inspectors will not revisit decisions made during operations with the benefit of information that could not reasonably have been known at the time;*
- *the wider public duties on the Fire and Rescue Service, whether the arrangements and policies to fulfil these duties were sensible, effective and practical, the purpose of the operation and to what extent the risks that were taken were reasonable in the circumstances..."*

8. It can be argued that what is conventionally described as "Dynamic Risk Assessment" and the Fire Service Incident Command guidance already incorporate the use of professional judgement that is implied by the HSE's statements above.
9. Although these documents refer to an IC's prerogative to exercise their judgement at an incident, this has never previously been explicitly acknowledged in Authority policy. As such, justified deviations have sometimes attracted criticism and this has the potential to negatively influence operational decision making.
10. Post incident feedback from personnel suggests that there is little awareness of what 'professional judgement' means in practise. Staff view the current format of operational guidance (policy) as being definitive and through use of the word 'must', believe that certain actions must be carried out at all incidents, regardless of the prevailing circumstances.
11. To address the points raised arising from the situations described in paragraphs 1-5 above a review of LFB Policy - 342 Dynamic Risk Assessment (DRA) has been completed in accordance with the decision previously made by CMB. The policy has been amended and re-named to provide guidance on how and when operational discretion should be applied at incidents as part of the decision making process.
12. The revised policy also sets out guidance and context to help explain where departure from standard operating procedures can be justified and appropriate.
13. As well as articulating the concept of operational discretion in the new ORA policy, the report author and other LFB officers have also been successful in introducing this concept nationally and it is now contained within the new national Health and Safety Framework document and in several national Generic Risk Assessments, most notably that relating to firefighting in high rise buildings.
14. A number of other Fire Rescue Authorities (FRA) - including all of those within the South West Region, comprising 22 member FRAs, have adopted the concept of operational discretion and applied it to all of their operational guidance.
15. Whilst undertaking work as part of the national Generic Risk Assessment (GRA) working group, the report author received feedback from the HSE lead officer for Fire that he was surprised it was necessary to formally articulate the concept of operational discretion, as he expected it to be an integral part of the FRAs approach to operational decision making.
16. The HSE lead officer for Fire acted as a strong advocate of operational discretion during the course of his involvement in the CLG-led national (GRA) working group. HSE's support was instrumental in gaining acceptance to this concept being included within the high rise firefighting GRA and, subsequently, within the recently published H & S Framework document.

## **Operational Risk Assessment**

17. The principles underpinning ORA are based on the same 5 step process as previously set out in the model that forms part of the extant Dynamic Risk Assessment procedure. A key



difference is that the revised Operational ORA procedure actively introduces the use of operational discretion within Step 2: Select safe systems of work.

18. This section describes the mechanics of applying operational discretion and includes the following extract:

*'Where there are no operational procedures available, or an existing operational procedure requires adapting so that the IC's objectives can be met, then operational discretion may be considered at this point.'*

### **The application of Operational Discretion at incidents**

19. To achieve specific objectives, normally associated with actions required to save human life or to prevent a minor incident from escalating and thereby increasing risk to firefighters and others, the concept of operational discretion empowers ICs to adapt or move away from standard operational procedure.
20. To ensure this is done in a measured and controlled fashion, the ORA policy provides a set of clear rules and guidelines to govern the use of operational discretion and to ensure that any increased risk is kept as low as reasonably practicable by implementing additional control measures.
21. The ORA policy provides explicit permission for an IC to act outside standard operating procedures, provided (a) this is justifiable in terms of risk versus benefit and (b) that other rules that govern its proper use are followed.
22. Operational discretion allows an IC to adapt or depart from operational procedure (exercise professional judgement) provided that they have assessed their intended actions and given due consideration to the likely impact.

Under these circumstances:

- any move away from operational procedures must be justified in relation to risk versus benefit e.g. to rescue saveable life or occasions where the nature of any property under threat justifies some increased level of risk being taken, such as irreplaceable national heritage sites or contents;
- firefighters must not be put at unnecessary risk and the priority applied to human life should not be given to animals or the retrieval or protection of property;
- any move away from procedure should be the minimum necessary to achieve the objective(s), in order to minimise exposure to the increased levels of risk;
- standard operating procedures must be returned to as soon as possible after operational discretion has been exercised, in order to minimise exposure to the increased levels of risk being taken;
- the reasons for adapting or departing from standard operating procedures will need to be proportional to the degree of adaptation undertaken i.e. a significant move away from an established procedure will require correspondingly high levels of benefit;

- the extent to which an IC should deviate from standard operational procedure must have due regard for their individual levels of knowledge, experience and understanding of the incident dynamics they are faced with. This means that an inexperienced IC may not be able to exercise the same degree of operational discretion as a more experienced officer, because their level of skill, understanding and experience may not enable them to recognise the increased hazards and subsequent control measures necessary to deviate from the prescribed operational guidance.
- if the IC considers that a course of action is required outside of operational procedure, they must ensure that sufficient control measures are implemented to reduce the risk of injury to firefighters and others who might be affected by fire service operations to as low as reasonably practicable; and
- the use of operational discretion must be recorded as soon as practicable as per PN 828 - Recording decisions at incidents.

23. The implementation of the concept of operational discretion will require all personnel to possess an understanding of this concept.
24. The level of understanding required will need to be proportionate to an individual's role and to the scale of incident that they will be required to command as an IC.
25. Those personnel who are required to undertake Operations Review Team (ORT) and Monitoring Officer (MO) roles will play a key part in ensuring that operational discretion is applied in a safe, effective and appropriate manner at incidents. These personnel will accordingly need to have a well-defined and consistent understanding of this concept.

### **Training Requirements**

26. The following key principles have been identified as underpinning the training roll out of the procedure and its implementation in practice.
27. Subject to approval of the procedure by CMB and the training principles described here a TCAP a training package will be developed and rolled out to support the implementation of this procedure
28. It is envisaged that
  - the training solution will explain the main stage of risk assessment and how this links to the safe person concept. It will also explain the concept of operational discretion and its practical application at operational incidents.
  - the training solution will include case studies and some degree of trainer-led input, reflecting the fact the information to be communicated is relatively subtle (i.e. it is not clear-cut). In this context, it is considered this can only be properly achieved through dialogue and direct, face-to-face interaction between a trainer and the learner(s).
  - personnel in Operational Procedures (OP) responsible for developing this concept will be utilised as Subject Matter Experts (SMEs) within the training solution to ensure that this is achieved.



- the training will make provision for those personnel who are required to undertake the roles of MO and ORT to ensure that ICs only exercise operational discretion when it is appropriate to do so. It is anticipated that the training for these groups will be delivered by – or with close support from – those personnel in OP who developed the concept of operational discretion.

### **Communications strategy**

29. The Communications Department and Operational Procedures has agreed to develop an integrated communications strategy to support the publication of the ORA policy.
30. This strategy will be closely aligned to the aims and objectives of the policy and will have appropriate links to the training solution. This will ensure that all operational staff are fully aware of this new policy to support the resolution of operational incidents.
31. It is anticipated that the communication strategy will use the following methods to engage with operational staff:
  - OP led input at Borough Commander and local management briefings/meetings
  - Operational News special
  - Update
  - Shout Article to compliment the Ops News
  - Hotwire
  - Operationally urgent e-mail (if required)

### **Methods of monitoring and evaluating ORA**

32. Noting that the contents of ORA introduce a degree of flexibility into operational procedures, its success will depend on the clear and unambiguous handling of the communications and training solution. The implementation of ORA should include a method of monitoring and evaluating its application.
33. The proposed monitoring process will include comments entered on the Incident Monitoring Process (IMP) database by Monitoring Officers (MOs) and the Operational Review Team (ORT) in the operational and training environment.
34. Evaluation of ORA as a system of work will be reviewed by the Operational Directorates Co-ordination Board (ODCB) via the routine Dynamic Intelligent Operational Training (DIOT) reporting process.
35. The use of a bank of questions (as contained within the software application "Question Mark"), thematic review, operational readiness and Station Training Quarterly Audits by Training Review Information Officers (TRIO) will, together, provide a robust means of evaluation.
36. Personal Development Plans, STEP and the Station Diary will provide the means of recording the training and any subsequent action plans.

### Head of Legal and Democratic Services comments

1. Add comments from the Head of Legal and Democratic Services.

### Director of Finance and Contractual Services comments

2. Add comments from the Director of Finance and Contractual Services.

### Environmental implications

3. A sustainability and development impact assessment has been conducted on this policy and there are no anticipated issues.

### Staff Side consultations undertaken

4. The policy and associated documents have been agreed at the Brigade Joint Council for Health and Safety at Work on the 19<sup>th</sup> of July 2013. The representative bodies have expressed a desire to be fully involved in the training commissioning and alteration process.

### Equalities implications

5. An equalities impact assessment has been conducted and no significant equalities implications have been identified.

### Consultation

Name / Role	Method consulted
DORT Reason	Draft circulation of policy & meetings
Sue Budden (Director)	Draft circulation of policy
Heads of Service	Draft circulation of policy
Head of Service Peter Cowup	Draft circulation of policy & meetings
DAC Hughes	Draft circulation of policy & meetings
DAC Ellis	Draft circulation of policy
GM A'Court	Draft circulation of policy & meetings
GM Roe	Draft circulation of policy & meetings
GM Dissanayake	Draft circulation of policy
GM Hearn	Draft circulation of policy
GM Alden-Smith	Draft circulation of policy & meetings
GM Munro	Draft circulation of policy & meetings
GM Withers	Draft circulation of policy & meetings
GM Reardon	Draft circulation of policy
GM Green	Draft circulation of policy & meetings
GM Drew	Draft circulation of policy & meetings
SM Utting	Draft circulation of policy
SM Morton	Draft circulation of policy
SM Goodall	Draft circulation of policy
SM Drawbridge	Draft circulation of policy & meetings
Arti Shah (FRS C)	
Louise Walker (FRS B/C)	

### Appendix 1

## Operational risk assessment



New policy number: draft342

Old instruction number:

Issue date: 20 January 2004

Reviewed as current: 16 April 2013

Owner: Head of Operational Assurance

Responsible work team: Incident Management Policy

---

## Contents

<a href="#">Key point summary</a>	10
<a href="#">1 Introduction</a>	11
<a href="#">2 Terminology</a>	12
<a href="#">3 Background</a>	12
<a href="#">4 The safe person concept</a>	13
<a href="#">5 The Operational Risk Assessment process</a>	13
<a href="#">6 Operational discretion</a>	15
<a href="#">7 Evaluation of performance</a>	16
<a href="#">8 Bibliography</a>	17
<a href="#">Document history</a>	18

## Key point summary

### Operational Risk Assessment

When attending operational incidents to ensure the safety and wellbeing of operational staff it will be necessary to carry out continual Operational Risk Assessments (ORA). The ORA process consists of 5 steps:

- Step 1: Evaluation of the situation, task and persons at risk.  
At the earliest stages of an incident, it is necessary to gather information from all available sources, evaluate the situation and then apply professional judgement to decide the most appropriate course of action. Hazards must be identified and the risks to personnel, the public and the environment considered.
- Step 2: Select safe systems of work.  
A review of the options available must be carried out and the most appropriate course of action selected. The selected safe system of work must have due regard for the relevant operational procedure and any generic and site-specific planning. All planning will have been practiced and confirmed with personnel through training interventions.
- Step 3: Assess the chosen systems of work.  
Once a system of work has been selected, it is necessary to assess whether the risks involved are proportionate to the potential benefits of the outcome.  
If the benefit of carrying out the chosen system of work is justifiable in terms of the risks involved then it is permissible to proceed with the task, ensuring that:
  - team and individual objectives are communicated through clear briefings;
  - limits of authority and responsibility have been clearly defined; and
  - safety measures are understood and lines of communication are confirmed.
- Step 4: Introduce additional control measures.  
Where possible the risks to personnel should be eliminated, however it is not always possible to control or mitigate all risks in the working environment. Where this is the case it will be necessary to reduce any remaining risk to an acceptable level by introducing additional control measures.
- Step 5: Reassess systems of work and additional control measures.  
When a safe system of work is in place an element of risk may still remain. Where risks remain, the benefit from carrying out the required tasks should be reviewed on a continual basis against the possible risks, taking into account any changes in the prevailing situation:
  - if the benefits outweigh the risks, proceed with the tasks;
  - if the risks outweigh the benefit do **not** proceed with the tasks, but consider viable alternatives.

### Operational Discretion

To achieve specific objectives, operational discretion empowers individuals to adapt or move away from operational procedure if it is justifiable in terms of risk versus benefit. Any move away from procedure should be the minimum necessary to achieve the objective(s), in order to minimise exposure to the increased levels of risk.



## 1 Introduction

- 1.1 Risk assessment is a term used to describe the process where the likelihood and severity of an adverse outcome occurring is considered. Different types of risk assessment process are used in differing circumstances.
- 1.2 These assessments assist in ensuring the safety of personnel before decisions are made on the selection of equipment or the implementation of training, and/or operational procedures. Generally a record of these assessments is required and these are made available to regulatory authorities, such as the HSE, on demand.
- 1.3 Risk assessments are also used to consider impacts on the Authority in relation to:
  - Financial risk; and
  - Public expectation.
  - The Authority has policies and procedures for completing such formal assessments.
- 1.4 When responding to the needs of the community at operational incidents, the fire service is required to deal with dynamic, hazardous situations where there may be risks to the public, brigade personnel and the local environment. In such circumstances, risks must be carefully considered against potential benefits and minimised before exposure to the risk is accepted.
- 1.5 A formal risk assessment for every type of operational scenario is not possible, and time constraints at an incident are likely to require a rapid response. The Operational Risk Assessment (ORA) process has been developed to provide a framework for risk assessment in such environments.
- 1.6 This procedure must be read in conjunction with [PN 673 - Risk assessment procedure](#), [PN 341- Decision making model](#), and PN828 - Recording decisions at incidents (add hyperlink).
- 1.7 This procedure provides guidance for all operational personnel on the use of ORA in the operational and training environment. The document introduces the ORA model and describes the thought processes and actions that should be used to implement a safe system of work.
- 1.8 At all incidents and training events the Incident Commander (IC) will make decisions about the course of action to be taken based on information at the time, the incident objectives, incident plan and the likely benefits of taking action such as saving saveable life.
- 1.9 ORA must be applied at all operational incidents and when undertaking other activities, such as outside duties and training.
- 1.10 To be effective all operational personnel must be able to employ ORA at operational incidents and during training. ORA must be a continuous process undertaken by **all** personnel in the operational and training environment. This must always include carrying out an initial risk assessment, assessing all hazards and implementing suitable control measures.
- 1.11 If there is a need to apply operational discretion at an incident (see Section 6, below) the rationale behind the decision, along with the control measures that will be implemented, must be recorded as per PN 828 Recording decisions at incidents.
- 1.12 The Authority fully accepts and endorses the Health and Safety Executive (HSE) undertaking not to revisit decisions made during operations with the benefit of information not known at the time the decision was made.

## 2 Terminology

2.1 In relation to ORA a number of definitions need to be understood:

- (a) **Hazard** – Something with the potential to cause harm;
- (b) **Risk** – A measure of likelihood that the harm from a particular hazard will occur, and the possible severity of the harm;
- (c) **Risk Assessment** – The process of identifying hazards, who and/or what is at risk from those hazards, the likely severity of that risk, and the control measures required to minimise or eliminate the risk;
- (d) **Risk/benefit analysis** – A comparison between the risk assessment, and the potential benefits from a particular course of action;
- (e) **Safe system of work (SSoW)** – A safe system of work is a method of working that is designed to eliminate, or otherwise reduce risk. A SSoW requires a combination of a risk assessment, Standard Operating Procedure (SOP), training, equipment and Personal Protective Equipment (PPE). Within the Authority safe systems of work are also known as Standard Operating procedures (SOP) which are described within policies e.g. [PN633 High rise firefighting](#)
- (f) **Decision logging** – A means of recording decisions made at an incident, which includes the rationale behind the decision making.
- (g) **Professional judgement** – The intelligent application of relevant training, knowledge and experience within the context of operational incidents or training events, to make calculated decisions about the course of action appropriate in the circumstances.
- (h) **Operational discretion** – The ability to adapt or move away from an operational procedure where this is necessary and justifiable in terms of risk versus benefit. Any move away from procedure should be the minimum necessary to achieve the objective(s), in order to minimise exposure to the potentially increased levels of risk.

## 3 Background

3.1 The Health and Safety Executive's (HSE) Health and Safety Guidance 65 (HSG 65) states that there must be a risk assessment for each significant activity carried out in the workplace and that a written record should be made of significant findings.

3.2 The 3 main areas where risk assessment is undertaken within the Authority are:

- **Generic Risk Assessments (GRA)** - these are nationally produced, and provide statements of risk and possible control measures which apply to the fire service as a whole. They are based on a broad range of information gained from operational experience in all UK fire services and are intended to support the creation of locally based risk assessments and operational procedures.
- **Locally produced risk assessments** – created by each Fire Rescue Service (FRS) and based on the generic risk assessments. These result in the creation of detailed operational procedures and the determination of a pre-determined attendance (PDA) for specific incident types, as well as informing decisions regarding appropriate training, equipment and PPE.



- **Operational Risk Assessment (ORA)** – this is where the IC gathers information about the incident or training event that they are attending, and devises a plan to deal with the prevailing situation based on the identified hazards and risks. This will result in the appropriate control measures being applied to ensure SSoW are established and maintained. To be effective, ORA must be a continuous process undertaken by all personnel in the operational and training environment.

- 3.3 Operational Risk Assessment in the operational or training environment must be linked to [PN 341 - Decision making model](#).
- 3.4 On the incident ground the sending of tactical mode (see [PN 435 - Tactical Mode](#)) on all messages confirms that the risks on the incident ground have been assessed, and a safe system of work implemented.
- 3.5 Whether to proceed with an activity is highly dependant upon the likely benefits to be gained and, in a highly calculated manner, operational personnel:
  - will take some risk to save saveable lives;
  - may take some risk to save saveable property;
  - will not take any risk to save lives or properties that are already lost.

## 4 The safe person concept

- 4.1 The safe person concept can be defined as being:  
"The right person, doing the right job, with the right equipment, at the right time"
- 4.2 This phrase describes a person who has received the correct training, has been assessed as performing to an appropriate standard and possesses the relevant skills to carry out the task. (see [PN 597 - LFEPA Health and safety policy](#)).
- 4.3 The task must be clearly defined for the person undertaking it and others involved.
- 4.4 The right equipment should be available and used to complete a given task or tasks. Any improvisation must be justified in terms of whether it is necessary in order to save saveable life or reduce the risk of further injury.
- 4.5 The safe person concept includes the personal responsibility for all operational personnel to take reasonable care for their own and others' health and safety. This includes an obligation to co-operate with the Authority by following its policies and procedures (unless a deviation from operational procedure can be justified by an appropriate application of operational discretion, as explained in section 6 below). All operational personnel must be able to:
  - identify hazards;
  - evaluate risks;
  - select safe systems of work;
  - implement action to eliminate or control risk; and
  - evaluate how effective that action is.

## 5 The Operational Risk Assessment process

- 5.1 The process of ORA is completed by undertaking 5 sequential steps:
  1. Evaluation of the situation, task and persons at risk;
  2. Select safe systems of work;
  3. Assess the chosen systems of work;

4. Introduce additional control measures; and  
Reassess systems of work and additional control measures.

- 5.2 These steps may need to be completed in rapid succession at an operational incident to ensure a suitable and sufficient safe system of work is implemented in a timely manner.
- 5.3 On many occasions, it will be necessary to formulate a course of action and safe system of work based on limited and incomplete information. The IC also needs to appreciate that not all the information they receive at an incident will be accurate, for example due to signage that applies to businesses that have closed down or from occupants who provide incorrect information due to the anxiety of the situation they have experienced.
- 5.4 The IC must remain vigilant for new information and review the ORA process at regular intervals, to ensure that the selected systems of work and control measures remain appropriate to the task/incident.

### **Step 1: Evaluation of the situation, task and persons at risk**

- 5.5 At the earliest stages of an incident, it is necessary to gather information from all available sources, evaluate the situation and then apply professional judgement to decide the most appropriate course of action. Some of the information gathering process may take place before arrival at the scene, for example, by noting any visible signs en-route, via information provided by brigade control, or through pre-planning following 7(2)(d) familiarisation visits. Hazards must be identified and the risks to personnel, other agencies, the public and the environment considered.

### **Step 2: Select safe systems of work**

- 5.6 A review of the options available must be carried out and the most appropriate course of action selected. The selected safe system of work must have due regard for the relevant operational procedure and any generic and site-specific planning. All planning will have been practiced and confirmed with personnel through training interventions.
- 5.7 Where there are no operational procedures available, or an existing operational procedure requires adapting so that the IC's objectives can be met, then operational discretion may be considered at this point (see section 6, below).

### **Step 3: Assess the chosen systems of work**

- 5.8 Once a system of work has been selected, it is necessary to assess whether the risks involved are proportionate to the potential benefits of the outcome.
- 5.9 If the benefit of carrying out the chosen system of work is justifiable in terms of the risks involved then it is permissible to proceed with the task, ensuring that:
- team and individual objectives are communicated through clear briefings;
  - limits of authority and responsibility have been clearly defined; and
  - safety measures are understood and lines of communication are specified and confirmed.
- 5.10 In all of the above activities, the understanding of the person receiving the briefing/information must be confirmed.
- 5.11 If the risk of carrying out a system of work cannot be justified in terms of the benefit, then it is necessary to go back to Step 2 and select a different system of work.



#### **Step 4: Introduce additional control measures**

- 5.12 Where possible the risks to personnel should be eliminated, however it is not always possible to control or mitigate all risks in the working environment. Where this is the case it will be necessary to reduce any remaining risk to an acceptable level by introducing additional control measures.

#### **Step 5: Reassess systems of work and additional control measures**

- 5.13 When a safe system of work is in place an element of risk may still remain. Where risks remain, the benefit from carrying out the required tasks should be reviewed on a continual basis against the possible risks, taking into account any changes in the prevailing situation. When the tasks have been reviewed:
- if the benefits outweigh the risks, proceed with the tasks;
  - if the risks outweigh the benefit do **not** proceed with the tasks, but consider viable alternatives.

### **6 Operational discretion**

- 6.1 Due to the fast-moving and varied nature of fire service operations, it is not possible to provide explicit guidance that will satisfactorily cover every type of situation. As a result, operational personnel require the flexibility to adapt or move away from an operational procedure where this is necessary and justifiable in terms of risk versus benefit.
- 6.2 When creating a tactical plan or strategy ICs must consider:
- whether there is a need to take any action at all considering the benefit to be gained;
  - the speed and weight of attack that should be taken;
  - the hazards and risks that can be reasonably foreseen and assessed;
  - the skills of the personnel and the equipment available to them;
  - the capabilities and limitations of personnel and equipment; and
  - whether all of the above fits a pre-planned scenario or could be reasonably adapted to the circumstances.
- 6.3 The decision to move away from operational procedure should be based on 'professional judgement' enabling the IC to make calculated decisions about the course of action appropriate in the circumstances.
- 6.4 Any increase in risk to personnel, equipment and/or the environment must be balanced against the perceived benefit to be gained.
- 6.5 The IC can adapt procedure (exercise operational discretion) having assessed their intended actions and the likely impact. Under these circumstances:
- any move away from operational procedures must be justified in relation to risk versus benefit e.g. to rescue saveable life or occasions where the nature of any property under threat justifies some increased level of risk being taken, such as irreplaceable national heritage sites or content;
  - firefighters must not be put at unnecessary risk and the same priority for human life should not be given to animals;
  - any move away from procedure should be the minimum necessary to achieve the objective(s), in order to minimise exposure to the increased levels of risk;

- standard operating procedures must be returned to as soon as possible after operational discretion has been exercised, in order to minimise exposure to the increased levels of risk being taken. Any deviation from the relevant operational procedure should be the minimum required to achieve an objective;
- the reasons for adapting standard operating practices will need to be proportional to the degree of adaptation undertaken i.e. significant move away from an established procedure will require correspondingly high levels of benefit;
- if the IC considers that a course of action is required outside of operational procedure they must ensure that sufficient control measures are implemented to reduce the risk of injury to firefighters and others who might be affected by fire service operations to as low as reasonably practicable; and
- the use of operational discretion must be recorded as soon as practicable as per PN 828 - Recording decisions at incidents.

6.6 Situations where operational discretion may be appropriate include:

- (a) rescue a saveable life in the circumstances where implementation of the full procedure would lead to an unjustifiable delay, resulting in the potential for greater injury or lives being lost;
- (b) tackle a known small fire through a pre-emptive strike, where the adherence to procedure would lead to delay and thereby create higher levels of risk for Firefighters to extinguish a fully involved fire.
- (c) where no action by the Authority may cause the public to place themselves at risk e.g., child in a lake.

6.7 It should be noted that any operational discretion used at fire incidents should never compromise full use of all available PPE (including Breathing Apparatus). It is imperative that Breathing Apparatus entry control policy is always strictly adhered to, and any attempt to fight fire should only be undertaken when a suitable water supply and weight of attack can be provided.

6.8 Where operational discretion is exercised a full informative message describing the situation and actions being taken must follow as soon as possible as per PN 518 - messages from incidents. This will allow monitoring officers, which may include the Operational Review Team (ORT), to be informed and offer additional support and control, and start the evaluation process (See section 7, below).

6.9 Operational discretion does not permit personnel to wilfully disregard standard operating procedures where there is no justification in doing so.

6.10 Operational discretion cannot be used as an explanation for action or inaction post incident, unless the initiating officer can justify their actions and has recorded the rationale for their actions in accordance with PN 828 - Recording decisions at incidents.

## 7 Evaluation of performance

7.1 The ORA process plays an important part in the overall assessment of risk in the operational environment. Information gained or lessons learned should always be recorded using the Incident Monitoring Process (IMP) database (see [PN 414 - Incident monitoring Process](#)). Information placed on the IMP will be the subject of trend analysis and forwarded to the appropriate department for further consideration.



- 7.2 Information recorded on the IMP enables a review of organisational procedures and performance of teams and individuals. This process is used to inform and refine best practice, the results of which are published in Operational News or other communication method and may be incorporated into operational procedures and training.
- 7.3 Post-incident reviews including PROs and PRCs should include a review of ORA. Topics to be discussed during post incident reviews should include:
- the accuracy of the risk assessment;
  - the effectiveness of operational procedures and equipment;
  - the success of the strategies or tactics applied;
  - the appropriateness of the strategies and tactics employed;
  - the level of knowledge and skills demonstrated by teams and individuals;
  - the effectiveness of safe systems of work;
  - the reasons why a modified system of work was successful;
  - identification of unforeseen hazards or risks; and
  - application of operational discretion - reasons for deviating from pre determined system of work.

## 8 Bibliography

- 8.1 Further information about risk assessments and decision making in the operational and training environments can be found within the bibliography below;
- Guidance on the Application of Risk Assessment in the Fire service. - The Chief and Assistant Chief Officers' Association (1996).
  - Dynamic Management of Risk at Operational Incidents. - A Fire Service Guide - Scottish Office, Home Office and D.o.E. Northern Ireland (1998).
  - Health and Safety – A Strategy for Improvement.
  - Fire Service Manual, vol.2 – Fire Service Operations; Incident Command – HM Fire Service Inspectorate publication.  
<http://www.communities.gov.uk/documents/fire/pdf/incidentcommand.pdf>
  - HSE Guidance: Striking the balance between operational and health and safety duties in the Fire and Rescue Service: <http://www.hse.gov.uk/services/fire/duties.pdf>
  - [Coroner's inquests into the London bombings of 7th July 2005.](#)
  - The Health and Safety at Work Act 1974 sections 2, 3, 4 and 6.
  - The Management of Health and Safety at Work Regulations 1999 and Approved Code of Practice L21.
  - The Control of Substances Hazardous to Health Regulations 2002 (as amended) and Approved Code of Practice L5 (fifth edition).
  - The Manual Handling Regulations 1992 (as amended 2004) and Approved Code of Practice L23: Policy Number 540 - Manual handling operations procedure.
  - The Provision and Use of Work Equipment Regulations 1998 and Approved Code of Practice L22: Policy Number 598 - Provision and use of work equipment (acquisition of new machinery and use of work equipment).
  - Successful Health and Safety Management HSG65.
  - Five steps to Risk Assessment HSE publication INDG 163 (rev1) 5/98 and five steps to Risk Assessment case studies HSG183.
  - London Fire Brigade Risk Management Strategy 2011-2014.
- 8.2 All the above documents are available from the Authority Library.

## Document history

### Assessments

An equality or sustainability impact assessment and/or a risk assessment was completed on:

EIA	23/03/2012	SIA	23/0/2012	RA	25/10/2012
-----	------------	-----	-----------	----	------------

### Audit trail

Listed below is a brief audit trail, detailing amendments made to this policy/procedure.

Page/para nos.	Brief description of change	Date
Title	Policy name change. This policy has now replaced the old PN342 – Dynamic Risk Assessment.	16/04/2013
Throughout	Additional sections added to provide additional background information, and for clarity. This policy introduces the concept of operational discretion.	16/04/2013

### Corporate subject list

You can find this policy under the following subjects.

Level 1	Level 2
Risk	Risk Planning

### Freedom of Information Act exemptions

The reason this policy has been protectively marked:

Considered by: (responsible work team)	FOIA exemption	Protective marking descriptor
Jim Knighton Operational Procedures	Fully exempt, see FOIA592.1 request.	Protect – Ops Security Protect – Health & Safety