

Care provider fined after an employee sexually assaulted and raped by a Service User

The Action Group has been fined after an employee was abducted, assaulted, sexually assaulted and raped in the course of her duties by one of their service users.

Edinburgh Sheriff Court heard that on 27 December 2018, at a domestic property in Edinburgh, a young female employee of the Action Group visited a service user to provide support services. The service user was a male adult with additional support needs. During the visit she was abducted, assaulted, sexually assaulted and raped by the service user to whom she was providing support.

An investigation by the Health and Safety Executive (HSE) found that the Action Group did fail to make a suitable and sufficient assessment of the risks to the health, safety and welfare of their female employees posed by this specific service user. They found a history indicating that female employees had been raising concerns about their safety with this service user since March 1994.

The Action Group of North Park Centre, 57 Albion Road, Edinburgh EH7 5QY pled guilty to breaching Regulation 3(1)(a) of The Management of Health and Safety at Work Regulations 1999, and Section 2(1) and 33(1)(c) of The Health and Safety at Work etc Act 1974.

After the hearing, HSE Inspector, Kerry Cringan said: "This was a harrowing case for all involved and could have been avoided by carrying a suitable assessment of the risks, particularly those posed to female members of staff. Had the behaviours of the service user been addressed appropriate control measures and safe working practices could have been adopted to reduce the risk to all staff".

"Companies should be aware that HSE will not hesitate to take appropriate enforcement action against those that fall below the required standards."

Notes to Editors:

1. The Health and Safety Executive (HSE) is Britain's national regulator for workplace health and safety. We prevent work-related death, injury and ill health through regulatory actions that range from influencing behaviours across whole industry sectors through to targeted interventions on individual businesses. These activities are supported by globally recognised scientific expertise. hse.gov.uk
2. More about the legislation referred to in this case can be found at: legislation.gov.uk/
3. HSE news releases are available at <http://press.hse.gov.uk>

4. For more information on working safely with vehicles at work, please visit: <https://www.hse.gov.uk/workplacetransport/>

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