

Care provider fined for failing to manage risk of service user

The Action Group, who provides support to children and adults, has been fined £20,000 after HSE investigated how risks to staff were assessed, in the wake of an attack on an employee by one of its service users.

Edinburgh Sheriff Court heard that a female employee of the Action Group was abducted, assaulted, sexually assaulted and raped in 2018 while visiting the home of a male service user to provide support and care.

An investigation by the Health and Safety Executive (HSE), prompted by the police's investigation into the attack, found that the Action Group failed to carry out a suitable and sufficient assessment of the risks to the safety of their female employees posed by this service user. This was despite evidence indicating that concerns had been raised by support staff about their safety with this service user from as early as 1994.

The Action Group of North Park Centre, Albion Road, Edinburgh pleaded guilty to breaching Sections 2(1) and 33(1)(c) of The Health and Safety at Work etc Act 1974 and Regulation 3(1)(a) of The Management of Health and Safety at Work Regulations 1999. The group was fined £20,000.

Speaking after the hearing, HSE inspector Kerry Cringan said: "This was a harrowing case for all involved and could have been avoided by carrying out a suitable assessment of the risks, particularly those posed to female members of staff. If this had been done, appropriate control measures and safe working practices could have been put in place that would have protected their staff and prevented this incident."

A separate prosecution against the individual led by Police Scotland and The Crown Office and Procurator Fiscal Service (COPFS) was completed in 2019.

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. www.hse.gov.uk
2. More about the legislation referred to in this case can be found at: www.legislation.gov.uk/
3. HSE news releases are available at <http://press.hse.gov.uk>