

HSE issues MoD (Army) with Crown Censure following death of soldier

The Health and Safety Executive (HSE) has today (Wednesday 8 May) issued the Ministry of Defence (MoD) with a Crown Censure following the death of a soldier.

Conor McPherson, a private in the Black Watch, 3rd Battalion, the Royal Regiment of Scotland, lost his life during a training exercise at the Heely Dod firing range in Otterburn, Northumberland on 22 August 2016.

Conor's father has said he was the model son.

The 24-year-old was part of a team-of-five when he was accidentally shot in the back of the head by a fellow soldier at around 11pm. He died at the scene.

The group had been shooting at remote controlled targets as they manoeuvred on foot through the moorland firing range. They were using live rounds and night vision technology at the time.

A HSE investigation found the MoD (Army) failed to properly implement a safe system of work for the exercise.

The planning and conducting of the exercise was poor, and there was an ineffective system to monitor the management arrangements mandated within the MoD's own procedures. Mandated planning meetings in the lead up to the exercise were not attended by some staff.

Errors were made while producing written instructions and some staff lacked confidence while producing them. The finalised written instructions differed to how the exercise was being conducted. There should have been an additional supervisor with the firers on the night of the incident, due to the soldiers' lack of experience when carrying out night time firing.

Mandated 'night time' specific safety tasks were not carried out prior to firing commencing. Incorrect and unauthorised night vision equipment was being used by some soldiers. Officers who were not sufficiently experienced in controlling such an activity were not properly mentored or supervised to deal with an exercise of such complexity.

Neil McPherson, Conor's father, said in his victim personal statement: "Conor was a model son. He did not drink or smoke and he loved his family life. He loved books and his PC games and Saturday night films on TV.

"On the night Conor died, it was every parents' worst nightmare. A knock at the door, two men in suits bearing news that we had lost our son. I think we both went into shock but the memories of it all are blurred.



Conor McPherson (Credit: Ministry of Defence)

“The future is one of deep sorrow. Not to see Conor grow and find love and give us grandchildren is very sad. He would have been a fabulous father and as our only son there is no one to carry on the family name.”

By accepting the Crown Censure, the MoD (Army) has admitted breaching its duty under Section 2(1) of the Health and Safety at Work etc. Act 1974 and Regulation 5 of the Management of Health and Safety at Work Regulations 1999.

HSE inspector Jonathan Wills said: “Our thoughts are with the family of Private McPherson, with whom we have remained in close contact.

“Just like any other employer, the MoD has a responsibility to reduce dangers to its personnel, as far as it properly can.”

This HSE Crown Censure was brought by HSE enforcement lawyer Kate Harney and supported by HSE paralegal officer Rebecca Farman.

Mr McPherson added: “Socially, I don’t go out much anymore and Betty (Conor’s mother) hardly ever goes out socially except for a meal. I myself could not go back to work after Conor’s death. I don’t think I want to work anymore as I tend to shun being around groups of people. Betty and I have many pictures that to date, I cannot bear to look at although we often reminisce together. We also both have one of Conor’s dog tags each which we wear on a chain.”

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](https://www.hse.gov.uk)
2. The MoD cannot face prosecution in the same way as non-Government bodies

and a Crown Censure is the maximum sanction for a government body that HSE can bring. There is no financial penalty associated with Crown Censure, but once accepted is an official record of a failing to meet the standards set out in law.

3. More information on Crown Censures can be found here: <http://www.hse.gov.uk/enforce/enforcementguide/investigation/approving-enforcement.htm>^[1]
4. The [Code for Crown Prosecutors](#)^[2] sets out the principles for prosecutors to follow when they make enforcement decisions. HSE's approach to Crown Censure is set out in its [enforcement policy statement](#)^[3].
5. Following investigations by Northumbria Police and the Royal Military Police, the Health and Safety Executive (HSE) was handed jurisdiction in December 2020.
6. The Crown Censure was issued on 8 May 2024 during a meeting held at the Army HQ in Andover. Lieutenant General Dame Sharon Nesmith DCB (Deputy Chief of the General Staff) formally accepted the Crown Censure from HSE on behalf of MoD (Army) and acknowledged the offences and deficiencies that led to the death of Pte McPherson.