

Probation Service inaction – loss of officer's life

LONDON HAZARDS

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CANTON M. J.

At an inquest at Walthamstow Coroner's Court recently the London Probation Area (LPA) was accused of insensitivity to a probation officer who had her life threatened at work and of mismanagement of her work problems. All of which contributed to her depression leading to her taking her own life.

The key event for probation officer Gill Lewis (40) was while on a home visit to a client on her own the client brought out a gun and brandished it. The client then tried to treat the event as a joke and hid the gun. Gill was very shaken by this.

NAPO safety rep John Hague gave evidence at the inquest into Gill's death. She had been a probation officer for over 10 years and active in trade union politics for much longer. John was Gill's union rep and had represented her through the difficult period leading up to her death. When he heard of the tragic event he contacted the coroner who asked John to give evidence. No one from the LPA was present at the hearing.

Gill had suffered from intermittent depression for some years, however she had been working to a high standard for some two years prior to the first event in the sequence leading up to her death. She returned to the office where her immediate manager was very supportive, debriefed her and then sent her home for the rest of the week to recover.

No risk assessment

The home visit had not been risk assessed

either locally or by the Probation Area as required by the law. Prior to the visit there had been informal discussion in the office that the visit might not be a good idea but she was not formally advised not to go alone. There are no written procedures for home or potentially violent visits.

Gill was subsequently off sick for approximately six weeks before returning to work believing she had fully recovered. However this event had undermined her self confidence and her belief in her ability to do her job. She entered a period of depression leading to a three month spell in hospital for treatment.

Gill was later discharged from hospital, declared fit to work and she was eager to return. John accompanied her on her return to work interview where things started to go wrong. The senior manager present had gone outside procedures and approached Gill's psychiatrist for a report on her health and after revealing this news then refused to show it to Gill, even when the human resources manager said they should.

According to John, Gill was fit and positive up until this point but the return to work proceedings verged on turning into a disciplinary hearing. Gill wanted to negotiate a phased return to work, as recommended by the psychiatrist who had treated her, but the senior manager demanded another independent psychiatric report into her health and blocked her return. Not only that but Gill was barred from visiting her workplace without prior approval, and was subsequently told to return her keys and to remove all personal belongings from her office.

Dismissal ?

It was at this point that Gill started to believe she was being set up for dismissal.

When John contacted a senior human resources manager about the breach of procedure contacting Gill's psychiatrist and the demand for an independent second psychiatric opinion, the HR manager agreed with John but did not over-rule the decision.

Reluctantly Gill agreed to see the occupational health doctor and waited for an appointment. Some two months later she was accused of not turning up for an appointment that had been arranged for her. The HR department then admitted the appointment details had been sent to the wrong address.

There was no HR monitoring of Gill's case during her unwanted prolonged paid absence. She only heard news of the client who had threatened her when she met a colleague who told her that he had been jailed for 6 years including 18 months for the incident with her.

Crown Court

John Hague said: 'The Crown Court clearly saw this incident as very serious. It is a shame the Probation Service didn't do likewise.'

John Hague said that hearing of the sentence in that way only added to Gill's feeling of isolation and lack of worth. John feels the Probation service failed in their duty of care towards an employee who was a victim of crime while in the course of their work.

Another occupational health appointment was made several weeks later and kept by Gill. However the LPS had by now discharged the services of the occupational health advisor

Why are we waiting?

The Government's activity on occupational health and safety dipped even closer to zero with the demise of Stephen Byers and his super-ministry. Health and safety responsibilities were temporarily located in the new Department of Transport without a minister. They have now been passed to the Department of Work and Pensions but as we go to press, still no minister.

One almost certain casualty of the upheaval is the long-promised safety bill. At one time a promise of legislation appeared in a Queen's Speech, but the Government appeared to be rowing back on its commitment even before the recent developments. There was a possibility of some improvements, hardly earth-shattering, in safety reps' rights, along with some other small reforms, but even these appear now to have gone by the board.

The situation with corporate killing legislation is a little bit more hopeful with some believing that a bill will be forthcoming in the next session of parliament. But there is a great deal of scepticism about this as well. Certainly, if nothing comes forward in the Queen's Speech in the autumn, there won't be any new legislation before the next election at the earliest.

If the Government has more or less come to a halt the Health and Safety Executive and Commission are showing hardly any more signs of life. In a recent interview in the Financial Times, Bill Callaghan, erstwhile TUC bureaucrat and now head of the HSC, argued against the introduction of any more safety legislation. He said, 'When we come to some of the new issues, such as stress, for example, I am not convinced that the time is right to have regulation.' He believed that the concentration should be on enforcement rather than on new legislation.

But the recent record of the HSE on enforcement leaves a lot to be desired. A recent blitz on construction in central London showed that for almost two-thirds of the 223 sites investigated, there was a breach of statutory duty. But only 10 companies are to be prosecuted; the other cases were dealt with by issuing prohibition and improvement notices.

Speaking at the UCATT conference in June, Callaghan called for a debate with construction employers on site safety. He described the results of the London blitz as 'the heart of our strategy.' He went on to say, 'We need to promote a public debate on how to raise health and safety performance. HSC plans to publish a discussion document in September. We will be identifying the issues we want to see addressed.'

Given that there has been several centuries of discussion about site safety, it will be interesting to see what new points the HSC finds to make. After the big construction summit early in 2001, there were some hopes that the Government was contemplating real action against building employers. It is now clear that it is more or less business as before. The employers can rely on Government support to secure the supply of immigrant labour without having to worry too much about what happens to the workers on site.

Trade unions are deeply frustrated by the recent turn of events. After five years of warm words and minuscule amounts of action, many are now arguing that it is time to apply real pressure on New Labour to obtain worthwhile results. But no co-ordinated plan of action has yet to emerge.

All these issues will come to the fore at the Hazards Conference in Manchester in September when several hundred safety reps will gather to plan future strategy for the Hazards Campaign. The conference will provide an opportunity to refine the demands in the Hazards Charter, express anger at the present state of affairs and develop a response calculated to make the Government give

due priority to occupational safety. There will be many safety reps who will feel that the Government has used up all its chances if we have to wait much longer for genuine improvements.

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and they required the process to begin again with another occupational health doctor.

Gill's relationship with her partner and her health had by now deteriorated significantly and following an unsuccessful attempt to take her life and another short spell in hospital she finally killed herself in April this year, almost 12 months after the original incident.

John spoke to Gill regularly and says she had been up-beat but the arrival of another form to fill in from her employer about her health and the setting of another occupational health appointment appeared to have been the final straw.

Final message

In an answerphone message to John just before she died she said 'I've done what you asked and made the appointment to see the doctor. But I don't think I'm going to be able to manage it. It's all their fault.'

The Coroner at Walthamstow was very concerned there was no risk assessment or procedure at the time or 14 months later. As John said: 'The coroner was clearly not best pleased.'

John is to push for a review of Gill's death and for risk assessments and procedures to be negotiated on all the issues raised in this tragic case.

Another preventable death

James Harris was only 23 when he fell to his death two years ago, on 14th September 2000, replacing a giant advertising banner for the film 'Moulin Rouge', attaching it to a steel frame on a building at the top of Oxford Street.

At the inquest into his death at Westminster Coroners Court, on 13th June, he was described as competent, reliable and conscientious and his employer said that he did not take risks. He had worked in scaffolding for over three years. A lot of his family attended, clearly distressed and angry with his employer.

Harris worked for Trident Scaffolding, a small firm employing no more than four people. He was paid by the day as self employed. He got laid off from time to time, no doubt a factor in why he had a second job.

The night before his death he worked until 3am as a doorman at a club out Basildon way. He was then picked up around 5.30am, dog tired, by his mate on the job, a Mr Gordon Shaw who had done scaffolding for 34 years.

Shaw told the Inquest that to do the job they both went through a window onto a ledge little more than 6 inches in

width to walk along holding onto the steelwork. They had to go different ways. He heard a thud, a gasp and then saw Harris bleeding on the ground. He said other workers had refused to do the job because it was so awkward; neither of them wore harnesses but he had thought long and hard and was not convinced that there was any way of clipping it onto the steelwork of this job.

The owner of Trident, Mr Reynolds, agreed a cherry picker would have been far safer but implied this was not an option because the job was at one of the busiest junctions in London and he believed Camden Council would not have allowed one to be used. However outside the court his family said this was a feeble excuse because cherrypickers were used for such work before, but with the work done at night. Reynolds said he had given clear instructions to use a harness. But he never inspected this particular job. His only visits when the work was being done were, allegedly, to look up as he drove past when he stopped at red lights at the Oxford Street junction.

James' mother was allowed to question Reynolds who admitted he had never sent her son on a safety course. He also admitted that he was continuing to employ casual labour doing this sort of work without safety training but under instruction. 'Yes, under the instruction of

people who had never been on a safety course themselves', said his mother.

The jury returned a verdict of accidental death. The Coroner directed them to this, or to an open verdict, but stressed that accidental death did not mean no blame, and that an HSE prosecution could follow. However, when the jury were sent out he had said this case was borderline and he was considering unlawful killing. James Harris's tiredness was a factor in the fall. But the job clearly could have been done in a safer way. The steel frame around the window, which kept being described as a scaffold, was clearly a death trap.

Asbestos victory in the Lords

On 16 May the rights of British mesothelioma victims to obtain civil compensation were restored in a landmark judgement in the House of Lords. Five Law Lords upheld the appeals of Mrs Fairchild, Mrs Doreen Fox and Mr Edwin Matthews unanimously.

Following highly questionable moves by the insurers, the Lords agreed that where someone had been exposed to asbestos by several companies and given certain criteria they would all be found liable and any claimant would not have to identify which bit of dust from which employer made them ill. This overturned a previous Court of Appeal decision that would have meant most asbestos mesothelioma cases would not be compensated.

More from:
John Pickering & Partners,
Website: <http://www.johnpickering.co.uk>

Council given notice over risk assessments

The London Borough of Waltham Forest was recently served an improvement notice for not doing risk assessments following an accident investigation by the HSE.

A council worker in the EduAction department fell from a ladder in a serious accident which was reported to the HSE.

The HSE also found no safety training had been provided. The notice was served on the authority and EduAction.

The Council is now ensuring risk assessments have been done and local Unison reps are to raise the issue at the Safety Committee.

Hazards 2003 in London

The London Hazards Centre, with administrative support from Greater Manchester Hazards Centre, is to host the National Hazards Campaign conference in 2003. The venue for the conference will be the London School of Economics with accommodation in Southwark's historic Bankside: handy for Tate Modern, the Globe, the Millennium Wheel, Tower Bridge.

It is returning to London after a long absence, it was last held in the capital in 1987, at a time when safety is constantly in the mind of Londoners after recent disasters on the railways, the immensely

popular campaign to halt tube privatisation and the growing support for campaigns against casualisation in the capital's vibrant multi-ethnic but highly exploited workforce. We hope organising it here will help strengthen and develop campaign activity and safety representatives networks.

For the event to be a success sponsorship as always will be crucial and we hope trade unions will be as generous as they have been in the past.

If you wish to get involved in helping please contact any of the collective at: mail@lhc.org.uk

Free health and safety training news update

The London Hazards Centre's free health and safety training project for Black and Minority Ethnic (BME) voluntary sector workers in London is continuing to gain momentum. Over 290 organisations have now registered for the programme and new groups are joining every week.

The first pilot training sessions took place in Camden during June and July. A variety of issues were covered over the three days including health and safety management, fire safety, bullying and harassment at work. Taking part in the training sessions were local environmental health officer Vicki Wallace, Angus Sangster from the London Fire Brigade and Camden UNISON member Kevin Jarman. All three were well received by the trainees. Other local guests have been invited to speak at the training sessions taking place in Brent and Westminster over the summer months.



Pilot Camden Day 3 Training at the London Irish Centre

London Hazards centre workers Mumtaz Mahmood and Angie Birtill are continuing to recruit BME groups to take part in the programme 300. BME groups throughout the Capital will receive training and developmental support over the next three years. If your group would like to take part in the programme, please contact Angie or Mumtaz at the centre.

COMMUNITY FUND
Lottery money making a difference



Training courses provided by LHC

In the spring/summer period the following courses will be held at IVAC, 322 Upper Street, London N1 2XQ

- ▲ **Asbestos awareness**
Tuesday, 8 Oct 2002
- ▲ **Introduction to Workplace Health and Safety**
Thursday, 17 Oct 2002 and Thursday, 23 Jan 2003
- ▲ **Women's Health and Safety at Work**
Tuesday, 5 Nov 2002 and Tuesday, 4 Feb 2003
- ▲ **Introduction to risk assessment**
Thursday, 14 Nov 2002 and Thursday, 13 Mar 2003
- ▲ **Tackling stress at work**
Thursday, 28 Nov 2002 and Tuesday, 4 Mar 2003

All the training days will be held at IVAC, 322 Upper Street, Islington, N1 2XQ

Cost £40 per person per training day. To book call 020 7794 5999 or email your contact to mail@lhc.org.uk



Hampstead Town Hall Centre
213 Haverstock Hill, London NW3 4QP
Tel: 020 7794 5999 Fax: 020 7794 4702
Email: mail@lhc.org.uk Website: www.lhc.org.uk
Registered Charity No. 293677

