

Health Board found Guilty for failing to provide a controlled access to protect employees from assault by person with a knife.

26th April 2006.

Ayrshire and Arran Health Board pled guilty to a breach of Section 2(1) of the Health and Safety at Work Act 1974 at Ayr Sheriff Court on the 25th April 2006 and were fined £6400. Specifically, the Health Board pled guilty to failing to provide a controlled access system to the department thereby failing to prevent their employees being exposed to the risk of violence and intimidation (the charge was qualified by so far as was reasonably practicable).

This case has been working its way through the legal system for some time and was in relation to an incident on 3 July 2003.

Ayr Sherriff Court heard on the 28th March that a person, who was known to have a history of grudges against NHS staff in Ayrshire, and who had been recently released from a secure mental institution, entered the hospital's A&E department with a knife.

When the assailant grabbed a nurse working by herself and put a knife to her throat, two other nurses tried to intervene and cuts were inflicted on the nurses in the ensuing struggle.

HSE principle inspector Douglas Philip had stated that Ayrshire and Arran Health Board had been notified of the person's release and warned of the potential danger posed to A&E staff by the lack of security, but no proper risk assessment had been carried out. An attempt at a risk assessment remained in draft format.

The HSE had previously inspected the Board and given advice on issues including inadequacies in the hospital's systems for managing violence and aggression. "*There was a lack of secure doors between waiting and treatment areas,*" said inspector Philip.

The Consultant Psychiatrist working for the Primary Care Trust wrote to the Acute Trust highlighting the release of the assailant and the risk this posed to A&E staff. He also commented on the lack of security in the department.

However, the Health Board took no substantive action after being notified of the release of the assailant from The State Hospital and the risk posed to staff.

The Board was fined £6400 after pleading guilty to breaching s2(1) of HSWA 1974 by not ensuring the safety of its employees.

In a previous case of assault on NHS staff in Scotland, heard in September 2005, Western Isles Health Board was fined £7500 for failing to safeguard staff from violence and aggression in the A&E department at Stornoway hospital. In this case a patient threatened and chased a nurse and doctor.

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