



# SAFETY MANAGEMENT SYSTEM

## Version Control Register

Version	Date	Reason for change	Sections
1	31/03/12	Original document	
2	31/03/13	Annual review	
3	31/03/14	Annual review	
4	31/03/15	Annual review	
5	11/06/15	Use of Dropbox folder	
6	08/10/15	Checklist for General Directions and local notices to Mariners	Appendix G
7	12/11/15	Contractor documentation	Appendix I
8	19/11/15	Risk assessors' competencies	Amended 6.1
9	26/11/15	Continuous review of risk assessments	Amended 6.1
10	10/12/15	Annual review of powers	Amended 4.4
11	26/05/16	MAIB reports	Amended 5.2
12	06/06/17	Change to Annual review	Amended 1.2
13	06/06/17	Reference to Dropbox	Amended 1.4
14	04/07/17	DHMC review instead of H&S Committee	Amended 1.14
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17	09/08/18	External audit	Amended 1.2 1.3 Signatures ALARP
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24	22/04/20	Amended Accident Policy	Appendix B
25	27/08/20	Training for Board members	
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# 1. Safety Management System overview

## 1.1 Safety policy

Dunbar Harbour has a Safety policy which can be found in Appendix A.

## 1.2 Procedures to implement the policy

The Trust will undertake regular risk assessments of its activities and commits to implementing risk control and management measures as appropriate. These may include development of safe systems of work and where necessary written procedures, for specific high risk activities.

The DHT board will consider all incidents, including near misses, during the monthly board meeting. The safety performance of the Trust will be reviewed in detail every year and measures identified where necessary to achieve continuous improvement in safety performance.

In accordance with MIN 556 the Harbour Trust Board will confirm to the MCA that it is in compliance with the Port Marine Safety Code. This was last done in 2020.

## 1.3 Compliance checklist

- Harbour inspection register – monthly
- Accident and incident reports and register – immediate reports and monthly review
- Risk assessment register – monthly
- Navigation issues – Harbour Management Committee monthly minutes

There is formal consideration of all Health & Safety issues at the monthly meetings of the Harbour Trust Board and the Harbour Management Committee.

An internal audit will be conducted annually, reviewing compliance with the Port Marine Safety Code and paying due attention to the matters last raised in the Designated Person's report.

## 1.4 Accident and incident reports

The procedure for Accident and Incident Reporting can be found in Appendix B

There is a log of accident and incident reports contained in the Dunbar Harbour Trust Dropbox PMSC file

It is the policy of the Trust to encourage the reporting and investigating of near misses as if the accident had occurred.

### **1.5 Organisation and personnel roles**

The Safety policy (Appendix A) defines the roles and duties of the Directors of the Harbour Trust.

The policy separately defines the duties of the employees of the Trust and of other harbour users.

### **1.6 Standards and levels of qualifications for employees and contractors**

Employees and contractors must have knowledge of the statutory duties regarding health and safety at work. They must work in accordance with the established work systems and adhere to good safety practice at all times.

### **1.7 Performance measuring methods**

Performance is measured in monthly reports to the Harbour Trust Board and the Harbour Management Committee. These reports include –

- the results of the investigations into accidents and incidents
- defects identified as a result of the monthly harbour inspection
- results of agreed remedial or improvement actions

### **1.8 Plans and assessments against the harbour's performance**

Progress is assessed at monthly meetings of the Harbour Trust Board and the Harbour Management Committee.

A formal assessment and improvement programme are created after the visit of the Designated Person for implementation over the next year by the Directors of the Harbour Trust.

### **1.9 Emergency procedures**

The policy for dealing with any emergency in the harbour is shown in Appendix C

### **1.10 Crime Procedures**

The policy for dealing with any crime in the harbour is shown in Appendix J.

### **1.11 Lessons learned**

Accident reports prepared by the Marine Accident Investigation Branch are published on the Harbour Trust website and on the Harbour notice board where they are relevant to the harbour activities in Dunbar.

### **1.12 Navigation aids**

It is the policy of the Harbour Trust to provide navigation aids based on formal risk assessment.

This is particularly relevant where there are any exceptional activities such as dredging taking place in the harbour.

### **1.13 Provision of moorings**

All harbour craft are allocated moorings positions by the Moorings Committee of the Dunbar Harbour Trust.

The Harbour Master is empowered to change these mooring positions if there is any danger to the safety of people or vessels.

### **1.14 Deficiencies in visiting ships**

It is the duty of the Harbour Master or his deputy to check that visiting ships do not present any danger to themselves, other harbour users or the harbour itself. Any such deficiencies must be reported to a Board Director immediately and to the MCA.

### **1.15 Updating of the Safety Management System**

The Safety Management System will be reviewed by the Director in charge of Health & Safety at least once per quarter. Any amendments need to be minuted at both the Dunbar Harbour Management Meeting and at Dunbar Harbour Trust Board Meeting. The Harbour Master and his deputy are required to sign the latest version.

## **2. Designated person**

### **2.1 Appointment**

It is the policy of the Trust to appoint a designated person who has the necessary qualifications but who is independent of the management or operations at Dunbar Harbour.

### **2.2 Independent assurance**

The designated person will be invited to examine and comment on Dunbar Harbour's Marine Safety Management System as the result of an on-site annual visit.

### **2.3 Access to the Trust's Board of Directors**

The designated person will be encouraged to meet the Board of Directors as part of the annual visit. It is the Board's policy that the designated person has the right to attend the next Board meeting if there are any matters that need to be raised with or addressed by the Board.

## **3. Duty holders**

### **3.1 Appointment**

The duty holders are the Board Directors who are the trustees of the Dunbar Harbour Trust.

### **3.2 Publication**

The names of the duty holders shall be published on the Dunbar Harbour Trust's web-site.

### **3.3 Liability**

The duty holders have joint and several liability.

### **3.4 Scope**

Duty holders cannot assign or delegate their accountability for compliance with the code on the grounds that they do not have particular skills.

### **3.5 Lines of communication**

The lines of communication between the Harbour Master and the Assistant Harbour Master and the Duty holders on safety matters are shown in the flowchart in Appendix B entitled "Incident Reporting: Lines of communications" or

## **4. Legal powers and duties**

#### **4.1 General Directions**

The Duty holders have the power to develop General Directions for the harbour and will place these on the Trust's web-site

#### **4.2 Byelaws**

The Trust may make bye-laws under section 4(8) of the Dunbar Harbour Revision Order 2004

#### **4.3 Navigational Safety**

The Duty holders will develop and review safe methods of navigation within the harbour

#### **4.4 Scope**

The jurisdiction of the Duty holders is defined by the Dunbar Harbour Revision (Transfer) Order 2004

In order to re-enforce the above the Board will formally consider its powers at least once per year.

### **5 Consultation**

#### **5.1 Consultation with employees**

There are only two employees and their line of communication on safety matters, (other than incident reporting which is covered by the flowchart in Appendix B) is through the Chairman of the Dunbar Harbour Trust Management Committee

#### **5.2 Consultation with harbour users**

There is a monthly meeting of the Dunbar Harbour management committee which contains representatives from the different harbour user groups.

The Trust also organises Harbour users' meetings for an open exchange of views.

The harbourmaster will review MAIB reports and wherever relevant to the activities of Dunbar Harbour he will publish them on the harbour notice boards, website and in the newsletter.

### **5.3 Consultation with suppliers**

There is no formal consultation process as the number of outside contractors is so limited.

### **5.4 Channels of communications**

Notices are published on the boards beside the Victoria Harbour and also on the Trust's website and relevant social media.

## **6 Risk assessments**

### **6.1 Marine risks**

The Harbour Management Committee has navigational and other marine risks on its agenda each month.

Competence is the ability for every director and employee to recognise the risks in operational activities and then apply the right measures to control and manage those risks. The Trust recognises that it needs to call on those with the necessary skills, experience and knowledge to identify and assess the risks associated with all of the harbour's operations. These skilled individuals will review the risk assessments for adequacy and completeness at least once per year and record the findings in the board minutes. If a particular new risk is identified at any time it will be referred to the Board for immediate assessment.

### **6.2 Other harbour risks**

These are assessed in line with the guidance contained in Appendix F

## **7 Training**

### **7.1 Scope of training**

Training is required for the Harbour Master, the Assistant Harbour Master and Board members.

### **7.2 Contents of training**

The nature and the time of training is recorded in the Health & Safety Manual

## Appendix A

### HEALTH AND SAFETY - GENERAL POLICY STATEMENT

It is the policy of Dunbar Harbour Trust to ensure, as far as is reasonably practicable, that during the conduct of the Trust's business the health, safety and well-being of employees, harbour users and visitors is maintained at all times.

The Trust will ensure that employees and harbour users are aware of their responsibilities to prevent accidents and personal injuries and to eliminate hazards to health during the conduct of harbour business.

The Chairman of Dunbar Harbour Trust has overall responsibility for Health and Safety, and he has indicated in this General Policy Statement the Trust's procedures for instigating and implementing monitoring and control procedures.

Legal requirements will be followed at all times by -

- Providing and maintaining satisfactory plant, equipment and work systems.
- Avoiding risks to health and safety during the use, storage, handling and transfer of items of plant, equipment and other articles and substances.
- Maintaining, in a safe and satisfactory condition, all areas of the harbour as well as safe means of access and exit.
- Providing and maintaining a safe and satisfactory working environment, together with appropriate and effective PPE, clothing, safety equipment and adequate facilities for the well-being of employees.
- Providing all necessary instruction, training and supervision.

It is the duty of the Trust's Board of Directors to –

- Ensure that the safety requirements of every job are complied with.
- Ensure that all equipment maintenance, routine inspections and essential repairs are completed as scheduled, or immediately that they are required.
- Ensure that instruction and training on job safety is provided to existing and future employees.

- Insist that employees and harbour users follow the safety requirements and draw attention to any errors and/or omissions on the part of employees for whom they are responsible.
- Check regularly that statutory regulations are being met and that employees and harbour users are aware of the Company's safety policy.
- Ensure that health and safety policies and procedures are continually reviewed and updated as required and are prioritised in the Trust's procedures and reporting.
- Ensure, wherever practical, the safety of all visitors, supplier representatives and employees, and all external tradesmen and contractors.
- Ensure that all injury and damage accidents and other dangerous occurrences are reported and investigated at once and that effective remedial action is taken.
- Ensure that the cause of all accidents and other dangerous occurrences are analysed and reported on a monthly basis.

It is the duty of employees and harbour user to -

- Take reasonable care of the health and safety of themselves and of other people who may be affected by their acts or omissions at work.
- Wear protective clothing and use safety equipment when necessary.
- Report every damage and injury accident no matter how slight to the Harbour Master as soon as possible after its occurrence, and to ensure that the Accident Book or Minor Incident Log is fully and promptly completed.
- Report to the Harbour Master any potential hazard to health and safety.
- Work in accordance with the established works systems and adhere to good safety practice at all times.
- Co-operate with the DHT Board in the implementation of its statutory duties regarding health and safety at work.

It is a serious offence which could lead to prosecution by the enforcing authority for an individual to -

- Disregard the Trust's health and safety regulations.

- Interfere with or misuse anything provided by the Trust in the interests of health, safety or welfare.
- Operate any electrical, mechanical or other equipment unless they had been trained and authorised to do so.
- Operate any machinery or equipment which is known to be unsafe, defective, or which is not in full operating order.
- Disregard the fire precautions, particularly those relating to smoking within buildings or in other prohibited areas.

The implementation of the Trust's health and safety policy within the confines of the harbour is the responsibility of the Harbour Master.

The Trust will undertake regular risk assessments of its activities and commits to implementing risk control and management measures as appropriate. These may include development of safe systems of work and where necessary written procedures, for specific high risk activities.

The DHT board will consider all incidents, including near misses, during the monthly board meeting. The safety performance of the Trust will be reviewed in detail every six months and measures identified where necessary to achieve continuous improvement in safety performance.

**Signed: .....Alasdair Swan..... Chairman – Dunbar Harbour Trust**

**Signed: .....Quentin Dimmer..... Harbour Master**  
**..... Denholm Horsburgh..... Deputy Harbourmaster**

**Date: 22 April 2020                      Revision Date:                      22 April 2020**

## **Appendix B**

# **ACCIDENTS AND INCIDENTS POLICY**

## **OUR MISSION**

To provide a safe environment to ensure all can work within or enjoy their visit to the harbour without risk.

## **OUR VISION**

To prevent accidents within the environment through continual inspection and physical improvement; and, to promote health and well-being through risk prevention.

## **OUR VALUES**

The Dunbar Harbour Trust (DHT) is responsible for the management, maintenance and development of the Harbour. We will strive to ensure continual improvement on Health & Safety issues. The Trust will ensure compliance with Health & Safety legislation as a minimum.

## **WHO DOES THIS POLICY COVER?**

This policy relates to all Trust Directors, employees, self-employed personnel, contractors working on Trust premises and all other harbour users, whether carrying out official business or social activities.

## **WHAT DOES THIS POLICY INCLUDE?**

The policy includes all Health and Safety matters, related legislation and guidance to ensure a safe environment.

## **WHAT ACTION WILL BE TAKEN?**

We will

- Ensure that legislative requirements under the Health & Safety at Work Act 1974 and other related legislative requirements are upheld
- Ensure that the Health & Safety Executive and Port Marine Safety guidance is practiced
- Have clear roles and responsibilities and procedures to ensure appropriate action is taken in the event of an accident

- Ensure the availability of the necessary resources to provide emergency aid as appropriate
- Ensure the details of all accidents involving employees, self-employed people and contractors working on Trust premises will be recorded in an appropriate manner to enable effective monitoring

A progress report will be provided at the Dunbar Harbour Trust Annual General Meeting.

Everyday accidents will be managed as follows:

- **Responsible personnel:** The Harbour Master and Deputy Harbour Master, Trust Directors or anyone acting in a temporary management capacity will be considered as responsible personnel or ‘other relevant personnel’ for the purposes of this policy.
- **Accident response:** We will react in a timely manner to ensure prompt action and positive results.
- **Emergencies:** Where an accident may present a substantial threat to the well-being of harbour users, the wider community or the environment, immediate action will be taken by the Harbour Master or other relevant personnel to stabilise the situation. This will include contact with the emergency services as required.
- **Evidence:** Evidence will be gathered to enable effective reporting and thereafter appropriate action will be considered and implemented to avoid a repeat situation.
- **Reporting an accident:** Major accidents and injuries will be recorded on an incident report. This report will be brief and will outline the facts without judgement. A database will be maintained to monitor all incidents.

## PRIORITISATION

Whilst it is impossible to note all potential occurrences, the following provides examples of the category level in which accidents will be considered.

[Level One/ Two Category: High/ Medium - Major Accidents and Injuries \(or less serious accidents that require a report to provide evidence of further action and outcome\)](#)

Incidents of this nature will be formally reported to the DHT Health & Safety Director and may include:

- death by natural causes or accident
- fracture other than to fingers, thumb and toes
- amputation
- dislocation of the shoulder, hip, knee or spine
- loss of sight (temporary or permanent)
- chemical or hot metal burn to the eye or any penetrating injury to the eye
- injury resulting from an electric shock or electrical burn leading to unconsciousness or requiring admission to hospital
- unconsciousness caused by asphyxia or exposure to a harmful substance or biological agent
- acute illness requiring medical treatment, or loss of consciousness arising from absorption of any substance by inhalation, ingestion or through the skin
- acute illness requiring medical treatment where there is reason to believe that this resulted from exposure to a biological agent or its toxins or infected material

#### Level Three Category: Low – Minor Accidents and Injuries

Reporting of such accidents and injuries will be at the discretion of the Harbour Master or responsible personnel. All minor incidents will be recorded on a database to ensure effective monitoring and that any necessary action is taken.

#### Accident Reports

All reportable accidents and injuries will be referred in the first instance to the Health and Safety Director, who will thereafter refer to the Accident Director to investigate. Following the investigation, the named Directors will recommend action to the full Board of Trustees that will prevent or minimise the risk of a repeat, or similar incident, happening again. The Trust will notify the insurers of all major accidents timeously and minor injuries where deemed appropriate.

If there is a work-related accident and an employee, a self-employed person working on company premises, contractor visiting the premises or other harbour user suffers a major injury the Chairman **must** be told at once. The Trust will then inform the HSE on-line and/ or other relevant persons as required.

Any work-related accident involving an employee that results in an absence of five days or more (including weekends) will be reported to the HSE on-line.

## CONTACTS

Where can I find out more information about the Dunbar Harbour Trust?

Additional information about the Trust is available at:

<http://www.dunbarharbourtrust.co.uk/>

**Dunbar Harbour Trust**

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[Denholm Horsburgh, Deputy Harbour Master](#)

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**Accident Director**

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**DHT Chairperson**

[Alasdair Swan](#)  
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**Health & Safety Executive**

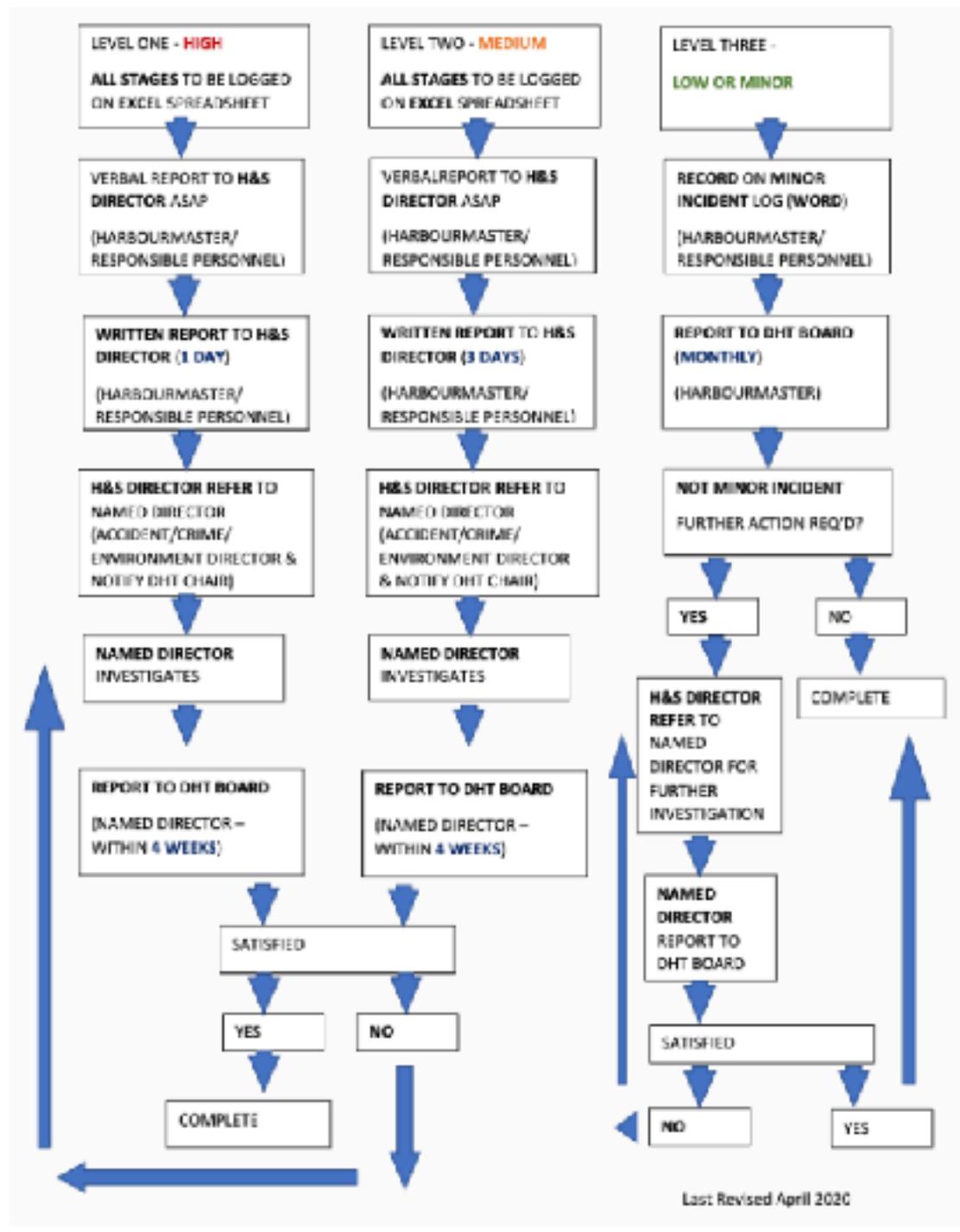
Belford House  
59 Belford Road  
Edinburgh  
Eh4 3UE  
<https://www.hse.gov.uk/>

Tel: 0345 300 9923 (Opening Hours 8:30am – 5pm. To report a fatal or major injury)

Tel: 0151 922 9235 (Out of Hours. This number should only be used in the following circumstances (as example):

- a) Following a work-related death
- b) Following a serious incident where there have been multiple casualties
- c) Following an incident which has caused major disruption i.e. evacuation of people, closure of roads or large numbers of people going to hospital.

**INCIDENT REPORT: LINES OF COMMUNICATIONS**



## INCIDENT REPORT FORM

**This report will be used to report and inform of action taken for all incidents at the harbour(s) relating to Accident, Environment and Crime, other than minor incidents which do not need to be reported to the Health & Safety Director, or where further action is not required (see Incident Report Flowchart for further guidance). Minor incidents will be recorded on the Incident Log spreadsheet for monitoring purposes: [Dropbox>Dunbar Harbour Master>Incident Log.xlsx](#)**

**All category one incidents will be reported verbally to the Health & Safety Director as soon as practically possible and a full, written report will be provided within 1 day of the incident.**

**All category two incidents will be reported verbally to the Health & Safety Director as soon as practically possible and a full written report will be provided within 3 days of the incident.**

**Please answer the questions below, where relevant, and as accurately as possible.**

**Part 1: To be completed by the Harbour Master or relevant personnel:**

Date of Incident (day/month/year):

Time of Incident:

Location:

Nature of incident, i.e. Accident, Environment, Crime or other (please specify if other):

Brief description of incident:

Category Level i.e. Level one (High) or two (Medium):

Name of person and/or organisation:

Name of vessel:

Name of owner of vessel if different from above:

Status of person, i.e. Employee, Contractor or Harbour User:

Age or approximate age of person:

Description of person (for crime related incidents or where appropriate):

If person or person(s) injured, please state nature of injury and treatment provided:

Names & addresses of any witnesses:

Date reported to relevant authorities:

Name of authority, contact and contact details, i.e. name, telephone no. and email:

Date recorded on incident report log:

Incident report number or reference:

Date report sent to DHT H&S Director:

**Completed by:**

**Signed:**

**Date:**

**Insert Photographic Evidence (Right click to change existing photo)**



**Part 2: To be completed by the Health and Safety Director**

Date notified of Incident:

Date report received:

Date DHT Chairperson notified (update incident log report):

Note any recommendations to assist further action and/ or investigation:

Date referred to Accident/ Environment/ Crime Director for further action and/or investigation (update incident report log):

**Completed by:**

**Signed:**

**Date:**

**Part 3: To be completed by Accident/ Environment/ Crime Director**

Date report received:

Details of investigation and action taken:

Outcome, and any recommendations, to prevent or mitigate repeat incidents:

Date investigation completed and referred to DHT Board (update incident report log):

**Completed by:**

**Signed:**

**Date:**

**Part 4: To be completed by the DHMC Chairperson**

Date submitted to DHT Board of Trustees:

Remedial action satisfactory: Yes/ No

If N, details of further investigation or action required and by whom (amend incident report log):

**Completed by:**

**Signed:**

**Date:**

**Accidents - Additional Notes for Investigation Reporting Purposes:**

Investigation and Reporting of Accidents and Dangerous Occurrences

**All accidents and dangerous occurrences that are reportable under the Reporting of Injury or Dangerous Occurrences Regulations and all accidents and dangerous occurrences that result in injury requiring medical treatment to any person, whether or not employed by the company, will be fully investigated.**

The investigation will be carried out by the Accident Director, who will report to the Health & Safety Director.

The report on any investigation will include the following facts: -

- a. The name, age, sex and occupation of the injured person.
- b. Whether he or she is employed or self-employed.
- c. The date, time and place of the accident or dangerous occurrence.
- d. The nature of any injury or condition.
- e. Details of the accident or dangerous occurrence and information on how it occurred.

- f. The nature of the injury or condition and details of the medical treatment that was received.
- g. Names and addresses of other people who may have been involved.
- h. The nature of any plant, tools or equipment that may have been involved in the accident and the nature of any fault that may have been found.
- i. The name, address, of anyone who witnesses the accident or dangerous occurrence.
- j. A written statement describing the accident or dangerous occurrence from each witness.
- k. Recommendations for avoiding or eliminating similar accidents or dangerous occurrences in the future.

### **Other Actions**

1. Make a written record of any defects there may be in plant equipment, materials, safety equipment, premises, general location.
2. Take possession of any damaged or defective tools or equipment. Isolate damaged or defective plant.
3. Make a written record of tools and plant involved in the accident including any items that are not Trust property.
4. Take photographs of the accident scene and all tools plant and equipment that were being used at the time of the accident. Note any changes to the location that have occurred before and after the photographs were taken.
5. Contact the injured employee. Take a written statement of all the events surrounding the accident. Take a note of all the injuries suffered by the employee as the result of the accident.
6. Make a record of any changes arising from the accident. Changes may be to:
  - Work systems
  - Job instructions
  - Training
  - The accident location
  - Any machinery involved

### **Contact Details:**

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Denholm Horsburgh, Deputy Harbour Master

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**Crime Director**

TBC

**DHT Chairperson**

Alasdair Swan

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## Appendix C

# EMERGENCY RESPONSE POLICY

Because of the size and nature of the harbour the response to any emergency is for anyone who is alerted to the emergency to phone 999 and inform the Coastguard or Emergency Services.

The Harbour Master will be informed by the Coastguard of any emergency. The Harbour Master in turn will contact the Chairman of the Trust and any other Directors who can help and the vessel owners.

If there is an emergency outside of the harbour or a collision of boats within the harbour the RNLI will be notified at once

In the case of fire, the emergency will be left to the Fire Brigade to deal with.

In the case of personal injury, the emergency will be left to the Medical Services to deal with.

If there is any threat of spillage of pollutants into the Harbour Master will contact SEPA. There are small stocks of antipollution materials on site, but Briggs Marine is the preferred supplier to deal with any major spill.

Vessel owners are advised to contact their insurance companies immediately

Reviewed: 22<sup>nd</sup> April 2020

## **Appendix D**

### **PORT MARINE SAFETY CODE COMPLIANCE STATEMENT**

The Dunbar Harbour Trust is committed to comply with the standards laid down in the Port Marine Safety Code.

#### **Accountability for marine safety:**

- Members of the Board of Directors of the Dunbar Harbour Trust, both individually and collectively, are accountable for managing the operations within the harbour safely and efficiently.
- Executive and operational responsibilities for marine safety in the harbour have been assigned to the Harbour Master and his deputy.
- An independent designated person provides assurance about the operation of the marine safety system.

#### **Key measures needed for compliance:**

- Powers, policies, plans and procedures are based on a formal assessment of hazards and risks. There is a formal marine safety management system.
- The marine safety management system is in place to ensure that all risks are controlled. No navigational risks have been identified as being severe.
- The employees of the Dunbar Harbour Trust are competent and qualified up to the minimum national standard.
- The Board of Directors of the Dunbar Harbour Trust monitors, reviews and audits the marine safety management system on a regular basis.
- There is a plan that shows how Dunbar will meet its obligations under the code and Dunbar Harbour's performance will be assessed at least once every three years.

#### **General duties and powers:**

- Reasonable care is taken that all who navigate in Dunbar harbour can do so safely.
- The safe use of the harbour is promoted.
- Services and facilities are provided safely.
- Action is taken as necessary to maintain and conserve the harbour.
- The level of dues is set to generate sufficient resources to meet this code.



**Specific duties and powers:**

- Powers to direct vessels are used to support safe navigation.
- Dangerous substances (including pollution) are effectively managed.
- Aids to navigation are provided

Version: 1<sup>st</sup> July 2014

Reviewed: 22<sup>nd</sup> April 2020

## Appendix E

# Dunbar Harbour Trust

## Navigational Safety Management System

### Overview of the Safety Management System:

All users of Dunbar Harbour are expected to comply with the **International Regulations for Preventing Collisions at Sea, 1972. (COLREGs)**

In particular –

- **Look-outs** should be kept (Rule 5)
- **Safe speeds** should be adopted (Rule 6). Speeds should never exceed 3 knots within the harbour.
- **Risk of collisions** should be avoided (Rule 7)
- **Action to avoid collisions** should be taken where necessary (Rule 8)
- **Narrow channels** should be respected (Rule 9) with particular emphasis on the harbour entrance.
- **Lights and shapes** should be displayed in accordance with the international rules

### Navigational risk identification:

Any harbour user who notices a risk that relates to the navigation within the harbour should report that risk to the Harbour Master.

### Risk assessment:

The Harbour Master and the Health & Safety Manager will assess the risk and recommend appropriate remedial action.

### Process for changing the rules or guidance in relation to navigation within Dunbar Harbour:

The Dunbar Harbour Management Committee which includes representatives from the harbour users will consider, and if necessary amend, the actions proposed in the risk assessment. If any particular user group, such as the RNLI, is not represented on the DHMC, this group will also be consulted about any proposed change.

The Directors of the Dunbar Harbour Trust will then formally review the proposed changes and, if they are approved, will ratify them.

### Communication of changes to the rules or guidance in relation to navigation within Dunbar Harbour:

- Changes to navigation rules will be posted on the Dunbar Harbour Trust website
- Registered users of the harbour will be notified by letter individually
- Changes to navigation rules will be posted on the harbour noticeboard

Reviewed: 22<sup>nd</sup> April 2020

## Appendix F

### Dunbar Harbour Risk Assessment Process

#### Scope

The following risk assessment considers the risks to people assets and the environment from foreseeable incidents on the harbour premises. This assessment therefore includes issues which may result in harm to members of the public, users of the harbour, harbour staff, assets belonging to the harbour and the public and the environment. The objective is to identify management measures which will prevent harm to people, financial loss to the harbour and its users, or impact on either the environment of the harbour or on the Harbour Trust in terms of liability and reputation. Dunbar harbour is a relatively small operation and therefore this assessment is not extensive but does cover the main causes of foreseeable risk

#### Method

The risk assessments were undertaken by firstly identifying hazards on the site and their potential outcomes by consultation with harbour employees and members of the board and then considering the risk in terms of the likelihood of the potential outcome occurring and the severity in relation to the four areas of impact of 'People, Property, Environment and Business', as defined by a ten point scale for each. The likelihood and severity scores are multiplied to provide an overall risk score.

There is then an attempt to find and implement controls that will either eliminate or reduce the likelihood of the event happening and/or eliminate, reduce or mitigate the severity of its effect on the four areas of potential impact until they are as low as reasonably practicable (ALARP).

The residual risk score is assessed as follows:

**No Go** if the residual score is 43 or greater

**More controls to be considered** if the score is between 15 to 42

**Go** if the score is 14 or less

#### *LIKELIHOOD*

##### **1/2 Improbable**

Not known to occur in similar circumstances elsewhere, considered very unlikely

##### **3/4 Remote**

Can be envisaged but will rarely occur in similar harbour

##### **5/6 Likely**

Has been known to occur several times in similar harbours or has happened at least once in Dunbar

##### **7/8 Very Likely**

Has happened in Dunbar at least twice

##### **9/10 Expected**

Has occurred repeatedly in Dunbar

#### *SEVERITY*

### **1/2 Trivial**

Minor injury requiring simple first aid

Damage to property is of low value e.g. less than £20, easily repaired

Effects on environment are short lived (less than 1 hour) and of low magnitude – not noticeable

There is no liability or responsibility attributable to the Trust or its procedures

### **3/4 Minor**

Injury requires first aid but not professional intervention

Damage to property is less than <£20>£50 to rectify.

Effects on the environment are localised last up to a day but total recovery is likely following this period.

There is a possibility of minor liability or responsibility attributable to the Trust or its procedures.

### **5/6 Significant**

Injury requires hospital treatment but is unlikely to be permanently debilitating (e.g. minor broken bones or stitches)

Damage to property is in the range >£50 <£1000.

Effects on the environment last longer than 1 day and may be grounds for prosecution

There is some significant potential for liability by the Trust, depending on circumstances. The Trust's reputation may similarly be impacted.

### **7/8 Critical**

Injury is serious or life threatening causing a long stay in hospital

Damage to property is extensive and is in the range of >£1000<£50,000

Damage to the environment is extensive e.g. they extend outside the harbour, long lasting and are likely to result in prosecution

There is a strong likelihood the Trust will be liable in part and will experience major damage to its reputation

### **9/10 Catastrophic**

Death or multiple serious injury

Damage to property is extensive and exceeds <£50,000

Damage to the environment is significant in relation to the Firth of Forth SAC and is highly likely to result in prosecution

The Trust will suffer extreme damage to its reputation and is highly likely to be held liable.

Also, to be considered is whether the risk merits issuance of:

- A. Special Directions (most urgent)
- B. Notices to Mariners (NtM) (less urgent)
- C. General Directions (non-urgent)

These are collectively called "Harbour Directions". According to the Harbour Master's assessment of Urgency, using the combination of Likelihood and Severity as given above, he will issue one of the above:--

- (i) For Urgent risks the Harbour Master or Deputy will use his own authority.
- (ii) For non-Urgent risks the Harbour Master or Deputy will liaise at the earliest opportunity with the H & S Manager.

Appendix G contains the Process, Checklist and Format of notices to be followed

when issuing Harbour Directions.

Reviewed: 22<sup>nd</sup> April 2020

## **Appendix G**

# Dunbar Harbour Trust

## Harbour Directions

Special Directions (most urgent), Notices to Mariners (NtM) (less-urgent), or General Directions (least urgent) are collectively called "Harbour Directions".

**Harbour Directions:** (Special Directions, Notices to Mariners (NtM) or General Directions.)

### What are they?

The Harbours Act 1964, as amended by the Marine Navigation Act 2013, provides a mechanism by which the Secretary of State may by Order designate Harbour Authorities with a power to make Harbour Directions to better regulate shipping and improve safety within their harbour area.

Such Harbour Authorities are called "designated Harbour Authorities". (new sections 40A to 40D of the Harbours Act 1964, inserted by section 5 of the marine Navigation Act 2013).

### What are they used for?

Harbour Directions may be used by a designated Harbour Authority to regulate ships within their harbour or entering or leaving their harbour. They may relate to the movement, mooring and unmooring, equipment and manning of ships. For example, Directions could be used:

1. to regulate the use of any main navigation channel or fairway;
2. to prescribe where and how vessels are to moor and move within the harbour;
3. to ensure ships above a certain size have working radios to allow communication between harbour master and ship;
4. to specify requirements for no deficiency in machinery; and,
5. to ensure sufficient people with relevant experience crew specific types of ship.

### To whom will they apply?

Harbour Directions will only apply to ships as defined in the Harbours Act 1964. This Act defines a ship as including every description of vessel used in navigation, seaplanes and hovercraft. The Court of Appeal has held that to be used in navigation, a vessel must be used to make ordered progression from one place to another.

### Why do Harbour Directions exist?

Harbour Authorities are responsible for managing and running safe and efficient harbours. They have particular responsibilities in relation to the safety of vessels and people within the harbour, efficient navigation and the protection of the port environment.

To meet these responsibilities effectively, Dunbar Harbour Trust currently has three powers available under its local legislation which it may use in regulating its harbour areas:

- Byelaws – power to issue byelaws which, subject to confirmation by the Transport Minister. Byelaws may apply to harbour land as well as the water;
- Special directions – power to issue directions in relation to individual ships in the harbour area for a specified purpose;
- General directions – power to issue directions in relation to all ships in the harbour area either in response to a particular occurrence or as a standing instruction to all ships or specified classes of ship.

Since its first publication in 2000, the Port Marine Safety Code (PMSC) has recommended that additional powers should be sought by a Harbour Authority if a risk assessment concluded that it would be well-advised to secure additional powers to support effective management of vessels in their harbour waters. Obtaining the powers to give harbour directions may meet such a recommendation

**A. Special Directions (most-urgent)**

advises of a matter of immediate danger involving a specific vessel, or action.

Process.

- The Harbour Master (or Deputy) observes a vessel acting in an unsafe manner (that has perhaps not complied with previous advice).
- The vessel is issued with the following promulgated by any available means:  
“As the Harbour Master (or Deputy Harbour Master) of this port duly appointed by Dunbar Harbour Trust and under powers conferred upon me by the Dunbar Harbour Revision (Transfer) Order 2004 I hereby give you a Special Direction to (reverse your course / stand off the harbour entrance / secure your vessel alongside / or other action required according to the circumstances of the case).”
- The action is appropriately recorded in the logbook.

**B. Notices to Mariners (NtM) (less-urgent) --- use specific NtM form, SMS, Appendix H**

advises harbour-users of

- (i) important matters affecting navigational safety, including new hydrographic information, changes in channels and aids to navigation, and other important data.
- (ii) more general information to harbour users.
- (iii) another use of NtM might be to give dates of forthcoming meetings to discuss

safety issues.

### 1) Process

- Identify or Anticipate the 'Risk', using his own judgement and information given by harbour-users.
- Decide whether Urgent (issue on his own authority) or Non-Urgent (liaise soonest with the H & S Manager).
- Issue Notices to Mariners (NtM), signed by the HM on behalf of the DHT.

Distribute, as appropriate, to:--

- Notice-boards: DHT, RNLI, McArthur's Store, DSC.
- Electronically: DHT Webmaster, DHT Dropbox, DHT Newsletter, DSC Secretary, DCRC Secretary, and any others who have registered their email address e.g.: Anglers, Boat/Mooring Owners, Divers
- Keep a list clearly marked of 'Current' and 'Cancelled' Notices on the DHT website
- Cancel/take down any 'Cancelled' Notices and store in an archive.

### 2) Content:

- Clearly describe the 'Risk'/problem to harbour-users (e.g.: lead-in marker missing)
- Clearly describe any advised action needed by harbour-users to mitigate or avoid the Risk/problem (e.g.: navigate by bearing and visually taking extra care).
- Clearly describe when/how the Notice will be cancelled by a specific date, by completion of repair/replacement, by cancellation of the Notice (e.g.: Notice self-cancelling by re-installation of missing marker), or by issuance of a subsequent NtM.
- Sign and date below.

### 3) Form Format / Checklist

- Numbering: Give a sequence number (e.g.: 07 of 2015)
- Date: Appropriate date (e.g.: today's date, followed by 'Valid from 23rd June 2016')
- Risk/problem (e.g.: lead-in marker missing) or information.
- Action to mitigate or avoid the Risk/problem (e.g.: navigate by bearing and visually taking extra care)
- When/how the Notice will be cancelled: by a specific date / by completion of repair/replacement / by cancellation of the Notice. (e.g.: cancellation by re-installation of missing marker).
- HM or DHT sign and date.
- Keep current NtM on the DHT website and cancelled NtMs in an archive

Hard Copies:

1. Post notice on Dunbar Harbour Trust notice board.
2. Post notice in RNLI office.
3. Post notice on McArthur's Store notice-board.

4. Post notice on DSC notice board.
5. E mail notice to DHT Webmaster, DHT Dropbox, DHT Newsletter, DSC Secretary, DCRC Secretary, and any others who have registered their email address e.g.: Anglers, Boat/Mooring Owners, Divers
6. Inform Aberdeen Coastguard so the Notice can be broadcast with weather forecasts.
7. Cancel/take down any 'Cancelled' notices and update Aberdeen Coastguard.

Note:-A follow-up NtM could be issued following the "incident" drawing further attention to the missing leading mark or giving more information about when it was likely to be replaced.

**C. General Directions (non-urgent).**

advises of a matter which might arise from formal risk assessments which will be introduced after a process of consultation with port users.

Process:

1. Review of formal risk assessments (following an incident or planned review) indicate that a new or revised General Direction is required to reduce risk to "As Low as Reasonably Practicable".
2. A draft General Direction is produced and circulated to all port users and any other organisation considered necessary.
3. A cutoff date is specified for comments.
4. The draft General Direction is amended as required following consultation after the cutoff date.
5. The General Direction is published, and a copy sent to the General Council of British Shipping.
6. Keep a list clearly marked, of Current and Cancelled General Directions on the DHT website.

Example: A General Direction might be issued warning port users that "navigation marks in the approaches to Dunbar are subject to damage (e.g. by heavy weather) and that extreme care is required when entering or leaving the port. The website or Harbour Master should be consulted for the latest information."

Reviewed: 22 April 2020

## Appendix H

### Notice to Mariners - illustrative format



#### **LOCAL NOTICE TO MARINERS**

**Date: 09 August 2015, valid immediately**

**NO. 02 OF 2015**

**Lead-in marker (lower) missing.**

**NOTICE IS HEREBY GIVEN** that one of the lead-in markers (lower) is missing.

Mariners are requested to navigate with particular caution in this area, by following the published inbound bearing, using depth-soundings and paying close visual attention to charted obstacles.

This notice will self-cancel when the lead-in marker has been replaced.

Date:

Signed:

(Dunbar Harbour-Master, on behalf of Dunbar Harbour Trust.)

Copies to:

1. Post notice on Dunbar Harbour Trust notice board.
2. Post notice in RNLI office.
3. Post notice on McArthur's Store notice board.
4. Post notice on DSC notice board.
5. E mail notice to DHT Webmaster, DHT Dropbox, DHT Newsletter, DSC Secretary, DCRC Secretary, and any others who have registered their email address e.g.: Anglers, Boat/Mooring Owners, Divers.
6. Inform Aberdeen Coastguard, as appropriate, so the Notice can be broadcast with weather forecasts.
7. Cancel/take down any 'old' Notices and update Aberdeen Coastguard.

## Appendix I

# Contractors working at the harbour

### Checklist

Health and Safety Executive recommends the use of the following Checklist whenever there is a contractor on site

Questions you should ask:	Yes / No
Have you identified all aspects of the work you want the contractor to do?	
Have you included the health and safety implications of the work in the job specification?	
Is the work construction or building work? If so, do you know what more you need to do to comply with the Construction (Design and Management) Regulations 2007?	
Have you made enquiries about the competence of the contractor? If so, have you checked for evidence before they get the job?	
Have you assessed the risks of the work and agreed action to control the risks with the contractor?	
Have you provided the contractor and their employees with information about the risks?	
Have you provided the contractor and their employees with your emergency procedures?	
Have you provided instructions, information and training for your own employees?	
Have you put in place arrangements with the contractor to coordinate your activities during the work?	
Have you consulted your employees about the work and how they can raise any concerns?	
Have you identified who will be responsible for the work and what you will expect them to do?	
Have you identified who will supervise the work and how?	
Have you put in place arrangements to keep a check on how the work is going against what you have agreed with the contractor?	
Have you agreed how the job will be reviewed to learn any lessons from it?	

Wherever possible contractors will be asked to send copies of electronic risk assessments and method statements which will be retained by the harbourmaster.

## Appendix J



## **CRIME POLICY**

### **OUR MISSION**

To demonstrate a commitment to safeguarding the harbour employees, users and wider community by preventing crime and disorder. Ceasing any activity causing, or likely to cause endangerment; dealing effectively with incidents and disruption; adding value to the harbour users' experience.

### **OUR VISION**

“To keep our harbours safe and secure by delivering a robust and forward-thinking policy which will maintain a safe and secure environment for all harbour users.”

### **OUR VALUES**

**Trust:** We will promote confidence in the Dunbar Harbour Trust and its employees with reliable and consistent action. We will always act with honesty and integrity.

**Act:** We will take a Zero Tolerance position on all criminal activity within the harbours covered by the general law of the land including, amongst other

crimes, any bodily harm to another person, intimidation, theft and vandalism. The same view will be taken regarding infringements of the harbour bye-laws where appropriate.

**Reliability:** We will act promptly and effectively within the confines of our responsibilities.

## WHO DOES THIS POLICY COVER?

This policy relates to all Trust Directors, employees, self-employed personnel and contractors working on Trust premises and all other harbour users, whether carrying out official business or social activities.

## WHAT DOES THIS POLICY INCLUDE?

Public Safety is the top priority for the Dunbar Harbour Trust. We will work in collaboration with the relevant authorities to ensure a 'safety-first' culture through education, providing advice and guidance or practical intervention, solving the problem through innovative solutions; and, if all else fails, by enforcement of relevant legislation.

We will ensure all monies, property and land held by the Trust is managed appropriately and will take punitive action as required.

We will ensure the requirements of the General Data Protection Regulations (GDPR) 2018 are upheld and act as required when breached.

## WHAT ACTION WILL BE TAKEN?

**Responsible personnel:** The Harbour Master and Deputy Harbour Master, Trust Directors or anyone acting in a temporary management capacity will be considered as responsible personnel or 'other relevant personnel' for the purposes of this policy.

**Incident response:** We will react in a timely manner to ensure prompt action and positive results.

**Emergencies:** Where a criminal act or other activity may result in endangerment to life, or substantial damage to land or property, immediate action will be taken by the Harbour Master or other relevant personnel to stabilise the situation.

**Evidence:** Evidence will be gathered to enable effective reporting and monitoring.

**Reports:** Criminal activity will be referred in the first instance to the Health and Safety Director as required, who will thereafter refer to the Crime Director who will follow-up with the relevant authorities. The named Directors will recommend action to the full Board of Trustees that will prevent or minimise the risk of a repeat, or similar incident, happening again. Insurers will be notified timeously as required.

A progress report will be provided at the Dunbar Harbour Trust Annual General Meeting.

## **CONTACTS**

Where can I find out more information about the Dunbar Harbour Trust?

Additional information about the Trust is available at:

<http://www.dunbarharbourtrust.co.uk/>

### **Dunbar Harbour Trust**

MacArthur's Store

Victoria Street

Dunbar, East Lothian, EH42 1HW

Email: [office@dunbarharbourtrust.com](mailto:office@dunbarharbourtrust.com)

### **Harbour Master**

[Quentin Dimmer, Harbour Master](#)

Mob: 07958 754 858

Email: [harbourmaster@dunbarharbourtrust.co.uk](mailto:harbourmaster@dunbarharbourtrust.co.uk)

[Denholm Horsburgh, Deputy Harbour Master](#)

Mob: 07583 463 991

### **Health & Safety Director**

[Paul Ingram, DHT Director](#)

Mob: 07943 442 538

Email: [paul@westerbroomhouse.co.uk](mailto:paul@westerbroomhouse.co.uk)

### **Crime Director**

TBC

### **DHT Chairperson**

[Alasdair Swan](#)

Mob: 07527 865 228

Email: [office@dunbarharbourtrust.com](mailto:office@dunbarharbourtrust.com)

### **Local Police Station**

Dunbar Police

Belhaven Road

Dunbar, East Lothian, EH42 1DA

Tel: 01368 862 718

Alternatively call 101 (non-emergency) or 999 (emergency)

