



DUCHY *of* CORNWALL

HARBOUR OFFICE, ST. MARY'S, ISLES OF SCILLY, TR21 0HU

Telephone: (01720) 422768 www.stmarys-harbour.co.uk E-mail: hm@stmarys-harbour.co.uk

Harbour Master: Dale Clark

ST MARY'S HARBOUR AUTHORITY

POLICIES

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POLICY STATEMENT

- St Mary's Harbour Authority (SMHA) will ensure that the harbour is operated efficiently and safely so as to safeguard the harbour, its users, members of the public and the environment. It is committed to performing all its duties and responsibilities in a safe and efficient manner.
- SMHA will comply with the requirements of the Port Marine Safety Code. The functions of the Harbour Authority will be conducted openly and transparently and will be in the overall long-term interests of the harbour stakeholders.
- SMHA is committed to improving the safety culture within the Port and will ensure that the following duties are met:
 - 1) Ensure, in so far as is reasonably practicable, the safety of all those who use and work in the Harbour
 - 2) Preserve the environment and maintain pollution prevention and nature conservation measures
 - 3) Facilitate the safety of navigation in the Harbour and its approaches
 - 4) Provision and maintenance of viable Harbour facilities
 - 5) Provision of an effective pilotage service
 - 6) Regulate the activities of all those that use the Harbour and ensure the applicable laws and bylaws are enforced where appropriate
 - 7) Formally review the SMHA Marine Safety Management System at intervals not exceeding three years

Signed.....

Date 19th March 2021

Duty Holder and Land Steward for the Duchy of Cornwall (Western District & Isles of Scilly)



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NAVIGATIONAL SAFETY POLICY

SMHA in its role as Statutory Harbour Authority (SHA) has a responsibility to facilitate the safety of navigation within St Mary's Harbour and its approaches. This Policy relates to marine operations, navigational safety and the requirements of the Port Marine Safety Code.

SMHA is committed to:

- 1) Managing the marine assets of the Authority safely and efficiently
- 2) Complying with any relevant legislation applied
- 3) Maintaining harbour assets to appropriate standards
- 4) Recruiting and training staff to relevant competence standards
- 5) Ensuring that staff are trained for enforcement, emergencies and contingencies
- 6) Developing and maintaining an effective Marine SMS based on continuing assessment and mitigation of risk
- 7) Consulting widely with port and other relevant stakeholders in respect of navigational safety issues
- 8) Reviewing regularly the effectiveness of, and if necessary, seek amendments to, its legal powers, Byelaws and Directions in respect of navigational safety
- 9) Providing for an appropriate level of pilotage services in accordance with the Pilotage Act 1987
- 10) Ensuring that the best channels for navigation entering/leaving the harbour are determined, marked, and monitored
- 11) Providing an effective system for promulgating navigational warnings affecting the Harbour
- 12) Promulgating weather forecasts and tidal times/heights to harbour users

- 13) Designating suitable mooring locations
- 14) Monitoring and maintaining lights and marks used for navigation as a Local Lighthouse Authority
15. Undertaking and promulgating hydrographical surveys
16. Ensuring that appropriate competence standards are adhered to for passenger, freight and other commercial operations
17. Providing effective plans, management, and co-ordination in response to emergency situations within the area of jurisdiction



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PILOTAGE POLICY

SMHA is a Competent Harbour Authority (CHA) within the meanings of the Pilotage Act 1987 and publishes pilotage directions and procedures. The Isles of Scilly (Pilotage) Harbour Revision Order 1988 defines the Isles of Scilly Pilotage District and the CHAs Pilotage Directions prescribe the requirements for compulsory pilotage within it.

SMHA policy in respect to pilotage is to:

- 1) Ensure that the operation of the pilotage service is compliant with national regulations, guidelines, and competency standards
- 2) Keep under review its pilotage directions and procedures to ensure that they are fully in accord with current legislation
- 3) Licence competent pilots
- 4) Maintain a fully supported pilotage service
- 5) Administer the PEC system to ensure that all PEC applicants and holders fully meet the requirements laid down in the pilotage procedures



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CONSULTATION POLICY

It is SMHA policy to publish matters of relevance to, and encourage comment and contribution from, stakeholders.

SMHA will:

- 1) Consult as early as is practicable with stakeholders when changes to harbour legislation and policy are being considered including, where appropriate, staff
- 2) Maintain an effective consultation mechanism with appropriate stakeholders on safety and other operational issues
- 3) Include appropriate persons using the harbour in ongoing work to identify navigational hazards, assess the risk of such hazards and recommend appropriate control and mitigation measures
- 4) Provide regular feedback on the harbour performance in its compliance with the Port Marine Safety Code
- 5) Use all available means such as social media, website, notice boards, local/national radio etc. to ensure the widest possible dissemination of information



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ENFORCEMENT AND PROSECUTION POLICY

SMHA has statutory powers to regulate the conduct of vessels within the jurisdiction of the harbour and to assist in managing the risks involved with marine operations. To ensure that those risks can be safely and efficiently managed SMHA recognises that when it exercises its statutory powers there will be occasions when those powers need to be enforced.

SMHA recognises that the effectiveness of legislation in managing the risks involved in marine operations depends crucially on the compliance of those regulated. SMHA recognises that the majority of harbour users comply with the law but will take firm action, including prosecution where appropriate, against those who break the law or act irresponsibly.

SMHA will:

- 1) Provide information and advice in plain language on the rules that apply and will disseminate them as widely as possible.
- 2) Take into account the circumstances of the case, the risks involved and the attitude of the operator. All reports of incidents that may require enforcement action will be investigated.
- 3) Carry out its duties in a fair, equitable and consistent manner and will liaise with other authorities and enforcement bodies as appropriate.
- 4) Will act in the wider public interest with a primary aim of ensuring the harbour is operated safely and efficiently.

Enforcement action can take the form of;

- (a) A verbal warning.
- (b) A formal written caution.
- (c) Prosecution.

In considering the appropriate enforcement action, SMHA will take into account the following;

- (a) The risk of harm to the public and others.
- (b) What is in the public interest?
- (c) The seriousness of the complaint.

- (d) The explanation of the offender.
- (e) Whether the matter is a recurrence.
- (f) Whether there have been other contraventions of Bye-laws or legislation.
- (g) The willingness of the alleged offender to prevent a recurrence of the incident.
- (h) The availability of witnesses.
- (i) The reliability of witnesses.
- (j) The sufficiency of evidence.

SMHA has statutory powers to enforce legislation and in some circumstances prosecution may be appropriate. Prosecution however, is a serious step and will be regarded as the ultimate sanction. A prosecution will only be initiated when the alleged conduct has been such that SMHA cannot impose any appropriate sanctions itself and the matter therefore deserves the attention of the court.

SMHA is committed to assisting other enforcement agencies, including the Police, in pursuance of their statutory duties. SMHA will liaise with any enforcement agency that may also have an interest in any matter being considered for prosecution.

Each case will be considered on its individual merits and prosecution will only be initiated in accordance with this policy. Having duly considered these internal policies due regard will be given to the 'Code for Crown Prosecutors' which was updated in 2018 and can be found at 'www.cps.gov.uk'. Any decision to initiate a prosecution will be recorded in writing and the reasons for initiating the prosecution will be given.

Any investigation carried out by SMHA will be conducted pursuant to the Police and Criminal Evidence Act 1984 with due regard to the applicable codes of practice. Information on this can be found at 'www.legislation.gov.uk'.

SMHA recognises that once a prosecution has commenced, control of the matter is ceded to the courts and criminal justice system.



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TRAINING POLICY

SMHA recognises that all of its employees should be trained/qualified to undertake the responsibilities assigned to them.

SMHA will:

- 1) Provide additional training or qualifications if there is a change in work procedures/guidelines, equipment or responsibility
- 2) Use its best endeavours to appoint personnel to meet the criteria of the PMSC
- 3) Regularly review staff qualifications, renewing as required in accordance with industry standards
- 4) Maintain a record of staff training and qualifications



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ENVIRONMENTAL POLICY

SMHA recognises that it has a responsibility to the environment beyond legal and regulatory requirements.

SMHA is committed to:

- Complying with all relevant regulatory requirements
- Improving and reducing environmental impacts
- Incorporating environmental factors into business decisions
- Increasing employee awareness and training



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LONE WORKING POLICY

Introduction

This document is designed to work alongside the Duchy of Cornwall 'Lone Working Policy' and does not override any information provided in it. It exists to provide SMHA employees with an operationally specific extension to the policy and provides guidance to make periods of working alone safer, to eliminate inappropriate lone working situations and to promote a feeling of safety and security when dealing with members of the public.

Staff should read, and follow the instructions laid out in this document and should promote additions and alterations to the document through the Harbour Master as they see fit.

Wherever employees are required to work alone they can be exposed to certain hazards and risks.

The Duchy of Cornwall Estate (The Duchy, St Mary's Harbour) aims to remove or reduce identified risks to a manageable level. This Policy offers a framework to assess and reduce the risks associated with lone working.

Where reference is made to 'The Duchy', 'St Mary's Harbour' or 'we', this means the Organisation as a whole.

Definitions

"Employee" is anyone who is considered an employee by HR, including those that have full time contracts, zero hour contracts, fixed term contracts, on work experience, or work part time. In addition, anyone where the organisation is controlling their work, provide the tools for them to do the work, a substitute cannot be employed to deliver the work and we direct when and where it is completed.

"Lone workers" are employees who work by themselves without close or direct supervision for any period of time whether within a Duchy premises or while mobile.

"The Management Team" is the Harbour Master.

"Working hours" are determined by the Duchy, in terms of hours and location. In relation to lone working, this is effective from when an employee is travelling for the purposes of work, is on work premises, or carrying out a work-related assignment in a designated location. To clarify, this in some circumstances this will be from the point an employee leaves home, and

may include an overnight stay, but will not include routine travel from an employees' home to their usual place of work.

“Incident/Accident” is defined by the HSE as “any unplanned event that results in injury or ill health of people, or damage or loss to property, plant, materials or the environment or a loss of business opportunity.” Under this Policy incidents/accidents may include, but are not restricted to:

- Workplace accident with or without tools
- Grounding, contact, collision etc. of Company vessel
- Threat, abuse or harassment by public/visitor/tenant
- Illness caused by working conditions i.e. weather
- Manual handling
- Fall from height
- Damage to Duchy infrastructure and assets

“Near-miss” is defined by the HSE as “any event, which under slightly different circumstances, may have resulted in injury or ill health of people, or damage or loss to property, plant, materials or the environment or a loss of business opportunity.”

“Personal Safety” is an individual’s capability to carry out the tasks required by St Mary’s Harbour without undue hazards, with the correct tools, training and supervision, and with the ability to go about their work free from the threat or fear of emotional or physical harm from others.

“Workplace Violence” is described by The Health and Safety Executive (HSE) as “any incident in which a person is abused, threatened or assaulted in circumstances related to their work.”

“Risk Assessment” is defined by the HSE as “a careful examination of what, in your work, could cause harm to people, so that you can weigh up whether you have taken enough precautions or should do more to prevent harm. Workers and others have a right to be protected from harm caused by a failure to take reasonable control measures.”

“Dynamic Risk Assessment” is defined by the Suzy Lamplugh Trust as “The continuous process of identifying hazards, assessing risk, taking action to eliminate or reduce risk, monitoring and reviewing, in the rapidly changing circumstances of an operational situation.”

Reporting

Employees must report any incident or near miss, including personal safety incidences, following the Duchy’s Reporting Protocol which can be found on the Health and Safety page of SharePoint and on office noticeboards. Any threats made toward the organisation or any employee must also be reported.

Lone Working Procedures

Working alone is an integral part of working within the harbour. Whether it is collecting harbour dues, undertaking inter-island boating, carrying out any of the various maintenance tasks or indeed manning the harbour office itself, the majority of work is undertaken single handed. The measures below should be followed to ensure that single handed work is undertaken with as little risk as possible to the employee:

Communications

Phone

Most staff are provided with a mobile phone and are expected to have this phone on during working hours (it is normal practice that phones are on 24/7). Staff who are not supplied with Duchy phones have arrangements with the Harbour Master to supply personal numbers to the office and have the option to join work group chats.

Those with Duchy issued phones should set up ICE as described in the Duchy Lone Working Policy.

VHF

All staff are issued with a VHF radio and required to have this on their person and turned on to the harbour working channel during working hours.

WhatsApp

The harbour has a group chat on the app 'Whatsapp'. This app should be used for group communication and also at times where an employee feels it necessary to share their location with other staff members (i.e. off island working, dealing with difficult customers).

Staff check in times

The normal working day within St Mary's Harbour is 0800-1700 however this can vary, particularly during the summer months when the vast majority of pilotage work is undertaken. Under normal circumstances staff should aim to meet in the harbour office at the following intervals:

08:00	Pre works brief
10:00	Morning break
12:00	(or after the berthing of the Scillonian III) Lunch arrangements
15:00	Afternoon break
17:00	Daily debrief

If a staff members daily tasks mean they will not be able to maintain these visits this should be discussed at the 08:00 pre works talks. Any delay to arrival at these times should be communicated to another member of the team at the earliest convenience.

During early pilotage movements it is good practice for those not on-board to check location of the pilot vessel 'Pegasus' via AIS upon arrival to the harbour office.

If a member of staff is not present at these times and their location is unknown, the 'Emergency Escalation Process' should be followed below.

Daily pre works talk

Each morning all staff should meet in the harbour office where a brief discussion will take place on each members planned movements throughout the day. Methods of work, timeframes and risk mitigations will be discussed.

Working at height

Working at height results in the majority of accidents at work. Work on ladders, scaffold towers and off ropes is not to be undertaken alone at any time. This includes the maintenance of flood lamps or off Island quay lights or quay edge working where barriers or fencing is not fitted or being worked upon.

Working in the water

Working in the water, usually using waders is rare but must not be undertaken alone. A second person to assist with tools or even just to observe is required.

Out of hours attendance

When responding to an out of hours call a message should be put on the harbour WhatsApp group prior to attending, briefly stating the task and checking in when complete. This message should be responded to by another member of staff and there is to be no assumption that someone else will do this. When responding in the dark, in heavy weather or to sick, injured or potentially threatening persons, a minimum of two staff must be in attendance. If responding to any incident of violence the police must be in attendance, if only for ongoing investigation.

Boating

Work on Duchy vessels requires dynamic risk assessments to be undertaken almost constantly. Changing weather should not be taken lightly and it remains the responsibility of the Coxswain to enlist help from other employees where required. This is particularly prevalent when lifting or dropping moorings in heavy weather.

On the occasions that vessels are used in the dark, any voyage undertaken must include two persons, including transit to and from the Pegasus. This does not need to be a member of staff. On any occasion where police boating is undertaken and the Coxswain would feel more comfortable with extra help, he should request immediately (i.e. when a prisoner is carried).

Personnel boating must wear a well-fitting lifejacket (including leg straps), maintained in accordance with the instructions on Harbour Assist at all times, with exception to working within the wheelhouse of the Pegasus.

Gry Maritha

When attending the quay to berth the Gry Maritha (potentially late at night), communication should be made with the ship as early as possible to confirm attendance on site. Pre arrival checklists and other time spent in the office should be done with the doors locked and quay edge working is not to commence until a member of the ISSG is present.

Meeting with aggravated customers

Before knowingly meeting with an aggravated customer approval and guidance should be sought from the Harbour Master and employees should enlist the help of a colleague to attend alongside them. If this is absolutely not possible, the meeting should be postponed. If this is again absolutely not possible than a telephone check in describing location of meeting, expected timeframe and expected outcome must be discussed with the Harbour Master prior to the meeting taking place.

When a meeting is unplanned it should be requested that the person attends the harbour office to discuss and the above instructions are followed. Persons should remain in the public area of the office only.

Emergency Escalation Process

Should there be no contact from an employee after an expected or agreed return time, the following escalation process should be undertaken:

For those working onshore, after scheduled check-in time, when whereabouts are unknown:

- 1) Notify Harbour Master/Deputy Harbour Master.
- 2) Telephone, WhatsApp and VHF calls made to employee.
- 3) Physical search of expected worksite undertaken
- 4) Check harbour vessels are where expected
- 5) Further telephone and VHF calls
- 6) Telephone call to home of employee
- 7) Telephone call to spouse of employee
- 8) Visit to home of employee
- 9) Telephone call to St Mary's Health Centre/ St Mary's Hospital
- 10) Notify local police

For those working offshore, after scheduled check-in time when whereabouts are unknown:

- 1) Notify Harbour Master/Deputy Harbour Master
- 2) VHF call to vessel
- 3) Check location of vessel (on AIS if in Pegasus)
- 4) Phone employee
- 5) Harbour Master/Deputy Harbour Master to instruct rapid search of harbour
- 6) If vessel is found empty assess situation:

Adrift: Alert Falmouth Coastguard immediately

Ashore after grounding: Alert Falmouth Coastguard immediately

Small vessel not located: Alert Falmouth Coastguard immediately

- 7) Telephone, WhatsApp and further VHF call
- 8) Falmouth Coastguard will coordinate from this point.

Risk Assessments

A general 'lone working' risk assessment will be recorded and will identify this document as a mitigating measure (single handed operation of vessels is recorded in a separate risk assessment). However, each time a task is undertaken, the employee is required to carry a dynamic risk assessment, to consider the risks involved with the job at hand, and one must understand which parts of lone working within your role may cause you harm, and/or exacerbate the hazards of the work, or introduce entirely new hazards.

Ensure that the controls that you choose are "reasonably practicable" and that they will actually be used. This means that you should balance the level of risk or harm against the measures needed to control the real risk in terms of money, time or trouble. You do not need to take action if the control measure would be grossly disproportionate to the level of risk.

If your risk assessment identifies a number of hazards, you need to put them in order of importance and address the most serious risks first. Identify long-term solutions for the risks with the biggest consequences, as well as those risks most likely to cause accidents, result in violence or aggression or ill health. You should also establish whether there are improvements that can be implemented quickly, even temporarily, until more reliable controls can be put in place. In considering this, you need to decide whether the General Lone Working Procedures outlined in this Policy do enough to protect you and prevent harm. If this is the case, then no further controls are needed. If however, further controls are required to prevent harm, or if you

need help or guidance in completing your risk assessment then you can speak to the Harbour Master.

Reviewing risk assessments

If a situation changes e.g. an incident occurs, or report is made, then the written risk assessments should be reviewed by the Harbour Master, with action taken to reduce future risk. Employees must regularly review (at least annually) Lone Working risk assessments and consider:

- Have there been any significant changes?
- Are there improvements that still need to be made?
- Have employees spotted a problem?
- Has anything been learnt from accidents or near misses?
- Make sure risk assessments stay up to date.

If required, a new risk assessment should be completed, and a copy should be stored in the Health and Safety file in the harbour office.