

**Scottish Sub Aqua Club Ltd response to the
Determination by Sheriff W Douglas Small
into the death of Lynn Herriot on 13th May 2006**



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Response

The Scottish Sub Aqua Club (ScotSAC) Ltd is committed to delivering quality diver training in the safest manner practicable, and equipping our volunteer Instructors with the skills and resources to conduct the training. Lessons have been learned throughout the recreational diving community from the tragic accident of 13th May 2006, and a range of steps will be taken to introduce practices and recommendations to try to avoid such an incident occurring again.

Introduction

ScotSAC Ltd offers this response to His Lordship, Sheriff W Douglas Small, detailing our consideration of the Determination, and our plans to implement actions arising from same.

On receipt of the Determination, the Board of ScotSAC Ltd appointed a panel (The FAI Determination Panel) with the following remit:

1. to consider the Sheriff's Recommendations against current diving regulations, practices, training materials and other guidelines available;
2. to suggest to the Board any amendments which the Panel considers are appropriate to implement the Recommendations, and to identify any reasons why it would be preferable that a specific Recommendation not be implemented (for example, if there is an overriding contrary safety indication);
3. to produce formal minutes recording their consideration and proposals
4. to produce a draft response to His Lordship (this document)

The panel consisted of:

- Andrew Murray, current ScotSAC Ltd Chairman, qualified diver and instructor in 3 diving organisations with 13 years' experience in diving.

- Jack Morrison, Director and former ScotSAC Ltd Chairman, a qualified diver and instructor with 46 years' experience and Editor of "Scottish Diver" magazine since 1995.
- Nigel Spike, National Diving Officer, First Class Diver and Examiner with 29 years of experience in diving and instructing, delivering training courses at all levels throughout Scotland.
- Gordon Young, a current member of the National Diving Council, Master Diver and Examiner with 13 years experience of training and diving. Gordon is also the Branch Diving Officer of ScotSAC Ltd's largest training Branch.
- Ian Neilson, a member of the National Diving Council for 9 years and former Regional Coach involved in the sport for 35 years. During 2004-2006 he was registered with the Law Society of Scotland in the Directory of Expert Witnesses and has authored five Fatal Accident Inquiry reports. He has acted as Expert Witness to the court in an inquiry at Dunns Sherriff Court, and to a Coroner's Inquiry in Wakefield, Yorkshire into a fatal diving accident.

Together this panel represents a wealth of experience of diving in Scottish waters and a detailed knowledge of current diving regulations, practices and ScotSAC Ltd procedures.

In what follows, the following definitions are used:

- Trainee: An individual who has met the membership requirements of both ScotSAC Ltd and the Branch, and has not yet achieved the minimum diving qualification level.
- Try Dive Participant: An individual who is being introduced to the underwater environment for the first time.

ScotSAC Ltd has considered in detail His Lordship's Recommendations and offers the following comments:

- a) ScotSAC Ltd recognises the value and importance of “try dives” in attracting new divers to the sport, and the risks associated with the activity if not conducted appropriately. It therefore believes that safety would be improved if “try dives” were only conducted within a swimming pool.
- b) ScotSAC Ltd will take this and further opportunities to re-iterate good practice and formalise its recommendations in further communications to members and Instructors, in particular to remove any ambiguity which may exist.
- c) ScotSAC Ltd will move to produce documented procedures for all aspects of training and will support its Branches in implementing those procedures.

Action Plan

Following consideration of the recommendations of the FAI Determination Panel, ScotSAC Ltd has approved the following action plan. Work has commenced on a number of the actions, and full implementation will be achieved as soon as is practicable.

In general, His Lordship’s Recommendations will be implemented insofar as it is practical to do so, and are being developed and included in the following action plan.:

“Try Dives”

1. Develop and provide “try dive” guidance for Instructors, defining a “try dive” as a single introduction to scuba diving, to be carried out within a swimming pool. This guidance will also define the equipment to be used by both instructor and try dive participant which will include a minimum of 1500 litres of available air in the cylinder and exclude pony cylinders, and exclude ankle weights. The guidance will also include information to be issued to the participant, the proximate surface cover and the minimum ratio of one qualified instructor to each participant. It will also include

a specific instruction that Try Dive Participants be advised that they must not release their mouthpiece until their feet are firmly on the pool bottom and their head is above water.

2. Develop and provide a “try dive” information leaflet for participants, outlining the purpose of a “try dive”, the risks associated with it, the basic safety information they should know including a reminder of the dangers of removing regulators at any time particularly when on the surface, information on membership, and general information on diving to promote the sport. Also include an “understanding of risk” form for “try dive” participant.

Training

3. Issue training and assessment templates to all Branches to record all elements of training and assessment, verified by both trainee and instructor.
4. Develop and provide guidance for Instructors, Branch Diving Officers and Regional Coaches on implementing the requirement for refresher rescue training for Instructors. In addition, create a record on the ScotSAC Ltd database, with appropriate reminder notification to Instructors and Branch Diving Officers when refresher training is required.
5. Provide training opportunities and associated materials on the completion of risk assessment, and incorporate updated risk assessment guidance within future diver and instructor training materials.
6. Further emphasise, through communications to Instructors and in training materials, the need for Instructors to remind trainees of the dangers of removing regulators at any time and particularly when on the surface.

Equipment

7. Provide training opportunities in quick release weight systems in order that qualified and more experienced divers may choose carefully when selecting and configuring equipment.
8. Recommend that “All trainees and try dive participants wear a quick release single buckle weight belt. In addition, buoyancy control, if required to be by weights at the commencement of a dive, should only be by standardised weights”.
9. Require that “All Instructors and trainees commence all training dives with at least 1500 litres of available air in the main cylinder, and that all divers ensure they commence any dive with sufficient air (or gas) available for the dive, with adequate reserves for safety”.
10. Recommend that “alternate air sources (e.g. octopus regulators or pony cylinder regulators) are attached and readily accessible within a triangular area to the front of the diver’s torso”.
11. Recommend that all divers are familiar with the manufacturer’s recommendations concerning the operation and warnings given by their dive computer.
12. Recommend that “Ankle weights should not be used by trainee divers and “try dive” participants as a means of achieving correct buoyancy”.

Procedures and Documentation

The National Diving Council will be instructed to produce guidance for all Instructors, Branch Diving Officers and other members on implementing all of the following:

13. Communicate and raise awareness of the above rules, recommendations and actions amongst the membership, including them in future versions of training materials, in future communications to Instructors and in all future instructor notes.
14. Recommend that a written risk assessment be completed prior to any training dive and “try dive”.

15. Require that “Aqualung training be undertaken only by those who have met the membership requirements, including membership fees, of both ScotSAC Ltd and a Branch”.
16. Continue to recommend that “A buddy check is carried out before every dive”.
17. Require that “a Dive Marshall/Safety Officer and First Aid Officer are appointed for all training dives”.
18. Require that all Instructors must demonstrate their competence in rescue techniques every three years to the satisfaction of their Branch Diving Officer or other instructor qualified to do so. Instructors who do not complete this requirement will be deemed inactive and unable to train or assess until such time as they do so. Include a page in the next publication of the Qualification Record book for the recording of the rescue refresher training.
19. Include on the new Dive Marshal slate template a box to note the name of the Dive Marshal/Safety Officer and First Aid Officer, and include reminders to appoint a Dive Marshal/Safety Officer, dive leaders and First Aid Officer for organised training dives in future communications and training materials.
20. Update the wording on membership forms to confirm understanding of risk by members and trainees.

The recommendation in relation to the availability of a boat as surface cover during “try dives” has not been adopted as it is no longer applicable, given that “try dives” will take place in swimming pools only.

Third Party Consultation

In November 2008, ScotSAC Ltd also notified members of the Recreational Diving Industry Committee (which includes the Health and Safety Executive, British Sub Aqua Club, International Association of Nitrox and Technical Divers, Maritime and Coastguard Agency, Professional Association of Diving Instructors, Royal National Lifeboat Institution, ScotSAC Response 28th May 2009

Scuba Industries Trade Association, and NAUI), through their annual meeting, of His Lordship's Determination and encouraged them to consider the Recommendations.

Since the formation of ScotSAC Ltd in December 2006 it has been engaged with the British Diving Safety Group (BDSG). The British Diving Safety Group includes representation from diving agencies training recreational divers (British Sub Aqua Club, Sub Aqua Association, ScotSAC Ltd, Professional Association of Diving Instructors (PADI), Scuba Schools International (SSI), International Association of Nitrox and Technical Divers (IANTD), International Technical Diving Agency (ITDA), Professional Scuba Association (PSA) and other parties including the Royal National Lifeboat Institution, HM Coastguard, Health and Safety Executive, Royal Navy and British Hyperbaric Association.

ScotSAC Ltd brought His Lordship's Determination to the attention of the BDSG, and discussed the Recommendations at the BDSG quarterly meeting on 21st January 2009. At this meeting, the ScotSAC Ltd representative invited BDSG members to consider the Recommendations and make comment. The conclusions from this meeting were considered by the FAI Determination Panel in formulating this response.