Case Study

Stephen Carver FAPM FIRM

School of Management
Cranfield University
Designated Person Ashore

Nigel Hope
Technip UK Ltd
• The Designated Person Ashore (DPA) has a key role under the International Safety Management (ISM) code
• A Company has to appoint a DPA under Regulation 4 of the ISM code
• The DPA is escapable involved with both compliance with the ISM code and with its culture

Or put it another way the ISM Code is both a sword and a shield

1. A SWORD – Failure to comply can cause harm to or even defeat, a company
2. A SHIELD – Protect individuals and the company if, despite all best efforts an accident occurs
The ISM Code and the Designated Person

• To ensure the safe operation of each ship and to provide a link between the Company and those on board, every company, as appropriate, should designate a person having direct access to the highest level of management.

• The responsibility and authority of the designated person should include monitoring the safety and pollution prevention aspects of the operation of each ship and to ensure that adequate resources and shore-based support are applied, as required.

• In plain English
It has long been thought she went under while making a sharp turn, leaning over enough to submerge the open gun ports and flood the vessel.

But now researches say she may have sunk in the Solent because two thirds of the crew were foreigners who could not understand their commanders’ orders to save the ship.
The report concluded that the Herald sank because it had sailed with the bow doors open and attributed this occurrence to serious negligence on the part of several crew members and the owners, Townsend Car Ferries Limited. The report also highlighted several areas of concern relating to the spirit class vessel design and also to the companies operating policies.
The Italian cruise ship Costa Concordia capsized and sank after striking an underwater obstruction off Isola del Giglio Tuscany on 13 January 2012, with the loss of 32 lives. The ship, carrying 4,252 people, was on the first leg of a cruise around the Mediterranean Sea, starting from Civitavecchia in Lazio, when she deviated from her planned route at the Isola del Giglio, coming closer to that island, and contacted an object on the sea floor.

**DPA RESPONSIBILITY** – To ensure the safe operation of each ship and to provide a link between the company and those on board, which includes monitoring the Safety and pollution prevention aspects of each vessel.
A ferry carrying 459 people capsized and sank off South Korea, April 16, 2014. The ferry, carrying mainly school students, was travelling from the port of Incheon, in the north-west, to the southern resort island of Jeju.

In his ruling, Judge Lim said the crew members “should not be wholly blamed” for the disaster. He said others were responsible.

In a separate trial, prosecutors are seeking four to 15 years in prison for 11 ferry and cargo company officials and port inspectors on embezzlement or accidental homicide charges stemming from the disaster.
• A key role, as identified by the ISM Code, in the effective implementation of a safety management system is that of the Designated Person. This is the person based ashore whose influence and responsibilities should significantly affect the development and implementation of a safety culture within the company.

• The designated person should verify and monitor all safety and pollution prevention activities in the operation of each ship.
LEGAL DEFINITIONS

- **ENSURE** - Means Guarantee
- **MONITORING** - Means Identifying and act on **WARNINGS**
- **VERIFY** - Means Confirm the truth of

So to sum up some of the ISM Code succinctly

1. The company, through the DPA, guarantees the safe operation of each ship
2. The DPA looks for warning signs that the ships are not operating safely and acts on those warnings
3. Internal audits must confirm the truth of what is happening on board ship and in the office
Three Seaman Died on board as a consequence of entering an enclosed space

- No oxygen testing equipment
- Lack of operational understanding ashore
- Policies (on enclosed spaces) unrealistic
- Mismatch in SMS regarding policies, procedures, RA and equipment
- Safety treated as an administrative function
- Ineffective audits
- Unrealistic emergency exercises

1. Jury Cleared the Ships Captain of failing to discharge his duties
2. Judge fined the firm a total of £280000
Eight people lost their lives seven survived when it capsized and sank 85 miles west of Shetland
CONCLUSION

• The Vessel Master cannot not take full responsibility for an incident occurring – only in exceptional cases
• The company has a responsibility
• The DPA has to effectively fulfil the role requirements for safe operation of the vessels under the respective Document of Compliance and pollution prevention aspects
• The senior executive has responsibility and accountability working with the DPA rather than against the DPA
• Necessary support and resources provided
• In the future accountability will become more accountable
ANY QUESTIONS?