

SHERIFFDOM OF NORTH STRATHCLYDE AT PAISLEY

[2019] FAI 25

PAI-B147-19

DETERMINATION

BY

SHERIFF F McCARTNEY

UNDER THE INQUIRIES INTO FATAL ACCIDENTS AND SUDDEN DEATHS ETC
(SCOTLAND) ACT 2016

into the death of

LACHLAN McLEAN

Paisley, 11 June 2019

[1] A Fatal Accident Inquiry into the circumstances of the death of Lachlan McLean, born 31 August 1958, was held at Paisley Sheriff Court on 24 May 2019.

[2] Miss Claire Gallagher, the Procurator Fiscal Depute, read out a Joint Minute of Agreement entered into with the only other party represented at the inquiry, being Clydeview Electrical Security Contractors Ltd. They were Mr McLean's employers at the time of his death. The family was not formally represented at the inquiry.

[3] No further evidence was led. The inquiry therefore proceeded on the basis of the contents of the Joint Minute of Agreement and the available productions. Submissions were made by Ms Gallagher, which were adopted by Ms Gibb. I then closed the inquiry and reserved the making of my determination to consider the evidence presented at the inquiry.

[4] Having now done so, I make the following findings as required by Section 26(2) of the Inquiries into Fatal Accidents and Sudden Deaths etc. (Scotland) Act 2016:

- (a) Mr McLean died on 9 May 2018 at 1158 hours whilst working at premises at 93 Causeyside Street, Paisley.
- (b) The accident resulting in his death occurred on 9 May 2018 at outside 93 Causeyside Street, Paisley.
- (c) Mr McLean died as a result of a head injury due to a fall from a ladder at height.
- (d) The cause of the accident resulting in Mr McLean falling from the ladder is not known with certainty. It may have been due to an accidental fall, but is more likely to have been because he suffered a cardiac event whilst he was on the ladder leading him to fall.
- (e) There were no precautions which could reasonably have been taken, and had they been taken, might realistically have resulted in the death, or any accident resulting in the death, being avoided.
- (f) There were no defects in any system of working which contributed to the death or accident resulting in the death.
- (g) There are no other facts which are relevant to the circumstances of Mr McLean's death.

[5] I have no recommendations to make under section 26 (1)(b) of the Inquiries into Fatal Accidents and Sudden Deaths etc. (Scotland) Act 2016.

[6] I should note that from the information available to me Mr McLean was an experienced worker in the fitting of cameras, lights and aerals whilst working at height. On 9 May 2018 whilst working with a colleague, he was on a ladder around 10 to 12 feet off the ground preparing to fit security lights. He dropped a tool and almost instantaneously fell backwards landing on the ground below. Unusually he did not shout a warning to his work colleague when dropping the tool. He was attended to instantly by his work colleague, but was unresponsive. Attempts to resuscitate him were made by paramedics immediately called to the scene, and also a short time later by a trauma team. Unfortunately all those attempts failed. Mr McLean was pronounced dead at the scene a short time later.

[7] Whilst it cannot be said with certainty as to why Mr McLean fell off the ladder, the post-mortem revealed that Mr McLean had significant underlying cardiac disease. It may be that he had some form of cardiac event. The evidence was that not all such events are fatal; some will lead to chest pain or fainting. The fall from the ladder may well have been due to Mr McLean suffering a cardiac event leading to him losing his balance or footing on the ladder.

[8] I extend my condolences to Mr McLean's family, friends and work colleagues for their sad loss.