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Ms Virginia McVea  
Chief Executive Officer  
Maritime and Coastguard Agency

Via e mail

### **Medical Certification for Fishermen**

Dear Ms McVea,

I work alongside Jerry Percy, who is the Director of The New Under Ten Fishermen's Association [NUTFA] and write to raise particular concerns regarding the impacts on fishermen in the UK in relation to the requirement for medical certification.

For your information, NUTFA is the specific dedicated representative body for the under ten metre and non sector fleet [circa 80% of the UK fleet by number].

The main purpose for writing is to seek an urgent meeting with you to highlight the need for a pragmatic approach to the requirements in general for medical certification for commercial fishermen within MSN 1883 [F] that come into force on 30<sup>th</sup> November 2023 for our sector. We are particularly keen to discuss the current grandfather rights referenced in the legislation.

We have made enquiries in relation to the statistics regarding the number and type of any health related incidents that have occurred at sea for our sector and await a response.

We regularly issue calls for evidence from fishermen for a range of issues that may affect them and we have done so to more clearly understand the impacts of the requirements in this regard and we have been genuinely overwhelmed by the responses from fishermen the length and breadth of the country who have already been subject to an ENG1 medical and

failed and numerous others who have raised serious concerns at the possibility of losing their fishing businesses in the event that they fail an examination.

As you may be aware, our inshore fishing sector is already under massive pressure from a range of sources and a number of responses we have received allude to this latest requirement to be the straw that has broken the camel's back in relation to maintaining their business.

In the event that a more common sense and pragmatic approach is not possible then we are genuinely concerned that the medical requirements may well have a devastating impact on the sector, individual fishing businesses, coastal communities, the latter already suffering significant levels of deprivation and the downstream processing and supply chain.

It would also be helpful if we could discuss the way that the requirements have been communicated as there are many fishermen who remain either ignorant of the requirement or who struggle to identify exactly what is required. As an example, our sector needs only to take an ML5 examination, rather than an ENG1 yet some of our colleagues have subjected themselves to the more stringent requirements of the ENG1, at significant expense.

At the same time, as you will be aware, the ML5 is undertaken by a GP rather than the private ENG1 contract medical companies. It is difficult enough to obtain an appointment with a GP, many of whom have withdrawn from the scheme and almost all of whom are swamped with their daily NHS duties. On top of this of course is also the challenge as a seagoing worker, of being available for an appointment should one be offered. This is especially the case on smaller vessels where the absence of a single crew person can often mean that the vessel cannot sail, thereby losing income for all concerned.

In addition, smaller vessels are far more sensitive to weather conditions than their larger brethren so every day that the weather is acceptable, the vessel needs to fish.

With regard to the guidelines, the rationale that it takes longer for medical assistance to get to you at sea is ill conceived with the current waiting times for ambulances as they currently are, often taking many hours to arrive, let alone waiting outside to have an A&E slot. Your policy to now stop all fishermen who are diabetic and insulin dependent from fishing single handed, does not sit well with the Government guidelines of two hours for an ambulance for a situation where a diabetic requires acute attention for this condition. Personally, I have always felt safer at sea than I am at home, knowing that everyone on board has had First Aid training specific to the fishing industry and an accident or emergency on board.

We also have concerns in relation to the Regulator's Code and I draw your attention to the conclusion on page 7:

**“The Government is committed to making sure the Regulators' Code is effective. To make sure that the Code is being used effectively, we want businesses, regulated bodies and citizens to challenge regulators who they believe are not acting in accordance with their published policies and standards. It is in the wider public interest that regulators are transparent and proportionate in their approaches to regulation.”**

It appears clear from the publication so far, by the MCA, and contact from MCA personnel to fishermen, that you are non compliant with virtually every section within the Regulators Code. There is of course the issue of the reliance on MLC standards, which we do not consider fit within the Code either, particularly as regards proportionality.

- 1. Regulators should carry out their activities in a way that supports those they regulate to comply and grow**

1.1 Regulators should avoid imposing unnecessary regulatory burdens through their regulatory activities and should assess whether similar social, environmental and economic outcomes could be achieved by less burdensome means. Regulators should choose proportionate approaches to those they regulate, based on relevant factors including, for example, business size and capacity.

*Many of the fishermen fish close to shore and are small sized vessels that would be able to return to port quicker than an ambulance would get to them on shore. The need for these fishers to have a full MLC type assessment is arguably not proportionate. All fishing vessels are required to have full CAT C First Aid kit, even on the very small vessels, which is more than you would ever have in any land based setting for work purposes.*

**Regulators should provide simple and straightforward ways to engage with those they regulate and hear their views**

- 2.1 Regulators should have mechanisms in place to engage those they regulate, citizens and others to offer views and contribute to the development of their policies and service standards. Before changing policies, practices or service standards, regulators should consider the impact on business and engage with business representatives.

*Please advise what “engagement” there has been by the MCA with the fishing industry in respect of the new medical certification and provide the impact assessment in respect of the impact on the fishing livelihoods of the fishermen who are subject to a medical assessment for certification purposes.*

**6. Regulators should ensure that their approach to their regulatory activities is transparent** 6.1 Regulators should publish a set of clear service standards, setting out what those they regulate should expect from them.

6.2 Regulators’ published service standards should include clear information on:

a) how they communicate with those they regulate and how they can be contacted;

b) their approach to providing information, guidance and advice;

c) their approach to checks on compliance, including details of the risk assessment framework used to target those checks as well as protocols for their conduct, clearly setting out what those they regulate should expect;

**d) their enforcement policy, explaining how they respond to non-compliance;**

e) their fees and charges, if any. This information should clearly explain the basis on which these are calculated, and should include an explanation of whether compliance will affect fees and charges; and

f) how to comment or complain about the service provided and routes to appeal.

6.3 Information published to meet the provisions of this Code should be easily accessible, including being available at a single point on the regulator’s website that is clearly signposted, and it should be kept up to date.

6.4 Regulators should have mechanisms in place to ensure that their officers act in accordance with their published service standards, including their enforcement policy.

6.5 Regulators should publish, on a regular basis, details of their performance against their service standards, including feedback received from those they

regulate, such as customer satisfaction surveys, and data relating to complaints about them and appeals against their decisions.

I will write to you under separate cover in respect of detention of fishing vessel issues, and for clarity am writing on one issue in each letter.

We do consider that a face to face meeting with you and your relevant officials would be the most effective way forward in this respect, allowing you to hear at first hand the concerns of and the potentially massive devastation that would occur from a strict adherence to your interpretation of the requirements and allow an open and honest discussion as to the way forward that does not result in the carnage to the fleet should there not be an element of flexibility within the implementation of the requirements.

I look forward to hearing from you in reply.

Yours sincerely,

Sarah Ready

For NUTFA