

# Company and director fined for putting workers at risk

A West Midlands engineering company and its managing director have been fined for failing to protect their workers from welding fume.

Associated Metalmasters Limited and managing director Darren Spittle were prosecuted by the Health and Safety Executive (HSE) following an inspection of the company's former site at Woodside Industrial Estate, Pedmore Road, Dudley, in October 2021.

HSE inspectors found the company had failed to put in place appropriate precautions to control the exposure of mild steel welding fume from metal inert gas (MIG) welding taking place at the site.

Breathing in welding fume can lead to asthma, pneumonia and lung cancer. HSE guidance can be found at: [Welding fume: protect your workers – Overview – HSE](#)

A subsequent HSE investigation found Associated Metalmasters Limited had initially complied with two Improvement Notices served by the workplace regulator in 2016 and 2019. The notices required the company to make improvements to its MIG welding process.

However, the company failed to sustain its compliance with the notices meaning there was an inadequate control of exposure to welding fume. Darren Spittle, managing director at the company, was in control of the MIG welding process and was aware of the Improvement Notices.

The company could have sustained compliance with the notices by ensuring that industry standard controls for the welding were provided and maintained at the site. These controls would have likely included a local exhaust ventilation (LEV) and respiratory protective equipment (RPE).

Associated Metalmasters Limited, of Grazebrook Industrial Park, Peartree Lane, Dudley, West Midlands, pleaded guilty to breaching Regulation 7(1) of the Control of Substances Hazardous to Health Regulations 2002. The company was fined £20,000 and ordered to pay £3,896.30 in costs at Dudley Magistrates' Court on 13 September 2023.

Darren James Spittle, of Bright Street, Wollaston, Stourbridge, West Midlands, pleaded guilty to breaching Section 37(1) of the Health and Safety at Work etc. Act 1974. He was fined £2,000 at Wolverhampton Magistrates' Court on 13 September 2023.

HSE inspector Heather Campbell said: "There are clear dangers from welding fume – remaining compliant with the law is not something that can tail off over time. This case shows prosecution will be considered if that happens."

This prosecution was supported by HSE enforcement lawyer Gemma Zakrzewski.

## Notes to Editors:

1. The Health and Safety Executive (HSE) is Britain's national regulator for workplace health and safety. We prevent work-related death, injury and ill health through regulatory actions that range from influencing behaviours across whole industry sectors through to targeted interventions on individual businesses. These activities are supported by globally recognised scientific expertise. [www.hse.gov.uk](http://www.hse.gov.uk)
  2. More about the legislation referred to in this case can be found at: [www.legislation.gov.uk/](http://www.legislation.gov.uk/)
  3. HSE news releases are available at <http://press.hse.gov.uk>
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## [Gas Safety Week: Engineer of the Year discusses career, regulations and diversity](#)

An award-winning gas specialist at Britain's safety regulator has described the "emotionally taxing" week he spent at the site of an explosion that claimed the life of a two-year-old boy.

Steve Critchlow, a principal registered gas engineer at the Health and Safety Executive (HSE), was called to Mallowdale Avenue in Heysham, Lancashire, following the blast in May 2021.

He stayed at the site for a week as part of his investigation for HSE with his report later supporting the conviction of a man who received 15 years in jail for manslaughter, damaging a gas meter and theft of gas.



Steve Critchlow

“It was a very emotionally taxing and high-profile case,” Steve said. “You can have a really massive incident that takes a lot of work.”

“The explosion was caused by a next-door neighbour tampering with their gas installation and my work involved attending the scene, doing some laboratory testing and producing a report.”

Steve, who was named this year’s Engineer of the Year at the National Gas Industry Awards made the comments during this year’s Gas Safety Week, an annual awareness week with the goal of keeping the nation gas safe.



Steve (middle) collecting his award at the National Gas Industry Awards

The 50-year-old has also investigated fatal gas explosions in the Cairngorms in 2015 and in Shaw, Oldham, in 2011. Steve's role also requires him to investigate carbon monoxide poisonings, including a fatality in Ipswich in 2012 – which proved to be particularly touching.

Steve, who is from Buxton, explained: “The family of the deceased wrote to me afterwards and sent me a lovely card with a handwritten message just saying how much they appreciated what I had done and they could see I did my very best to explain to them what had happened.

“And I kept that card because that is kind of the motivation every time, why I jump up out of my seat and drive around the country to attend these tragic incidents.”

Alongside his investigation work, Steve's role at HSE requires him to appear in court as an expert evidence provider for gas-related prosecutions. And in July 2023, Steve's incident investigation work saw him named as Engineer of the Year at the National Gas Industry Awards.

A gas inspector with 20 years' experience with HSE, Steve is also responsible for advising fellow HSE inspectors and employers in the gas industry. HSE guidance can be found at: [Gas – HSE](#).



Steve attending the scene of a gas explosion in Haxby, York

All too often, Steve has seen what can happen when employers do not adhere to gas safety regulations, which is why he believes it so important businesses safely maintain their gas installations.

He said: “It is very tempting for businesses to try and save money, to try to save time by not looking after their gas installations.

“It’s a highly regulated industry and the reason for that is because we know it can go wrong with fires and explosions and there is also a risk of carbon monoxide poisoning if appliances are not maintained regularly.

“Businesses using gas have a duty to maintain their gas installations and if they don’t, then it is imperative HSE takes action against them. That sends the clear message that we have regulations, guidance and standards in place you have to follow to ensure safety.”

Reflecting on this year’s Gas Safety Week theme encouraging diversity among Gas Safe Registered engineers, Steve commented: “Things are improving, there is an increasing number of women going in to gas engineering and why shouldn’t they be – it is open to all people. The gas networks are increasing the number of women in their workforce, so there are definite steps in the right direction.

“Diversity needs to be normalised. There are around 56 million people with gas appliances in their homes – it’s increasingly important that the trusted engineers who keep those families safe must better reflect the communities they are serving.”

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  2. More information about the [legislation](#) referred to in this case is available.
  3. Further details on the latest [HSE news releases](#) is available.
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## [Companies fined combined £120,000 after man suffers serious injuries](#)

Two construction companies have been fined a combined total of £120,000 after a groundworker suffered horrific injuries when heavy drainage pipes fell on top of him.

Anthony Pennell was rushed to Royal Stoke University Hospital having sustained several fractures to both sides of his pelvis, as well as a fractured vertebrae and bleed on the spine, following the incident at a site in Fradley Park, Lichfield on 3 September 2019.

Mr Pennell, who was 32 at the time, spent nine days in hospital before he was able to be discharged to his home in Cleethorpes.



- The drainage pipes, each weighing around 160kg, fell on top of Mr Pennell

The Health and Safety Executive (HSE) has guidance about the regulations on [lifting operations and equipment](#).

“I had to sleep downstairs for about five months after the accident and I could only use the downstairs toilet,” he said.

"I had a lot of help from my partner Zoe who was allowed a period of time off work which lasted for the first 14 days after I came home.

"She helped me with washing and changing my clothes. She brought everything that I needed to me because I could only mobilise with difficulty and using two crutches and therefore, I couldn't carry anything."

HSE enforcement lawyer Nathan Cook, told Telford Magistrates' Court how Mr Pennell, an employee of R O Donnell Plant & Civil Ltd, sustained his injuries. The pipes ,each weighing around 160 kg, had been suspended on the forks of a telehandler while being moved to a different area of the site.

Although one pack of pipes had already been transported safely, the incident happened while moving a second load. When the telehandler came to a stop, Mr Pennell tried to re-position a dangling skid so that the pack could be lowered properly. However, at this point, the load fell on top of him.

Four years on, the 37-year-old has not been able to resume his job as a groundworker, and is instead only able to work as a landscaper, which pays him less.

"I continue to have pain in my right leg," he said. "I am no longer as strong as I was and can no longer carry out heavy manual activities.

"I will always be at a disadvantage in the labour market, and cannot see how I could get a job again where I would earn the money that I was earning as a groundworker."

An investigation by HSE found that both Mr Pennell's employer and the principal contractor (Readie Construction Ltd) failed to ensure that the operation was properly planned, appropriately supervised, and carried out in a safe manner. The investigation also identified issues in relation to the level of knowledge and experience of those involved in the lifting operations, and in the companies' overall management and coordination of the telehandler usage between contractors.

R O Donnell Plant & Civil Ltd, of New Road, Worlaby, Brigg, Lincolnshire, pleaded guilty to breaching 8(1) of the Lifting Operations and Lifting Equipment Regulations 1998 and was fined £80,000 and ordered to pay costs of £3,784.

Readie Construction Ltd, of Falcon Business Centre, Ashton Road, Romford, Essex, pleaded guilty to breaching 8(1) of the Lifting Operations and Lifting Equipment Regulations 1998 and was fined £40,000 and ordered to pay costs of £3,784.

HSE inspector Will Gretton said: "This horrific incident could easily have been avoided had the work been properly planned and suitable control measures implemented to properly secure and safely transport the load.

"This case should remind all on construction sites and wider industry that all lifting operations must be properly planned by a competent person, appropriately supervised and carried out in a safe manner to ensure the

health and safety of those involved or affected by the work.”

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2. More information about the [legislation](#) referred to in this case is available.
3. Further details on the latest [HSE news releases](#) is available.
4. Guidance about the regulations on [lifting operations and equipment](#) is available.

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## [Divers and company director receive police cautions for fraud](#)

Two offshore commercial divers and the director of a diving company have been sanctioned for exaggerating credentials.

Investigators from the Health and Safety Executive (HSE) have slammed the trio for false claims of diving experience that could have jeopardised their own and other divers’ lives in an offshore incident.

Following a HSE investigation, two divers from the Portsmouth area have had their diving qualifications withdrawn. The two men and the director of a commercial diving company have also received police cautions for fraud.

In December 2022 HSE received information that two divers may have obtained their closed bell qualifications without having the necessary prior diving experience.

There was concern that their lack of experience could result in a diving incident offshore as both divers had worked for contractors in the North Sea.

In order to work in the UK as a saturation diver (also known as a closed bell diver), a diver needs an approved qualification. There are only two dive schools in the world that currently offer the qualification – INPP in Marseille, France, and the Commercial Dive Academy in Tasmania.

HSE contacted both dive schools and obtained details of the dives submitted to the schools by the divers as part of their enrolment.



Inspectors then followed this information up with several UK diving contractors to check on whether the claimed diving experience was genuine. Due to the legal requirement for diving contractors to retain records of dives for two years, the contractors were able to provide accurate details of dive depths and times for the individuals concerned.

The director of the diving company in question was unable to provide records, despite having signed and stamped the diver's logbook himself. HSE went to the location of the claimed diving, and with the assistance of the harbourmaster was able to demonstrate that no diving had occurred on the dates recorded in the diver's logbook. The diver had forged 10 at this location in order to demonstrate he had 20 dives over 15m deep. These had been fraudulently stamped and signed by the director.

The other diver was very short of experience and HSE could only find records that he had carried out around 28 dives, only one of which was deeper than 15m. He declared to the dive school he had 106 dives, 26 of which were deeper than 15m.

HSE worked closely with the Fraud Investigation Team of Hampshire Police. All three individuals admitted that they had made false entries into logbooks and received police cautions for fraud by false representation under the Fraud Act 2006.

HSE diving inspector Phil Crombie said: "You need diving experience to become a qualified closed bell diver and making it up could put your life and other divers at risk.

"Offshore diving contractors need to use qualified divers and these men could have worked anywhere across Great Britain.

"If we hear divers have made up their experience in order to get onto a closed bell course, we will look very carefully at all of the records available.

"A logbook is a document required by law, and making false entries is a criminal offence. The police cautions issued meant that we were able to have the qualifications withdrawn quickly by the relevant authorities.

"Closed bell courses cost over fifteen thousand pounds for a diver – and these divers have ended up losing that without gaining a qualification. It's just fortunate that they weren't involved in any accident or incident."

Hampshire Police PC Alam Mahmmed said: "The men involved in this case did not have the requisite experience to undertake dive work of this nature, posing a serious risk of harm to themselves. This is in addition to their actions which clearly amounted to criminal offences.

"We take any aspect of fraud seriously and we were pleased to collaborate with HSE to achieve a suitable outcome in this case. We hope this will in turn reduce the likelihood of any further offending. If offending continues, then these individuals face severe consequences in the criminal courts."

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2. Further details on the latest [HSE news releases](#) is available.
3. The Diving at Work Regulations 1997 require that divers at work maintain a log of all of their dives and keep that log for at least 2 years. There is a similar requirement on the diving contractor to keep records of diving for at least two years.
4. The International Diving Regulators and Certifiers Forum (IDRCF), of which HSE is a founding member, sets the competencies and pre-requisites for those attending closed bell courses. The pre-requisites currently require at least 100 dives and 100 hours of diving work experience once qualified as a surface supplied diver. No dives shallower than 6m depth are counted, and at least 20 of the dives must be deeper than 15m.

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## [Waste management company fined £3m following HSE investigations](#)

- Michael Atkin's partner says "enormous hole has been left".
- Mark Wheatley's parents called to the scene in Devon tragedy, partner pays tribute to "soulmate".
- National company in court on same day for two fatalities in England.

A waste management firm has been fined a total of £3 million following the deaths of two workers in separate incidents.

Michael Atkin and Mark Wheatley died following incidents in 2019 and 2020 respectively.

The families of both men say they are devastated after losing their loved ones.



Mark Wheatley (right) and his partner Keeley Martin

The Health and Safety Executive (HSE) investigated both incidents and subsequently prosecuted Valencia Waste Management Limited, formerly known as Viridor Waste Management Limited.

Michael, from Wetherby, lost his life while collecting a load of wastepaper bales at Valencia Waste Management Limited's Grendon Road site in Earls Barton, Northamptonshire, on 10 October 2019.

The 63-year-old, a HGV driver employed by RT Keedwell, had been working at the site with a Valencia Waste Management employee, who was using a forklift truck to load Michael's lorry with rows of bales.

With three rows of bales already loaded on Michael's lorry, the Valencia employee then attempted to load a fourth row.

However, while loading the fourth row, some bales in the third row were dislodged and fell off the lorry, fatally crushing Michael. It seems Michael had been securing the other bales onto the lorry before he was crushed.

Each bale weighed at least 820kg.

Janet Atkin, Michael's partner, said: "Since the loss of Michael, it has left an enormous hole in my life, four years later I'm still traumatised and I don't sleep well."

A HSE investigation found it was not custom and practice at Valencia Waste

Management Limited's Earls Barton site for bales to be loaded onto lorries by fork lift truck operators at the same time the lorry driver was strapping bales which had previously been loaded onto the lorry flatbed.

Systems were in place for drivers to remain within their cabs, or in some other safe location away from the loading activity, but this was not adhered to at the time of the incident.

HSE guidance can be found at: [Loading & unloading Vehicles safely \(hse.gov.uk\)](https://www.hse.gov.uk/load/)

Mark Wheatley died following an incident on 17 January 2020 at the Dartmoor National Park Conservation Works depot in Bovey Tracey, Devon.

The 31-year-old, who was from Sutton Coldfield but lived in Teignbridge, Devon, was an agency worker on his second week.

Mark had been using a lorry to lift two skips at the same time, deploying a method called 'hot swapping'.

However, the skips were not compatible, as they were of different dimensions, and fell at an angle onto the back of Mark's lorry. He then got onto the lorry bed to rectify the situation but the skips overbalanced and fatally struck him.

John and Sue Wheatley, Mark's parents, arrived at the scene of the incident following a phone call from their son asking for help.

Sue said in a statement presented to the court: "Every single night as soon as I close my eyes, I see Mark lying crushed underneath the skip dead or dying. When we arrived at the scene we were held back by the police and so I couldn't get close to him and couldn't tell if he was dead or alive.

"That image is what I see every single night when I close my eyes and every single morning before I open my eyes. I shouted out to him that we were there. I will never know if he heard that or not."



Mark Wheatley

Keeley Martin, Mark's partner, said in her victim personal statement: "To say Mark was my soulmate really is an understatement, he really was the kindest most caring man anyone could have the pleasure of meeting, he made a positive impact on everyone he met. The day he was taken he took a part of me with him, I nor anyone who knew him will ever be the same again."

A HSE investigation into this incident found Valencia Waste Management Limited had failed to carry out a suitable and sufficient risk assessment into skip operations meaning that safe systems of work and appropriate training were not implemented, and skips were not maintained in an efficient state. Furthermore, sizes were not displayed on the skips themselves.

HSE guidance can be found at: [Waste and recycling industries – Collection – Skip hire and waste transfer \(hse.gov.uk\)](https://www.hse.gov.uk/waste-and-recycling-industries-collection-skip-hire-and-waste-transfer/)

The transport and waste and recycling industries continue to contribute to workplace fatalities, with 21 deaths across the two sectors in 2022/23.

Following the incident on 10 October 2019, Valencia Waste Management Limited, of London Road, Stretton-on-Dunsmore, Warwickshire, pleaded guilty to breaching Section 3(1) of the Health and Safety at Work etc. Act 1974. The company was fined £1 million at Loughborough Magistrates' Court on 6

September 2023.

Following the incident on 17 January 2020, Valencia Waste Management Limited pleaded guilty to breaching Section 2(1) of the Health and Safety at Work etc Act 1974. The company was fined £2 million at Loughborough Magistrates' Court on 6 September 2023.

The company was also ordered to pay combined costs of £21,054.

Alan Hughes, senior enforcement lawyer at HSE, said: "These were two men at different stages of their lives, but the grief and pain across both families is devastating.

"Both deaths were avoidable. More needs to be done to make the use of vehicles on waste and recycling sites safer. We have a wealth of advice and guidance freely available."

This HSE prosecution was supported by HSE inspectors James Collins and Nicholas Moreby.

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3. Further details on the latest [HSE news releases](#) is available.
4. Sue Wheatley's statement presented to the court in full: "Mark was a very kind and caring soul and would help anyone out that needed it. I cannot think of anything that has not been affected by his senseless and unnecessary death. Everywhere we go we have memories and reminders of Mark. Having only been in Devon a short time and knowing how much Mark loved living in the area the memories are fresh, and they hurt that he is no longer here. Every single night as soon as I close my eyes, I see Mark lying crushed underneath the skip dead or dying. When we arrived at the scene we were held back by the police and so I couldn't get close to him and couldn't tell if he was dead or alive. That image is what I see every single night when I close my eyes and every single morning before I open my eyes. I shouted out to him that we were there. I will never know if he heard that or not. Emotionally, I feel completely dead and empty inside. I have no joy in my life and cannot remember the last time I really smiled or laughed."