

# Diving contractor fined for safety breaches

Diving contractor Orkney Dived Scallops Ltd has been fined for breaches of the Diving at Work Regulations 1997, following an investigation by the Health and Safety Executive.

Kirkwall Sheriff Court heard that the company were carrying out commercial diving operations for scallops without the required safety measures in place.

An investigation by the Health and Safety Executive (HSE) found that in 2016, the dive contractor carried out a diving operation where two divers were in the water, leaving only one person on board. One of the divers was a young person who did not have the necessary diving qualification or certificate of medical fitness to dive.

In 2017 there was a further incident where a diver went missing whilst diving for scallops in the Pentland Firth. He was found alive 11 hours later drifting off the Scottish mainland near Duncansby.

Neither of these dives were planned, managed or conducted safely and the dive contractor has important legal duties to ensure the diving operations are carried out properly.

Orkney Dived Scallops Ltd pleaded guilty to breaching Section 15 and 33 of the Health & Safety at Work etc Act 1974 and Regulation 6 of the Diving at Work Regulations 1997. The company has been fined £15,000.

After the hearing, HSE inspector of Diving Bill Elrick commented, "The company showed a complete lack of duty of care to their divers. Young people are vulnerable and need to be protected in their workplace. Having only one person on the vessel meant it would be virtually impossible to recover a stricken diver and divers must be appropriately qualified and medically fit to dive."

"Orkney Dived Scallops Ltd failed to comply with health and safety regulations which led to the incident in 2017. It is very unusual for a missing diver to survive in Scottish waters for this length of time."

While carrying out the investigation, the inspectors wore body-worn CCTV cameras which is now common practice and is an excellent way of capturing evidence.

## **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. [hse.gov.uk](http://hse.gov.uk)
2. More about the legislation referred to in this case can be found at: [legislation.gov.uk/](http://legislation.gov.uk/); [www.hse.gov.uk/pubns/indg401.pdf](http://www.hse.gov.uk/pubns/indg401.pdf)
  3. HSE news releases are available at <http://press.hse.gov.uk>
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## [Contractors sentenced after employee breaks back in fall from height](#)

A building contractor and a roofing contractor have been fined after an employee fell five metres from a first-floor extension, breaking several vertebrae in his lower back.

Liverpool Magistrates' Court heard that on 11 June 2018, Grayton Building Contractors Ltd was undertaking a first-floor extension to a residential bungalow in Noel Gate, Aughton. An employee was fitting fascia boards and soffits to allow roofers employed by Thomas Dean, who had arrived on site a week early, to commence work. Whilst stepping across a gap in the incomplete working platform to descend from the roof, the ladder, which was not tied, slipped sideways, causing him to fall. As a result of his injuries he was unable to work for eight weeks.

An investigation by the Health and Safety Executive (HSE) found that both Grayton Building Contractors Ltd and the roofing contractor Thomas Dean failed to properly plan the work, to assess the risks and to provide appropriate supervision. Subsequently the work at height equipment selected was not suitable and the work was not carried out safely.

Grayton Building Contractors Ltd of Botanic Road, Churchtown, Southport pleaded guilty to a breach of Regulation 4 (1) of the Work at Height Regulations 2005. The company was fined £15,000 and ordered to pay costs of £3,742

Thomas Dean of Youatt Avenue, Prescot, Merseyside pleaded guilty to a breach of Regulation 4 (1) of the Work at Height Regulations 2005 and was fined £400 and ordered to pay costs of £3,000

Speaking after the hearing, HSE inspector Andy McGrory said: "The risks from working at height are well known. Those in control of the work have a responsibility to devise safe methods of working, which should include ensuring the use of suitable work equipment and adequate supervision.

“The incident could have easily been prevented with simple precautions including properly planning the work, undertaking a suitable risk assessment and by selecting, erecting and using suitable work at height equipment for the job.”

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2. More about the legislation referred to in this case can be found at: [Work at height – Occupational health and safety \(hse.gov.uk\)](http://www.hse.gov.uk/work-at-height)
3. HSE news releases are available at <http://press.hse.gov.uk>

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## [Fencing manufacturer and site owner fined after employee fatality](#)



A fencing manufacturer and the owner of the yard where the business operates, have been fined following the death of an employee at the site.

North Somerset Magistrates’ Court heard how on 14 August 2017, Roderick McKenzie Hopes was working for PA Fencing Ltd at the yard. A telescopic forklift (telehandler) used to move timber, was lifted too high. It tipped over, knocking over some stacked timber which fell on to Mr Hopes resulting in his death.

An investigation by the Health and Safety Executive (HSE) found that the telehandler’s safety device, designed to stop loads being lifted so high, had not worked for a long time and maintenance had failed to identify this.

Furthermore, the machine operator had not received full training in its use and the machine was regularly used to lift overly heavy loads.

The yard supervisor did not know how the machine should be used safely. The yard wasn't laid out to allow the safe stacking of material.

The investigation also found that PA Fencing Ltd shared the machine with Mr David Crossman, who owns the neighbouring farm and rents the yard to PA Fencing Ltd. Neither PA Fencing Ltd nor Mr Crossman had ensured that the machine was properly maintained nor that it was independently thoroughly examined, a test which must be done at least annually.

P A Fencing Limited of Unit 4 Westfield Business Park, Bristol BS21 6UY pleaded guilty to breaching Section 2(1) of the Health & Safety at Work Act 1974. The company was fined £35,000.00 and ordered to pay costs of £7500.00.

David Crossman of Ham Farm, Ham Lane, Yatton BS49 4QL pleaded guilty to breaching Regulation 5(1) of the Provision and Use of Work Equipment Regulations 1998 and Regulation 9(3) of the Lifting Operations and Lifting Equipment Regulations 1998 and was fined £3000.00 and ordered to pay costs of £7500.00.

Speaking after the hearing HSE inspector Tania Nickson said:

"This incident could so easily have been avoided by simply ensuring that the vehicle in question had been properly maintained and thoroughly examined.

"This failure was compounded by PA Fencing Ltd not ensuring their yard was set up to safely store timber or that their drivers were properly trained and appropriately supervised.

"Companies should be aware that HSE will not hesitate to take appropriate enforcement action against those that fall below the required standards."

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  2. More about the legislation referred to in this case can be found at: [www.legislation.gov.uk/](http://www.legislation.gov.uk/)<sup>[2]</sup>
  3. HSE news releases are available at <http://press.hse.gov.uk>
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# A FIRST YEAR OF FIRSTS

As I complete my first year as Chair of the HSE, I have an overriding feeling of pride in the people and achievements of the whole organisation. Our resilience, flexibility and determination to deliver on our mission, values and business plans during these testing times continues to be an inspiration.

HSE stepped up and continues to contribute to the national response to the global pandemic. At the same time, colleagues are taking on significant new responsibilities and expanding others so that we enable more people to be safe and feel safe in their homes, whether houses, apartments or high-rise buildings as well as protecting people and the environment from harmful exposure to chemicals and explosives.

Behind the scenes colleagues have enabled new ways of working, including the continuity of our helplines and an extraordinary growth in our online advice and information communications reach. Right across the organisation there is much learning that is valuable and will inform our new strategy and future business plans.

Many of our partnerships are deeper and stronger than before. The British Occupational Health Society (BOHS) has recognised HSE's efforts in putting together a unique team of specialists to assist the Government in their efforts in providing frontline health care workers with life-saving personal protective equipment (PPE), as a part of the pandemic response.

The Peter Isaac award recognises "an outstanding initiative that has contributed to the reduction of ill health at work." The HSE PPE technical team was assembled to respond to unprecedented global demand for equipment, not only to provide NHS workers with access to high-quality PPE, but also to conduct research, provide expertise, and support policy making and practical guidelines across a whole variety of workplaces.

The celebrated team comprised of experts in occupational hygiene, science, microbiology and infection prevention, as well as policy-making experts and support staff, who combined their skills and knowledge across a wide range of interrelated disciplines.

Working closely with the Department of Health and Social Care (DHSC), Public

Health England (PHE), Medicines and Healthcare Regulatory Agency (MHRA), the NHS and other government bodies, the HSE team evaluated materials and specifications against relevant PPE requirements, to rapidly provide agreement that new and novel sources of supply had been properly assessed and could be deployed to frontline workers without unnecessary delay.

At the same time, colleagues developed the new Spot Check service that has enabled HSE to support local authorities across GB to support workplaces to be to as Covid secure as possible. Colleagues have completed some complex and significant prosecutions including an NHS Trust, National Gas Grid and an Adventure Theme Park operator. While we remain focused on prevention, it is also essential that we also hold people to account and secure justice.

I am one of many colleagues who joined HSE during the pandemic and while I have valued participating in our virtual events, I am very much looking forward to meeting as many colleagues as possible during the forthcoming 'One HSE' events this autumn. These events will provide us all with a good opportunity to appreciate the breadth and depth of our work and think about our shared purpose, values and direction of travel. I am confident and positive about the year ahead and the contribution that HSE will make during these challenging times.



The post [A FIRST YEAR OF FIRSTS](#) appeared first on [HSE Media Centre](#).

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[\*\*Care provider fined after an employee\*\*](#)

# sexually assaulted and raped by a Service User

The Action Group has been fined after an employee was abducted, assaulted, sexually assaulted and raped in the course of her duties by one of their service users.

Edinburgh Sheriff Court heard that on 27 December 2018, at a domestic property in Edinburgh, a young female employee of the Action Group visited a service user to provide support services. The service user was a male adult with additional support needs. During the visit she was abducted, assaulted, sexually assaulted and raped by the service user to whom she was providing support.

An investigation by the Health and Safety Executive (HSE) found that the Action Group did fail to make a suitable and sufficient assessment of the risks to the health, safety and welfare of their female employees posed by this specific service user. They found a history indicating that female employees had been raising concerns about their safety with this service user since March 1994.

The Action Group of North Park Centre, 57 Albion Road, Edinburgh EH7 5QY pled guilty to breaching Regulation 3(1)(a) of The Management of Health and Safety at Work Regulations 1999, and Section 2(1) and 33(1)(c) of The Health and Safety at Work etc Act 1974.

After the hearing, HSE Inspector, Kerry Cringan said: "This was a harrowing case for all involved and could have been avoided by carrying a suitable assessment of the risks, particularly those posed to female members of staff. Had the behaviours of the service user been addressed appropriate control measures and safe working practices could have been adopted to reduce the risk to all staff".

"Companies should be aware that HSE will not hesitate to take appropriate enforcement action against those that fall below the required standards."

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2. More about the legislation referred to in this case can be found at: [legislation.gov.uk/](https://www.legislation.gov.uk/)
3. HSE news releases are available at <http://press.hse.gov.uk>
4. For more information on working safely with vehicles at work, please visit: <https://www.hse.gov.uk/workplacetransport/>

The post [Care provider fined after an employee sexually assaulted and raped by a Service User](#) appeared first on [HSE Media Centre](#).