

Diving instructor sentenced after student dies in a training dive

The widow of a man who drowned during an open water training dive has said she now fears water following her husband's death.

Technical diving instructor, Lance Palmer, has been sentenced after student Roger Clarke, 55, drowned during a training dive in June 2018.

Roger Clarke, a father-of-two from Stafford, was a recreational diver on an entry level Technical Diving International (TDI) Closed Circuit Rebreather Course and lost his life during a training dive. The dive at Stoney Cove, Leicester was planned, managed, and supervised by Lance Palmer, who trades as LP Diving and Marine Services.

An investigation by the Health and Safety Executive (HSE) found that Lance Palmer was responsible for multiple failings. This included not adequately maintaining and checking his students breathing apparatus; failing to remain in close enough proximity to monitor his student which meant he did not notice the audible and visual alarms sounding on breathing apparatus; contravening TDI rules for exceeding maximum diving depths on repeat dives, and failing to have an adequately qualified rescue diver in the water with him and the student.

HSE provides information on [recreational diving projects](#).

At Leicester Magistrates' Court on 25 January, Lance Palmer trading as LP Diving and Marine Services of Pillaton Hall Farm, Penkridge, Stafford pleaded guilty to breaching Section 3 (2) of the Health and Safety at Work etc Act 1974. He was ordered to undertake 50 hours unpaid work and costs of £3,085.

In a family impact statement, Roger's wife Angela Clarke, said: "From the day I lost Roger to this day I cannot get into water, not even a bath and I can't put my face into a shower.

"He was my world. We had a good lifestyle. We had everything. I lost my world and reason to live and all I wanted to do was curl up and die and to be with my husband.

"I have only one regret in my life – not being with my husband when he died."

Speaking after the case HSE Inspector Richard Martins said "Technical diving is a high-risk activity where student divers are totally reliant on their instructors.

"This was a tragic and wholly avoidable incident, caused by the failure of Lance Palmer to plan, manage and conduct his diving training in accordance with the law and his training agency's rules."

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.
 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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[Company fined after worker breaks rib falling into pit](#)

A company has been fined after a worker fell into a moulding pit and suffered a broken rib.

The Peel Jones Copper Products Limited employee had opened up the company's site at Maynard Foundry, Kilton Lane, Saltburn on 27 August 2021. The lights inside the company's casting room were currently off and the worker had to walk from one side to the other in order to turn them on. While doing this, the worker lost their bearings and fell into one of the company's pits, suffering a broken rib.

An investigation by the Health and Safety Executive (HSE) found the company had not properly assessed the risk created by the pits, and that suitable edge protection or covers for the pits had not been provided.

Following a visit by a HSE inspector in 2018, Peel Jones Copper Products Limited had been served with an Notification of Contravention, requiring the company to provide improved protection around the moulding pit. The company had installed edge protection but this was later removed as larger moulds began to be used by the firm. Prior to the incident in August 2021, there had been a previous incident when an employee fell into one of the company's pits, though there were no significant injuries on that occasion.

Peel Jones Copper Products Limited, of Kilton Lane, Carlin How, Saltburn, Cleveland pleaded guilty to breaching Section 2(1) of the Health and Safety At Work Act 1974. They were fined £26,666 and ordered to pay £4,105 in costs at Teesside Magistrates' Court on 24 January 2023.

HSE inspector Stephen Garner said: "The company failed to take suitable measures to prevent employees falling into its moulding pits. This was a clear and obvious hazard that was known to the company. There had been a previous incident and HSE had already taken enforcement action in relation to this particular risk in 2018. It should be immediately foreseeable that harm is likely to result from a system whereby employees are required to walk past

unprotected fall edges in the dark in order to open up a site.”

Notes to editors

1. The Health and Safety Executive (HSE) is Britain’s national regulator for workplace health and safety. It aims to reduce work-related death, injury and ill health. It does so through research, information and advice, promoting training; new or revised regulations and codes of practice, and working with local authority partners by inspection, investigation and enforcement. www.hse.gov.uk
2. More about the legislation referred to in this case can be found at: <https://www.hse.gov.uk/simple-health-safety/risk/index.htm>
3. HSE news releases are available at <http://press.hse.gov.uk>

Man left permanently disabled after being crushed by tonne of glass

A company must pay more than £100k after one of its employees was left with life-changing injuries when a pallet of glass weighing more than one tonne fell on top of him.

Andrew Potts, from Nottingham, was left permanently disabled and reliant on a cocktail of medication after breaking his neck in five places following the incident at a depot in Lichfield on 30 September 2016.

The pallet had shifted during transportation and fell on to the 58-year-old, who has not been able to work since with his wife Dawn having to give up her own job to become his full-time carer.



The pallet of glass – weighing more than one tonne – fell out of

the lorry and on top of Mr Potts

An investigation by the Health and Safety Executive (HSE) found that United Pallet Network (UK) Limited's (UPN) system of working was inadequate and not communicated with staff. They also failed to provide adequate training in [how to recover shifted loads](#).

"This has been extremely hard to deal with, emotionally, physically and financially," Mr Potts said.

"I had to stay in Royal Stoke University Hospital for nine days following the incident.

"Dawn used to come home crying, wondering whether I would make it, and how she and the family would cope.

"I have been left physically, partially disabled.

"I am having to adjust to this new way of being as I continue to struggle to accept what has happened.

"I had recurring nightmares following the incident – I would wake up screaming, sweating or crying.

"The incident left me severely depressed."



The pallet of glass – weighing more than one tonne – fell out of the lorry and on top of Mr Potts

As well as the multiple neck fractures, which resulted in a halo being screwed into his head for several weeks, Mr Potts also suffered many other injuries including broken bones in his leg and feet. Those injuries resulted in eleven pins being inserted into one of his feet, three of which will remain for the rest of his life.

"I can't walk very far at all, I use walking poles in an attempt to keep me as upright as possible to walk outside of our home," he said.

"Depending on where we are actually going, like shopping for instance, I use a powerchair to enable me to get around, even so, all these physical tasks are simply exhausting.

"Our lives will never be the same again, the accident was absolutely life changing.

"We are learning to live again and adjusting to enjoy a different kind of life, because life is a gift."

Stafford Crown Court heard how on the evening of 30 September 2016, a lorry containing a consignment of four pallets of glass arrived at United Pallet Network (UK) Limited's (UPN) pallet hub at Fradley Park, Lichfield. The pallets had not been appropriately loaded or secured and fell out of the trailer onto Mr Potts as he made attempts to rectify the problem.



The pallet of glass had shifted from its loaded position during its transportation

United Pallet Network (UK) Ltd of Vantage Business Park, Leicester pleaded guilty to Section 2(1) of the Health and Safety at Work Act 1974 and it was fined £94,667 and ordered to pay costs of £7,590.34.

HSE Inspector Andrew Johnson said after the hearing: "This is yet another tragic, and avoidable workplace incident that should never have happened.

"Had UPN devised and trained its employees in suitably safe systems of work to deal with shifted loads, then Mr Potts would have continued living the life he had before this incident.

"This is why it is crucial that transport companies get their trailer loading and unloading systems right."

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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.

[£146k fine for company after joiner crushed to death by 20-tonne excavator](#)

A construction company has been fined £146k after a joiner was crushed and killed by a 20-tonne excavator.

Philip McDonald had been hired by Birch Brothers (Kidderminster) Ltd to assist with the construction of a concrete overflow weir structure at Monks Pond, near Ashbourne in Derbyshire.

The 48-year-old was with colleagues on a road above the work area waiting for the excavator to remove sand from trench boxes when it rotated clockwise and crushed him.

Kidderminster Magistrates Court heard that the Principal Contractor, Birch Brothers (Kidderminster) Ltd, had hired in steel fixers and joiners to undertake the work before tragedy struck on 5 September 2017.



The fatal incident happened at Monks Pond, near Ashbourne in Derbyshire.

An investigation by the Health and Safety Executive (HSE) found that the [work had not been adequately planned](#), and no instruction had been given to the digger operator, or to pedestrians who were working in the area. The risks associated with the work had not been adequately assessed either, and there was [no segregation of pedestrians and plant](#) in this area of the site.

The company had not appointed a banksman to ensure the [safety of pedestrians while the vehicle was in operation](#) and there was also nobody to oversee this element of the work to ensure it was carried out safely.

Following the incident, a Prohibition Notice was served stopping further work

involving mobile plant/vehicles until the site had been organised in such a way in that pedestrians and vehicles could move without risks to safety.



The scene at Monks Pond, near Ashbourne in Derbyshire.

Birch Brothers (Kidderminster) Ltd of Barracks Road, Sandy Lane Industrial Estate, Stourport-on-Severn, DY13 9QB, pleaded guilty to breaching Regulation 27(1) of the Construction (Design and Management) Regulations 2015 and were fined £146,000 and ordered to pay costs of £4,621.90

In September 2022, the company appointed liquidators.

HSE Inspector Katherine Cotton said, "This was a tragic incident that was easily preventable. Those in control of work have a responsibility to organise their sites and devise safe methods of working, in relation to vehicles and pedestrians, and ensure they are implemented.

"Construction site vehicle incidents can and should be prevented by the effective management of transport operations throughout the construction process.

"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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Director given suspended prison sentence and firms fined after worker dies

A director has been given a suspended prison sentence and two firms have been fined after a worker was killed when glass panes fell on top of him while unloading a shipping container from a lorry.

Tawanda Chamwandayita, from Edgbaston, Birmingham suffered fatal crush injuries when units of glass fell on top of him while unloading materials from a shipping container.

The glass fell against his leg, knocking him off the rear of the lorry where he fell to the ground in an incident on Walsall Road, Birmingham on 26 October 2017. Mr Chamwandayita, 37, was killed when approximately 17 glass panes fell on top of him from the lorry.



A joint investigation by the Health and Safety Executive (HSE) and West Midlands Police found the unloading was not properly planned, supervised or carried out safely. The defendants failed to assess the risk of workers falling from the lorry and the risk from large and unsecured items falling from the lorry onto workers while unloading.

Inexperienced and vulnerable workers, some of them just 17-years-old, were

working in dangerous conditions with no supervision, inadequate equipment and without any planning or risk assessment in place.

Evergreen Construction (UK) Limited was appointed as the principal contractor but failed to take action to ensure the safety of the workers. The client, Leyton Homes (Perry Barr) Limited (previously known as Hilux Developments Birmingham Ltd and Fast Item Residential Limited) had engaged their own contractor to arrange the delivery and unloading of the container full of large and heavy items, including the glass. The principal contractor was on site but failed to do anything to ensure that the unloading operation was properly planned, appropriately supervised or carried out safely.

Jalal Rana, managing director of Leyton Homes (Perry Barr) Limited, watched the glass be unloaded from the lorry but did nothing to ensure systems were in place to protect the workers. There was no consideration of the competence of the contractors being used or the safety of the work.

Leyton Homes (Perry Barr) Limited, of Walsall Road, Birmingham was found guilty of breaching Section 3 (1) of the Health and Safety at Work etc. Act 1974 and Regulation 4 (1) of the Work at Height Regulations 2005. They were fined £100,000 and ordered to pay £55,084.67 in costs at Birmingham Crown Court on 20 January 2023.

Evergreen Construction (UK) Limited, of Fowler Road, Essex was found guilty of breaching Section 3 (1) of the Health and Safety at Work etc. Act 1974 and Regulation 4 (1) of the Work at Height Regulations. They were fined £115,000 and ordered to pay £52,561.96 in costs at Birmingham Crown Court on 20 January 2023.

Jalal Rana, of Walsall Road, Birmingham was found guilty of breaching Section 37 (1) of the Health and Safety at Work etc. Act 1974. He was sentenced to nine months imprisonment, suspended for two years, and ordered to pay £57,171.95 in costs at Birmingham Crown Court on 20 January 2023.

HSE inspector Edward Fryer said: "This case highlights the importance of engaging competent contractors and making sure that roles and responsibilities are clearly defined. Management arrangements need to be clear between clients, contractors and principal contractors so that health and safety arrangements can be properly planned, coordinated and implemented.

"All parties are required to ensure that safety arrangements are in place and followed. This was a wholly preventable incident which led to the death of Tawanda Chamwandayita in tragic circumstances."

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https://www.hse.gov.uk/?utm_source=press.hse.gov.uk&utm_medium=referral&utm_campaign=notes-to-editors

2. The Construction (Design and Management) Regulations 2015 Requires that the Principal Contractor is appointed by the Client in writing. In the case of Evergreen Construction (UK) Limited the Court considered what constituted an “appointment in writing” and agreed with the HSE stance: CDM 2015 does not define the format or form of words for the appointment of a Principal Designer (PD) or Principal Contractor (PC), merely that it must be recorded in writing. Therefore, the Regulations do not require a specific “letter of appointment” or similar contractual document. The Regulations and associated HSE/industry derived supporting guidance do not go into details or set out any specific form that an appointment in writing should take.
3. More about the legislation referred to in this case can be found at:
https://www.legislation.gov.uk/?utm_source=press.hse.gov.uk&utm_medium=referral&utm_campaign=notes-to-editors
4. HSE news releases are available at
https://press.hse.gov.uk/?utm_source=press.hse.gov.uk&utm_medium=referral&utm_campaign=notes-to-editors
5. Further information about safety in construction can be found at:
https://www.hse.gov.uk/construction/?utm_source=press-release&utm_medium=social&utm_campaign=prosecution-push