

Diving instructor sentenced after trainee dies during dive

A technical diving instructor has been sentenced after he failed to properly assess the competency of two pupils prior to a deep-water dive in Scotland, which ended in a fatality.

Edinburgh Sheriff Court heard how on 8 July 2017, William Peace and another pupil were due to take part in a 45m dive off the coast of Dunbar to the wreck of the U74E – a 755-tonne German mine laying submarine, which sank in 1916. The men were taking part in closed-circuit rebreather diving, which is more technical than scuba diving and enables divers to dive to greater depths. They had joined technical diving instructor Ashley Roberts, sole director of Ash Roberts Technical Limited, to complete their Technical Diving International (TDI) mixed gas closed-circuit rebreather course. They were also accompanied by a friend of Mr Roberts.

As the students had not completed all of the online course pre-requisites, Mr Roberts determined that the planned dive would be a free diving session and fun dive rather than a training dive where he would check the students abilities in-water and provide feedback to them prior to enrolling them on the course and starting the training the following day.

Mr Roberts determined that they would complete an assessment dive to a maximum depth of 45 metres to assess their competency. After entering the water, they descended a shotline slowly to 13 metres, when Mr Roberts' friend disappeared from view. Mr Roberts travelled back up the line to the surface to check on his friend to find he had abandoned the dive as his dry suit was leaking water.

When Mr Roberts returned down the line to a depth of 13 metres, the two students were out of sight, having continued to the seabed. Mr Roberts travelled down the line, but couldn't locate them.

Once they had reached the seabed, they encountered difficulties and Mr Peace became unresponsive.

His dive buddy made several attempts to rescue Mr Peace, but was forced to return to the surface for his own safety. Mr Peace's body was later recovered by police divers using a sonar search.

An investigation by the Health and Safety Executive (HSE) found that Ashley Roberts did not conduct a suitable assessment of the competence of the pupils prior to commencement of the dive. Although an assessment dive was carried out it was not sufficient to measure the capability of the divers and should have been carried out at a depth much shallower than 45m. There was also a failure to verify the number of rebreather hours Mr Peace had completed during his previous dives or to check each diver's rescue ability. The men should have been under the supervision of an instructor at all times and

particularly during an assessment.

Ashley Roberts, of Huddersfield, West Yorkshire, pleaded guilty to breaching Section 3(1) and Section 37(1) of the Health & Safety at Work etc Act 1974. He was fined £2,300.

Ash Roberts Technical Limited was dissolved on 9 July 2019.

Speaking after the hearing, HSE specialist diving inspector Alister Wallbank said: "This was a highly traumatic incident for all involved and a tragedy for William Peace and his family. Mr Roberts was responsible for the appropriate level of assessment, instruction and supervision. The conduct of Mr Roberts undertaking at the pre-dive and assessment stages exposed William Peace and his co-pupil to increased risks to their health and safety than might otherwise have been the case.

"Diving is inherently risky and particularly more so when divers are undergoing training and assessment. There are many potential risks and it is ultimately the responsibility of the diving instructor to manage these risks when supervising, training or assessing in what are often dynamic situations."

He added: "Many diver training courses require an initial assessment dive in order to establish that divers can demonstrate the required pre-requisite competency before progressing to formal training and assessment of more advanced skills and techniques. Competency is a combination of skills, knowledge and experience, it is a recognised fact that many previously learned diver skills can fade over time if not routinely or recently practiced. It is vitally important that a diving instructor adheres to the training guidance provided by the diving federation under which they are instructing and conduct these initial assessment dives in such a way as to reduce any risks so far as is reasonably practicable."

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
 2. More about the legislation referred to in this case can be found at: legislation.gov.uk/
 3. HSE news releases are available at <http://press.hse.gov.uk>
 4. Guidance and practical advice on complying with the Diving at Work Regulations 1997 for recreational diving instructors who are at work is contained in the [Recreational diving projects: Diving at Work Regulations 1997 Approved Code of Practice](#)
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An annual gas safety check can keep us all safe

Sarah Newton blog

If we can take one positive from the incredibly challenging past 18 months or so, it must be the acts of kindness and neighbourliness that we have all witnessed, especially during the difficult months of lockdown.

From those who worked to keep essential services running to getting the weekly shop for our vulnerable neighbours or simply making time to chat, the sense of community, connectivity and collective care is one thing that most of us have wanted to preserve as we have emerged from those dark times.

During Gas Safety Week, from 13 to 19 September, I urge everyone to continue in that spirit by encouraging relatives, friends and neighbours to get a gas safety check. Those who shielded through the lockdown months, are clinically vulnerable or having to work at home, may feel particularly nervous of allowing strangers into their home. I would like to reassure everyone that Gas Safety registered engineers are mindful of people's concerns and all comply with Covid guidance procedures and protocols including wearing appropriate PPE and observing social distancing.

As winter approaches, we are all looking to crank up the central heating ready for that first cold snap. While gas is a safe and efficient way to heat our homes and water, if not properly maintained, appliances can pose a potential risk to ourselves and our neighbours. It's important that we make sure our boilers, cookers, fires and all other gas appliances are checked on an annual basis.

In rented premises, landlords have a responsibility to their tenants to ensure that appliances in rental properties are regularly maintained by a registered engineer.

We can all be guilty of procrastination and justifying to ourselves why we haven't done the things we know that we should. How often do we put things off because we're too busy or the costs may seem prohibitive? Almost a third of us (32%) haven't had a gas safety check in the past year even though it should be done annually. If that rings a bell with you, then I urge you to tick that particular item off your list and book an appointment with a Gas Safe registered engineer now. Having your gas appliances serviced regularly not only give you peace of mind but can help save you money in the long term.

It might feel that we have been bombarded with safety messages over the past year, but this is one thing you can do just once a year to keep safe through the winter months and beyond. By law all gas engineers must be on the Gas Safe Register. Visit the Gas Safety Week website [link] to find one in your area and book a gas safety check for yourself, your family, friends and neighbours.



Sarah Newton

HSE Chair

[Company fined after worker crushed at coal face](#)

Mining company, Three D's Mining Ltd has been fined for safety breaches following a fall of ground on the NW9 coal face at Dan-y-Graig No 4 colliery located near the village of Crynant, South Wales.

Swansea Crown Court heard that, on 15 November 2017, two workers were preparing the roof for the erection of supports with the use of a pneumatic chisel when 0.6 tonne of stone fell from the roof and hit one of the workers on his back. He suffered significant crush injuries, large pelvic haematoma and a three spinal fractures.

An investigation by the Health and Safety Executive (HSE) found that the company had not carried out an assessment of the strength of the timber. The 24mm timber used to support the roof was not strong enough. The timber was not industry standard half rounds or split bars which are 65mm thick.

Three D's Mining Ltd Dan-y-Graig No 4 Colliery, Neath Road, Crynant, Neath were found guilty of breaching Section 2 (1) and Section 3 (1) of the Health & Safety at Work etc Act 1974. Also, Regulation 3 (1) of the Management of Health and Safety Regulations 1999.

The company has been fined £100,000 payable over four years. Costs were not awarded as the company is entering administration.

Speaking after the hearing, HSE Principal inspector Adrian Taylor said: “Small coal operators should follow industry guidance on the use of support material on small coal faces. Any changes should be fully assessed to check suitability.

“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/^[2]

HSE news releases are available at <http://press.hse.gov.uk>^[3]

[Good ventilation in the workplace can help reduce the spread of coronavirus](#)

As more people return to the workplace, the Health and Safety Executive (HSE) is stressing the importance of good ventilation to support businesses minimise the risk of coronavirus.

Alongside cleaning, hygiene and handwashing, good ventilation is one of the best ways to reduce the spread of coronavirus in the workplace as it reduces the amount of virus in the air helping protect workers and their families.

As coronavirus spreads through the air, the virus can build up in poorly

ventilated areas which increases the risk of infection and it is a legal requirement that employers must make sure there's an adequate supply of fresh air (ventilation) in enclosed areas of the workplace.

HSE's updated [guidance](#) looks at how to identify poorly ventilated areas, the use of carbon dioxide (CO2) monitors, how to improve natural and mechanical ventilation, balancing ventilation with keeping warm and ventilation in vehicles.

Maximising the fresh air in a space can be done by:

- [natural ventilation](#) which relies on passive air flow through windows, doors and air vents that can be fully or partially opened
- [mechanical ventilation](#) using fans and ducts to bring in fresh air from outside, or
- a combination of natural and mechanical ventilation

Dr Alexander Tsavalos, HSE's Head of COVID Sector Policy, said: "As more and more people return to their place of work, employers and workers need to continue to work safely to keep coronavirus at bay and this includes having good ventilation systems in place.

"Ventilation helps reduce how much virus is in the air. It helps reduce the risk from aerosol transmission, when someone breathes in small particles (aerosols) in the air after a person with the virus has been in the same enclosed area.

"You can improve natural ventilation in the workplace by doing simple things like opening windows and doors and can improve mechanical ventilation by understanding how your systems work and by making sure they're working properly.

"The use of CO2 monitors in the workplace can also help. Although CO2 levels are not a direct measure of possible exposure to COVID-19, checking levels using a monitor can help you identify poorly ventilated areas.

"Updated guidance on ventilation in the workplace is available on our website which will help more and more businesses operate in a safe environment while protecting their workers. Covid-19 isn't going away and complacency isn't an option.

"Good ventilation should be considered alongside other control measures needed to reduce risks of transmission as part of working safely, such as updating your risk assessment, keeping your workplace clean and frequent handwashing."

Managing Covid risks in the workplace is everyone's responsibility and workplace risk assessments need to include how your premises is ventilated and fresh air is brought into your building, along with other control measures, including cleaning, hygiene and handwashing.

To support businesses in understanding the working safely guidance and how to implement Covid measures, the Health and Safety Executive is continuing to

carry out spot checks and inspections by calling, visiting and inspecting all types of businesses.

The spot check programme provides expert advice during the calls and visits, advising businesses on how to manage risk and protect workers, customers and visitors. We are also working closely with local authorities, assisting them in the sectors they regulate such as hospitality and retail.

Please ensure your workplace is [working safely](#) by following the latest guidance. The updated information on [ventilation](#) is available on our website.

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Media

[Ventilation Video](#)

Notes to editor

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2. HSE news releases are available at <https://press.hse.gov.uk>
3. For HSE's working safely guidance see <https://www.hse.gov.uk/coronavirus/working-safely/index.htm>

[Expansion of the 'grey fleet', gig economy and new technology prompts Health and Safety update on driving and riding for work](#)

The Health and Safety Executive (HSE), working in partnership with the Department for Transport (DfT), has published updated [guidance on work-related road risk](#) (WRRR) for employers and workers today (7 September 2021). The gig economy and the increasing use of personal vehicles for work purposes – the so-called 'grey fleet' – has created some confusion over where responsibility for legal compliance lies, says the regulator.

Driving for work is likely to be the most dangerous activity most workers will ever undertake.

- Every week there are around 200 deaths and serious injuries involving people using the road for work
- It is estimated that 40,000 people working in occupations such as sales, deliveries or taxi-driving are involved in road traffic collisions every year
- Company car drivers in the UK are 49% more likely to be involved in traffic collisions, even after correcting for demographic variables and their relatively high mileages
- Countless other will suffer stress, anxiety and/or minor injuries from unreported incidents.

HM Inspector for HSE's Transport and Public Services Unit, Nicola Jaynes, commented:

"The Health and Safety at Work Act sets out the legal duties of employers and those engaged to work for them, their responsibilities to manage WRRR are nothing new. However, the landscape is changing and we wanted to ensure guidance reflects these changes and also remains relevant for years to come.

"Companies who otherwise have robust health and safety policies sometimes fail to consider their responsibilities adequately when it comes to driving or riding for work. Everyone should come home from work safe and well, whether they're working behind a desk or behind the wheel."

Prosecutions could lead to significant fines and custodial sentences, as well as driving bans and/or operator licences being revoked. In 2020, a company found guilty of failing to effectively manage fatigue for their employees driving for work, was fined £450,000 and ordered to pay £30,000 costs after two men lost their lives in a motorway collision.

All drivers and riders have an individual responsibility for their driving behaviour under road traffics laws. However, when driving for work, the organisation they work for has legal responsibility for their employees' health and safety. For example, ensuring employees do not drive an excessive number of hours and checking their vehicle is properly maintained, even if it belongs to the employee. The regulations apply to all workers including those using two-wheeled vehicles, such as motorcycles, scooters and ebikes.

The updated guidance is informed by HSE research which included a literature review, survey and interviews with those working in the sector.

Nicola Jaynes added:

"The shocking number of injuries and fatalities associated with driving for work demonstrates that more needs to be done to manage WRRR. This updated guidance will give employers the guidance they need to ensure the safety and wellbeing of their drivers and riders. Organisations with a positive safety culture and clear, well managed policies for driving and riding for work can have a significant influence keeping our roads safe for everybody."

Editor's notes

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2. HSE and the Department for Transport have worked with stakeholders to create new '[Driving and riding safely for work](#)' This replaces INDG382 Driving for Work guidance. There is clear, simple guidance:
 - for employers and those who engage drivers and riders on how to make sure the journey, driver and vehicle are safe
 - for workers and those who drive and ride for work on their responsibilities.

In recent years there have been significant developments in vehicle driving and monitoring technologies, employment status and driving practices. The new webpages explain the responsibilities of anyone who engages workers to drive or ride for work, whether in an HGV, van, car or on a two-wheeled vehicle. The guidance covers health and wellbeing as well as safety.