

# 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Following a HSE investigation, two divers from the Portsmouth area have had their diving qualifications withdrawn.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 Mahmmued 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."

#### **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. 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/recycling/index.htm)

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.

#### **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.
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."

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# Company fined after workers injured by explosion

A manufacturing company in West Yorkshire has been fined £200,000 after workers were seriously injured by an explosion.

Three workers at Weir Minerals Europe Limited sustained burns while operating a furnace at the firm's site on Halifax Road in Todmorden on 25 February 2020.

They had been melting a large amount of steel before an explosion took place in the furnace. It had most likely been caused by water entering the furnace while the workers were adding in the scrap metal.

The three men suffered burns to their faces, heads and backs. There was also resulting damage to the surrounding equipment.

A Health and Safety Executive (HSE) investigation found that Weir Minerals Europe Limited was aware of the risk associated with wet scrap metal being added to the furnace. However the protection from rain that was in place at the time of the incident was not adequately implemented and maintained.

HSE guidance can be found at: [Molten metals industry – Safety topics \(hse.gov.uk\)](https://www.hse.gov.uk/moltenmetals/)

Weir Minerals Europe Limited, of Halifax Road, Todmorden, West Yorkshire, pleaded guilty to breaching Section 2 (1) of the Health & Safety at Work etc Act 1974. The company was fined £200,000 and ordered to pay £6,095 in costs at Bradford and Keighley Magistrates' Court on 5 September 2023.

HSE inspector Jackie Ferguson commented: "This was a serious incident that could so easily have been avoided. Companies should be aware that HSE will not hesitate to take appropriate enforcement action against those that fall below the required standards."

This HSE prosecution was supported by HSE enforcement lawyer Matt Reynolds.

## **Notes to Editors:**

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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. We do not have any pictures for this prosecution.
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## Printing company fined after worker's hand crushed

A commercial printing company has been fined £100,000 after an employee's hand was crushed by a laminating machine.

The man had been working for Celloglas Limited at the firm's site at Cross Green Industrial Estate in Leeds.

He was attempting to fix a laminating machine on 25 November 2020 when his right hand was drawn into the device and crushed between two rollers. The worker, who was 31 at the time, realised the machine had broken while he was feeding the device with paper.

The incident led to the man's right hand sustaining soft tissue crush injuries as well as nerve damage and contact burns to his right wrist. The injuries to his hand meant the man could not drive for seven months following the incident and also led to him suffering with anxiety and PTSD.

A Health and Safety Executive (HSE) investigation into the incident found the laminating machine was not adequately guarded and that the company failed to review existing risk assessments for the machine which required the production of a safe system of work.

HSE guidance can be found at: [Managing risks and risk assessment at work – Overview -HSE](#)

Celloglas Ltd, of Exeter Way, Theale Commercial Estate, Theale, Reading, pleaded guilty to breaching Section 2 (1) of the Health & Safety at Work etc Act 1974. The company was fined £100,000 and ordered to pay £5,165.09 in costs at Leeds Magistrates' Court on 30 August 2023.

HSE inspector Darian Dundas commented: "A review of existing risk assessments for the machine should have identified that a safe system of work was required to keep operatives safe from harm. Had such a review taken place then this incident could so easily have been avoided."

This HSE prosecution was supported by HSE enforcement lawyer Gemma Zakrzewski.

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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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## [Latest construction campaign to prevent ill health from moving and handling materials](#)

- Around 42,000 construction workers suffer musculoskeletal disorder (MSDs) which can cause years of agonising aches and pains
- Serious aches, pains and strains can affect every part of someone's life
- Construction site inspections focused on moving and handling in materials throughout September and October



Moving and handling heavy or bulky objects on construction sites is needlessly harming the health of tens of thousands of workers every year.

Working in construction is a physically demanding job and many construction workers' health is suffering due to pain in muscles, bones, joints and nerves that affect every aspect of their lives and in many cases their ability to work and earn a living.

The Health and Safety Executive (HSE) is warning construction workers that the long-term impact on their health can leave them struggling to stand, walk, or sit down.

From 4 September 2023, HSE inspectors will be carrying out inspections of construction sites, focusing on the health risks of moving and handling materials on site.

Supporting the inspections initiative is HSE's communications campaign 'Work Right Construction. Your health. Your future' ([LINK](#)), to raise awareness of the risks when moving and handling materials on site and provide advice for employers and workers.

Inspections in 2022 found widespread methods that can protect workers such as the use of mechanical equipment to handle large glazing panes, using small inexpensive air bags to help to position heavy doors when being installed, and the use of all-terrain pallet trucks to move blocks and brick-lifters to carry bricks around site.

However, inspectors also found many examples of poor practice, some of which resulted in enforcement action, such as a worker lifting an 80kg kerb on his own without any assistance from machinery, lifting aids or colleagues, and a 110kg floor saw that had to be moved into and out of a work van by two operatives at a street works site.

The law requires employers to control the risks of ill health of their workers, which includes pain in muscles, bones, joints and nerves that can develop over time, known as musculoskeletal disorders (MSDs). However, in the most recent period an estimated 42,000 people in the construction industry suffered from a work-related musculoskeletal disorder, which can cause years of agonising aches and pains. This amounts to 53% of all ill health in the construction sector.

If moving and lifting is managed properly, a physical job on a building site should not disrupt every part of workers' lives.

Before work starts, moving and handling risks should be considered and prevented where possible at the design stage. Once on site, employers should talk to workers about controlling existing risks and make sure appropriate measures are in place, such as the right training, aids and equipment.

Matt Birtles, principal ergonomist at HSE, said: "It is important that the issue of manual handling is not downplayed. Serious aches, pains and strains should not be accepted as routine when working in construction. These can dramatically affect every part of someone's life – with sufferers struggling to get themselves dressed and undressed, and unable to pick up their children or grandchildren.

"The culture of a site may mean many people feel uncomfortable talking about these issues but if your back has gone or if you're in agony whenever you move your arms, measures need to be put in place to address the causes."

HSE's Acting Head of Construction Division Mike Thomas said:

"MSDs affect the lives of tens of thousands of construction workers and can lead to a lifetime of suffering. However, there are simple measures that can be taken to prevent this.

"Everyone involved in construction has a role to play in keeping people safe and healthy. We want everyone in the industry, from designers to contractors and their workers, to be aware of the risks associated with any moving or lifting task and put appropriate measures in place.

"The health of workers must be considered when planning construction work so that they can carry out their jobs without fear of injuring themselves or developing aches, pains and strains, including being provided with the correct equipment to lift and move materials safely."

## Notes to editors

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2. HSE has a tool which can be used by employers to assess the risks to their workers of ill health. It can be found at: [Manual handling assessment charts \(the MAC tool\) \(hse.gov.uk\)](#)
3. More information about the HSE campaign, *Your Health. Your Future* can be found at: [WorkRight Construction: Your health. Your future – Work Right to keep Britain safe](#)
4. Statistics on the incidence of MSDs are published in the annual Labour Force Survey – [LFS – Labour Force Survey – Self-reported work-related ill health and workplace injuries: Index of LFS tables \(hse.gov.uk\)](#)

Support for the HSE campaign, *Your Health. Your Future*: Geraldine Brammer, HCLG MSD lead and Occupational Health Leader, Europe, Laing O'Rourke

"Health in Construction Leadership Group (HCLG) is supportive of HSE's campaign as we know MSD's can have a huge impact on our construction colleagues and their ability to undertake their roles safely. MSD's also impact on our colleagues quality of life beyond the construction site, both from a physical and psychological perspective.

"Working collaboratively is imperative in supporting the understanding of MSD's. Within the HCLG MSD sub-group, we are working towards producing campaign videos for the construction industry to raise further awareness and drive meaningful action to shift the acceptable level of risk around MSD's in the industry. A united industry approach is an exciting opportunity ahead of us, showing joined up leadership which is meaningful and ultimately changes behaviours."