

Meeting with Carbon Monoxide interest groups

Minutes of meeting on 11 April 2007

Attendees

Stephanie Trotter, President and Director, CO-Gas Safety
Jonathan Kane, Director of CO-Gas Safety & Kane International
Marcus Weatherby, Solicitor
Paul Overton, Board of reference, CO-Gas Safety and father of Katie Overton who died of carbon monoxide poisoning in 2003

Siarl Davies, Co-President, CO Survivors
Marie Broderick, Co-President, CO Survivors

Maxine Frerk, Director Governance, Consumer and Social Affairs
Michael Knowles, Head of Licensing
Steve Brown, Technical Adviser
Liz Chester, Social Issues Manager
Vicki Carter (meeting notes)

1. Introductions and Background

- 1.1 The purpose of the meeting was to give CO interest groups an update on the progress of our Supply Licence Review (SLR), which has included a review of our current conditions on free gas safety checks and gas safety information.
- 1.2 Introductions were made by MF which included areas of work for Ofgem attendees. MK gave an update presentation on free gas safety checks and information, which included Ofgem's current thinking under the SLR.

Marie Broderick raised the point that she could not follow what was being said because VC who was trying to type so she could follow by the meeting by reading a laptop (Marie has been made somewhat deaf by CO) was not a stenographer. MF responded that Ofgem had contacted Marie about the arrangements prior to the meeting and had received a reply from Marie thanking Ofgem for taking her issues into account. Marie reiterated that a stenographer would be preferable in such situations. SD arrived a bit late and apologised and found that he could not follow either both because of Marie's point and also because they could not use one laptop screen as they needed the screen at different distances from each of them due to eyesight problems caused by CO. MF apologised and responded that Ofgem would conduct the meeting as slowly as possible to ensure that points were properly noted.

2. Issues Raised

- 2.1 ST had concerns that Ofgem only get to hear the views of the industry in respect of gas safety issues because CO-Gas Safety was not treated as a full stakeholder and not invited to any meetings with the other stakeholders which would have allowed CO-Gas Safety to have put its points on behalf of all consumers and victims to the other stakeholders. This also meant that neither Ofgem nor CO-Gas Safety had heard the

responses by the other stakeholders to the points that CO-Gas Safety had made in meetings with Ofgem and in submissions to Ofgem, which was not helpful. MF noted that CO-Gas Safety had attended a meeting in September where there was full discussion on these issues with other stakeholders present. SB confirmed that as well as discussing the issue with CO interest groups, Ofgem has been in regular contact with the HSE as part of their gas safety review. ST asked if HSE had raised the two recommendations made by the HSC in 2000 because HSE had told ST that they had raised the recommendations. There was no reply by Ofgem about this issue. SB replied with Ofgem's current thinking on the SLR and the reasoning behind it. ST confirmed that the HSE has always stated that the number of deaths by CO is relatively low, but firstly, HSE only counts CO deaths caused by gas powered appliances, ignoring all other fuels, secondly it is impossible to compare HSE deaths with CO-Gas Safety's statistics because HSE does not even collect names of the dead and thirdly, this is disputed by the CO survivors group and by CO-Gas Safety in respect of deaths and the number of people who suffer permanently injuries as a result of CO poisoning. CO-Gas Safety pointed out that the whole system fails to find CO by failing to make people aware of the possibility and by failing to provide a test on appliances either free or at a reasonable cost. PO pointed out that in the case of his daughter, the ambulance personnel and hospital medics failed to think of CO and even the pathologist failed to test for CO until the rest of the family nearly died of CO and PO contacted the pathologist and asked him to test the samples luckily retained after Katie's cremation, for CO. CO was also missed for some days in the case of Elisabeth Giauque aged 6 until others in the same house and same room suffered CO poisoning.

- 2.2 SD raised the issue of what a gas safety check included and considered that the majority of checks are just visual inspections. ST added that any checks should be with a flue gas analyser or have a full service. ST pointed out that British Gas refuse to undertake a gas safety certificate without a full service contract (which often is just a check with a FGA but that this does seem to work and leave the appliance safe and not emitting CO in most cases).
- 2.3 SD raised his own concerns about local authority landlords not fulfilling their obligations in respect of safety checks. It was confirmed that this is outside of Ofgem's remit and a matter for HSE to investigate.
- 2.4 Emergency services provided by network operators – Ofgem confirmed that there are issues here within HSE's remit. SB confirmed that each network company operates under individual safety cases which are accepted by the HSE. The safety cases set out the responsibilities of network operators and the procedures for managing risks. SB also confirmed that legislation such as the Gas Safety (Management) Regulations and Gas Safety (Installation & Use) Regulations primarily affect the network operators, both of which are made under the Health and Safety at Work Act. ST raised the point that HSC had made the recommendation in 2000 that the gas emergency service should carry and use equipment to test for CO so why was this being ignored. No answer from Ofgem on this issue.
- 2.5 SD raised the question of who would be carrying out safety checks. MK explained that it would be for suppliers to decide if they employed agents acting on behalf of the companies or if they wanted to use their own staff.

- 2.6 Free gas safety checks – MK confirmed that we were considering the issue of occupiers on benefits with young children under 5. ST stated that asking the suppliers to do this voluntarily meant in reality that these checks would almost certainly not be done. This was highly regrettable but if that was the case, Ofgem should accept this rather than maintain that Ofgem had changed the duties owed to those with young children under 5. ST also said that it should surely apply to all children i.e. under 18. Putting aside the voluntary issue, MF asked whether it was important to extend the obligation to this particular group. SD considered that single mothers at home with young children were also an important group to consider as they were more exposed to the dangers of CO than those out at work. MK confirmed that the key point is to ensure that the checks are focussed on the right people and to ensure that suppliers are publicising free checks. ST pointed out that Ofgem had admitted that all were vulnerable to CO but some could afford the services/tests more than others, provided of course they knew about CO and the dangers in the first place. Marie made the point that the disabled should not be questioned about their means by law and Ofgem said it would look into this.
- 2.7 MK mentioned the feedback we received from suppliers on the check for CO emissions. MK explained that Ofgem was intending to align the requirements for a free gas safety check with the checks carried out by landlords under the Gas Safety (Installation and Use) Regulations 1998. ST replied that she understood why Ofgem might decide to align the checks, (for the sake of consistency) but that she had strong concerns as to what the landlord check covered. ST suggested that Ofgem lead the way to a better test which it could be argued was more necessary for the disabled etc. anyway.
- 2.8 SB said that the Gas Safety (Installation and Use) Regulations require a series of examinations which if carried out by a competent engineer will result in the signs of carbon monoxide being detected. ST disputed this and pointed out that Katie Overton had died a few days after the gas safety certificate had run out and that the court proceedings clearly showed that the appliance had not been serviced / cleaned for many years. This showed that a service/check with a FGA would be much safer. PO made the point that CO alarms should be compulsory, certainly in rented accommodation.
- 2.9 SB said that a Flue Gas Analyser (FGA) is a useful tool for carrying out safety checks but that it is not the only way to carry out a check particularly on older appliances where CO levels were not specified by the manufacturer. JK referred to British Standard 7967 which gives guidance on the use of FGA when manufactures figures are not available. He agreed that a FGA cannot easily be used on back-boilers but can be appropriate on 80% of gas appliances. ST pointed out in her experience of over twelve years of talking to installers that had checked appliances using a FGA, that at least FGAs had always been able to ascertain whether or not an appliance was emitting CO or not.
- 2.10 MF confirmed that if a company was not complying with its obligations under their licence in relation to gas safety checks Ofgem could impose penalties of up to 10% of a company's turnover. MF also confirmed that Ofgem would not have to pursue a company through the Courts, but that Ofgem could make its own decision as to whether we would investigate a company as we have done in the past in respect of mis-selling, and in

respect of new connections carried out by Transco. It was explained that Ofgem would require some form of evidence to commence an investigation, which could be received from a variety of sources such as energywatch and whistle blowers.

- 2.11 ST raised the issue of levies and she acknowledged that Ofgem probably could not raise funds for third parties. ST stated that if Ofgem refused or could not raise sufficient funds for a media prime time warning campaign was there anything Ofgem anything Ofgem could do to make sure there was the relatively small amount of funds (of £1 million compared to the £22 million or so needed to raise awareness through a prime time media warning campaign) needed to undertake proper research (statistically significant number of UK homes and ideally workplaces to show the prevalence or not as the case may be of CO poisoning. There was no reply from Ofgem about this issue. With regard to a decent warning campaign, ST appreciates the work Ofgem has carried out to date but that leaflets etc. would not reach the most vulnerable, the blind, the illiterate, the foreign etc. MK confirmed that under the SLR Ofgem are trying to include a licence condition on suppliers to make people aware of CO poisoning and also to define what constitutes a gas safety check, but that Ofgem can only operate within its remit.
- 2.12 SD asked who was responsible for which areas of work within Ofgem. MF confirmed the various areas of work.
- 2.13 MW asked whether it would be useful for CO-Gas Safety to send us a "wish list" and for Ofgem to comment on whether or not it was within our remit. Although CO-Gas Safety has already responded to the SLR, ST confirmed that this reply was confined to the issues raised in the consultation documents. Ofgem stated that although they would receive the 'wish list' it was almost certainly too late to be taken into account with regard to the decision that Ofgem was going to announce in late May.
- 2.14 MK confirmed that Ofgem was looking at implementing the new conditions by the end of June 2007 and that in May a decision document would be published.
- 2.15 SB confirmed that Ofgem takes into account the views and recommendations of the HSE and that Ofgem had taken on board the comments from this meeting.
- 2.16 MF agreed that a short note of the meeting would be prepared and put on Ofgem's website.