

## CO-Gas Safety Unintentional Carbon Monoxide Poisoning Case Study

### **ANONYMOUS, Survived 2011-2015**



**Fuel:** Solid fuel

**Appliance & Location:** Professionally installed woodburning stove at home

**Notes by CO-Gas Safety:** This case study was published in our 2018 press pack. Despite being told the stove was fitted to HETAS standards and having the flue swept, faults in the installation of this stove repeatedly lead to this mother and son being poisoned. The final occasion could have been fatal. Navigating the legal system following this negligent installation was stressful, lengthy and ultimately insufficient, as is too often the case for victims of such dangerous tradesmen.

In the September 2011 I bought a wood burning stove and the company recommended the fitter. This stove was to be fitted in the home I own and share with my son.

After installation we were given a HETAS Certificate of Compliance.

In April 2013 the flue was swept by a HETAS registered chimney sweep, who was also a member of the Guild of Master Sweeps. He immediately identified various faults including the wrong sized of flue and no carbon monoxide monitor was fitted although this is a legal requirement.

In addition the cement around the flue pipe kept cracking as the stove was not secure and kept moving every time the door was closed.

I contacted the original fitter who reluctantly came along, fitted a restrictor and a carbon monoxide monitor. This was 18 months after the original installation. He put some cement around the flue pipe and left some with us so we 'could fix it ourselves'. He reassured us that all was well.

In Spring 2014 the flue was swept once more by a qualified chimney sweep.

In November 2014 both my son and I started to feel unwell but put it down to winter. In the late evening of a day in late November I felt very ill with sudden heart arrhythmia. Paramedics were called and I was diagnosed with atrial fibrillation, not a condition I have ever suffered with. I was admitted to hospital (A & E) for investigation.

At the hospital (A & E) I was told I needed a blood test but there was no phlebotomist available and after 5 hours the doctor told me he was going to do it himself. When the results came through they said they needed to take arterial blood, but they were unsuccessful.

I was discharged at 6.30 a.m. and my GP rang about midday. After looking at the results of the blood tests my GP rang to say I needed to go back to hospital immediately because my calcium levels were dangerously low. I have researched this since and low calcium levels can be caused by CO.

In February 2015 I was admitted to hospital (A & E) again with the same symptoms.

On the 2<sup>nd</sup> March 2015 after spending the evening in front of the stove, my son came and found me looking ashen and appearing confused. The carbon monoxide alarm was sounding. Cambridge Fire Services, the ambulance service and the gas emergency service were called by my son and I was placed on 100% oxygen for 45 minutes.

The firemen extinguished the fire and declared the installation dangerous. **It has not been used since.**

In July 2016 HETAS carried out a formal inspection of the installation. Many non compliant faults were

found. A copy was also sent to the head office of the stove shop. The installation had not been registered with HETAS.

We were advised by CO-Gas Safety to seek legal advice in order to pursue a claim for personal injuries. This seemed to go well at first. However, after some months the solicitors firm was taken over and the case taken from the solicitor we had and given to another solicitor. The new solicitor then refused to pursue the case any further.

Although I tried other solicitors, I could not get legal representation. Therefore I decided to at least claim for the costs of replacing the system, as opposed to personal injuries. I then made a claim for this only in the Small Claims Court. The judge asked if this case was suitable for this court because the court did not deal with personal injuries. I confirmed that it was as I was only claiming for the cost of the heating system and not for personal injuries.

The judge then suggested that we come to an out of court agreement with the defendant. We argued and the amount they finally agreed to pay was £4,600.

*Anonymous Victim*

### **CO-Gas Safety comment**

Sadly this case is all too typical. The installers of solid fuel do not have to be registered by law as gas installers have to be. We know of an even worse case in Scotland that has been dragging on for years. There is one in N. Ireland which is extremely difficult because 'no win, no fee' is not allowed in N. Ireland. There is another family who has been poisoned by solid fuel in England and I am hopeful that this case at least will be taken on by the solicitor I now recommend but it all turns on evidence. Very often the evidence has been changed, or the offending appliance removed, before the person poisoned can obtain an investigation and report from an independent expert court witness. Luckily this is not the case here. The cost of such an investigation and report can be from £2,000 to £15,000.

As usual the medics did not think about CO for this victim, at least not to start with.

We have also become concerned about the way lawyers run their cases. The 'no win, no fee' basis does mean that people who could not bring a case before due to lack of funds to pay lawyers can now start a case and that is helpful. However, if the evidence is not obtained or is not strong enough, the lawyers will drop the case due to the risk they run of not getting paid at all unless the case is successful. This is common sense and happens with all cases, and ultimately this is sometimes not a bad thing for people who are claiming; litigation is usually exhausting and is obviously not worth doing if, at the end of it, there is only failure. However, our concerns are that lawyers cherry-pick only the best possible cases for proceeding on a 'no win, no fee' basis. We are also concerned about the costs of obtaining expert reports, whether claimants are told clearly enough how much winning or losing rides on such evidence and then are given a chance to find the funds to cover this if necessary.

We tried to help this lady and her son by recommending a lawyer. Sadly this lawyer's firm was taken over and the case was dropped. Evidence is always a problem but should not have been in this case. The charity is down to one lawyer that it recommends. The settlement was restricted to a settlement with regard to the cost of a new heating system only and not personal injuries, so there is still the chance that a personal injury claim can be brought provided it can be done in time.

We have lobbied for mandatory registration of all installers by law, not just gas installers. This would also assist with regard to better training of solid fuel installers.

We have lobbied for all installers to have public liability insurance.