

**Surrey Coroner's Court**  
**Matter of Shaun MASLIN (Deceased)**  
**Regulation 28 Report – Action to Prevent Future Deaths**  
**Energy & Utility Skills Response**

## **Background**

Given the inherent risks associated with the transportation of gas across the whole of the UK, the need for a competent workforce is clear and obvious to all. Established initially as a National Training Organisation (NTO) in 1998, and subsequently licensed as a Sector Skills Council when NTO's were replaced in 2003, Energy & Utility Skills (EU Skills) has worked collaboratively with employers to support this important objective.

## **Circumstances of the Specific Incident**

The Coroner's report highlights the fact that the testing of medium pressure mains is a potentially dangerous activity, and should always be undertaken by a competent person following clear procedures. The industry does have well defined procedures for all such activities which, if followed carefully, will mitigate all foreseeable risks for what is a standard procedure for all newly installed gas mains.

Training and subsequent assessment of the competences needed to follow procedures and as safely undertake pressure testing is essential, and for many years, gas workers have been fully trained and assessed to complete these tasks. From the report it appears likely that this was not carried out in this case, and so the actual competences held by [REDACTED] were not recorded, or well known by those involved in the management of the project.

## **Competence Management**

The gas industry involves a complex range of organisations ranging from the asset infrastructure owners, large multi-utility contracting companies, smaller sub-contract businesses and specialist engineers. Managing the competences needed across this diverse industry in an effective way, requires a strategic industry standard approach that helps all employers ensure that their personnel are properly trained in the first place, and then maintain the necessary competences over time. Legislation, Codes of Practice and methods of working do change on a fairly regular basis, sometimes due to improvements in technology, and so a mechanism that facilitates the reinforcement of competence on a periodic basis is likely to provide the most comprehensive solution.

This approach is recognised in many industries as a robust and cost effective solution and has become the standard in industries where similar hazardous activities are carried out on a regular basis. The Construction industry operates a comprehensive Skills Certification Scheme (affiliated with the EU Skills scheme) and similar management system requirements are standard in the Rail and Waste Management industries.

In respect of the Gas Distribution Network industry, much of the necessary framework already exists to deliver a comprehensive approach that could relatively easily be expanded to incorporate all of the requirements highlighted in the report.

## **Occupational Standards and Qualifications**

A suite of gas industry National Occupational Standards (NOS) and vocational qualifications derived from them, has existed since the introduction of NVQs in 1987. While these standards and qualifications are updated on a regular basis to reflect changes in technology and working practices, they offer only a partial solution to the creation and maintenance of a continually competent workforce. Any perception that a qualification obtained many years ago, may indicate competence forever, is clearly flawed. The establishment of initial competence, as assessed against clear performance and knowledge criteria, must be re-assessed on a periodic basis if competence is to be maintained on a sustainable basis. Since its creation, EU Skills has developed a number of initiatives that facilitate this.

## **Existing Competence Management Solutions**

EU Skills operates a comprehensive, internet based, register that enables employers to record the skills, knowledge and authorisations of every operational worker, both directly employed and operating under a contract. This register (EUSR – Energy and Utility Skills Register) is recognised as a robust and effective mechanism and currently holds over 157000 records from the Energy and Utility Sector. More information about EUSR and its operation may be found on [www.eusr.co.uk](http://www.eusr.co.uk)

EUSR operates as an industry voluntary basis and has no statutory mandate. However, despite this, the number of employers using the EUSR continues to increase on an annual basis and indicates that many employers value the register and its capability to help them manage the competence of their, often mixed direct and indirect, employee workforce. Three types of “scheme” are hosted on the EUSR register (i) Safety, Health and Environmental Awareness (SHEA) across the range of specific industries both within the EU Skills sector and external to it (ii) Job Role specific Competences that require the evidence of a recognised qualification, and (iii) Permits and authorisations given by asset owners for individuals to carry out certain tasks, or enter specific sites.

A recent enhancement of EUSR has been the introduction of a “Reference Scheme” for Gas Distribution Network asset owners that facilitates the placement of a securely protected “flag” on an individual’s record, should that individual operate in a manner that breaches established safety procedures. This mechanism, developed in collaboration with National Grid, is a radical and unique innovation and required significant careful planning to ensure legal compliance and the support of the Information Commissioner.

Certain gas employers (those subject to the Gas (Safety) Installation and Use Regulations 1998) are required to be Gas Safe Registered and their employees subject to re-assessment of their gas safety competences, on a five year cycle. While an external centre based assessment model has operated for many years, a new Group Competence Scheme (GCS) has recently been introduced that enables the employer, in line with their general obligations under the Health and Safety at Work Act (H&SWA) to demonstrate the ongoing competence of their workforce, via a robust management system that is externally audited and certificated. The advantage of this approach is that it enables employers that operate across a broader range of activities with some not covered by the Gas Safe Register requirements, to incorporate all the necessary competence requirements within a single competence management system. This GCS is fully aligned to the Gas Safe Register requirements and has been supported by the industry Management Board that includes the HSE, Gas Safe Register and UKAS Accredited Certification Bodies.

## **Comments on Actions to Prevent Future Deaths**

Having been involved in the drive to improve and maintain skills and competence across the energy and utility sector for many years the key issues may, in my opinion, be summarised as follows....

The requirement for all employees to demonstrate initial competence to carry out job role activities, by assessment against an industry standard is essential.

This achievement of Energy and Utility industry recognised competence should be registered on the EUSR national database with an expiry date of no more than five years.

An assessment of continued competence, based on objective evidence against an industry standard, should be carried out by the employer and used for re-registration upon the five year expiry.

It should be mandatory for all energy and utility sector infrastructure asset owners to register their workforce, both direct and indirect, on EUSR. Only when all workers are registered, can the full benefits of, for example, the Referencing Scheme be realised across the industries.

## **Timescale**

A comprehensive outcome, in line with the comments above, could be introduced very quickly, given that most of the infrastructure and systems capability already exists. With many of the employers involved (but not all) already embracing both EUSR and the concept of increased "employer ownership of skills", a move to a total registration and competence management system is realistically achievable within two years.

## **Conclusion**

Much of what is needed to prevent future incidents and deaths within the energy and utilities sector is already in place, but operates without statutory backing. As a result, employer participation is optional and creates gaps in the potential information that could be made available to all employers and key agencies. Closing these gaps would reinforce the effectiveness of the register, and offer a significant contribution to the management of competence.

EU Skills remains committed to providing solutions that help employers meet their skills and competence requirements, and would be happy to discuss the content of this response further with the Coroner, the Department for Business and Skills or other stakeholders as required.