



West London Coroner Service
25 Bagleys Lane, Fulham, London, SW6 2QA
Tel: 0208 753 6800 Email: hfandhounslowcoroners@lbhf.gov.uk

Date: 29 January 2021
Case: [REDACTED]

REGULATION 28 REPORT TO PREVENT FUTURE DEATHS

THIS REPORT IS BEING SENT TO: Marble Ideas Limited
Unit 1, Station Approach
Station Road Langley
Berkshire, UK
SL3 6DB
CORONER

1

I am **Mrs. Lydia Brown** Area Coroner for **West London**
CORONER'S LEGAL POWERS

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I make this report under paragraph 7, Schedule 5, of the Coroners and Justice Act 2009 and regulations 28 and 29 of the Coroners (Investigations) Regulations 2013.

<http://www.legislation.gov.uk/ukpga/2009/25/schedule/5/paragraph/7>

<http://www.legislation.gov.uk/uksi/2013/1629/part/7/made>

INVESTIGATION and INQUEST

On 1st September 2020 I commenced an investigation into the death of Allan David GUNNELL. The investigation concluded at the end of the inquest. The conclusion of the inquest was that Mr Gunnell died from industrial disease as a result of exposure to silica dust in the workplace.

3

The cause of death was

1a Progression of severe pulmonary fibrosis due to silicosis

1b

1c

II Chronic Obstructive Pulmonary Disease; Subsegmental pulmonary emboli; pulmonary bilateral upper zone infection

CIRCUMSTANCES OF THE DEATH

4

Mr Gunnell was under the care of Interstitial Lung Diseases clinic at Hammersmith Hospital.

He had an in-life diagnosis of severe pulmonary fibrosis due to silicosis and the disease progressed to claim his life on 24th August 2020. Prior to his death he had been employed by your company and probably exposed to silica dust in the workplace.

CORONER'S CONCERNS

During the course of the inquest the evidence revealed matters giving rise to concern. In my opinion there is a risk that future deaths will occur unless action is taken. In the circumstances it is my statutory duty to report to you.

The **MATTERS OF CONCERN** are as follows. –

- 5 Evidence was requested but not received in relation to the occupational health checks that are carried out by your company, given the hazardous substances and high risk working practises that your employees are exposed to.

The Health and Safety executive have published G404 which deals with the requirements placed upon employers who work with respirable crystalline silica (RCS) and there was no evidence before the court that you are working in compliance with this document, and advising your employees of the risks and carrying out the health surveillance required. This therefore potentially puts them at greater risk of developing the disease and not receiving timely health care. I therefore require you to consider the current arrangements in place to protect your employees and whether these are sufficient and in accordance with HSE guidelines and COSHH Regulations 2002.

ACTION SHOULD BE TAKEN

- 6 In my opinion action should be taken to prevent future deaths and I believe you Marble Ideas Limited have the power to take such action.

YOUR RESPONSE

- 7 You are under a duty to respond to this report within 56 days of the date of this report, namely by 29 March 2021. I, the coroner, may extend the period.

Your response must contain details of action taken or proposed to be taken, setting out the timetable for action. Otherwise you must explain why no action is proposed.

COPIES and PUBLICATION

I have sent a copy of my report to the Chief Coroner and to the following Interested Persons [REDACTED]. I have also sent it to the Health and Safety Executive who may find it useful or of interest.

- 8 I am also under a duty to send the Chief Coroner a copy of your response.

The Chief Coroner may publish either or both in a complete or redacted or summary form. He may send a copy of this report to any person who he believes may find it useful or of interest. You may make representations to me, the coroner, at the time of your response, about the release or the publication of your response by the Chief Coroner.

- 9 29 January 2021

A square blue box containing a handwritten signature in blue ink. The signature is stylized and appears to be 'Lydia Brown'.

Signature

Lydia Brown Area Coroner for West London