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Our Ref: CB/KLF
Date: 29th December 2014

Mr Andrew Walker
Senior Coroner
Northern District of Greater London
North London Coroners Court
29 Wood Street
Barnet
EN5 4BE

Dear Mr Walker

REGULATION 28 REPORT TO PREVENT FUTURE DEATHS – SANTOSH BENJAMIN MUTHIAH

I am writing in response to your letter of 5th November 2014, under Regulation 28 of the Coroners (Investigations) Regulations 2013, relating to the inquest into the tragic death of Mr Santosh Benjamin Muthiah.

Before responding to your earlier correspondence, I would first like to express and place on record my deepest condolences to Mr Muthiah's family.

Firstly, by way of an introduction I am the Deputy Chief Fire Officer of Humberside Fire and Rescue Service and, also the Chief Fire Officers Association (CFOA) Lead Officer for Fire Investigation. In this capacity I also chair CFOA's Fire Investigation Strategic Steering Group (FISSG).

CFOA is a charity whose purpose is to promote and increase efficiency amongst the UK's Fire and Rescue Services (FRS) for the benefit of the public and all communities across the Country. It is important to note that my CFOA role does not authorise me to mandate any FRS to undertake a particular course of action. Whilst this is the case, I can produce guidance and recommend to the CFOA Board that this be issued to FRS in order to support the Association's purpose.

As your letter relates to the sharing of information following investigations into the origin and cause of a fire, it is also important to note that whilst the Fire and Rescue Services Act 2004, in particular Section 45 of that Act, does give the FRS powers to obtain information and investigate fires, it does not place a specific duty on them to do so. Therefore, whilst all UK FRS currently investigate fires to an extent, it cannot be guaranteed in the absence of a statutory duty, the level that FRS will continue to investigate [fires] in the future.

Despite that fact, I would assert that Fire Investigation remains an important aspect of FRS work and, there is no doubt that the findings from various investigations have helped secure and safeguard both communities and firefighters alike.

This has been achieved through the identification of trends and emergent issues and, sharing information with partners and stakeholders. In this regard I acknowledge that there would be benefits in Trading Standards (TS) and manufacturers being provided with more of the information that was available relating to appliance fires.

In this respect, I can report that there has been work on going since early 2014, initiated by the aforementioned CFOA FISSG, to improve the ability for the FRS to share information and intelligence with TS. Following a meeting in June 2014, hosted by the Government's Business Innovations and Skills Department (BIS), there was agreement by all stakeholders, including CFOA, the Department of Local Government (DCLG) and the Association of Trading Standards Officers (ACTSO) that information sharing between the FRS and TS was important and, as a result, BIS undertook to carry out exploratory research on how that might be achieved most effectively through web based means. CFOA continue to engage proactively on this project and are currently awaiting an update from BIS.

I also note that in your letter you address a number of concerns to [REDACTED] DCLG Deputy Director National Resilience and Fire Programme. It appears that those concerns are around a similar area of data sharing. On this matter, I would comment as follows.

All UK FRSs provide information as to the cause of fires and the extent of damage caused by fire, to DCLG via their Incident Recording System (IRS). This is provided for every fire attended by the FRS and is generally gathered by frontline crews at the scene, rather than dedicated Fire Investigators who are mobilised depending on local circumstances but mostly where incidents are likely to be protracted or complicated. In respect to the subject matter, these routine reports will include the make and model of the appliance where that information is available. I have discussed the overlap between the two areas that we are responding to with [REDACTED] and some of her colleagues. Whilst I am not in a position to comment upon the capacity for DCLG to change any processes, I do believe that there may be opportunities to work to enhance some of the information gathered for IRS. As a result it may be possible to consider the ways that information is currently recorded and accessed thereby providing a more sustainable method to inform both TS and manufacturers of the information that you suggest on a regular basis. CFOA are already engaged with a working party developing the replacement IRS system, moreover there is an FISSG member to provide specific inputs on FI related matters.

On this matter, my opinion is that if a system was developed to extract information on those fires where the FRS had reported to DCLG in 8.1 of the IRS as being caused by "fault in equipment or appliance" and the manufacturer and/or model number was known and reported to DCLG in 8.2 of the IRS, then even that limited information may be useful to both TS and manufacturers.

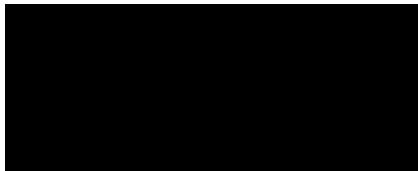
There are clear benefits in such a system being administered centrally using existing means rather than relying on the potential discrepancies caused by local inputs associated with a revised individual FRS arrangement. To illustrate this point, I would refer to the lack of statutory duty around the investigation of fires and the current variations across the UK in respect to how information is gathered and disseminated. Whilst this is the case, the requirement for each FRS to complete the IRS as described above is one which DCLG can continue to demand under Section 26 of the Fire and Rescue Services Act as it places a duty upon Fire and Rescue Authorities to "submit to the Secretary of State any reports and returns required by him."

Proposals for further action by CFOA

1. CFOA will continue to engage proactively with the work which BIS are progressing regarding information sharing between FRS and TS. As the nominated person for that work I will ensure that CFOA provide any support within the timescales required by BIS.
2. CFOA will continue to engage proactively with DCLG to help develop the future IRS, and the ease by which this type of information can be gathered, accessed and disseminated. The timetable for that work is outside of the control of CFOA but the Association has nominated an officer to be part of the working group and will support as required.
3. CFOA will provide guidance to FRS by April 2015 to help ensure that the information provided on IRS is as accurate and meaningful as is possible to facilitate the ease by which DCLG could provide it to TS and manufacturers if they decided to do so.
4. If DCLG determine it is not feasible to provide meaningful information to both TS and manufacturers on a periodic basis then CFOA, in consultation with DCLG, will provide guidance to each UK FRS on the methods to be used in order to identify appliances involved in fire and the manner in which this is to be recorded and information shared with other partners; including TS and manufacturers. It must be acknowledged that this cannot be mandated, or indeed monitored by CFOA going forward. Depending on the response from DCLG this will be provided to FRS, even only as an interim measure that they may decide to adopt, by 1st April 2015.

Once again please allow me to express my deepest condolences to Mr Muthiah's family. CFOA are committed to working with its members and partners in order to reduce the tragic incidences of deaths caused by fire in the UK and I would welcome sight of the responses from the other organisations that you have written to in order for us to best understand how to achieve our aims.

Yours sincerely



Chris Blacksell
Lead Officer for Fire Investigation
Chief Fire Officer's Association