



Department for
Business, Energy
& Industrial Strategy

Margot James MP

Department for Business, Energy &
Industrial Strategy
1 Victoria Street
London
SW1H 0ET

Ms Penelope Schofield
HM Senior Coroner for West Sussex
Coroner's Office
West Sussex Record Office
Orchard Street
Chichester
West Sussex PO19 1DD

T +44 (0) 20 7215 5000
E enquiries@beis.gov.uk
W www.gov.uk

13 February 2017

Dear Penelope,

Thank you for your Regulation 28 Report to Prevent Future Deaths dated 19 December 2016 following your investigation and inquest into the death of Grace Joy Roseman, aged 7 weeks, due to accidental death caused by the drop down side of a second-hand NCT bedside sleeper. I am responding as the Minister responsible for product safety.

May I first say how sorry I was to hear of this unfortunate accident - if you have the opportunity would you please convey my deepest sympathies to her parents, [REDACTED] and their family? My Department takes the safety of all consumers very seriously. As you know, bedside sleepers fall within scope of the General Product Safety Directive (GPSD), which is implemented in the UK through the General Product Safety Regulations 2005 (GPSR). These require that all products placed on the market, including second hand products, must be safe under normal and reasonably foreseeable conditions of use. In assessing the safety of a product, account is taken of a number of factors including labelling, instructions for use and adherence to standards. In your report you have expressed four main concerns:

- whether the current standard for Cribs and Cradles for Domestic Use BS EN 1130 – 1:1997 and 2:1996 adequately addresses the safety concerns related to this type of product;
- the number of other products of a similar nature being marketed that pose a similar risk;
- the response from industry about the possible risk of death from partially lowered sides; and finally
- the need for standards which relate to the safety of products for children to be drafted or revised with the contribution of experts in paediatric medicine and child development to ensure that the standard properly reflects current scientific knowledge.

1) The current standard for Cribs and Cradles for Domestic Use BS EN 1130 – 1:1997 and 2:1996

Standards are reviewed every 5 years following their initial publication and in June 2013 the decision was made to amend **EN 1130** in line with the most updated hazard based approach, taking into account latest products including bedside sleepers. The draft is currently with national standardisation bodies to comment and in the UK this is the British Standards Institute (BSI). BSI has already contributed substantial comments specifically as a result of the death

of Grace. A BSI committee meeting took place on the 24th January 2017 and the 'bedside sleeper baby death case' was included on the agenda. West Sussex Trading Standards attended the meeting to provide their account of the incident and to express your concerns.

Work is progressing and draft EN 1130 now has a proposed section (**Section 8.10 Hazards due to bed side sleeping**) for bedside sleepers identifying their dangers. Clause **8.10.1 Hazards due to the drop side** concerning alignment between the drop side of the bedside sleeper and the bed requires the bed mattress to be aligned or higher than the drop edge of the bedside sleeper so that there is no residual height difference between the bedside sleeper and the bed.

Again, as a direct consequence to the tragedy, the proposed warnings in clause **9.3.4 Information for bedside sleeper** will be required including – **“WARNING: to avoid hazards from the infant’s neck being caught on the top rail on the side that is next to the adult bed, the top rail must be no higher than the adult bed mattress.”** There are also a number of other requirements to address other hazards that could be present.

The Chair and members of the BSI committee will represent the UK interests at a CEN (European Committee for Standardisation) Working Group on Childcare Articles on 21/22 February. CEN has invited West Sussex Trading Standards to the meeting to give a presentation regarding the incident involving the bedside sleeper with a view to providing further insight into the nature and severity of potential hazards.

Following that meeting we should have a better understanding of the likely timeframe for the proposed changes to EN 1130.

2) The number of other products of a similar nature being marketed that pose a similar risk

All products supplied or placed on the UK market are required to be safe under the General Product Safety Regulations. This includes similar products to bedside sleepers; competent authorities can use the GPSR to remove products they consider unsafe. The Government recognises the seriousness of this issue, and my officials at BEIS will work with stakeholders to review the guidance currently available to retailers and manufacturers to determine if it is fit for purpose, which will help to ensure they fully understand their responsibilities and how to comply with them.

3) The response from the industry to the possible risk of death from partially lowered sides

I believe that the majority of manufacturers take the safety of their products and the intended end users very seriously. I have recently tasked the Working Group on Product Recalls and Safety to explore how to increase both business and consumer awareness on the issues of product safety. My officials at BEIS will work with industry stakeholders such as the British Retail Consortium and the Baby Products Association to ensure their members are aware of their obligations under product safety legislation not only to produce only safe products but also their obligation to notify and remove unsafe products as quickly as possible.

4) The need for standards which relate to the safety of products for children to be drafted or revised with the contribution of experts in paediatric medicine and child development to ensure that the standard properly reflects current scientific knowledge

The Chair of BSI Childcare Committee (CW/1) is Robert Anslow, Managing Director of the Baby Products Association. This is the UK trade body for the childcare industry and organises the annual UK Nursery Fair. Mr Anslow is an active member of several CEN working groups

as well as a convenor of the CEN TC252 WG 4, early learning and protection working group and has been involved in standardisation for more than 20 years. Other members of the Committee include a broad cross-section of industry such as Mamas and Papas, Mothercare, Furniture Industry Research Association, Bureau Veritas, and The Lullaby Trust amongst others. The committee members are experts with considerable skill and experience in their fields. My officials at BEIS will discuss with BSI how to ensure that paediatric advice is fed into the revision of the standard.

In addition, all draft EN standards are presented for public comment prior to publication and anyone from members of the public to paediatric experts have the opportunity to comment. They are also able to put themselves forward to become members of a committee.

In addition to the work being undertaken to revise the standard, my department will continue to engage with stakeholders and delivery partners to gather further intelligence on products such as these. This evidence will be fed into any discussions regarding the development of the standard and others in the area of childcare products. In addition, we will be engaging with The Royal Society for the Prevention of Accidents (RoSPA) on whether there is a need to improve general guidance and raise consumer awareness surrounding the sleep environment.

I hope that I have adequately conveyed that following the unfortunate death of Grace Joy Roseman, and as a direct result of her death, action is being taken by industry and standardisation bodies to effect a number of changes to improve the standard and to better ensure all cots, sleepers and cribs are safe.

Thank you for bringing this important issue to my attention, and I hope I have reassured you that the Government is working with stakeholders to avoid further tragedies like this in future.

Best wishes
Margot

MARGOT JAMES MP

Minister for Small Business, Consumers & Corporate Responsibility