

Business, Energy and Industrial Strategy Committee

Oral evidence: The safety of electrical goods in the UK and the UK's product safety and product recall regimes, HC 503

Tuesday 31 October 2017

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Watch the meeting

Members present: Rachel Reeves (Chair); Vernon Coaker; Drew Hendry; Peter Kyle; Albert Owen; Antoinette Sandbach.

Questions 1-198

Witnesses

I: Charlie Pugsley, National Fire Chiefs Council; Pete Moorey, Head of Campaigns, Which?; Martyn Allen, Technical Director, Electrical Safety First.

II: Sian Lewis, Association Executive, Association of Manufacturers of Domestic Appliances; Leon Livermore, Chief Executive, Chartered Trading Standards Institute; Ian Moverley, Communications Director, Whirlpool UK Appliances.

Examination of witnesses

Witnesses: Charlie Pugsley, Pete Moorey and Martyn Allen.

Q1 **Chair:** Thank you very much for coming to give evidence today on the safety of electrical goods in the UK and the UK's product safety and product recall regimes. It would be useful if you could introduce who you are first and then we will start the questions.

Martyn Allen: I am Martyn Allen, technical director at Electrical Safety First.

Pete Moorey: I am Pete Moorey. I am head of campaigns at Which?.

Charlie Pugsley: Good morning. I am Charlie Pugsley, representing the National Fire Chiefs Council and I also head up fire investigation for London Fire Brigade.

Chair: Thank you all very much for coming in to give evidence today. I am going to start the questions with Albert Owen.

Q2 **Albert Owen:** Good morning to you all. To what extent are the financial pressures contributing to reduced numbers of trading standards officers affecting their ability to enforce compliance and relevant legislation regarding the safety of electrical goods? It is a question to you all, to get the flavour of it, please.

Charlie Pugsley: It is probably a little bit outside our area of expertise, but we notice that, when we send notifications, we do not always get a response to those, if we are making a local authority aware of an issue. Following the Muthiah inquest, the response to the coroner from CTSI, which you will be hearing from, alludes to the challenges of a much reduced service. I will leave it at that for the time being.

Q3 **Albert Owen:** On that, if you do not mind, you say that you do not get responses to notifications. Is that a new trend? At one time you expected it and you are finding that there are fewer.

Charlie Pugsley: Across the board, it is more a reflection of the huge amount of work they have to deal with. If you send through something saying, "We have had a fire in this electrical equipment", after you send two or three, you would normally expect a bit more of a response, or you would hope there would be a little bit more interest. That is the wrong word, but we need to understand that they are dealing with a lot of local issues that can be competing for their time. I am sure they are making their best efforts, but you can only do the best you can with the resources you have.

Pete Moorey: There is no doubt that cuts have had a serious impact on local trading standards. Twenty services in England have had their funding reduced by over 60% since 2011, and we know that many local



HOUSE OF COMMONS

authorities now have only one qualified officer doing trading standards work. For us, the crux of the issue is not really the cuts; it is the fact that the system is highly fragmented. Local trading standards should not be expected to enforce product safety law and undertake market surveillance, in addition to all its other responsibilities. We have to remember that trading standards is responsible for around 200 to 250 pieces of law, and product safety simply is not a priority among them. You cannot have a local solution to a national problem. That is why we are pressing for a new national body to be established, to have oversight on this issue.

Martyn Allen: Trading standards is indeed under-resourced. It provides a fantastic job; it is the frontline service in monitoring and enforcing product safety, but it desperately needs the manpower and resources to carry out those duties. The cuts that were identified by Mr Moorey are hitting some local authorities. Some local authorities are down to below £200,000 of budget, so product safety is very unlikely to be one of their priorities or indeed on the list.

Q4 **Albert Owen:** Just for clarity, are you agreeing with Mr Moorey that there should be a new body or are you saying there should be extra resources?

Martyn Allen: I was answering the question about trading standards cuts and the impact of those cuts on them being able to deliver their legal objectives.

Q5 **Albert Owen:** How good is the UK's performance? Is the number of fires caused by faulty electrical goods in line with other European countries?

Pete Moorey: It is not something that we have done work on to compare the situation between the UK and other EU countries. As things currently stand, in the UK, we should be concerned about the product safety system and that it does not really put consumers first. That is why it is important that we now introduce a national body that is responsible for this issue, because we have seen a number of incidents over the last few years that raise real concerns about the system in the UK.

Martyn Allen: Last year, fire services in England reported five fires a day from white goods, with washing machines being the number one cause of domestic appliance fires; that is nearly one in five domestic appliance fires. We compiled a top 10. Looking at fridge freezer fires, on average since 2010 there have been about four fires a week, and one in five of those fires was in a block of flats.

Q6 **Albert Owen:** How does that compare? Do you have comparative evidence?

Martyn Allen: Compared to other countries' performance, it is difficult to get the data. We have some data from France, which seems comparable in terms of population, but there is a lower population



HOUSE OF COMMONS

density. Of course there is a different plug and socket arrangement in France, but it seems to have a higher callout rate than the UK. Turning more locally to Wales, there appears to be a higher fire incident rate in Wales, based on its data.

Charlie Pugsley: I would support what colleagues have said. Unfortunately, there is a challenge. This is something that our colleagues from AMDEA, the manufacturers and safety bodies such as Which? will back up: there is not consistent data available through Europe. To take one case, following a particularly unfortunate death, the police operation Glanmire sent out requests to all fire services and to the private sector, and there were something like 20 fires reported in London but none elsewhere. Therefore, either we have the unusual condition that fires are in London, or it is more that you only see issues if you are particularly looking for them. As part of London Fire Brigade's work that feeds into the national fire chiefs' work, we use London as a lens, because of the population sample and we are uniquely placed with the resource to look at this. With the pressures elsewhere, if you are not looking for it—

Q7 **Albert Owen:** London is pretty good at collating the cases. How does that compare with other major cities in Europe?

Charlie Pugsley: It depends, Europe-wide. To come back to what my colleague said, I am sure you will hear from the next panel that there is a lack of consistent data from Europe and even internationally. There are fragmented pieces of information, but if you have qualitative, quantitative and case study information from one large area with a population of nigh on 10 million people, it is reasonable to extrapolate that. That works, and you can look at what the picture would appear to be nationally.

Q8 **Chair:** Mr Pugsley, you have indicated, as have others, that the data is not great on this. Is the number of fires, injuries and fatalities caused by faulty appliances being recorded properly so that trends can accurately be tracked? Does that happen today and, if not, who should be doing this?

Charlie Pugsley: It may be worth drawing your attention to the response to the coroner from the Muthiah inquest that came from the Chief Fire Officers Association. There was also a response from DCLG, which I believe—I can obviously forward this to you afterwards—said that it does not routinely or automatically do data searches to look for these trends. Now that sits with the Home Office, I am not aware of any significant change to that position. I may not be the best person to talk on behalf of the Home Office or DCLG, but I think it is there in print saying there are issues nationally with how the data is looked at and analysed.

Q9 **Chair:** In your view, should it be the Home Office that would be tracking this?

Charlie Pugsley: If we are all aware that there are clear issues and we have the data, what is the point if we are not going to do something



HOUSE OF COMMONS

useful with it? For me, it would be a loss to society and to the people. We have this data, so let us at least do some kind of horizon scanning, because that is in the interest of all parties.

Pete Moorey: I do not have much to add to that, beyond the fact that, on a number of occasions, Which? has tried to do freedom of information requests around this kind of data, and it has been incredibly difficult to source this sort of information. That reveals that there is a lack of this data being held in a consistent way and, therefore, a lack of transparency, which is worrying.

Q10 **Chair:** In your view Mr Moorey, who should publish and track this information?

Pete Moorey: In the short term, from what Charlie was saying, it sounds sensible for the Home Office to do it. I am going to sound like a broken record, but long term it is exactly the kind of thing that a new national body responsible for product safety should hold, to ensure that we have full transparency and, critically, that you can communicate to consumers directly about these kinds of risks.

Q11 **Chair:** I want to move now to the decisions to repair faulty goods rather than do full product recall. In 2015, the decision was taken by Whirlpool to initiate a repair programme on tumble dryers, which was agreed by Peterborough trading standards, rather than a full product recall. Was this the right decision and, if not, why not? How does the system work? Who decides whether a recall or a repair programme is necessary?

Pete Moorey: It was not the right decision. We are very frustrated that Whirlpool continues to refuse to do a full recall. That is something that should be happening straightaway.

Q12 **Chair:** Do you want to tell the story of what happened in 2014?

Pete Moorey: Whirlpool originally bought a number of manufacturers. It came to light to the company—you will be able to talk to it in a lot more detail about this in the next session—that there were issues with these tumble dryers and it worked with Peterborough trading standards to decide what to do next. They agreed on a repair and modification programme. Our concern is that, by 2016, 750 fires had been reportedly linked to these tumble dryers. Then in August of that year there was the Shepherd's Bush fire, where a tower block burned down and tragically it left 50 people unable to return to their homes.

Throughout that process, we consistently saw Whirlpool ducking its responsibilities to customers. It initially refused to publish the detail on the machines that were affected. Which? had to publish all the detail of the 129 models on our website, to try to make it public to consumers.

Q13 **Chair:** How many tumble dryers were affected?

Pete Moorey: Around 5 million or more are estimated to be affected. We understand from the remedy programme that around 40% of those



HOUSE OF COMMONS

have been dealt with. That has often been talked about as a success, but the fact that there could be an estimated 2 million of these machines still in people's homes is incredibly worrying. The repair programme was far from satisfactory, and we are really concerned that it started a repair and modification programme that it simply could not deliver. It talked to consumers about repairing or modifying their machines. Six months on, we were still hearing from people who had not had their machine repaired or modified. A year on, we were hearing from people.

The advice it was giving to consumers, where it was effectively saying that it was still safe to use those machines, was concerning as well. Of course, following the Shepherd's Bush fire, it did not change that advice until Which? threatened to judicially review Peterborough trading standards. As a result of that, the advice has now changed and people are no longer being told to use those machines. There is a whole range of things that Whirlpool has failed to do through this process. The critical one, though, is that it has failed to recall these machines.

Q14 Chair: Although it is of course impossible to go back in time, if in 2014 the decision had been made by Whirlpool and Peterborough trading standards to do a full product recall, might something different have happened in Shepherd's Bush in 2016?

Pete Moorey: I am not going to speculate on that.

Q15 Chair: Would the machine that caught fire at Shepherd's Bush have been recalled?

Pete Moorey: Charlie is better placed to answer that question than I am, but it remains of deep concern to Which? that many of these machines are still in people's homes. That means that, every day, there is risk of another fire if people are using them.

Q16 Chair: Mr Pugsley, would you be able to answer that question of whether the machine in Shepherd's Bush that caught fire, if there had been a full product recall in 2014, would have been recalled?

Charlie Pugsley: It is not possible to give a definitive answer. The question of whether to do recall or in-home repair is also a question that I cannot really give you expert guidance on. I would certainly support Peter's comment around the advice. In quite an unprecedented move, I personally wrote to the company six months before the Shepherd's Bush fire and expressed my concern about the advice being given that they were safe to use. Regrettably, six months later we had all those people displaced in what we would regard as a near miss, because, had that fire been at night-time, it could have been a different picture.

As I say, I would not like to suggest that it would definitely have had a different outcome. For us, it is more that you cannot get all the people all the time to do what you ask in terms of safety, but if you at least have the right system and give the right advice, you have done all that is reasonably practical.



HOUSE OF COMMONS

Q17 Chair: What would be the right system, Mr Pugsley? What should Whirlpool have done in 2014 instead of engaging in the repair programme?

Charlie Pugsley: The single point for me, if you know that there is a risk of fire that can start in your home, is to tell people not to use it. There is clearly an issue for people in flats with limited space, particularly if they have young children, so we really appreciate that. I would also like to go on the record as saying we appreciate the enormous task that Whirlpool had to deal with. We must not lose sight of that. However, the advice is that, if something is going to catch fire, just watching it does not mean that you are safe. I have personally seen deaths and serious injuries whereby people have been close to fire: they try to evacuate or people try to help or rescue somebody, and unfortunately it has tragic consequences. It is as simple as that. If it is going to catch fire, do not use it.

Q18 Chair: Is the advice given by Whirlpool and others around tumble dryers and fridge freezers right today, or are there still issues with electrical goods being in people's homes that just should not be there?

Charlie Pugsley: As Pete has alluded to, in this specific case the advice was changed and we are very pleased about that. In terms of others, it is about proportionality. We are all in the modern world with a range of appliances, but, if you know something has a risk of fire, electrocution or some other significant hazard, how can you justify saying that it is okay to carry on using that product?

Q19 Chair: On the specifics, though, you were critical of the decision made in 2014. Are there decisions out there today that you think should be different? Do you think that there are products that should be recalled today?

Pete Moorey: These tumble dryers should be recalled. That is the main issue for us today.

Q20 Chair: Today there are still outstanding issues with these tumble dryers.

Pete Moorey: Yes. They are in people's homes. People may well be using them; people may well not be aware of this advice, because we are talking about millions of machines. There is a risk that people have not heard the work that all our organisations, the national media and parliamentarians have done.

Q21 Chair: What could Whirlpool do differently to get those machines out of people's homes?

Pete Moorey: It should be moving from a repair and modification programme to a full recall programme, and working with every agency it can to identify those machines in people's homes and ensure that they are removed.

Q22 Chair: Mr Allen, do you agree with that?



HOUSE OF COMMONS

Martyn Allen: I agree. We host a section on our website where people can check to see if they have a recall product. When the repair programme safety notice was initiated in 2014, our advice to consumers was not to use their machines until a Whirlpool engineer had carried out the repair or at least assessed that it was safe to use. We held that view right until Whirlpool followed the advice that we had been giving since 2014.

Q23 **Chair:** The aim of the sessions today is to see whether more evidence is needed on this, and whether we should be looking to do more work on it. I just want to be clear. We have the issues of these tumble dryers, which you all agree should be recalled rather than the repair programme, but are there other goods out there or is it just these tumble dryers that you are concerned about? Is there a more systemic issue?

Pete Moorey: There is a more systemic issue in terms of enforcement and the system. There is a systemic issue in terms of how local trading standards is resourced to deal with this issue but, more importantly, whether it is the right body to do it. That is one issue.

There is currently another issue with the product safety system around standards and whether the standards process is fit for purpose. That is where all of our organisations have raised concerns around fridges, fridge freezers and freezers recently, and the use of flammable plastic-backed material for some of those. That is a different issue to the Whirlpool issue. It is not one that means those machines should be recalled, but it means that there should be changes to the standards process to ensure that safer products are being built.

Once again, we think that illustrates a much bigger issue around the product safety system. That is why we would welcome a further inquiry that goes beyond these individual issues on Whirlpool or fridge freezers, and looks in more detail at the system and what should be done to reform it, particularly in light of Brexit.

Charlie Pugsley: I would support the fact that there are wider issues in terms of standards. In 2012, after quite a bit of work previously, we made an open-source document about the dangers of these plastic-backed fridges, but we are still not at the point where we have a standard change. I have personally been to court for several deaths, and, had things moved on more efficiently and more effectively based on evidence rather than anything else, we might be in a different place.

Finally, tying into what colleagues are saying, part of the frustration with the tumble dryer issue for many people was transparency, because of how things were dealt with. In some of the media pieces I had to do on behalf of the National Fire Chiefs Council and London Fire Brigade, I was asked, "Mr Pugsley, why are you saying this?" It was quite easy to demonstrate to people in simple terms why. Conversely, if a risk assessment has been done, why are you saying that is still safe to use? I am not aware of any information that came back as to why that advice to



HOUSE OF COMMONS

consumers was still as it was. If there was a national body or a single overarching system for that, I understand that there is commercial confidentiality, but you could have a level of transparency to help the consumer understand why these changes or actions are being asked for.

Q24 Chair: A national body could give greater clarity and information to consumers. Can I ask a final question about these plastic-backed fridges? Are they across a range of manufacturers?

Charlie Pugsley: They are. We have always said that, in terms of the fridge freezers, it is not manufacturer-specific. After inquests, we have always made efforts with significant companies like Whirlpool to see if there are opportunities, for us as a fire service, to work with industry to promote a change. We are not there yet. We are broadly supportive of the change by AMDEA, but ultimately, more than five years on, we are still not there.

Chair: I can sense your frustration.

Q25 Antoinette Sandbach: Mr Pugsley, you spoke about the open-source document that you created in 2012. What level of risk is there with these plastic-backed fridges, and what level of risk is acceptable?

Charlie Pugsley: First of all, we have to be pragmatic. While we have electricity and plastics in our houses, there is always going to be a risk, and I am absolutely aware of that. Sometimes faults are not apparent for several years, so it is not just in newly released goods. Sometimes, through the life of a product, there are changes that cause issues to arise. In terms of risk, the key issue for us is that a fridge freezer is not something you can turn off when you go to bed; it is always on. For many people, those fridge freezers are on their escape route.

In one tragic case in north London a couple of years ago, we had five children and their mum die. That was a case where the smoke alarm did its job; it raised the alarm, but the fire developed so quickly. We worked with *Watchdog Test House* a couple of years ago, and there is a video online that you may have seen, which shows the Building Research Establishment setting fire to a plastic-backed fridge and a metal-backed fridge. I hate to say it was almost funny how quickly the BRE staff had to shut down the facility because the fire was growing so rapidly. They had to stop the test, whereas the metal-backed fridge just burnt slowly away. The risk is that it can be an uncontrolled burn, which can greatly reduce people's opportunity to escape a fire.

Q26 Antoinette Sandbach: Mr Moorey, you have spoken about the way in which Which? has tried to force Whirlpool, or at least Peterborough trading standards, to issue a notice. What is Which?'s view from a consumer perspective about plastic-backed fridges?

Pete Moorey: We have tried to strike a position with consumers that is proportionate to the risk. We are advising them at present not to buy fridges that have flammable plastic backing. We are making that much



HOUSE OF COMMONS

clearer in terms of our own information on our website, and we are encouraging manufacturers to do that as well. It is important, with these fridges and fridge freezers, to be clear that they themselves are not the cause of the fires. The number of fires from those products is relatively small. It is about them spreading the fire. We have been very careful about the information that we have given to consumers about this.

Q27 Antoinette Sandbach: Effectively, you make a distinction between the tumble dryers and washing machines, and the fridge freezers.

Pete Moorey: Yes, there is a big distinction. It is really about the fact that, given that avoidable design weaknesses in these products are known about, this should be tackled now. Going forward, we do not want to see new fridges and fridge freezers being built in this way. We want to ensure that consumers who already own these products are aware of that, but we do not want to alarm them in quite the same way as they should be alarmed about Whirlpool tumble dryers.

Q28 Antoinette Sandbach: Can I go back to the issues around data? Are you aware as a consumer organisation how many Section 28 reports have been issued by coroners in relation to deaths caused either by freezers or tumble dryers, particularly in relation to Whirlpool?

Pete Moorey: I am not, but we can look at that information and come back on that.

Q29 Antoinette Sandbach: Have you asked the coroners for that information?

Pete Moorey: I am not aware that we have asked them for that information, so I will go back and find out.

Q30 Antoinette Sandbach: Are you aware of that, Mr Allen?

Martyn Allen: We are aware of several, but not exactly how many. To come back to the point about the plastic-backed fridge freezers, several manufacturers have now moved towards having a different type of material on the back, predominantly a metal or foil back. We were invited to see some testing only last week and the difference is considerable.

Q31 Antoinette Sandbach: Given that we support manufacturers that adopt good practice, which are they?

Martyn Allen: Several do it, across their ranges. There is a considerable difference in containing the fire when one occurs. We are trying to push for the standard to be changed so there is a level playing field, but it does not stop that voluntary action being carried out. Some manufacturers are taking that step. It does not seem to be cost-related either.

Q32 Antoinette Sandbach: Can I ask Electrical Safety First, in relation to reaching consumers who may have bought through a third party faulty



HOUSE OF COMMONS

products or products with higher risks associated with them—for example, they are fitting a kitchen and they have an integrated washing machine or a fridge freezer, because they are offered as packages—whether you have any evidence of the companies trying to notify those resellers or agents?

Martyn Allen: The crux of the matter in trying to improve recall effectiveness is that manufacturers often do not know where their products are. We continually try to encourage consumers to register their products, and third-party installers need to be registering those products on behalf of consumers, because, if they know where the products are, they can contact people directly, to encourage them to take action and get those unsafe products repaired or taken away. We spend a lot of our time and effort encouraging consumers to take responsibility themselves and register their products.

Pete Moorey: It reveals just how fragmented the system is. We have found that, when consumers have an issue with a product and are aware they have an unsafe product, they are often not sure where to go. Should they go to the retailer? Should they go to the manufacturer? They are pushed from pillar to post. We have seen that situation with some retailers that are not aware of their own responsibilities, and they do have responsibilities under the Consumer Rights Act. The consumers are often pushed to manufacturers instead, and the manufacturers fail to solve the situation. Once again, that illustrates the need to reform the whole system and ensure that we are looking at it in the round.

Q33 **Antoinette Sandbach:** Could you write to us about the obligations that the third parties have towards consumers when they are selling integrated appliances?

Pete Moorey: Yes.

Q34 **Peter Kyle:** I will start with you, Pete. Do you believe that safety and recall regimes are failing customers? It certainly sounds like it from hearing the testimony this morning.

Pete Moorey: Yes, we do. We think that the product safety system as it currently stands is broken, and it is broken across a number of different issues. As I have said, it is fragmented, so there is an issue with proper resource for the organisations involved, the range of organisations involved and the fact that data is not being shared in the right way. There are issues with expertise. We are all aware of the problems that trading standards has at a local level, but that expertise is not something that we should necessarily expect local officers to have. There is an absence of a proactive approach in terms of market surveillance and, as a result of all those things, we have a system that is effectively failing consumers.

Martyn Allen: I would share that view. We have been campaigning for over five years to raise the point about recalls being ineffective in their approach. Typically, they are 10% to 20% effective, which means that



HOUSE OF COMMONS

millions of potentially unsafe products remain in consumers' homes, so we have been pushing for change. As I mentioned earlier, the key point is to get registration up so that manufacturers can contact those consumers if they have a problem and get the consumers to react.

Consumers also need to be given a fighting chance. When they see a recall notice, the language needs to be clear, telling them exactly what they need to do and exactly what the risk is, so they are more likely to take action for themselves.

Charlie Pugsley: I fully support colleagues' comments. If you hear "risk of overheating" as opposed to "catching fire", that is not really a great way of putting it across to support the consumer position. We can talk about consumer apathy, but I am sure if all the honourable colleagues went and asked 10 people, "Where would you go to check a recall?" they would get 10 different answers.

Q35 **Peter Kyle:** Is the problem legislative; is it about guidance; or is it about enforcement?

Charlie Pugsley: It is the whole system. I would suggest that it is a collective. You can take any individual piece and look at the detail, but is there a collective or a single hub where you know you can go to get that?

Q36 **Peter Kyle:** I am going to stop you there, because I do not have much time. Please forgive me for interrupting. We cannot go away and do a report saying that the whole thing needs to change. I gave three areas there. In terms of legislation, which legislation would need to change?

Charlie Pugsley: I would prefer to follow up with a written submission, if that is okay, for time and to make sure I am not overstepping my expertise in this matter.

Q37 **Peter Kyle:** What about guidance?

Charlie Pugsley: Guidance is simple. Where does the consumer go? There has been a start with the BEIS site, but there should be a single place in charge of recalls. It should be almost like the recall centre, but not just a portal; it should be like the Food Standards Agency, VOSA and other things there. Where is the single point that consumers instantly know?

Q38 **Peter Kyle:** I have to tell you, I am too scared to put my washing machine on after listening to you three. Rather than the whole system changing, I want to hear, as I am sure other people do, what precisely needs to change to give me the confidence that my washing machine is not going to burn the flat down.

Pete Moorey: For us, it is enforcement. That is the critical issue. We need a new national body responsible for consumer product safety that identifies the problems and robustly assesses and manages the risks. It needs to have a number of key factors to it. It needs to be independent. It needs to be independent from the bodies that it regulates, and there



are issues there currently. There needs to be transparency about how it operates but also in terms of the information that we need available. It needs to be proactive on market surveillance. It needs the expertise, and it needs to have a duty to directly communicate with consumers. You are right: consumers need to have this information and you should not feel alarmed about using your washing machine.

- Q39 **Peter Kyle:** That ship has sailed. In their routine, throughout their daily and annual lives, consumers have to think about regulations to do with transport, air passenger rights and regulations. Now they have to think about their washing machine. They have to think about all the different consumer rights and protections they have to get them to and from work, to get them through their daily lives when buying produce: the food standards, the air quality, all the things they have. Based on all the experience that Which? has, how do we get through to them on this one specific part of their consumer rights when they are so bombarded in their lives with all these different types?

Pete Moorey: They should not have to be aware of all these issues. They should be able to trust that the products they buy are safe. That should be a default. When they have a product that is not safe, however, there should be a system that enables them to have that information swiftly and effectively, and that is where things are failing. You should not be concerned about your washing machine, but, if you are somebody who has a Whirlpool tumble dryer, you absolutely should have that information. You should make sure that it is unplugged and that you are not using it.

- Q40 **Vernon Coaker:** In terms of electrical goods, would an improved registration system of electrical appliances improve the recall system?

Martyn Allen: It would indeed. We need a system that is simple to operate and simple for consumers, ideally at the point of sale. The information provided needs to be divorced of any marketing information, so it is held for safety purposes only to contact them in the unlikely event that there is an issue. The manufacturers set up a website, Register My Appliance, which goes somewhat to having a central point that we can focus on. It does not cover all appliances, but it is certainly a step in the right direction. If we can drive up registration rates by having a simplified system with data held centrally, which is what consumers described to us when we did the research a couple of years ago, we would be likely to have more successful recalls.

- Q41 **Vernon Coaker:** How do we move from where we are now to that system of registration that you would want?

Martyn Allen: The point about legislation changes is that we have lots of requirements on manufacturers to have traceability up and down the supply chain, but from the point of sale out to the consumer, there is nothing. At the moment, we are operating a voluntary system where we encourage consumers to register and provide their details. In some



HOUSE OF COMMONS

cases, you may have seen product registration cards that ask for a whole host of information, most of it unrelated to the product itself, so people do not fill them in.

Q42 Vernon Coaker: The voluntary system underpinning consumer safety or product recall at the present time does not work.

Martyn Allen: It does not, no. It is too complex. We need a simple system, ideally at the point of sale, so products are automatically registered and then that data is held centrally and securely, so consumers are not bombarded with marketing information.

Q43 Vernon Coaker: The simple point you are making is that you have to be able to trace where the electrical appliances are in order to recall them.

Martyn Allen: Absolutely, yes. Consumers have a responsibility to take action to protect themselves and their families, but they need to be given a fighting chance. If we can encourage people with a simple system to get them to register their products, manufacturers can contact them in clear language and encourage them to take action.

Q44 Vernon Coaker: My colleague Drew Hendry will ask about the EU, but presumably there is also a question about how you do that for goods coming into the country, as well as goods that are manufactured here.

Martyn Allen: Absolutely, yes. All products need to be traced.

Q45 Vernon Coaker: There has been all sorts of talk. The Government set up the Faulds Wood review. What progress has been made in implementing the recommendations of that review?

Pete Moorey: Little to no progress has been made. It is extremely disappointing that, after Lynn Faulds Wood's review, such little progress has been made. Ministers simply do not seem to accept the scale of the problem. Not only have they consistently ignored calls from Lynn Faulds Wood, from us and from others for a national body, but they have refused to use the powers that they already have under the general product safety regulations to get unsafe goods—in this case, Whirlpool—out of people's homes. We know that the working group has been established. We do not think that the working group went far enough. Its remit was not broad enough, because it was not looking at the enforcement system. As a result, we refused to take part in that.

Q46 Vernon Coaker: You did not take part in the review group.

Pete Moorey: No, we refused to take part in the working group. We welcome the people who are involved in it and there are some really good people on it, but we do not think that the working group is really addressing the critical issue here, which is about enforcement.

Q47 Vernon Coaker: To be clear, this is the recall review steering group to look into the implementation of the Lynn Faulds Wood review. Is that right? Is that what you refused to take part in?



HOUSE OF COMMONS

Pete Moorey: Yes. In our view, it does not go far enough to look at all the issues that Lynn Faulds Wood raised in her review. We welcome much of the work that the working group has done. We welcome many of the people who are involved in it; they are very respectable people who understand these issues, but we do not think that, ultimately, the working group is going to lead to the changes that are needed in the system.

Q48 **Vernon Coaker:** Her prime demand or request was that there should be a national products agency.

Pete Moorey: Yes, and we agree with that.

Q49 **Vernon Coaker:** Is it right to say that she is very angry, disappointed, frustrated—whichever word you want to use?

Pete Moorey: I do not want to speak for Lynn.

Q50 **Vernon Coaker:** Is it fair to say that there is a frustration out there with the fact that the Government are not acting quickly enough?

Pete Moorey: Absolutely, yes. You only have to look at Lynn's Twitter account to see how furious she is. I have spoken to Lynn, and I am sure we all have on many occasions, about this.

Q51 **Vernon Coaker:** Why is it that the Government set up a review; the review says X, Y and Z; another review is set up to review the review's recommendations; then there are all sorts of other things going on and the Government seem to reject the main proposal? What is going on? Why is this happening? What explanation would you, as the representatives of various different parts of this area, give for that?

Charlie Pugsley: With the initial review on the basis of Lynn's recommendations, as national fire chiefs, we were getting to the point where we were thinking of withdrawing.

Q52 **Vernon Coaker:** You were thinking of withdrawing.

Charlie Pugsley: This is on the initial review. Following Shepherd's Court, it seemed to get invigorated, particularly through the work of many Members of Parliament raising the issues, so we are pleased to be part of that. The report has just been published, but, as a group or as individuals, we do not get a say on what the report looks like. Some of the language in it says "consideration should be given to".

Q53 **Vernon Coaker:** It is waffle.

Charlie Pugsley: I will leave that for you to decide, sir.

Q54 **Vernon Coaker:** You drew attention to it; I presume you drew attention to it for a reason. I will say it sounds like waffle to me.

Charlie Pugsley: It is like with anything: it is only as good as what comes out of it. What are the outcomes?



Vernon Coaker: Sorry, that was a bit unfair.

Charlie Pugsley: No, that is fine. So far, we have not seen clear outcomes. We have seen some recommendations and some considerations, but what will that be turned into? It does not matter how strong the language is; if you do not take that forward and make a difference, what has been the point?

Q55 **Vernon Coaker:** Essentially, there has been little progress since the review. There is a frustration out there—let us put it like that—that something needs to be done, particularly in the light of certain tragedies that have highlighted some flaws in the system, and it needs to get a move on.

Pete Moorey: This is why you need to hold a full inquiry into this issue and bring the Business Secretary in front of the Committee to answer some of these questions. In our view, they do not seem to accept the scale of the problem, and it is incredibly frustrating and very disappointing.

Q56 **Chair:** If the companies were a bit more proactive in recalling products that are faulty, which you in the fire service and others say are putting people in danger, do you think that some of these fires and, indeed, some of these deaths would not have occurred, if the actions that you are talking about had been taken?

Charlie Pugsley: To take the refrigeration alone, if there had been a general acceptance five years back that this was an issue, had a change gone through in a timely way, say in a three-year period—I will not speak for my expert colleagues from the manufacturing side, but you would think three years is enough to bring in a change, with a pragmatic approach—yes, we could have less fires and we could see a difference. This is the frustration from the fire service point of view: how many times do we have to see this? Every time you have one of these events, you do not know how big or small it will be.

Martyn Allen: I will add to what Charlie has just said. The legislation places clear obligations on manufacturers to take action when they become aware that one of their products is unsafe. The issue is about the trigger point when they take action and what level of action they undertake. That is where it becomes awkward. In reference to the tumble dryer issue, that was an 11-year-old design before any action was taken. There was considerable time to tweak that design, as the reports were coming in piecemeal. It is about the trigger point when action is taken. That is why enforcement needs to be robust, to take that stance earlier, and we need a system where we can share intelligence to identify hotspots, if the manufacturers are slow in coming forward to acknowledge the problems.

Q57 **Drew Hendry:** You have reported on systemic failures in product safety enforcement and a lack of resources once the products are in consumers'



HOUSE OF COMMONS

and people's homes. What do you feel the effect will be if the UK leaves the EU single market, in terms of access to the institutions, expertise and info that underpin UK product safety at the moment, given that we know manufacturers will tailor products for individual country markets?

Pete Moorey: This is a critical part of the Brexit process for us. Product safety and ensuring that, both in terms of our relationship with the EU and at a domestic level, the system is fit for purpose must be priorities for the Government when they are looking at Brexit through a consumer lens. Brexit will potentially place more pressure on to an already weak system. It is entirely likely that trading standards will become responsible for many more issues, potentially more complex issues and more complex supply chains.

This has to be something that the Government prioritise, but in two ways: in terms of the negotiations and our relationships with the rest of the EU, making sure that, where appropriate, we continue to have access to things like RAPEX and retain relationships with the European standards bodies; and at the domestic level. There is an opportunity with Brexit to make sure that we reform the system, so that on day one of the UK's exit we have a system that is fit for purpose in the UK. My concern is that we do not use the time, now and during any potential transition period, to do the leg work to make sure that at the point the UK exits we have a system that is fit for purpose for the UK.

Charlie Pugsley: We do not have a strong position on Brexit beyond, while things are going on, working with it or, with some really tragic incidents, using it as an opportunity to make a difference going forward, in the way Peter commented.

Martyn Allen: To echo the point, we need a cast iron guarantee that consumers will be protected through consumer safety legislation. We do not want to see the UK become a dumping ground for unsafe products.

Q58 **Drew Hendry:** On that issue, do you have concerns that products bypassing the EU's standards systems and coming into the UK would be another issue that you might have to deal with in terms of enforcement?

Pete Moorey: It is of course a potential risk. That is something that should be addressed both through the negotiations, to ensure that the UK continues to have a close relationship with EU bodies, whatever our relationship is going forward, and in terms of the domestic regime, making sure that we have the protections in place so that, if unsafe products are coming into the UK, they are identified, stopped and dealt with.

Q59 **Drew Hendry:** Are you confident such a regime will be in place when it is required?

Pete Moorey: At present, it does not appear that the work is being done to create such a regime. Even if Brexit was not happening, we would be calling for this national regime to be established. Brexit makes it even



more important. Therefore, it is a matter of urgency for Ministers to start working on the UK's domestic regime, to make sure that it is in place, is fully functioning and has the right resources and expertise from day one.

Q60 Drew Hendry: Is that possible in the current timescales, Mr Allen?

Martyn Allen: It is important for us that we make every effort to maintain our membership with CEN and CENELEC, to be part of that European standardisation process that we know works well; it just needs effective enforcement behind it. As part of that regime, we are able to influence those discussions and we provide quite a heavy resource to those conversations on influencing changes to standards. It would be a real shame if we fell out of that membership.

Chair: Thank you very much, all three of you, for coming to give evidence to our Committee today.

Examination of witnesses

Witnesses: Sian Lewis, Leon Livermore and Ian Moverley.

Q61 Chair: Thank you very much to the three of you for coming to give evidence this morning. You will have heard the evidence that we have already taken and, as you can imagine, there are a number of questions for you. For the record, can you introduce who you are? Then we will start with the questions.

Leon Livermore: I am Leon Livermore. I am chief executive of the Chartered Trading Standards Institute.

Sian Lewis: I am Sian Lewis. I am association executive of AMDEA, the Association of Manufacturers of Domestic Appliances.

Ian Moverley: Good morning. My name is Ian Moverley. I am the head of communications for Whirlpool in the UK.

Q62 Albert Owen: As the Chair indicated, you were listening in to the first evidence session. I want to put a question to Mr Livermore that I put to the three witnesses before you. To what extent are the financial pressures contributing to reducing the number of trading standards officers affecting their ability to enforce compliance and relevant legislation regarding the safety of electrical goods?

Leon Livermore: We are really looking at integrity of supply chains, and there are four key elements to that. As a starting point, do we have the right legislation and standards in place? The second thing is how we support legitimate UK businesses with compliance. The third is how we undertake routine market surveillance to ensure the marketplace is safe



HOUSE OF COMMONS

and working. The final thing is how we respond to issues when they go wrong.

We will probably touch on the first two in further questions. If you look at routine market surveillance, the system is clearly under pressure and challenged. That is not to say there is not some excellent work going on. For example, National Trading Standards, which was established in 2012 to take over some functions of the Office of Fair Trading, looks at safety reports. That is one of the key witnesses in the supply chain and a key point of entry, because it is more effective doing it there than at retail level. I recommend a report that is going to be published on Friday that looks at the impact of that organisation through 2016 and 2017. It shows that that work managed to remove 2.5 million unsafe and noncompliant products, saving around 1,700 fires and injuries as a result. There are examples where it works really well, but you cannot have a system that suffers a 56% reduction in staffing while at the same time having increased burdens placed upon it.

Picking up on something that Which? has said, we have a system that tries to provide national protection but is almost fully co-ordinated locally. The vast majority of resources are spent locally and delivered locally. If you think about the pressures that sit on local authorities, trading standards makes up less than 0.2% of their income, so you are really not going to have a great deal of focus there. We support many of the calls for a national body for co-ordination.

Q63 **Albert Owen:** In your opinion, the financial pressures are contributing to quite a significant extent.

Leon Livermore: Yes.

Q64 **Albert Owen:** That is fine. I will move on to all the witnesses now and ask in particular our Whirlpool representative: does the decision of Whirlpool and Peterborough trading standards to initiate a repair programme rather than recall in respect of the faulty tumble dryers indicate that the product recall system is not strict enough? What is your opinion on that?

Ian Moverley: It is not for me to make a judgment on the product safety system itself. I can say that we worked proactively to identify the issue. We worked with trading standards, took guidance on what action we should take and initiated the programme from that point.

Q65 **Albert Owen:** You say it is not for you to say, but, with respect, you are a witness here representing your company, which has been named on a number of occasions. Really, you are its representative and it is legitimate for us to be asking you these questions.

Ian Moverley: Okay. I apologise for how that came across.

Q66 **Albert Owen:** Are you able to speak on behalf of the company in this session?



HOUSE OF COMMONS

Ian Moverley: Of course I am. As I said, we proactively identified the issue and approached trading standards for its view on taking action. It was determined that a corrective action was to be taken. Part of that discussion was to enact a repair programme, and that is what we did immediately. From that point, we took a number of steps to ensure that we did that diligently and responsibly. We took that straight out to the market and identified it with the consumers that we believed were affected.

Q67 **Albert Owen:** There are some occasions when you are going to take your own action. You are not going to wait for somebody else all the time for product recall. You are going to say to your experts within the company, "It is time to do this", are you not?

Ian Moverley: As part of a natural review, that is what we would do, but, as part of our primary authority arrangement with trading standards, we would approach it for its guidance, share the information with it and then take action.

Q68 **Albert Owen:** A lot of your customers, including me, who have a Hotpoint tumble dryer are now going to be rather worried that the company that they bought it from is in some ways abdicating its responsibility.

Ian Moverley: I can assure you that is not the case at all. In terms of responsibility, reviews from trading standards throughout the programme indicated that we had taken a great deal of responsibility and acted diligently. Only two weeks ago, it was referenced in the House of Lords by the Business Minister that we had taken our responsibility extremely seriously with the actions we had taken, how we had communicated with consumers and the measures we have taken throughout the programme to improve things like registration and the service to consumers. For example, we doubled the call centres, so you could get through quickly, and increased the number of engineers by almost 70%, to ensure that the wait times were reduced significantly.

Q69 **Albert Owen:** Ms Lewis, on the same question, do you think it was the right decision to do the repair rather than the recall?

Sian Lewis: On large white goods, that would be fairly standard procedure. On a small item that you can post, you might well do a recall, but for large white goods in the home it is more likely that you would decide to do that. It is easiest. The most efficient way of dealing with the problem would be to go into the consumer's home to repair it. It is environmentally more sustainable, in terms of not taking appliances out and putting them back in. I certainly know, if you have built-in appliances, that is an issue. Of course, it should then be the least disruption for the consumer.

Ian Moverley: The review I mentioned that trading standards undertook throughout the programme indicated that the modification



HOUSE OF COMMONS

programme was the most effective way of resolving this issue for the consumers.

Sian Lewis: Companies are supposed to proactively go to their market surveillance authority to say that they have a problem, what the risk is and what they are planning to do about it. The market surveillance authority then has powers to decide that that is not right, if it wants something else done. It is not about you just telling it what you are doing; it is something you have to have its approval for.

Leon Livermore: I have a couple of comments. It would be very hard for me to say the products should not have been recalled when, in April 2006¹, I made a public statement that they should have been recalled. This is where the system is under stress and under challenge. Colleagues in Peterborough can only advise in accordance with the standard and the law, which is what regulators do: they do not go beyond that remit. For me, there was a common-sense test here that said there is something of national significance. The fire service and consumer organisations are raising the profile and raising the issues. We have real, live threats to consumers in their own home. This is where a national body to refer the matter to would have been very useful.

Q70 **Albert Owen:** You spoke about common sense. Do you think it was common sense for initial advice to be given by Whirlpool and supported by the Peterborough trading standards that consumers could continue to use faulty tumble dryers? Is that common sense?

Leon Livermore: I personally support, and the organisation supports, the cause of the fire service and organisations like Which?. The advice should not have been to use these appliances with any fire risk.

Q71 **Albert Owen:** Do you want to comment on that, Mr Moverley?

Ian Moverley: As I mentioned at the start, the work we did with Peterborough trading standards identified the risk, the action plan and the guidance to consumers. That was consistently applied in all the communications and there was a clear definition of "unattended": not to use the product unattended. What that meant was simply when you are out of the house or when you go to sleep at night. That is quite common advice that we see for a number of white goods.

Q72 **Albert Owen:** People live busy lives these days, do they not? They have these new products and digital products. We are told to go smart and automatic on everything. Do you think, in this period, that it is sound advice that everybody has to stay in when they do the washing, on a Monday, when it is washing day?

Ian Moverley: The standard advice with something like that, which we would often give, is not to use the product unattended, whether it be a product that is subject to this action or not.

¹ Note by witness: should be 2016 not 2006.



HOUSE OF COMMONS

Albert Owen: I am getting even more scared now, as somebody who owns one of your products.

Chair: It is staggering that you might spend £400 on a washing machine and be told you have to stick around for the two and a half hours it takes to dry your clothes. Most of us lead pretty busy lives. I left my house early this morning and I will be back very late this evening. I am not sure exactly when I would be able to wash my clothes if I had to be sitting there in the kitchen alongside my washer dryer.

Q73 **Antoinette Sandbach:** Can you explain why Whirlpool decided to opt for a repair programme? You said you worked proactively. What was the specific fault? What is the specific repair that is undertaken?

Ian Moverley: The modification is in three parts or two parts, depending on the model. Essentially, there was a possibility of a build-up of fluff lint that could be exposed to the heating element. That was where we identified the possibility of a risk of fire.

Q74 **Antoinette Sandbach:** I am quite interested in that response. You spoke about the company working proactively to deal with issues that have been identified. Whirlpool has had 40 notifications of fires where the possibility cannot be excluded that it is an issue with a faulty door mechanism, nothing to do with fluff that may cause fires. You have had notification of concerns expressed about your data and the way that you collect your data. What have you done proactively to deal with that?

Ian Moverley: Whirlpool has both European and UK-based safety operations. They are the ones responsible for collecting the data, analysing it and sharing it with Peterborough trading standards, so there is a dedicated function that will do that.

Q75 **Antoinette Sandbach:** I am sorry, Mr Moverley, but a coroner very recently this year said about Whirlpool—I am sure you are aware of this case as the head of communications—"I was left with concerns about whether the absence of any clear trigger for more detailed investigations, in response to mounting evidence from the field, might leave a level of risk to consumers which could be addressed more appropriately". Given that that judgment was given in September, what steps have you taken to proactively deal with the issue, as you have described to us in your evidence that you do?

Ian Moverley: That data would have been analysed beforehand, continued to be so, reviewed by our team and proactively shared with trading standards.

Q76 **Antoinette Sandbach:** No, I am asking you specifically what steps have been taken since that coroner's judgment, where there are issues around the potential door mechanism in the TVM dryer? I am asking you specifically to answer that question.



HOUSE OF COMMONS

Ian Moverley: I will have to look into the specific details of that case and come back to you on that one.

Q77 **Antoinette Sandbach:** You are not aware of that case.

Ian Moverley: I am aware of the case. I am also aware that it is currently under litigation so I cannot comment any further, but I will get an update for you.

Q78 **Antoinette Sandbach:** The coroner's proceedings have concluded and that was the coroner's quote. How many Section 28 notices from coroners has your company had?

Ian Moverley: I am not clear on how many we have had. I will get that information and come back to you.

Q79 **Antoinette Sandbach:** A Section 28 notice from a coroner is quite serious, is it not?

Ian Moverley: As I said, I will get that information for you.

Q80 **Antoinette Sandbach:** In relation to the repair programme, do you think you could have been quicker in rolling out the repairs to consumers?

Ian Moverley: What is important to talk about here is that it was a very large-scale campaign, as we mentioned earlier. We took huge steps and have worked extremely hard to ensure that we resolve this as quickly as possible for our consumers. The steps we took were, as I mentioned, recruiting an additional 700 engineers, who we then trained and put into the field, and doubling the call centres.

Q81 **Antoinette Sandbach:** In hindsight, do you think you could have taken those steps more quickly, particularly since you received complaints about your machines since 2006? As we have heard from Mr Livermore, there were concerns about what was happening in 2006. Do you think you could have identified those faults and rolled out the repairs more quickly?

Ian Moverley: In terms of rolling them out, one of the key things that we worked hard on was getting out to the consumers we thought were affected and building that registration database. That is one of the most critical aspects. We worked very closely with our trade partners and retailers to get consumer data in order to identify that.

Q82 **Antoinette Sandbach:** That is quite interesting because, like Mr Owen, I am an owner of one of your appliances and I do not think I have had any contact. I would regard myself as a fairly informed consumer. What steps have you taken with your third parties to make sure that they notify you, particularly if they are fitting integrated appliances?

Ian Moverley: I will split this into two. On third-party retailers, we have talked to all of them about the issue and our action plan, but we also work with them from a sensitivity and data protection point of view.



HOUSE OF COMMONS

to request the data. It was mentioned earlier that they sell the products directly to the consumers, so we signed data protection agreements with them, in order to contact the consumers purely in relation to this safety matter.

Q83 Antoinette Sandbach: Can I ask all of you, in relation to the campaign to ban plastic-backed fridges and freezers, whether you agree with Which? and the London Fire Brigade's campaigns to back a ban for plastic-backed fridges?

Leon Livermore: Yes, but this also shows there is a weakness in the standards system. This had been called for for a number of years and the standards process has not been able to adapt and respond to that. We are in a time of great technological change and great design, and we want to support innovation, but we need to make sure it is underpinned with legislation and standards that can adapt to changing circumstances.

Q84 Antoinette Sandbach: From the Chartered Trading Standards Institute point of view, do you think plastic-backed fridges should be recalled, repaired or modified?

Leon Livermore: We should take our lead from the fire service on this. They are the people who have to pick up the pieces at the end, so we follow the fire brigade in terms of recall.

Sian Lewis: We need to say it is not really about the type of material that you use. It is about the testing for its performance in a fire. All the casing materials for fridges have to be tested. The recent changes are about the fire services' concern about how long that casing can resist flame.

Q85 Antoinette Sandbach: You were sitting in the room when the previous evidence was given that they had to close down the facility because the fire caught so quickly.

Sian Lewis: That was an experiment done some time ago. I do not know what the products were; I do not know what the materials were, but the materials have to be tested. We have worked with the fire services to get this change in the standard to enhance testing for the back of the fridge. As the point was made earlier, it is not about the fridge itself; it is about how long it can resist fire. The debate is now on about how long—

Q86 Antoinette Sandbach: Sorry to interrupt. Are you accepting there is a problem with plastic-backed fridges, or are you saying there is not a problem with them?

Sian Lewis: It is not necessarily all plastics. There are different materials used, which are all tested to meet certain standards.

Q87 Antoinette Sandbach: Are you making sure that the members of your association are using the safest materials?



HOUSE OF COMMONS

Sian Lewis: They would all be trying to use the safest material.

Q88 **Antoinette Sandbach:** There is a difference between trying and using.

Sian Lewis: They would be testing and they now know that the standard is changing. They would have tested the materials in line with the standards for the performance at the time.

Q89 **Antoinette Sandbach:** Mr Livermore, would you agree with Ms Lewis's evidence?

Leon Livermore: The vast majority of UK manufacturers and importers want to comply. They have systems in place. One of the challenges you have with white goods is that a single component, spread across a wide range of goods, can fail. It is important that they maintain relevant testing records and testing data. It is important that the standard is right at the start. If the standard is wrong, what are we testing to? Make sure you get that standard right, and we can move very quickly to provide a sense of clarity for both the industry and the regulator.

Q90 **Antoinette Sandbach:** Ms Lewis, given the evidence that you heard about the fire service and some of the risk, do you think the standard is right?

Sian Lewis: No, safety standards evolve all the time.

Q91 **Antoinette Sandbach:** I am asking about the current standard.

Sian Lewis: The current standard has been changed to enhance the testing, to ensure that products have longer fire resistance, and there is a debate around how long is desirable. Part of the reason it is taking so long is that, in terms of fridge fires, the number of incidents is actually very low. You are then into this area, which was alluded to earlier, about the fridge being there when the rest of the kitchen catches fire.

Q92 **Antoinette Sandbach:** Would you recommend to your manufacturers to use outside experts? If there is a report of a fire that has expert evidence from an outside source, would you advise the members of your association to give regard to the use of independent experts?

Sian Lewis: Some of them already do; I would imagine most of them already do. They have the responsibility for the products to be safe; they do the testing; they need to review that.

Q93 **Antoinette Sandbach:** Whirlpool does not, though, does it, Mr Moverley? The evidence of Mr Latack was that Whirlpool does not use outside experts. You have your own in-house people and you will not pay regard to outside expert evidence.

Ian Moverley: My understanding is that we use external experts as well, with regards to fire safety.

Q94 **Antoinette Sandbach:** That is not what Mr Latack's evidence was. He said the company did not use the views of outside experts, even if



HOUSE OF COMMONS

instructed to act as a trigger for concern. Why is that?

Ian Moverley: I will look into that particular statement, but I am assured that we use external experts and their guidance.

Q95 **Antoinette Sandbach:** Are you saying that your head of global product safety lied to a coroner in evidence, on oath?

Ian Moverley: I am not saying that. Perhaps I am connecting two separate cases. I was talking here about fridge freezers and I know we have recently worked with external experts on that matter.

Q96 **Antoinette Sandbach:** But you have not in relation to your product that is causing the most concern, which is dryers.

Ian Moverley: I will check that for you.

Q97 **Chair:** It is worth drawing attention to how you came to give evidence to us today, Mr Moverley. Our Committee invited Mr Pettorino, the managing director of Whirlpool UK Appliances Limited to give evidence to our Select Committee last week. He declined, due to existing diary commitments, saying that he was unavailable and instead provided a three-page letter. We then gave flexibility and asked him to come back with dates that evidence could be given. Eventually it was agreed that you would come and give evidence today, rather than the managing director or the director of global safety.

At the end of the long letter that was sent to us, it said, "Safety is always Whirlpool's number one priority". If that is really the case, is there somebody at a more senior level who can answer the questions—very reasonable questions, mainly factual questions—that have been put today by Albert Owen, Antoinette and I expect others as well? Why is someone not in front of us who can answer those questions? If safety really is the number one priority of Whirlpool, why does it not send somebody to this Committee—not a letter, but somebody who can answer the questions and take responsibility for the actions of your firm? Can you answer that, Mr Moverley?

Ian Moverley: I can, of course. The original invitation was at quite short notice, hence the diary issue and not being able to attend. We provided a letter immediately from that point of view, because we thought it was useful to give that evidence. It was then responded that a new date had been set, which was the following week, but also that someone was needed who could talk about the actions we had taken throughout the dryer programme. I can talk about most of those, particularly with regards to liaising with consumers and the work with our regulatory authorities. That is why it was deemed that I was the most appropriate one to answer, hopefully, the majority of the questions that you and the Committee may have.

Q98 **Chair:** You have been giving evidence to this Committee for about 20 minutes now. Two people have asked questions, and already we have



three or four things that you need to get back to us on. That is not what we expect when someone gives evidence to this Committee. It is perfectly reasonable if there are one or two points on which the person giving evidence cannot give evidence right there and then. We had it earlier with Mr Pugsley from the fire service. We do not expect time and again for our questions not to be given answers. There is nothing that you can do about that now, but I would like to indicate in the strongest possible terms that, when a Select Committee asks for somebody to give evidence, we expect somebody to give evidence who can answer the questions. Is that clear to you and to Whirlpool, do you think, Mr Moverley?

Ian Moverley: It is clear. Looking back at the questions that I am not clear on, they are specifically about Section 28 notices and coroner judgments.

Q99 **Chair:** I am sure that you have taken a note, and that the Clerks have as well. We look forward, at the earliest possible opportunity, to you or somebody who can answer those questions replying to us. I will move on to my questions.

Mr Pugsley, who is a fire officer, asked how many fires and events are needed until effective action is taken. He is at the sharp end of this. He sees the fires that are caused by faulty tumble dryers, fridges and freezers. Do you think that he has a point? How many more fires do we need to have a proper recall of the tumble dryers, as has been suggested by experts who do not have a vested interest in this but want to see better products in all our homes and fewer fires? Do you think he has a point that we have already seen a number of fires and indeed a number of deaths, and yet in many of our homes we still have these appliances that are posing a risk to our lives and to the lives of our families?

Ian Moverley: With regards to fatalities, there are no fatalities linked to this tumble dryer modification programme. Of that I am sure, and I am confident to tell you that. What is most important is that we proactively raised this, acted on the advice that we were given, instructed a campaign and delivered on that campaign. The number of resolutions that we have had from our consumer point of view is over 50% of the models that were potentially affected, which far exceeds the guidance.

Q100 **Chair:** Mr Moverley, that is 5 million tumble dryers. If just more than 50% have been modified and repaired, that means we have maybe 2 million or 2.5 million of these tumble dryers in our homes, in each and every one of our constituencies, probably in most streets in the country.

Ian Moverley: Allow me to elaborate on that: 5 million was the number manufactured through that period, but we estimated that when the campaign was launched, at the end of 2015, it would have been a lot less than that.

Q101 **Chair:** How many of these tumble dryers do you think are in British homes today?



HOUSE OF COMMONS

Ian Moverley: We have seen that the number of registrations has fallen sharply in recent months. We are hardly seeing any more.

Q102 **Chair:** That is not my question, Mr Moverley. I am sure you are answering a very interesting question, but my question is: how many of these tumble dryers do you think are in British homes today?

Ian Moverley: Potentially 1 million is the estimate from that point of view. The lifecycle of this type of appliance is typically seven to eight years.

Q103 **Chair:** You are satisfied, then, with this modification programme, which still sees 1 million tumble dryers that potentially have this fault in our homes. From a reputational perspective, but also for a company that in the letter from its managing director says that, "Safety is always Whirlpool's number one priority", if you have a million tumble dryers with this fault in homes, it does not seem to me that safety is your number one priority.

Ian Moverley: No, we will never be satisfied. I can assure you of that. I would point out that the number of resolutions we have achieved through this programme, as has been recognised, is a very significant one. As I mentioned, the number of consumers interacting with us now is very, very small, despite the many extensive measures we have taken, through television appearances, letters, emails and newspaper advertising.

Q104 **Antoinette Sandbach:** Mr Moverley, you were notified in 2006 that there was an issue with your tumble dryers. You left action until 2015. In that period a number of people have died as a result of fires caused by your tumble dryers.

Ian Moverley: With regards to the tumble dryer modification and the issue that this programme resolves, there have been no fatalities.

Q105 **Antoinette Sandbach:** There have been fatalities with other tumble dryers, so are you saying they are not covered by this modification programme?

Ian Moverley: I am saying that, with regards to the modification programme, there have not been any fatalities linked to that at all.

Q106 **Antoinette Sandbach:** You are saying that there have been no deaths between 2006, when you were first notified of the fault, as the evidence is from the Chartered Trading Standards Institute, until 2015, when you instigated the modification programme. Is that your evidence?

Ian Moverley: That is my evidence and understanding, yes.

Leon Livermore: I need to clarify that it is 2016 when I reported my views. The evidence came to the fore in 2014.

Q107 **Chair:** In 2014, two people died in Llanrwst in Wales when a Whirlpool TVM 570 caught fire. The coroner's report said, on the balance of



HOUSE OF COMMONS

probabilities, it was that Whirlpool TVM 570 that caused that fire and those two deaths. Is it not the truth that people have died because of these tumble dryers?

Sian Lewis: There are two separate issues. There are the fires and the recall, so a product that catches fire is not necessarily on a recall, although obviously if there were several incidents affecting the same model that could trigger a recall.

Q108 **Antoinette Sandbach:** How would you quantify “several”? Whirlpool’s evidence was that there were over 40 incidents where the faulty mechanism could not be excluded as causing the fire, and 20 where it was identified as the probable cause. How many incidents do there have to be before there is a recall, Mr Moverley?

Ian Moverley: That is where we have to look proportionally at the number of machines that may have been manufactured at the time.

Antoinette Sandbach: We know that there are 2 million machines with that particular door mechanism.

Q109 **Peter Kyle:** To clarify, they are not being recalled either; they are being repaired.

Ian Moverley: That is correct, yes.

Q110 **Chair:** Is the TVM 570 being repaired or are you happy with that machine?

Ian Moverley: That machine is one of those that are part of the modification programme, yes.

Q111 **Chair:** There has been a death by a tumble dryer that is being modified.

Ian Moverley: No, the modification I talked about in the evidence that I gave earlier, which is the lint, is what the modification programme fixes.

Q112 **Antoinette Sandbach:** It is not addressing the faulty door mechanism.

Ian Moverley: No, and that is why I am saying that it is understanding the proportional number of incidents against the manufacturing.

Q113 **Antoinette Sandbach:** Is 20 fires caused by a faulty door mechanism, and the level of risk that that involves in people’s homes, acceptable to you?

Ian Moverley: That is part of a full risk assessment that would be carried out.

Q114 **Antoinette Sandbach:** This fire happened in 2014. Why has that risk assessment not been carried out?

Ian Moverley: That is one of the things that I will take away to understand on that particular piece.



HOUSE OF COMMONS

Sian Lewis: All manufacturers take reports of all incidents from the fire services. We supply all the fire services with contact names of all our members, so they can get in touch if they find a problem with one of their machines.

Q115 **Antoinette Sandbach:** Is it not the action that the manufacturers then take that is important?

Sian Lewis: Yes, and they would feed that into their analysis of the incidents.

Q116 **Antoinette Sandbach:** I am trying to establish from you what advice you would give to your manufacturers if 20 fires have been identified as the result of a specific fault, which has nothing to do with a different fault that is being repaired.

Sian Lewis: It would be for them to do the risk assessment and take it to their trading standards office with a proposal, depending on the risk.

Q117 **Chair:** It might be totally reasonable for 20 fires to have been caused by one model, might it?

Sian Lewis: There are an estimated 93 million large white goods in UK homes.

Q118 **Antoinette Sandbach:** In this particular instance, the evidence is that there are 2 million.

Sian Lewis: You have the two things. You have the number of incidents and then the risk assessment, so you identify what the hazard is and then you have to do the risk assessment on how dangerous that actually is to the consumer.

Q119 **Chair:** Ms Lewis, would you regard a five-year² gap between a fire that killed two people occurring and action being taken as reasonable?

Sian Lewis: No, I would expect the company to take action. It is for the company to agree with its market surveillance authority what action to take.

Q120 **Chair:** Would you say that, for a fire that killed two people in 2014, the company should by now have taken action?

Sian Lewis: It depends what caused the fire. Obviously that fire would have been investigated, but, if it is just that isolated incident for that machine, that does not affect the other products.

Q121 **Chair:** I do not see why we are going round in circles.

Sian Lewis: I do not know the details of this particular incident.

Q122 **Albert Owen:** You do not know the case of the model that the Chair has just referred to in Llanrwst.

² Note by committee: Should be three-year gap



HOUSE OF COMMONS

Sian Lewis: No.

Q123 **Chair:** Mr Moverley, you are aware of the case in Llanrwst.

Ian Moverley: I am, yes.

Q124 **Chair:** To clarify, because we are all still rather in the dark on this, what is the status of this model, the TVM 570? Has it been recalled? Are there still some in people's homes? Are you doing a modification and repair programme? What is the status of those machines?

Ian Moverley: We are not doing a modification programme in relation to the door switch that your colleague is referring to.

Q125 **Chair:** When Mr Pugsley gave evidence before this session, he said that the London Fire Brigade said that the tumble dryer that caused the Shepherd's Bush Green fire was awaiting repair and the person was following advice that it could be used and attended to. Is it your understanding, Mr Moverley, that that is the advice that the owner of that tumble dryer had been given?

Ian Moverley: It is my understanding, yes.

Q126 **Chair:** Looking back, do you think that was the right advice to the person?

Ian Moverley: As we worked proactively with trading standards, we acted on the advice given, and made very clear to consumers what that meant and what they should do. I believe it was the right advice. Later, through the programme, we were notified that the advice should be updated and we acted on that as well. As I mentioned, as part of that review, it was referenced that our actions had been diligent and responsible and that we had taken our responsibilities very seriously.

Q127 **Chair:** If you changed your advice, both of the pieces of advice cannot be right, can they? The first advice and the second advice cannot both be right. One of them was right and one of them was wrong. Presumably the later one was the right one; the one that you adapted was the right one and the original advice was not right.

Ian Moverley: We worked through the programme at the start and resolved as many consumers as we could, as quickly as possible. Then, as registrations started to drop, it was clear that there were consumers who might not be aware of the advice we had given, and that was one of the reasons why the advice was updated at that time.

Q128 **Chair:** It was not just an issue about registrations; it was an issue about the advice that people were given. This woman knew that she had one of these tumble dryers that had some problems. She had sought advice and the advice she was given was that she could carry on using it while she was awaiting a repair. She took the advice from your company and, unfortunately, that advice meant that the tumble dryer was used and it caused a fire that caused many flats to be destroyed.



HOUSE OF COMMONS

Also, as Mr Pugsley said this morning, it was very lucky that the fire was at 4.30 in the afternoon and not in the night-time, because if it had been in the night-time there would have been many more people there who would have been asleep and may not have been able to escape. Do you think that the advice that she should carry on using her tumble dryer was the right advice or are you pleased that you have now updated the advice to say that people should not use those tumble dryers before they have been modified?

Ian Moverley: I believe the advice at the start was correct and proportionate with what we were saying to consumers as we moved through the programme. We also fully updated the Business Department and trading standards on our progress throughout the campaign, how many consumers we had resolved and contacted. Later in the year, once a review was undertaken, we were asked to change advice and we did so.

Q129 **Chair:** It was reported that Whirlpool issued different advice in Australia from the advice given in the UK regarding consumers using faulty tumble dryers. Is this correct? Did you give different advice in Australia?

Ian Moverley: That is not my understanding. My understanding is that Whirlpool gave the same advice in all markets, including Australia, that consumers could continue to use their appliance.

Q130 **Peter Kyle:** This has been quite a disturbing evidence session for me. Mr Moverley, 750 of your products catch fire; you issue a guidance that they can still be used; a house burns down and you still think the advice you gave was the correct one. I am left with the impression that you think our emergency services exist so you do not have to go through the hassle of recalling your products.

Ian Moverley: That is not correct at all. Safety is a priority for us. Our approach is to make sure that we have given the correct advice and guidance to consumers so they know how to use the products.

Q131 **Peter Kyle:** What has to happen for a product recall above 750 of your products catching fire?

Ian Moverley: I will refer back to one of my original answers. The modification programme was identified as more effective than a recall and, in terms of the number of consumers who have had their appliance resolved, so far we have achieved well over 50% compared to the standard guidance for a recall of only 10% to 20%.

Q132 **Peter Kyle:** People cannot use your products as they are being sold, because they are not even advised to use the timer button any more, so you are issuing a product that cannot be fully utilised by consumers. What is it doing to consumer confidence if you are issuing a product that has a timer delay button on it, which you yourselves say is not safe to use? As consumers, how can we have confidence in your company?

Ian Moverley: I can assure you that you can have confidence.



HOUSE OF COMMONS

Q133 **Peter Kyle:** We cannot, because we cannot use the timer button, by your own definition.

Ian Moverley: We instigated a notice. We increased our engineer force by over 70% to 1,700, and got engineers out as fast as possible to modify the product.

Q134 **Peter Kyle:** You are answering a different question. You are selling products for which you are advising one of the functions is not used. The fire authority and the authorities who gave evidence today are saying, "Do not use that function". How can consumers have confidence in your products?

Ian Moverley: They can have confidence in our products.

Q135 **Peter Kyle:** Can they have confidence to use the timer button?

Ian Moverley: Once the product has been modified, of course, yes.

Q136 **Peter Kyle:** Are we now not being issued with advice that we should not use those at all?

Ian Moverley: No, I am saying that you can have confidence in our products and our company, and you can use the products as they are designed.

Q137 **Peter Kyle:** Your guidance still stands not to use those in the ones that are waiting to be maintained, yet 50% of them are not ever going to be maintained. The confidence in this area of consumer products is completely shot. Please just admit that.

Ian Moverley: No, we have resolved over 50% of what would typically have been left on the market by this time period. That number of what is actually left in the market will be significantly lower, and there are now few affected appliances out there.

Q138 **Peter Kyle:** Going back to the Chair's point to you a while ago, while we are grateful for you personally being here, this Committee is really disappointed that your company has chosen to send a communications person and not an operations person. Who made that decision for you to appear today?

Ian Moverley: It was a collective decision with the company, in order to talk about many aspects of the tumble dryer programme and the communication element of it.

Q139 **Peter Kyle:** It was a collective decision.

Ian Moverley: Yes, that I would be the most appropriate person.

Q140 **Peter Kyle:** Who was in the room making the collective decision?

Ian Moverley: There were a number of people across the business from operations, communications and directors of the company.



HOUSE OF COMMONS

Q141 **Peter Kyle:** Leon, from your perspective, we have heard evidence that, at best, companies are trying to keep up with regulation, that they are at times meeting the regulation and that the regulation needs to change. Can consumers have any confidence that the framework to keep these products safe and usable is working in their interests?

Leon Livermore: It has certainly felt a bit like Halloween today in here, with scare stories. I want to reassure the Committee that, by and large, the UK has a consumer protection system that works, protects consumers and supports legitimate businesses. It is well-regarded, and that is why the UK is one of the leading countries for advising other countries on systems. There are some faults. There are faults at one end around intelligence. We have already heard the challenges from Charlie and the fire service about collecting fire data. We used to collect accident and injury data at A&Es; we do not collect that any more, and that is rich intelligence, not only about product safety, but about how consumers use products.

Q142 **Peter Kyle:** Are you saying that most consumers understand the safety and recall systems?

Leon Livermore: No.

Peter Kyle: So something has to change.

Leon Livermore: There are changes required in market surveillance and in how we respond to issues when they go wrong. They do not need major legislative changes. With all due respect, they do not need another committee, because we have had Lynn Faulds Wood's recommendations.

Q143 **Albert Owen:** Who is doing scare stories? Who is running these scare stories? You are saying that there are scare stories this morning.

Leon Livermore: No, I am not.

Albert Owen: That is what you said.

Leon Livermore: I am saying that we are focusing on one particular aspect of consumer protection here today. It is an aspect that, when it goes wrong, has tragic impacts on communities and individuals, but the system as a whole in the UK still provides an adequate level of protection to consumers.

Q144 **Peter Kyle:** The only thing that resembles Halloween here is the fact that it does not look like your industry has a grip. That is the scary thing and that is the conclusion to which I am rapidly coming.

Leon Livermore: I do apologise for that remark.

Q145 **Peter Kyle:** It is not the individual issues out there; it is the industry being represented in here.



HOUSE OF COMMONS

Leon Livermore: If you look at market surveillance, as we have said, we have suffered 56% cuts. Most of the delivery of market surveillance is done at a local level. I have highlighted already the excellent work on product safety that goes on at the National Trading Standards board, which intervenes at ports of entry, because those are risk points, and then liaises with inland authorities. There is an ability to co-ordinate that better. The UK Government have residual powers under the Consumer Protection Act and general product safety regulations to intervene. Finally, something needs to be done about the product recall system, having it in one place and in a usable form.

Q146 **Peter Kyle:** We have not heard of a product recall yet. We have heard of modifications, so people seem to be saying "recall" when they mean something else.

Leon Livermore: If you look at the broader product recall system, between 10% and 20% success rates means that, at best, 80% of recalled products stay in consumers' homes.

Q147 **Peter Kyle:** But it makes the news, does it not? People are aware of it.

Leon Livermore: Yes.

Q148 **Peter Kyle:** This is happening, no one seems to be aware of it and your company is not capable of getting through to people.

Ian Moverley: I do not think that is the case at all. We have taken a number of steps to communicate directly with consumers, with over 4 million letters sent, emails, text messages, newspaper advertising, television appearances and interviews.

Q149 **Peter Kyle:** You are still better at selling them than you are at repairing them.

Sian Lewis: The big problem with tracing appliances is that, unlike cars, we do not know who buys them when they are sold.

Q150 **Peter Kyle:** You are saying it is not your responsibility to do that.

Sian Lewis: No, in fact, AMDEA launched a scheme three years ago to encourage people to register appliances because it is the key when you want to do a recall. Just to pick up on the terminology, we tend to say "recall" as shorthand.

Q151 **Peter Kyle:** Does the technology exist where you cannot start using the machine until it is registered?

Sian Lewis: No. You may be getting to that point with electronics.

Q152 **Antoinette Sandbach:** With increasing online sales, is it not possible to at least track the delivery address and email address of the person who has purchased it? Even in terms of arranging delivery, every product has to be delivered to an address, so where is the gap in the system that is not linking that product with that address?



HOUSE OF COMMONS

Sian Lewis: It is not linking the product. It is identifying the batch and the serial number of the product that might need repairing.

Q153 **Antoinette Sandbach:** Ms Lewis, we can trace a cow in this country and we know every field that that cow goes to. Why can we not do the same with a washing machine?

Sian Lewis: It would not just be washing machines, of course; it would be all the other appliances as well. The technology is developing to do that, but at the moment, unless you have complete control over your distribution, you are not able to check that all the way through. In terms of doing a repair action, your first point is the people who have registered.

Q154 **Antoinette Sandbach:** You know the batches that you are distributing to particular suppliers, do you not?

Sian Lewis: Yes, but you do not then know who they sell them to. It is tying that information.

Q155 **Antoinette Sandbach:** But the chances are that they know who they have sold them to.

Sian Lewis: Yes, and, in the event you were doing an action, they would then notify those people or they would, depending on the circumstances, give you the addresses for you to notify them.

Q156 **Antoinette Sandbach:** When you said you were trying to encourage consumers to register, what incentive do you give to consumers to register their products?

Sian Lewis: At the moment, each year, we run a scheme for people to enter a prize draw. That runs up to our Register My Appliance day on 16 January next year, where you can win a prize on that day if you register.

Q157 **Antoinette Sandbach:** What is the value of that prize?

Sian Lewis: There are different appliances, usually, from different manufacturers. The robotic vacuum cleaner was very popular last year as an attraction. In research that we did, about 40% of people said they did not register because they forgot and about 20% said they did not see the need.

Q158 **Antoinette Sandbach:** Is it also because consumers receive endless marketing emails once they register a product, so if you are registering a product you are effectively marketed to?

Sian Lewis: No, that was one of the questions. In fact, no, because Register My Appliance is totally divorced from marketing. The impression from people using smartphones, and you can register using your smartphone, is that they are less bothered about the idea of marketing. In the last piece of research we did, it did not come up as a reason why people said they would not. It was very much that they forgot or they did not think it was necessary.



HOUSE OF COMMONS

Q159 **Antoinette Sandbach:** What was your research base? How many consumers did you ask?

Sian Lewis: I am sorry; I do not remember the precise figures. We have done several pieces of research, often in association with ESF.

Q160 **Chair:** It would be pretty straightforward, would it not, just to register at point of sale? How many washing machines and tumble dryers are you going to sell this year, Mr Moverley?

Ian Moverley: We will manufacture 3 million appliances this year.

Q161 **Chair:** What proportion of those will get registered?

Ian Moverley: We have probably the highest registration rate in the industry, which is about 50%.

Chair: It seems to be pretty easy just to ensure that the people selling them get those details before the white goods are handed over, and it would seem in everyone's interests to do that. Anyway, we will move on because we do not have much time, but it seems a lot more could be done in that area.

Q162 **Vernon Coaker:** All of the Committee feels that you need registration of some sort if you are going to have traceability. Clearly, as some of my colleagues have said, we should be doing a lot better than we are, to say the least. The previous panel we had, if I am not overstating it, felt that the current system of product safety and recall, to put it politely, was not working as well as it should. You could put it another way, but that is what they were saying. Do you agree with that assessment or not?

Sian Lewis: The key aspect for how a recall works is traceability. It is really easy for car manufacturers, because they have full traceability.

Q163 **Vernon Coaker:** What about safety and recall?

Sian Lewis: We were on the working group that investigated it, and it is quite clear that the UK has several hundred recalls every year. Maybe two or three of those a year are large white goods and they are, for the most part, proactively initiated.

Q164 **Vernon Coaker:** We had the national fire chiefs' lead, the head of campaigns at Which? and the technical director at Electrical Safety First. From listening to it, and correct me if I am wrong, they all have very serious concerns about the existing system. From the different perspectives you have, are they wrong or do you agree with them?

Ian Moverley: From our point of view, we provided a lot of our learnings and experiences throughout this programme directly to the working group that my colleague mentioned. We have also provided that for the draft code of practice that is being put together by British standards.

Q165 **Chair:** With all due respect, Mr Moverley, this is something that we have



HOUSE OF COMMONS

to keep going back to. Mr Coaker has asked a question. Do you agree with them or not?

Ian Moverley: In terms of the system, there are areas that need improving. We have provided some of those key learnings to the working group, to make sure that we can help.

Q166 **Vernon Coaker:** There definitely are, from the evidence that we have had. I am not sure with respect to which review, because we had the Lynn Faulds Wood review; then we had another review; then there were debates where there were working groups and so forth. I am not sure where we are at the moment. She is clearly upset and feels the main thrust was the need to set up a national product safety agency. The Government have said that they do not believe that that is necessary.

Leon Livermore: I certainly agree with my three earlier colleagues that the system is under great strain and probably cannot survive through Brexit and more austerity cuts.

Q167 **Vernon Coaker:** What cannot survive—the existing system?

Leon Livermore: The existing system.

Q168 **Vernon Coaker:** Do you mean the trading standards operated by local authorities, which bear the brunt of these investigations and regulations at the moment?

Leon Livermore: Yes. An NAO review last year highlighted some of the challenges and stresses that it is under. That is not to deny some of the excellent work that goes on in local authorities.

Vernon Coaker: No, nobody is doing that.

Leon Livermore: We were very supportive of the Lynn Faulds Wood review. We felt it came out with eminently sensible recommendations, for which there was a lot of support from the industry and from consumer groups. We are wondering why we are sitting here three years on without any of those implemented.

Q169 **Vernon Coaker:** Why do you think the Government have not made as much progress as quickly as you wanted?

Leon Livermore: It is about how you use your resources and invest. There are sufficient powers in the system for the Government to fulfil all of their functions. They have residual powers under the Consumer Protection Act; they have residual powers under the general product safety directive. There is also an effective tasking mechanism for national Government and National Trading Standards through to local delivery to tackle national issues. It was mentioned earlier that we are able to trace where cows are and what fields they go into, but that is because a national regulator requires that and liaises very closely with local regulators. That relationship needs to be strengthened and we need to bring in a public interest and consumer interest test.



HOUSE OF COMMONS

Q170 **Vernon Coaker:** Do you think there should be a product safety agency?

Leon Livermore: There should be one that adds value to the existing landscape. To tear up structures at this time could be highly ineffectual.

Q171 **Vernon Coaker:** Is that yes, if it is going to work?

Leon Livermore: Yes, if it is going to work.

Sian Lewis: We have always argued that market surveillance is absolutely key. If you want to subsume what trading standards currently does locally into a national body, it needs the resources. That is quite clear.

Ian Moverley: I would agree with that.

Q172 **Vernon Coaker:** All three of you think there should be a national product safety agency.

Ian Moverley: Yes.

Q173 **Chair:** I want to get clarity on something that I asked Mr Moverley earlier. It is about what happened at Shepherd's Bush when the advice to consumers changed. So we remember what happened, the tumble dryer set on fire in this woman's kitchen while she was there. Previously, the advice that she had been given was that she was able to continue using this product. You said that that advice was the right advice, but then it was also the right advice to change it after that fire at Shepherd's Bush. My understanding is that Whirlpool appealed against trading standards notices on changing the advice after the Shepherd's Bush fire. Is that true and how long did it take after the Shepherd's Bush fire to change that advice about whether consumers should carry on using that specific product?

Ian Moverley: There was not an appeal after the Shepherd's Bush fire. That was in the summer of 2016. There was then a review, which was enacted in December 2016, when the modification programme and the advice given to consumers were reviewed. That was concluded in February 2017, when the advice was updated.

Q174 **Antoinette Sandbach:** That was the result of Which? judicially reviewing trading standards in Peterborough, was it not?

Ian Moverley: That is correct, but there was not an appeal or a review of a decision about changing advice after the Shepherd's Bush fire.

Q175 **Chair:** How long did it take to change the advice after the Shepherd's Bush fire?

Ian Moverley: The updated advice we were given by trading standards was in February 2017 and the incident was in August 2016. As I mentioned, there was not an appeal or any discussion about advice changing at that time.



HOUSE OF COMMONS

Q176 **Chair:** Six months after the Shepherd's Bush fire and someone using the machine, you decide that that should not happen.

Ian Moverley: That was working with trading standards to review the programme. The internal review concluded that the advice should be updated, but also that we had acted diligently and responsibly and that modification remained the most effective way of resolving this issue. I can assure you that there was not a discussion or a review about changing advice specifically after the Shepherd's Bush incident.

Q177 **Antoinette Sandbach:** Mr Moverley, were you issued with a Section 28 notice in relation to the Shepherd's Bush incident?

Ian Moverley: That is one of the things that I will have to check and come back to you, to your earlier question.

Q178 **Antoinette Sandbach:** If you are issued with a notice by a coroner, you are required to respond to that notice. When you provide us with the details of the number of notices that you have been issued, would you also be prepared to disclose your responses to those notices?

Ian Moverley: I will check that for you.

Q179 **Chair:** Very finally on this issue of trading standards and the relationship with the manufacturer, after the Shepherd's Bush fire, there would have been nothing to stop Whirlpool saying immediately and urgently that the advice to the owners of those types of tumble dryers should change. You do not need to wait for trading standards, do you?

Ian Moverley: We would not necessarily wait for trading standards but we would proactively discuss with it.

Q180 **Chair:** Yes but what I mean is, for six months, you were in discussions with trading standards. Then Which? came along and said, "We are going to take this to court if you do not change the rules". If, for example, you had the tumble dryer that the lady in the flat in Shepherd's Bush had, the day after that fire, would you have used that tumble dryer in your home?

Ian Moverley: I did have one in my home and I did carry on using it.

Q181 **Chair:** Really?

Ian Moverley: I did, yes.

Q182 **Chair:** That is even though you knew that had happened in a flat in Shepherd's Bush, even with someone in the kitchen with it.

Ian Moverley: I continued to follow the advice that I had. I had not had mine modified at that time. That is why I am saying that we continue to have those discussions with trading standards, reviewing throughout the whole programme the number of consumers we have resolved, what actions we are taking to further encourage registrations and complete the programme as quickly as possible.

Q183 **Chair:** It is lucky that Which? got involved, because it seems to me that



HOUSE OF COMMONS

that advice might not have changed if it had not been for Which?. If trading standards and Whirlpool had just had it their own way and Which? had not intervened, the advice might have stayed the same, might it not?

Ian Moverley: We would have continued to review that with trading standards and taken a view proactively.

Q184 **Chair:** But you reviewed it for six months and then Which? threatened legal action.

Ian Moverley: No, that is not correct. We would have reviewed that throughout the programme, not just specifically based on that one incident, but right from the start of the programme.

Q185 **Chair:** Whose initiative was it to change that advice? You said that you happily carried on using your tumble dryer; trading standards did not change their mind. Did Which? play a role in changing that advice or was it your decision in the end, after six months, that it might be a good idea for people to not use these tumble dryers?

Ian Moverley: There was a review from independent experts conducted by trading standards. At the conclusion of that it asked us to update the advice. That was what happened in February of this year and it is what we did immediately.

Q186 **Antoinette Sandbach:** Why did you not call in your own independent experts, rather than your in-house people, whose evidence is, I would not say tainted, but could be seen to be slanted? Why did you wait for trading standards to do the independent review?

Ian Moverley: We provided trading standards throughout the programme with what was occurring throughout the programme, how many consumers we had resolved and the actions we were taking.

Q187 **Antoinette Sandbach:** Sorry, can you answer my question please? Why did you wait for trading standards to conduct the independent review with independent experts, rather than doing it yourself? Presumably the evidence would have been the same.

Ian Moverley: As part of the primary authority agreement, this is the review that we would constantly do with trading standards throughout the programme.

Q188 **Antoinette Sandbach:** I am not talking about the modification programme. I am talking about the fault in your machines.

Ian Moverley: That is linked to the modification programme.

Q189 **Antoinette Sandbach:** I understand it is linked, but you were getting reports through of defects. These are manufacturing defects, are they not?

Ian Moverley: Yes, and the modification programme corrects them.



HOUSE OF COMMONS

Q190 **Antoinette Sandbach:** Why did you not instruct independent experts, rather than waiting however many years for trading standards to do it?

Ian Moverley: The review that I have referenced was in December last year and the programme was underway. What I was saying is that, throughout this programme, we have constantly been updating trading standards of our progress and making sure that we are meeting the commitments we made.

Q191 **Antoinette Sandbach:** Mr Moverley, do you understand that my concern hinges around what is clearly a design fault in your machines that requires them to be modified?

Ian Moverley: I understand that, and what I am saying is that, as we enacted the programme, the advice that we took was to complete the modification.

Q192 **Antoinette Sandbach:** I am asking you a very specific question. I am not asking about modification. I am asking why you did not commission independent research to look at the design of your machines to see where the faults were. Why did you wait for trading standards to do it?

Ian Moverley: The independent experts that I am referring to were to review the programme, what we had achieved so far and what the advice should be for use.

Q193 **Chair:** Antoinette's question is: when there was clearly this manufacturing default—let trading standards do what they like—why as a business did you not think that this might be an appropriate time to get independent experts to come in and have a look at what was going wrong with a large number of your tumble dryers?

Ian Moverley: We would use our own global operations team. I appreciate that you are saying they may be tainted, but they have many, many years of experience and understanding of this sort of issue and programme, and they would do that themselves.

Q194 **Antoinette Sandbach:** You continued to manufacture with the design fault. The machine was first manufactured, I think, in 2007. We heard of an open-source document in 2012 from the London Fire Brigade. You continued to manufacture from 2012 until when, with that fault?

Ian Moverley: Until September 2015.

Q195 **Antoinette Sandbach:** That is three years.

Ian Moverley: That is when our teams would have been reviewing all the data and any individual incidents.

Antoinette Sandbach: Yes, but not taking any action on it.

Q196 **Albert Owen:** If a similar indecent happened now, would you wait for trading standards and work closely with it, or would you as a corporate organisation say, "Look, we have had history of this; we will take action



HOUSE OF COMMONS

now”?

Ian Moverley: We would work with trading standards as part of our primary authority agreement. We would always make sure that it was aware.

Q197 **Albert Owen:** It is your reputation, is it not, as a company? I am your customer. I look to you for safeguards as well.

Ian Moverley: We would take action, but I am making it clear that we would always work with trading standards to be clear on what we should do.

Q198 **Antoinette Sandbach:** You do not see safety as a requirement internal to the company, contrary to what your letter says.

Ian Moverley: We absolutely do.

Chair: We have heard some very interesting evidence today and I am sure this is something that the Committee will be returning to. Thank you very much for coming to give evidence.