

Business, Energy and Industrial Strategy Committee

Oral evidence: The safety of electrical goods in the UK follow-up, HC 2468

Tuesday 2 July 2019

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Members present: Rachel Reeves (Chair); Vernon Coaker; Stephen Kerr; Sir Patrick McLoughlin; Mark Pawsey; Antoinette Sandbach; Anna Turley.

Questions 1 – 152

Witnesses

[I:](#) Martyn Allen, Technical Director, Electrical Safety First; Charlie Pugsley, Deputy Assistant Commissioner, London Fire Brigade; Sue Davies, Strategic Policy Adviser, Which?; Jemma Spurr, Whirlpool customer.

[II:](#) Michael Farrington, Verification and Validation Leader for Dryers, Vertical Axis Washers and Commercial Laundry, Whirlpool Corporation; Jeff Noel, Corporate Vice-President, Communications and Public Affairs, Whirlpool Corporation.

Examination of witnesses

Witnesses: Martyn Allen, Charlie Pugsley, Sue Davies and Jemma Spurr.

- Q1 **Chair:** Thank you to the four of you for coming to give evidence to our Select Committee this morning on the safety of electrical goods. In all honesty, this is not something that we wanted to return to after the inquiry that this Committee conducted in 2017, to which Charlie Pugsley and Martyn Allen, who are here today, gave evidence. The failure of Whirlpool and the Government to deal with the issues that we identified in that previous inquiry into the safety of tumble dryers means that we feel that it is essential that we come back and look at these issues again to try to get answers, both from the manufacturers and the Government, about what they are doing to ensure that the white goods in people's homes are safe.

Thank you to Charlie and Martyn for coming back to give evidence today, and also to Sue Davies, from Which?, and Jemma Spurr, a Whirlpool customer. We have 45 minutes for this session, and then we will be moving on to take evidence from executives at Whirlpool.

- Q2 **Anna Turley:** Thank you for coming in. I would like to start with Which? and the fire brigade, if I may, with my question. When we had Whirlpool before us in November 2017, it said that there were a million unmodified defective tumble dryers in people's homes, and it has since been reported that there have been 50,000 modifications since. It now claims that there are between 300,000 and 500,000 remaining unmodified machines. Do you agree with those figures? If not, do you have alternative figures? What is the basis of your evidence on this? I will start with Sue.

Sue Davies: Thank you very much, and thank you for the opportunity to come along today. It is unacceptable that we really do not have a clear understanding of what the scale of the problem is. As you know, Which? has been working on this for over three and a half years. We have had concerns about the way that it has been handled, in terms of the advice, the response and, more recently, the effectiveness of the modification. There is an issue about whether or not the 500,000 unmodified machines is an accurate figure. We have concerns, through our testing and the reports that people have come to us with, about modified dryers that have caught on fire, or where people have seen smoke or smelt burning, which suggests that there could be a much more significant number of unsafe machines in people's homes.

There have been some inconsistencies in the information that has been provided by Whirlpool. It was initially about 5.3 million machines that were affected. When they gave evidence to you they said that there was 1.7 million¹ that had been repaired or replaced. They told us in February that it was 1.65 million². It is really unclear, and the Office for Product

¹ Note by witness: should be "1.65 million"



Safety and Standards needs to get a grip on this issue and get a proper understanding of the scale of the problem and make sure that unsafe machines are taken out of people's homes.

Charlie Pugsley: Good morning. I cannot actually give you information on accuracy of the data, but our general concern would be that it is really hard, with so many models, for consumers to identify what machine they have. We did a fire "safe and well" visit, where we go into the homes, particularly of more vulnerable people, and even our staff struggled, around 25% of the time, to identify the make and the model. Of course, there is the issue around gifted, second-hand and inherited machines. Again, this tends to affect our more vulnerable members of the community.

Q3 **Stephen Kerr:** The Government have issued a notice of recall to Whirlpool because of the inadequate response to the OPSS's review of the modification programme. If there is a recall, based on the previous outreach activities, are you confident that Whirlpool can track down the remaining defective unmodified machines?

Sue Davies: No, we are not. We have had three and a half years of Whirlpool trying to track down the affected machines. We need to know what will be done differently to make sure that it is able to remove the unsafe machines from people's homes.

Stephen Kerr: You are not confident.

Sue Davies: No. Added to that we have the issue about whether the modification has been effective, and how that is going to be dealt with as part of the recall.

Charlie Pugsley: I would agree. The short answer is no. It is part of a wider piece, in terms of trying to progress with a central recall database, because it is about where the public go, not only to get informed by Whirlpool but also in terms of how they can self-help. We can take forward the culture that people know that there is a single point. There are two aspects: first, people trying to help themselves and, secondly, Whirlpool trying to reach out.

Martyn Allen: We have helped to promote the Whirlpool recall through our website and social media channels. I believe there is a huge undertaking to reach these 500,000 consumers. What I believe is needed is a collaborative approach.

Q4 **Stephen Kerr:** Martyn, are you confident that Whirlpool can track down the remaining defective unmodified machines?

Martyn Allen: No, because that figure does not appear to have come down.

Q5 **Stephen Kerr:** All three of you have answered the same way. Those

² Note by witness: should be "1.7 million"



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answers need to sink in with all of us. You do not believe that Whirlpool has the capabilities to deal with this issue?

Martyn Allen: I believe it needs to work with as many stakeholders as it can. It has the potential to reach its customers.

Stephen Kerr: Based on its track record, you do not have confidence in Whirlpool's ability to track down and deal with these machines?

Sue Davies: There needs to be a very different approach. We have been concerned that Whirlpool has not even published a list of the affected machines, something that we have repeatedly asked them for. We have had to try to put a list together with as much information as we have been able to find in order to inform people.

Q6 **Chair:** What reason, Sue Davies, does Whirlpool give you for not giving that full list of affected machines?

Sue Davies: They just refuse to provide it. They have said that they do not think it is helpful, whereas we think it is absolutely essential that we have that information. People should be able to easily check which of their machines are affected, particularly as there are so many machines that have been involved.

Q7 **Chair:** In doing the job that you do, when people come to you at Which? and say, "I have a concern about my tumble dryer. This is the machine number," are you able to say to them, "Yes, this is one of the ones with the defect," or not always?

Sue Davies: We have tried to put together as comprehensive a list of the machines that we know have been affected in the period that Whirlpool has said, but we still think a more comprehensive list needs to be published by the company.

Q8 **Chair:** Would you say that Whirlpool is hampering the ability of organisations like Which? to help consumers, as well as not helping them sufficiently itself?

Sue Davies: Yes, and they are not giving clear enough information to consumers. We also think their public communications could be enhanced, particularly if we are dealing with five different brands. It can be confusing to people to know which machines are affected.

Q9 **Chair:** It is important to say that most of these tumble dryers will not say "Whirlpool" on them. Is that right?

Sue Davies: Yes. They will be under different brands, such as Hotpoint and Indesit.

Q10 **Sir Patrick McLoughlin:** Have you published that list, or are you reluctant to publish it because you might be liable?

Sue Davies: The role of Which? is to give people as much information as possible and to make sure that, if people have an unsafe machine, they



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know what to do about it. On our website we have put together as comprehensive a list as we can from the publically available sources, but we are concerned that that is not the complete list. That should have been provided by the company. If you look at the BSI code on recalls, it is clear that companies should be publishing a full list of affected products. We do not understand why that has not been done.

Q11 Stephen Kerr: Just to be clear, they refused you a list of the defective machines.

Sue Davies: It is something that, in our engagement with Whirlpool, we have repeatedly asked for, and it has not provided it.

Stephen Kerr: Is it “not provided” or “refused”?

Sue Davies: The outcome is the same. We have not been able to get a list.

Q12 Stephen Kerr: Should they publish a full list of the defective machines?

Sue Davies: Definitely, yes. That is absolutely essential.

Charlie Pugsley: Absolutely. The more tools you give the customer, the better the chance of success.

Martyn Allen: I believe so, yes. We have asked for the list as well.

Q13 Stephen Kerr: That is very clear. Can I just ask you about the Government’s recall website? Is it going to be up to handling the recall of these machines?

Sue Davies: There have been some efforts to improve it, but at the moment the site is still very much confusing, with lots of links to lots of different sites. We need to have one single database that is a one-stop shop for consumers, who can easily and quickly see if any of the products they have in their house have had a safety recall.

Q14 Stephen Kerr: Does anyone have anything different to add?

Charlie Pugsley: We have been calling for a central database for years. I believe the target is to have it fully up and running by the end of this year, so we have to give them a chance. However, it then needs to be supported by appropriate publicity, because we need to drive a culture change so that people know where to go.

Martyn Allen: We have a recall check, but we want to see a centralised database that we can promote to consumers.

Q15 Stephen Kerr: The summary of your answers is that the Government’s recall website currently is not up to the task of this recall. Finally, do you think this whole episode reinforces the case for more progress on registering products, so that users can be reached?

Martyn Allen: Absolutely. We carried out research, and only one in three electrical products is registered. The reason for that is the system is too



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complex, and people also fear being bombarded with marketing information. Yes, this is an absolute essential need and push to get a registration system that is fit for consumers.

Charlie Pugsley: Absolutely. All the time, you have to opt out of marketing, but you need an email account, or you cannot do it by post. Particularly thinking of older people, we are not doing the best we can, in terms of serving the public.

Stephen Kerr: We do not know where these machines are.

Sue Davies: We would agree. The system needs to be much simpler for people.

Q16 **Stephen Kerr:** Jemma, can you confirm that the tumble dryer that caught fire in your home had been modified?

Jemma Spurr: Yes, it had.

Q17 **Stephen Kerr:** Can you describe to us what impact the fire has had on you?

Jemma Spurr: It has had a huge impact. I did not even know about anything to do with these tumble dryers until I saw it on ITV's "This Morning"; otherwise, I would not have even checked it. After seeing that programme, I checked it and realised that it was one of the affected ones. We had to wait 12 months for the modification, or we had pay £100 towards a new one. We put our trust in it and waited for the modification to be done. When it went up, there was the impact it had on the family, being put into a hotel for two weeks. The family was split over two hotel rooms, so we were not together. Our family dogs were put into kennels and could not be with us. We had people putting pressure on us for money to pay for the kennels. We had no money upfront to pay for any white goods, because everything was completely gone. We had to try to somehow beg, steal and borrow things to get by. It was just awful.

Q18 **Chair:** Were you in the house when this happened?

Jemma Spurr: Yes.

Q19 **Chair:** Who was there?

Jemma Spurr: Me and my three children. My other daughter was at school.

Q20 **Chair:** How old were they?

Jemma Spurr: My son was one, my little baby was six months, and Louis was 14 at the time. My baby was in the cot at the time sleeping, and because I had had the toddler toddling around, he followed me into the kitchen as I opened the door and saw the flames. I had to grab him and get out, and I had to get my son to help me grab my daughter out. Sorry, I am getting upset. It does not bear thinking about; I just think, "What if I had not smelt that fire at that time?" The fire alarms did not



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even start going off until the house was full of smoke. My neighbour next door was a childminder. The fire took place near the boiler, and the fire crew said to me that if the fire had been any longer, the whole house would have just gone "Bang!". There could have been multiple deaths and injuries.

I try not to think about it too much, but it has left me with a lot of anxiety, for instance if I smell burning. I sometimes think I see things that are not there, and I just have to rush through the house, and I am panic-checking where everybody is. I already have a fire escape route planned in my head in case anything does happen again. I have been told that I am unplugging unnecessary things before I go to bed in the night, checking everything. This is a company that we should have been able to trust. I would never touch Hotpoint again, ever.

Q21 Stephen Kerr: How would you describe Whirlpool's treatment of you generally?

Jemma Spurr: Disgusting. I felt like I was not a person. I felt like I was just another number. When it came to adding up the cost up of everything, I felt like a criminal. I was being questioned about the things that we had. In terms of money that we had to replace items, we were told, "We would not give you that much for that; we would only give you so much". We were out of pocket anyway. On the compensation side of things, to me it is not about money; it is about helping people and getting out there how dangerous these things are. I just felt like I was nobody. They do not seem to care about the impact it has on a family, myself or anybody.

Q22 Stephen Kerr: Thank you for that. I have one last question for the three of you. Should these machines be modified or replaced?

Sue Davies: We have serious concerns about the effectiveness of the modification. We have heard Jemma's experience. We tested 19 machines in February last year and we found that one of those machines, through our tests, was showing exactly the thing that the modification was supposed to be preventing, which was the build-up of lint. Since then, 35 people have contacted us with reports of incidents where they had had modified machines. Six people said that they had fires linked to them, seven people said that there was smoke coming from their machines, and the rest said that they could smell a burning smell.

Also since then, because of the publicity of it, we have had more people coming forward through social media. We know that ITV's "This Morning" and the BBC's "Watchdog" have been reporting people who have also had problems. We provided all of that evidence to the Office for Product Safety and Standards when it was doing its review of the modification, but it did not follow up, and it did not take those cases into account. We think there is clear evidence that there is a problem, and we want the Office for Product Safety and Standards to do what it is supposed to do—it was set up because of this Whirlpool incident—and actually stand up for



public safety, not for business interests, and properly look at whether this modification is effective, particularly if they are about to do a recall programme based on this modification. We think that if that cannot be demonstrated, then it has to be applied to the modified and unmodified machines.

Q23 Stephen Kerr: Do you have anything different, Charlie?

Charlie Pugsley: I will just briefly add two things. First, in terms of the value of Jemma's evidence, one thing that ourselves and the National Fire Chiefs Council always try to highlight is that it is not binary when you have a fire; it can impact people for a long time to come. We saw at Shepherd's Bush the difficulty in re-homing people for that difficult period of time. In terms of the modification, for us we have seen capacitor issues, drive-belt issues, PCB, motor, seals and build-up of deposits all causing fires in modified machines. Just to be clear, we do share this data with Whirlpool and the OPSS in as open and transparent a way as possible.

Of course, there is then the issue raised at the initial Select Committee about the tragic fire in Wales, and the fact that apparently that did not qualify as enough of a risk to trigger a recall in itself.

Q24 Mark Pawsey: I want to ask some questions regarding the modification process. It is of real concern that Jemma has told us that her machine had been modified. Jemma, can I just ask you about how you knew that your machine needed modification? You told us you saw this issue on a TV programme, but the manufacturer here is Whirlpool, and you told us that your machine was a Hotpoint. How did you know that yours was affected?

Jemma Spurr: The show had said that Whirlpool and Hotpoint were all the same sort of brand. I went on to Hotpoint's website and there was a tab where you could put in your model number. I checked the model number, typed it in, and it came up that my machine was affected. They told me to wait for an email—that they would get in touch to book me in.

Q25 Mark Pawsey: How long did it take for them to respond?

Jemma Spurr: About 12 months.

Q26 Mark Pawsey: How long did it take for them to respond to your original inquiry? You then had to wait for the engineer to come and do it.

Jemma Spurr: I think that was within the day.

Q27 Mark Pawsey: You got a pretty quick response, and then a long wait.

Jemma Spurr: Yes.

Q28 Mark Pawsey: Do you think, if you had not seen that TV programme but you had seen something about tumble dryers generally causing a problem, you would have thought, "This will not affect mine because mine is a Hotpoint and these guys are talking about Whirlpool"?



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Jemma Spurr: I would not have checked. The fact that it was on TV highlighted everything so much more, which made me go and check.

I would also say that the contact numbers on there are not good enough. When I had to phone through to tell them about the fire, I did not get any response. I was passed from pillar to post. It took me visiting Currys and speaking to a manager. He then contacted the CEO.

Q29 **Mark Pawsey:** The TV programme directed you to a telephone number; you contacted that but that was ineffective.

Jemma Spurr: No. The TV prompted me to go to the website.

Mark Pawsey: Okay, but you had to go into a store.

Jemma Spurr: After the fire.

Q30 **Mark Pawsey:** Martyn and Charlie, what are your views about the effectiveness of the modification that Whirlpool has carried out?

Martyn Allen: The engineering solution and the quality of the person carrying out the modification are both very important factors. Some of those things were teased out in the review carried out by the Office for Product Safety and Standards, from the sample that they undertook. As per the point made just now, the modifications were to address one problem, but there were other issues to do with some of those machines. When you have machines that are more than 10 years old, there has to be a conversation around whether it is effective to carry out a repair on a really old machine, or whether it is better to replace it.

Q31 **Mark Pawsey:** Is there a standard for the machine before its modification? Does a dryer have to be made to a British standard?

Martyn Allen: Yes.

Q32 **Mark Pawsey:** Is there any checking of the modification if the British standard, in this case, was found to be lacking?

Martyn Allen: The modification would have been through a risk assessment to see that it is as effective as it can be and in line with the standard.

Q33 **Mark Pawsey:** Would it have needed the same form of accreditation as the original machine?

Martyn Allen: No, because an electrical product itself declares that it complies with the legislation.

Q34 **Mark Pawsey:** Should the modification that Whirlpool intended to do have gone through the same accreditation process?

Martyn Allen: It should have been assessed internally and externally, with the likes of the Office for Product Safety and Standards.

Q35 **Mark Pawsey:** There would have been an internal assessment of what it



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was intending to do, because this was going to cost Whirlpool some money, but you are saying that Whirlpool did not have to apply to any other outside organisation to say what it was going to do to rectify this fault?

Martyn Allen: They would have had a conversation with the market surveillance and trading standards to tell them what they were actually intending to do.

Q36 **Mark Pawsey:** Having a conversation and seeking approval are rather different things, are they not?

Martyn Allen: It is not formal approval.

Q37 **Mark Pawsey:** Is there no process for getting a formal approval?

Martyn Allen: That is one of the reasons why the guide produced by BSI and the Office for Product Safety and Standards, on how to carry out an effective recall, was carried out—to tell people what they should actually do in the event of needing to take corrective action. Any solution needs to go through the trading standards and the authorities to make sure it is effective.

Q38 **Mark Pawsey:** Why was the corrective action inadequate?

Martyn Allen: The corrective action is now under the spotlight on whether it was effective or not.

Q39 **Mark Pawsey:** It is clearly not effective, because Jemma's machine caught fire. Why was it ineffective?

Martyn Allen: The process involved was not robust enough.

Q40 **Mark Pawsey:** Charlie, do you have any thoughts on that?

Charlie Pugsley: Yes. One of the things that we have called for is to share if not the full risk assessment then parts of it, to help understanding and build up consumer trust. As part of that, I would ask how long it was between most of the tumble dryers catching fire and when they were sold. Could you then not expect a delay to see the symptoms of the recall? In fairness to the OPSS, this is one thing that it did highlight—that it needed continued surveillance. I would expect that we may potentially just be on the upward slope of the level of issues we are seeing. Again, without being able to see any of the data or the thinking behind it, we cannot say.

Of course, if a wheel falls off your car, to then not take notice of the steering wheel that is not properly attached is slightly absurd as well. Because we have been seeing faults in that, I am slightly concerned about whether there are other faults that are causing fires and issues, because I do not think it is beyond reasonableness for us to expect products to fail safely. They should not fail and catch fire, apart from in the most exceptional circumstances.



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Q41 **Mark Pawsey:** Is the OPSS assessment of Whirlpool's modification in the public domain?

Charlie Pugsley: The OPSS published their report and did say that they needed to carry on with surveillance.

Q42 **Mark Pawsey:** Sorry, they need to carry on surveillance? How long ago was your fire, Jemma?

Jemma Spurr: September.

Q43 **Mark Pawsey:** We know that there are fires taking place. Does that not sound a bit lackadaisical to you?

Charlie Pugsley: I am severely concerned, as a professional fire officer, if we see fires in the actual modification itself. If we see other faults that are leading to fire, yes, I would be very concerned.

Sue Davies: The Office for Product Safety and Standards review of this issue was completely flawed from our point of view.

Q44 **Mark Pawsey:** It was completely flawed? Tell us how it was flawed.

Sue Davies: The data that it has taken into account has been incredibly limited. I have told you about the people who have been coming to us with reports of fire, smoke and burning. When we submitted a dossier to the OPSS asking it to consider that as part of its review, it did not follow up or ask us for any details. It has only subsequently said that it wants the details, after the review has been published. It relied very heavily on Whirlpool data, when you actually read the assessment, even though it points to some of the inconsistencies and gaps in the Whirlpool data. We do not feel it took into account the totality of the evidence. It identified some problems with the modified machines that it bought online. With two in particular, there was an issue with the modification that had been made, but it felt that the sample size was too small, and it had no historical data to be able to draw proper conclusions from that.

It did not publish the risk assessment, as Charlie has said, that underpinned its conclusions, so what you end up with is a very brief document saying that, according to the RAPEX methodology, which is the methodology as part of the rapid alert system, the risk was low. You cannot look at that and understand how it has actually reached its conclusion.

As this was the first real test of the Office for Product Safety and Standards—it was pretty much set up because of all the failures with the handling of the Whirlpool issues—we wanted it to be showing that it would be a really robust regulator, both in terms of its approach to assessing the evidence but also in terms of its independence and transparency, and to show that it will actually apply the precautionary principle and put consumer interests first. For all those reasons, we think it was a flawed review, and we think we need to have a more independent arm's-length regulator.



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Q45 **Mark Pawsey:** Would you say the OPSS has failed in this instance?

Sue Davies: Yes, definitely. That is why we think we need more fundamental reform of the system. The OPSS was set up partly so that it could be up and running more quickly, as an office within BEIS. It has been formed from the part of BEIS that has responsibility for regulatory delivery and better regulation. It has had a strong focus on making sure that it is reducing burdens on business. It now has a much bigger role in relation to product safety. We feel that that seems to have affected its ability to look at things from a consumer perspective and make sure that it is putting consumer interests first.

We think it would be much better being along the lines of the Food Standards Agency, which is independent, with an independent board. Its board meets in public, it publishes the data underpinning its risk assessments and you have a clear understanding of how it is reaching its conclusions and whether it is putting the public first.

Q46 **Vernon Coaker:** Just building on what Mr Pawsey was asking, Sue, you have laid out a fairly critical analysis of the OPSS's review. Would the rest of the panel share that assessment?

Charlie Pugsley: Just to reiterate, it is about the other issues and showing us some of the underpinning logic. We do appreciate there may be some commercial sensitivities, but how can you build trust if you say, "This is what you should do"? It is a bit like the initial advice, going back a couple of years, that it is safe to use if you are in attendance, and then we had the Shepherd's Bush fire, when the person was in attendance. We asked then, as we have continued to as part of the Total Recalls campaign, "Help us a little bit and give us a bit more information, because we can then be your critical friends." We want to work with all these other people for the benefit of the public, but at the moment I would suggest that we are partially in the dark.

Martyn Allen: I would support the views given just now that the sample was too small. Twenty modified machines is infinitesimally small, compared to the number actually modified, and some issues were teased out from that small size, which is quite concerning. It definitely needs to be broadened out. I believe they should have carried out their role as a supporting regulator and put loads of pressure on Whirlpool, asked lots of questions and critiqued their responses, rather than take the lead and carry out the review themselves.

Q47 **Vernon Coaker:** Given that the OPSS was only set up in January 2018, and according to you, Sue, it has failed its first test and we need something new to replace it, what enforcement powers does it have? Does it have any enforcement powers?

Sue Davies: Yes, it is the lead regulator.

Q48 **Vernon Coaker:** They have been set up, and we are saying this should happen. Do they have enforcement to actually force Whirlpool to do



something?

Sue Davies: Yes. They could force a recall, and we have now obviously seen that they are taking steps to formally initiate a recall process. However, as has already been discussed, it is unclear whether that is going to be any different from what we have had over the last three and a half years. It is the main regulator in this area, it can force a recall, and, under the General Product Safety Regulations, it is also legally obliged to apply the precautionary principle. We feel that it is not fulfilling its responsibilities and needs to have a much clearer and unambiguous remit to put consumer interest first.

Q49 **Vernon Coaker:** From what you have said before, I think I am right in saying that we would all agree that the OPSS should have published the risk assessment in full, in terms of Whirlpool's modification.

Sue Davies: Definitely. It has just referred to the fact that it has used the RAPEX methodology, which is an established methodology, but as part of a risk assessment, you make a lot of assumptions about the data that underpins that. In order to be able to understand whether its conclusion was accurate or not, we need to see all the data that was included, obviously respecting commercial confidentiality, as others have said, and what assumptions it made, based on that data, to come to the conclusion that the risk was low, when, as we have heard from Jemma's experience, the consequences of this are so severe. It has to be taking an approach that puts the public interest first.

Charlie Pugsley: Can I just add one small thing to that? We need to be very careful around the language about something being low probability in terms of risk, because without naming the obvious—

Q50 **Mark Pawsey:** Who used "low probability"?

Charlie Pugsley: That is part of the risk assessment that was published. We have seen it consistently saying that there is a low probability, on the various measures that they have put in place. However, fire is different from certain other hazards, like a sharp object or something, in that, as I say, from Jemma's experience to terrible tragedies over the last few years, fire can actually affect a lot more than the person in the immediate vicinity. You need to be very careful about saying the impact is low when it can be very high.

Q51 **Vernon Coaker:** Would you automatically see a full risk assessment of white goods as a senior fire brigade officer or a fire brigade?

Charlie Pugsley: No. We always share our data, lab reports, findings, research and everything we get. Unfortunately, I could sum it up to a zero, without looking to be flippant. Let me be clear: we want to be working with industry. We support business and we support industry, but they need to help us to help them. If they do not share anything with us, how can we nationally be alert to the issues to then feed back and help the risk assessment?



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Q52 **Vernon Coaker:** Let me be clear. Legally, there is no responsibility on manufacturers to share a risk assessment with you, as the fire service, or any other emergency service, so that you can adequately plan for anything that may occur.

Charlie Pugsley: Going back to 2012, when we met after a tragic multiple fatality, through to recent meetings, we have asked, "Can you tell us anything about this?", and we get told, "No."

Q53 **Vernon Coaker:** Is there any explanation, or just a "no"?

Charlie Pugsley: Normally it is commercial sensitivity. To be absolutely clear, we as a fire service are not the regulator in this space; that is the OPSS. Again, we think that the fire service should be a partner agency of the regulator and industry to support them. We are a valuable source of the worst case of failings. If you do not tell us what to look out for, how can we feed into that loop, and help prevent these things happening in the future?

Q54 **Vernon Coaker:** People will be astonished to know that; I am astonished. Jemma, without putting words in your mouth, you must have been astonished when Whirlpool claimed that there had been no reported incidents involving modified machines. Is that right, from what you said earlier on?

Jemma Spurr: The proof is there.

Q55 **Vernon Coaker:** You just had no proper engagement from them when you had that.

Jemma Spurr: There was nothing from them whatsoever, other than the phone calls that I made, which I made while the fire service was still with me, to try to get through to someone. He was completely appalled. He kept shaking his head because I was put through to different people and departments. Bear in mind that I had just had a fire and I am being put through to all these different departments, trying to explain that my house had just caught fire. I was told I would be called back; I got no phone calls back.

In the end, that is when we had to visit Currys and we spoke to a manager. He got hold of his CEO, and we then got appointed a loss adjuster. That is when everything started to happen. Even then it was really slow. We kept having to chase the loss adjuster to find out what was happening. It was really bad. We should not have had to keep chasing for days.

Q56 **Vernon Coaker:** You felt abandoned; you had to do everything yourself.

Jemma Spurr: We were having to push. We felt like we were having to beg for our own money to be able to buy the things that we needed as a family, because when we moved back into our house, we had nothing. We had to take our washing to friends and family. I did not like asking family and friends, as I felt like I was a burden on everybody and I felt



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like I was begging, so Jay was taking laundry on to his ship for his captain to get our washing done.

Q57 Vernon Coaker: On this whole business of risk, how should risk be assessed and measured? What is the way of doing that?

Charlie Pugsley: I need to be clear that I am not an expert in risk methodology; I am in terms of fire, but not in terms of product safety. For us, you should consider, for example, that a fire has the potential, through other factors, to spread and greatly affect many other people for a long time.

There is also the issue that, particularly with energy needs, we may be tempted to use cheaper electricity at night, which means there is a sleeping risk. One thing that concerns us, as we have seen before, is where a smoke alarm goes off, you have 60 to 90 seconds at most to get out, and if you are asleep and unaware, that is going to be far harder, let alone if you have children or the elderly, who we know may sometimes not react as quickly to a smoke alarm.

For us, we accept that, to some degree, if you have electricity, products will catch fire, but there has to be a level. It has to be a great exception, rather than almost a regular flow of cases. If you know there is a risk, you need to take action to cure it, because it is preventable, and that could be your home that is affected.

Martyn Allen: Risk is a combination of what the hazard is and the likelihood of that hazard becoming a reality. I know there are many factors, as Charlie explained just now. The law is clear. Only safe products need to be placed on the market. When things go wrong, that has clearly failed. Any modifications then also need to follow the same process, so it needs to be deemed to be safe before you allow it to be continually used by the consumer. The conversation we are having now suggests that the factors that were included in the risk assessment were not necessarily robust enough, and that needs to be looked at again.

Q58 Vernon Coaker: We have heard from Sue, who said that that may well be what should happen, but you have to have a regulator or somebody like the OPSS that actually enforces what it should be enforcing.

Martyn Allen: Absolutely. It needs to go back and ask a lot of challenging questions.

Vernon Coaker: Or do something—not ask questions; do something. Enforce the regulations.

Martyn Allen: The recall notice that has been issued has been associated to the 500,000 machines that have not been traced. There is another conversation to be had on the effectiveness of the modification.

Q59 Vernon Coaker: Jemma, was there anything you wanted to add?



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Jemma Spurr: Yes. The modification is only under warranty for 90 days. After that you have to pay for it, so people are a lot less likely to pay to get it fixed after that.

- Q60 **Antoinette Sandbach:** Charlie, you have described some of the concerns that you have had. Do you think that manufacturers like Whirlpool should include indelible marking on their products, so that where there are house fires, the products that are there and the model numbers can be easily identified by the fire brigade?

Charlie Pugsley: Absolutely. The concern I touched on earlier was that even pre-fire, they can sometimes be hard to identify, let alone post-fire. We found, in the more severe cases nationally, over half the time we could not identify what the make and model was. Again, this is helping us to help industry.

- Q61 **Antoinette Sandbach:** Does indelible marking happen elsewhere?

Charlie Pugsley: Again, we are not asking for everything to be built to withstand the worst possible scenario, but if in a car there is at least a marking on the chassis and in the engine bay, no matter what the vehicle, you will always be able to tell what the number is on your car. We do not have that with white goods, which we know pose a risk and have caused many fires. For us, it is a key ask. It should not be beyond the wit of industry to solve that issue.

- Q62 **Antoinette Sandbach:** Do you agree with that, Martyn?

Martyn Allen: Yes, I do. There are solutions out there, so there is no reason why it could not be taken forward.

- Q63 **Antoinette Sandbach:** Are those solutions low-cost?

Martyn Allen: If it is built in at the design stage, yes. There would be minimal cost.

- Q64 **Antoinette Sandbach:** Jemma, I wanted to come back to you. You have described some of the treatment that you had from Whirlpool: that you felt like a nobody, effectively; I think that is the way that you put it. They made you sign a confidentiality clause. Did they explain to you why?

Jemma Spurr: No, they did not explain why. I felt it was really underhand as well. It did not look professional, and it was not on letter-headed paper. The loss adjuster had said, "This is what you will get", and that was agreed, and then right at the last minute, it was, "You need to sign this declaration form." I had to read through it, and that is when I read it. He also then wanted me to print off the hard copy and send it back to him before we would get any pay-out. It was not until I printed it off that I thought it just looked really unprofessional, and I actually did not think it was legal.

- Q65 **Antoinette Sandbach:** Had you had any legal advice at that point? Were you insured? Did you have household insurance?



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Jemma Spurr: No. I did not have any legal advice. I did actually have the opportunity to speak to somebody, but there was so much going on at the time I just signed it and sent it back. I really did not think it was legal. For something to be a legal document, you would have thought it would have said "Whirlpool" or "Hotpoint" at the top of the letter, but it had nothing.

Q66 **Antoinette Sandbach:** Why did you decide to break it?

Jemma Spurr: I want everybody to be aware of the dangers. I would not want anybody to go through what we have had to go through as a family.

Q67 **Antoinette Sandbach:** Have you had any comeback from Whirlpool over that?

Jemma Spurr: No. I still have not heard from them. I have never even had an apology.

Q68 **Antoinette Sandbach:** Do you mean throughout this entire process?

Jemma Spurr: Absolutely nothing.

Q69 **Antoinette Sandbach:** Despite all your telephone calls, the only contact you have had is from the loss adjuster.

Jemma Spurr: Yes.

Antoinette Sandbach: You have never had any contact from Whirlpool.

Jemma Spurr: Nothing. The only thing I got is when they said I would get a sticker sent out to my address. I did not even get an apology when I told them what had happened. They just said, "Right, we are going to send a letter out. You will get that in two to three days. In that will be a sticker that you have to attach to the front of your machine. Ring the number up. We will come and collect it and it will get sent off to forensics. You can view the forensics examination if you wish". I still never got an appointment for that, when that was taking place. I constantly kept asking them, "When is it happening?" and they did not know.

Q70 **Antoinette Sandbach:** You have never seen the forensic report.

Jemma Spurr: No, and I do not know, to this day, what the fault is. They will not say.

Q71 **Antoinette Sandbach:** Sue, is this typical of the experience of consumers who have been dealing with Whirlpool, from the cases that you have identified?

Sue Davies: It is absolutely incredible if Whirlpool is asking people to sign non-disclosure agreements. We had had reports that that was what was happening, and we reported that to the Office for Product Safety and Standards, while it was conducting the review. If you are doing a review, it is crucial to have a full understanding of whether these machines are



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causing fires in people's homes. If the company is trying to silence people, so they are not coming forward, it has huge implications for public safety. The OPSS told us that it would not look into it until after it had completed the review. That again reinforces why we have so many concerns about the review and its approach in general.

Q72 Antoinette Sandbach: You passed to the OPSS information about the 35 cases that came to you. Can you write to the Committee and let us know whether people in those cases had been asked to sign NDAs or confidentiality agreements?

Sue Davies: Yes, I can provide us much information as possible, and will cover that separately.

Q73 Antoinette Sandbach: Martyn or Charlie, are you aware of or have you been involved in cases where consumers have been asked to sign NDAs or confidentiality clauses?

Charlie Pugsley: I have heard reports, but unfortunately, because there is not a stakeholder group where we share stuff, we do not know. It appears counterintuitive, but the most powerful stories are from a victim or somebody who has actually suffered. In some ways, it helps support the safety message if people like Jemma can talk about their experience, because it might be the push people need to make them think, "I will go and check that, because I have seen what has happened to somebody else". For us it is baffling.

Q74 Chair: Charlie, do you think that Whirlpool has taken on board the recommendations of coroners when safety issues have been raised, and taken responsibility for their products?

Charlie Pugsley: Apart from meeting Ian last week, we have continually said we want to work with the industry. We have had no dialogue.

Q75 Chair: When you say "Ian", you mean Ian Moverley from Whirlpool.

Charlie Pugsley: Yes. There is a huge gap in terms of how the fire service regulates or could be working with the industry. Quite frankly, we owe it to the public to fill that gap.

Q76 Chair: Thank you very much. Thank you to Sue Davies, Charlie Pugsley and Martyn Allen for the campaigning work you have done. I also want to pay tribute to Jemma Spurr for speaking out about what you and your family experienced. It cannot be easy for you to do that, but it is hugely beneficial to other people who may now hear your story and take action themselves. I hope it also puts pressure on Whirlpool to publish the forensic report about what happened in your home, with terrible consequences that could have been far worse. I also hope that, in the session that follows, Whirlpool takes this opportunity to give you the apology that you deserve, which you should have had back in September, when this happened. It is also worth paying tribute to "This Morning".



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Jemma Spurr: They have been absolutely amazing. If it had not been for them, I would not have checked that machine. I have spoken to friends who had still not checked their machine, but after watching me on the telly, they have got up and checked it. I cannot thank that programme enough for getting it out there.

Q77 **Chair:** The use of confidentiality and non-disclosure agreements is incredibly worrying, because the point of them is to deter people from coming forward. You have spoken powerfully about how you coming forward has ensured, I hope, that other people do not have to go through what you have.

Jemma Spurr: It comes across as really dodgy, underhand and a bit corrupt, to be honest. That is also why I spoke out, because I want everybody to be safe.

Chair: Thank you very much, Jemma, and all of you for your evidence this morning.

Examination of witnesses

Witnesses: Michael Farrington and Jeff Noel.

Q78 **Chair:** Thank you very much, Michael Farrington and Jeff Noel. I want to start by giving you an opportunity to apologise to Jemma Spurr and her family for what they have gone through, and also an opportunity to give a commitment to publish the forensic report about what happened in Jemma's home.

Jeff Noel: Ms Spurr, my name is Jeff Noel and I am a vice-president of Whirlpool Corporation. I report directly to the chairman. The consumers who I work with and come in contact with are treated fairly, and so I apologise to you for whatever distress this situation has caused you, your family, your loved ones and your neighbours.

Jemma Spurr: Thank you. I appreciate that.

Q79 **Chair:** Can I also ask that you publish the forensic report and allow Jemma and her family to see it?

Jeff Noel: We certainly will take that request to the appropriate members of our team and to the legal officers. Lots of issues go into those kinds of reports, including third parties, but I will take that request directly from you and Ms Spurr's family to the appropriate individuals.

Q80 **Chair:** Can we have a response to that in the next fortnight?

Jeff Noel: Yes.

Q81 **Anna Turley:** Thank you for coming in. We were told in November 2017 that there were a million unmodified and defective machines still in



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people's homes. How many have you modified since then?

Jeff Noel: Since my colleagues were last here, we have been very active in communicating to and dealing with consumers, taking the calls that come in and continuing to do the modifications. For every individual consumer who has made contact with us, we have modified their units.

Q82 **Anna Turley:** How many is that, please?

Jeff Noel: We have continued to take all media inquiries and address all the questions that have come to us. We have had millions of emails, countless advertorials and articles and, candidly, opportunities like this to talk about the importance of registering your product—which we believe is an important tool for the industry, going forward. I am proud that we lead all manufacturers in registration. It is an important tool. Despite the fact that we have continued to have outreach to those individuals, 80,000 of those that we know exist have not responded to 15 separate communications. We know that we need to do more. In fact, we have pledged to the OPSS in writing our planned next steps to not only do more, but expand and communicate more, because we have to get to the remaining homes in which unmodified dryers exist.

Q83 **Anna Turley:** I appreciate the sentiment, but you must have the statistics. The importance of this session is sunlight being the best disinfectant, and getting all this out in the open. I am asking again: how many have you have modified since 2017, and how many unmodified machines are still out there?

Jeff Noel: We want more people to call.

Q84 **Chair:** We would just like the numbers, Mr Noel. We have heard the reasons why you have not been able to modify all of them.

Jeff Noel: As we move forward with our expansions, we have resolved 45,000 since the last time we were here, which brings the number to 1.7 million. By all counts, including the electrical safety standards, that is two to three times the average. To your point, we are prepared to dramatically expand our programme to reach those consumers. We hope that, in the ensuing days, we will have follow-up conversations with the OPSS, so that we can do not only that but more, including significantly more advertising and outreaching, in the hope that consumers will avail themselves of the opportunity either to call or use the model checker.

Q85 **Anna Turley:** How many are you targeting out there?

Jeff Noel: We believe that approximately 500,000 units remain in the market. With some of the reforms that the panel here previously talked about, which we support, that number could be more accurate, as opposed to being an estimate. The more model-checking we do, the more registration numbers increase, the more accurate we can be. We believe that is a very solid estimate of the remaining units in the market.

Q86 **Anna Turley:** While we are on statistics and figures, do you know how



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many of your tumble dryers have caused a fire in the last five years? Do you have those statistics?

Michael Farrington: In those rare cases where a fire has occurred, we make all attempts to investigate. Before I give a number here, I want to give some context for it. The majority of the incidents that we investigate are safely contained within the unit, so the tumble dryer fails in the way it is designed to when there is an issue. Also, many of those that are not contained within the unit are not due to a fault in the appliance itself, but to other causes. I assume you are concerned about modified units.

Q87 **Anna Turley:** I am concerned about all units or products that have resulted in a fire, either contained within or outside the unit. If a fire resulted, it could be costly and incur damage, as we have heard today.

Michael Farrington: For modified and unmodified together, we have had 54 incidences of fires that have breached the unit. We have evidence that they were due to the fluff incidents that we had done the modification on.

Q88 **Anna Turley:** How many had not breached the unit?

Michael Farrington: I do not have that number available.

Q89 **Chair:** Can I clarify, Mr Noel? When Ian Moverley gave evidence to us in November 2017, he said that there were 1 million unmodified machines still in people's homes. You have said that, since Ian Moverley gave evidence to our Committee, 45,000 machines have been modified. The difference between 1 million and 45,000 is 955,000. You just told us that there are 500,000 unmodified machines in people's homes today. What has happened to the other 455,000 machines between November 2017 and today?

Jeff Noel: That is a good question. Thank you for asking, madam chairman. The average life of a tumble dryer is deemed to be approximately eight years. Some last longer, some not quite as long. We know that these products in questions have been manufactured since the beginning of 2004, so many are now 15 years of age or older. In some cases, they are approaching two times the average life of the product. As these products continue to age, we know there is a factor by which replacement will take place, given the average age of the products. We also know and have data that shows there has been a spike in tumble dryer purchases in this period, beyond what is normally expected in the market. This further shows that many consumers have chosen to find a new tumble dryer, whether one of our products or one of our competitors' products. That then accounts for the reduction. Those two factors, along with the successful 1.7 million modifications that we have completed, have reduced the number of units that remain in the field.

Q90 **Chair:** That 500,000 number is purely an estimate. You do not know whether it is 955,000 or zero. It is just a number in the middle; is that right?



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Jeff Noel: It is based upon methodology, using data, estimates and well recognised industry information that is also used by Government, relative to market trends, obsolescence and consumer behaviours. While the number is not an exact science, it follows a well-defined process to make a determination.

Q91 **Chair:** As well as that central estimate of 500,000, do you have a range of what it could be?

Jeff Noel: Some estimates have been as low as 250,000; others have been as high as 800,000. It depends on differing views. If you take all of the information and data available, and combine the process by which you look at what was in the field at the time, what sales have taken place, where we are with new purchases and obsolescence, we believe that 500,000 is an appropriate number, as do Government.

Q92 **Chair:** You would have heard Which? say earlier this morning that it has been calling, for some time, for you to publish on your website a full list of all the tumble dryers that are defective and unmodified. Can you commit to publishing this list to help assure that more of these machines can be tracked down?

Jeff Noel: Absolutely. I just have to explain that we are trying to make it easier for the consumer. As we heard today, the model checker makes it so that you can go right in and plug in your numbers. It comes up with whether you have a modified unit or a product that is not part of the issue. We do that because we know that many consumers do not wish to go through a long list of multiple pages, or that kind of documentation. The model checker is the easiest way that consumers can get access to the information. It is a very fast, easy and understandable way.

Q93 **Chair:** Can you give us that full list?

Jeff Noel: I can share with you that we have committed to providing the list to the OPSS. If it chooses to share that with others, it can do. I make that commitment.

Q94 **Chair:** Mr Noel, I am requesting that full list. Can our Committee have that full list, please?

Jeff Noel: When we send the list to OPSS, we will make sure that you receive a copy as well.

Q95 **Chair:** When will you be sending that to the OPSS?

Jeff Noel: Can I at least have until Monday? There is an issue of travel and things involved. I will commit to having it for you next week.

Q96 **Chair:** Will you also be able to give it to Which?, which has asked for it from you previously?

Jeff Noel: We will make sure that it is published on our site, so that people can access it. That might be the easiest way for people to retrieve it, if that is okay. That is the fastest way.



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Q97 **Chair:** If you send that to us on Monday, we will be grateful.

Jeff Noel: I will send a note that confirms when we have put it up on the website. Is that okay?

Q98 **Chair:** Give us the link, so we can find it nice and easily.

Jeff Noel: We will do that.

Q99 **Stephen Kerr:** Why on earth has it taken this long for you to publish this list? It seems a complete abnegation of your responsibility, as a business, to your consumers. Why has it taken so long? This is a grade-A disaster for your business in the UK and your reputation as a manufacturer, is it not? Why has it taken so long?

Jeff Noel: There are two points. The first is, when we purchased the Indesit business in late 2014, we knew we were buying a company with great designs and consumer insights. We also knew that these products were made by 2,500 great members of the United Kingdom, who are proud of what they do. We felt and still believe today that the acquisition of the Indesit business has been a good one. We also know it has a 108-year history.

Q100 **Stephen Kerr:** This is all great stuff, but why has it taken so long for you to publish these numbers? This information has been repeatedly requested. It is not about the history or the great this, that and the next thing. Why did you not do it? What excuse can there possibly be for not revealing this vitally important information to UK consumers?

Jeff Noel: First, the information is available on the model checker, which is the easiest tool to use. Keep in mind the reason for not publishing reams and reams of material. When you look for the exact unit, there are numbers that designate the colour, the month it was manufactured, the model it is and the kind of features on the model. All of this information is important if there is ever a need to validate that our products were manufactured according to all European and UK standards and guidelines. That information is readily available on each unit. That is the list you are asking for, sir. We worried that consumers would look at that list and say, "I do not want to participate". Far too many people do not participate in recalls.

Q101 **Stephen Kerr:** One of the lessons of any situation like this is to over-inform, rather than under-inform, because under-informing gives the impression of less than straightforward dealing. That, unfortunately, is the impression today.

Jeff Noel: We will make sure that we publish those models.

Q102 **Stephen Kerr:** Let me give you an example of that. When the Committee published its report on the safety of electrical goods in the UK, we found that customers in Australia had been told to stop using defective tumble dryers a year before UK consumers were. This came out in the evidence that Ian Moverley gave. Why was different advice given in



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two different places, and what responsibility do you take for this?

Jeff Noel: The only thing I can offer is that each country has its own standards and regulations, and we comply with all the regulations and guidelines that exist. We also hold ourselves to a higher standard. I know, and I think it is part of your report, that there is a desire to continually improve product safety in the UK, and we want to be part of that. In fact, our company is leading efforts to elevate standards today. On your question, all I can say is that, wherever the UK is imposing, regulating and offering enhancements to product safety, we want to be at the table, having those discussions, to help facilitate that and make it a reality.

Q103 **Stephen Kerr:** The reason different advice was given is that the standards in Australia are higher than in the UK. Am I properly reading what you are saying? Is that what you are saying?

Jeff Noel: I would need to go back and further understand that particular point.

Q104 **Stephen Kerr:** Maybe you can come back to the Committee and let us know in writing. Our information is that you told Peterborough trading standards that different advice was being given elsewhere than the UK regarding your defective machines. A fuller reply in writing would be useful. Can you confirm that you are now taking the same approach to modified and unmodified machines in the UK as the rest of the world?

Jeff Noel: I believe that we are taking all steps required in the UK.

Q105 **Stephen Kerr:** Is it the same as in the rest of the world?

Jeff Noel: I believe that we are doing all the things required and asked of us, according to the regulations here in the UK.

Chair: That is a different question from the one Stephen Kerr is asking.

Q106 **Stephen Kerr:** Is it the same as the rest of the world?

Jeff Noel: As part of the follow-up, I will confirm. I have an answer but, in this body, I want to make sure that an answer like that is exactly correct. I will do that and respond to you before I leave here.

Q107 **Stephen Kerr:** That is a very good thing to uphold, because in the first set of evidence that Whirlpool gave us, before we did our first report, we received inconsistent information from Whirlpool, as I have just highlighted. I will go on and ask you about the OPSS. It found problems with your outreach programme and approach to assessing risk, and has now issued you with a notice for recall. What specific deficiencies did the OPSS identify?

Jeff Noel: In a couple of areas, the OPSS has guided us to come back with information. They include validating and confirming the way in which we are collecting and sharing information. In the process of our discussions with the OPSS, we suggested, have recommended and have



now implemented a process where, every week, we provide information that we have from data that comes to us from evaluations of machines, including activities we are doing to make sure that products are safe. We have taken steps and had communications with them to make sure there is ongoing improvement in the communication and sharing of information.

Q108 Stephen Kerr: What were the specific deficiencies that the OPSS identified?

Jeff Noel: There were requests that we dramatically find ways to articulate and communicate the things we were doing in our company around product safety. In hindsight, we were already doing things and had already taken steps, including a request to understand the structure by which product safety is governed inside the company. We have shared that information with them. Suggestions were also made that we needed to do a better job of outreach to consumers, despite the fact that there has been great success in our campaign to date.

Q109 Stephen Kerr: You are simply repeating what I asked. What specific deficiencies did they highlight to you?

Jeff Noel: I believe I have answered the question, in terms of the requests that were made and the information that we have provided, in the way we are compiling information, the way we are providing it to them on a weekly basis, and the steps that we are taking to ensure that the effectiveness of the modification programme continues to be monitored on a real-time basis in order to help the OPSS do its job as a regulator.

Q110 Stephen Kerr: From the way you are answering the question, I am led to assume that, if I reverse everything you just said about the things you are doing, they would be the things that the OPSS said you were not doing. You have said what you are going to do, so I am assuming that, if I reverse all of that in my mind, those are the things that the OPSS said there were specific deficiencies in relation to. Is that a fair comment?

Jeff Noel: One of the areas in which there was deemed to be a question was the things we were doing, which we had not laid out in a structured format with an explanation for them. We have done that. The thing that is definitely new is that we have implemented a weekly reporting process, so that the information is shared on a real-time basis.

Q111 Stephen Kerr: Let me move on. What preparations are you making for a recall? Will you replace unmodified machines with new machines or modify them in situ?

Jeff Noel: We have committed in writing to the OPSS that we are prepared to dramatically expand what we believe, for all practical purposes, has been a recall campaign. We will do the following things. We will replace products. We will offer enhanced voluntary opportunities for consumers, if they do not wish to have the replacement product and



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would like to upgrade, to have a heavily discounted opportunity to upgrade to other types or newer machines for the consumers.

We have also offered to dramatically enhance not only the in-house modification, but to make sure, for those vulnerable individuals, we make the times when they would wish to do that far more flexible. We have also committed to an extensive advertorial campaign and, as I heard on the first panel, an ongoing campaign to broaden our reach to organisations that we can partner with to convey the communications to consumers that these options are available to them—replacement and upgrade opportunities for replacement. Yes, sir, we are replacing those products.

Q112 **Stephen Kerr:** Your offer to all your customers is to replace or upgrade these unmodified machines, or modify them in situ.

Jeff Noel: Yes, sir. We are providing options we think will make that more effective.

Q113 **Stephen Kerr:** How exactly are you going to intensify, upgrade or extend your outreach? How are you going to locate and identify these remaining unmodified machines? What exactly are you going to do?

Jeff Noel: I will describe the process, if I may. The most effective form of communication is direct. We hope consumers will call us today, after this hearing, and register their product so that we can communicate with them directly. We will expand that and continue to communicate. We have expanded our call centre staff, so that those who might hear the meeting today, those who will see the advertisements we will be undertaking and, I hope, those such as landlord associations and organisations for the vulnerable reaching out to their memberships and patrons will have the call takers there when they choose to contact us. They are on flexible hours and will take the information, register the product and make sure that we are following up with them directly.

We will also be spending at least £1 million to go out and do additional advertising to reach those consumers, because we want to make sure we are working together. I heard on the first panel about opportunities for groups to work together and get the message out together. We know from consumer research that the single most important thing that can be done is to make the message simple and straightforward, and to make the opportunity for the consumer to get the information they need as easy as possible. That is the kind of thing we are doing. We have laid out a process to do both direct and indirect advertorial campaigns and social media partnerships. We have ramped up call taker staff and service engineers. We have ramped up our supply chain, if you will, so we can enhance production of replacement machines. We have already begun a process so that, when the agreement is reached, we can commence the programme to do so.

Q114 **Stephen Kerr:** I have one last point before I hand back to the Chair.



What about the retailers? The bulk of these machines will be sold through the big high street retailers. What are you doing with them?

Jeff Noel: That is a very good point, sir, and I apologise for overlooking it. We would never undertake any kind of campaign without fully addressing, communicating and working with the stores and individuals that are selling products to consumers directly. We will be working with them to make sure the information is provided.

Q115 **Stephen Kerr:** You will presumably be working with their sales records of who they sold machines to.

Jeff Noel: We have already done that and will continue to do that. It is important to try to access any information we can. We hope that, in working together with this body, we can communicate every step along the way, so that any consumer, even if they are not our customer, contacts whoever manufactured their machine and registers their product and makes it part of the record. We have offered to the OPSS and led movements within our industry, as we think the entire industry should step up and be part of this effort to find the most effective means possible of communicating with consumers.

While we are very proud to be new entrants to the manufacturing and home appliance sector in this country, in a bigger way, others are selling tumble dryers every day. When we bought our company, we looked into independent data and identified that the safety performance of Hotpoint and Indesit tumble dryers was consistent with all others in the marketplace. We think this relates to registration and outreach to consumers. All manufacturers have that same responsibility.

Q116 **Chair:** If a customer did not want the modification, but would rather get a new machine—you said discounts were available—how much would they have to pay to get a new tumble dryer to replace the one with these defects?

Jeff Noel: I will need to slow down and make sure I am saying things clearly. I apologise. When we go forward with our expanded recall, if a consumer chooses to have a replacement, it will be provided to them at no charge. That includes our coming into the home and removing the product, and making sure that it is properly stored and does not go back into the marketplace. They still have other options available to them, which is probably where you picked that up.

Q117 **Mark Pawsey:** Mr Farrington, you told us earlier that you knew of 54 fires that have occurred in Whirlpool tumble dryers. How many of those were in modified tumble dryers?

Michael Farrington: We had three reports of modified dryers associated with this issue. They were third-party reports; we like to try to get internal reports.

Q118 **Mark Pawsey:** Does that include Jemma's case?



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Michael Farrington: I am not sure.

Q119 **Mark Pawsey:** You do not know whether it includes Jemma's case. You knew Jemma was giving evidence here today.

Michael Farrington: It would depend on whether they had found that the cause was due to fluff or not.

Q120 **Mark Pawsey:** There are three reports to the best of your knowledge, and there are almost certainly others. Perhaps Jemma's was included. Do you still maintain that the modification is effective?

Michael Farrington: Absolutely.

Mark Pawsey: Despite these additional fires.

Michael Farrington: The modification has been thoroughly tested inside Whirlpool, and then two different regulatory bodies have confirmed the modification with experts.

Q121 **Mark Pawsey:** Tell us about those regulatory bodies that have confirmed that the modification meets all standards.

Michael Farrington: There was a 2017 review involving experts in product safety risk assessment and fire safety. I believe that was through the PCC at Peterborough.

Jeff Noel: In fact, Peterborough conducted an independent panel review. It had three independent experts, including someone from the fire brigade offices, as well as a recognised expert in risk management. That independent panel concluded that the modification was effective for what it was intended.

Q122 **Antoinette Sandbach:** Has Which? not taken Peterborough trading standards to judicial review?

Jeff Noel: I do not speak on behalf of, and contemplate, what Which? may be doing.

Antoinette Sandbach: But in relation to Whirlpool products and the way that it had approached this case.

Jeff Noel: I can only share with you the facts, and the facts are that Peterborough trading standards asked for an independent body of three recognised expert to review. We were asked to explain that review, and I just did that.

Michael Farrington: The second review was the OPSS review. It confirmed that the modification is effective and reduces risk associated with the lint issue.

Q123 **Mark Pawsey:** You do not think it is odd that we have a witness here today whose machine was modified, but caught fire in a drastic fashion, as we just heard? You were present for her evidence. Do you think that



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was a coincidence?

Michael Farrington: I believe and know that the modification is effective at reducing risk associated with lint.

Q124 **Mark Pawsey:** Mr Noel, you spoke about the risk assessments of your machines, but you have not been prepared to share those with organisations such as London Fire Brigade. Why not?

Jeff Noel: We have provided all the information to the regulator, which is the appropriate thing to do. All that information is available with the regulator, and we would hope that there will be good communications between the regulator and the fire prevention unit. If I may follow up on the question that was just asked, in addition to the fact that the modification has twice been proven effective for the adjustments as intended, it is important to note that—as tragic as an individual case is—the Government and even fire brigade officers point to a fact. The fact is that over half of fires that take place have causes outside the limitations of the machine itself.

Q125 **Mark Pawsey:** Is it your assessment that the fire that occurred in Jemma's machine was one of those outside the limitations?

Jeff Noel: No, sir. What I am attempting to do is, in an appropriate way, explain that there are other reasons why there have been fires and/or breaches with tumble dryer units. The Government and experts in fire safety acknowledge they are beyond the limitations of the machine. That was the only comment I was trying to make, sir.

Q126 **Antoinette Sandbach:** We have had evidence of fires in your machines caused by capacitor failure, tangled belt drives, PCB contact failure, stalled motors and missing seals. Those examples alone exceed the five cases that you have mentioned, Mr Farrington. Does that suggest that you are not keeping an accurate records of the number of faults that there have been?

Michael Farrington: The best context for this is a statement that was made by the gentleman from the fire brigade. He said that, if you have electricity, there is always a small risk of fire.

Q127 **Antoinette Sandbach:** But you are claiming that there have been only five fires in modified machines, yet Which? came forward and said it had had 35 incidents reported. Why are you not aware of those 35 incidents? Is your company ignoring calls from people like Jemma, who called repeatedly to try to report a fire that had been caused by one of your machines? She did not get a call back. She had to go to the store that she bought it from to get a response. How many other fires are being ignored by your representatives here?

Michael Farrington: I can assure you that we ignore no reports of fires that we receive. If we receive a report of a fire, we do our best to investigate each one of those directly, or we use third-party reports to



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help us understand. We are very transparent and share all of that data with the OPSS.

Q128 **Antoinette Sandbach:** Let us be clear. After the OPSS investigation, you moved from a modification programme to a recall-and-replacement programme.

Jeff Noel: We have proposed that to the OPSS, and have committed that we are prepared to go forward with that.

Q129 **Antoinette Sandbach:** In the 20 machines that were tested by the OPSS, they found faults in one of those machines. That could indicate that one in 20 of your machines has a problem, if that was a random statistical sample.

Jeff Noel: I have to allow the OPSS to explain and describe what steps it took.

Q130 **Antoinette Sandbach:** But that is the problem. Have you seen the risk assessment report from the OPSS? Has it disclosed that to you?

Jeff Noel: We have seen what it has shared with us.

Antoinette Sandbach: Does that include the risk assessment report?

Jeff Noel: I will let the OPSS describe what it has in its documents and what steps it took. I would like to go back to a comment you made to be clear about it. First, the items you describe, relative to occurrences and incidents, are common across the entire industry and all markets. They do not pertain directly simply to Whirlpool or Hotpoint products, but all products and manufacturers.

Secondly, as it relates to the comment you made about Which?, we take every report of an incident very seriously. By Which?'s own admission, of those 35 products that involved modified units, it could only provide real information on three of them, despite our request to have access to and communications with those consumers. In those three cases, we know that the product did the right thing. There was no breach of the product; in other words, it was contained in the unit. There was a second unit that was breached, but we were unable to get the machine and do what needed to be done to examine it. We have some photos that look as if it was not related to the build-up of lint, because it was at the front of the machine. The third did not breach at all, but we were not able to get the machine, even though we requested it.

I would just like to go to the extremes that we take to get facts and data. We believe that every incident should not only be investigated, but the machine itself should be thoroughly examined to understand the issue relative to whatever took place in that machine.

Q131 **Vernon Coaker:** Thank you for your information and comments so far. You will have seen some of the coroners' reports into the causes of fires, including where deaths have occurred. The coroners have been critical of some of the evidence that Whirlpool representatives have given. For



example, it was suggested that one fire in a tumble dryer might have been caused by a self-combusting tea towel. There was a horrific fire at Grenfell, and it was suggested that it was caused by a tumble dryer, but people turned around and said perhaps a burning cigarette was thrown into the kitchen through an open window. Is it Whirlpool's policy, when investigating causes of fires, to find out what happened and identify the cause, or is it to limit its liability?

Michael Farrington: Absolutely we try in every case to find the root cause, because product safety is very important to us.

Q132 **Vernon Coaker:** Why do you suggest these sorts of things in a public inquiry? Why would people who represent Whirlpool say those sorts of things, in these really horrendous situations, if that is the policy of this huge corporation and business that you represent?

Michael Farrington: First, I would like to correct something that you said. You attributed the Grenfell fire to a tumble dryer.

Vernon Coaker: It was a fridge-freezer. I beg your pardon.

Chair: It was a Whirlpool fridge-freezer.

Jeff Noel: They are still going through the public inquiry to determine both the origin and cause of that horrible tragedy. That is a separate matter. I am sorry, Mr Farrington.

Michael Farrington: That is fine. To get to the explanation of the tea towel, as you put it, there is a phenomenon that actually happens quite often, often enough that safety regulators require that we put warnings about it in our use and care instructions. Many of the websites that we have out there give warnings about it. When you have a rag or piece of fabric that is soaked in certain cooking oils, when it gets up to high levels of heat, you can trap that heat by suddenly stopping the tumble motion while it is very hot. Nothing may happen for a while. What happens is an exothermic reaction is occurring with the oils and heat and, over time—I have seen video surveillance cameras and security cameras—in the middle of the night, it bursts into flames. The idea of flames coming from that kind of reaction is very real. We take it seriously and we do our best.

One thing we do to try to prevent that is to turn off the heat and put cool air through the dryers. It is a cooldown and it is specifically for this issue so that, before it stops, the fabric is not hot. If you interrupt the cycle before the end and it lays down on top of itself hot, it can overheat and cause that phenomenon. It is a real physics issue and that is what we are focused on. We want to understand all the causes of fire, because we want people to be safe. That is what we want, and this is the only way to advance the safety of all of our appliances that involve moving parts and the generation of heat and electricity.

Q133 **Vernon Coaker:** You do not stand by comments anymore that were made at the Grenfell public inquiry that the fire might have begun by



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someone throwing something, perhaps a burning cigarette into the kitchen through the open window.

Jeff Noel: Again, the Grenfell matter is under public inquiry.

Q134 **Vernon Coaker:** That is not science; that is somebody saying, "This is how it might have been done". Do you stand by that?

Jeff Noel: I believe, again, this is under an inquiry. That was one of many statements made, and to try to isolate it would be inappropriate while there is an inquiry underway. As long as an inquiry is underway, for us even to comment or indicate our feelings about that would be inappropriate. In my humble opinion, it is right for a tragedy of that magnitude to be in the hands of a public inquiry to make its final determination and speak with a single voice. That is exactly what we are respecting, because we think it the right thing to do.

Q135 **Chair:** With respect, we are not asking about the deliberations of that inquiry. We are asking about your closing submission to the Grenfell Tower public inquiry. On 6 December last year, Whirlpool said that there was a potential alternative source of the fire and that ignition could have entered through the window, including via a cigarette. Vernon Coaker is just asking you whether you stand by what you put in your closing submissions to the Grenfell Tower public inquiry. Do you stand by that?

Jeff Noel: It is appropriate for anyone looking for the facts to outline possibilities and then make sure that those making the determination have all the data, information, facts and possibilities, so that they have the information they need to reach and render a conclusion.

Q136 **Chair:** You do stand by that statement. It is just a yes-or-no question, Mr Noel.

Jeff Noel: Again, I simply say that it is under an inquiry.

Chair: I am just asking you whether you stand by your statement.

Jeff Noel: I am not in a position to say anything other than that it is appropriate for issues to have been raised. I do not want to ascertain a statement relative to one item that was made by an individual before a legal body.

Q137 **Vernon Coaker:** That is very difficult, to be frank, because the context of this is everything. That is why I asked the first question about whether this is about limiting your liability or helping to identify the real cause of a fire. Public corporations and big business comes before us and give us evidence, and we have evidence after evidence from people in different sectors. The Chair has repeated a simple question there. The inability of people to say yes or no to that causes everyone to say that the company is about limiting their ability and not identifying the real cause of fires.

Jeff Noel: What is most appropriate is that we do not take any steps that would remove the authority of the public inquiry to make a



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determination. It is charged with making that determination with all of the facts, including whatever was provided in testimony before that body, in the environment and under the ordering and sequencing by which those comments were made. It would be inappropriate for us to make any comment until that process, determination and opportunity to ascertain the facts has been made.

Chair: I take your point and we will not deliberate on it further. Vernon's point is that your claim that you want to ensure safety and get to the bottom of these issues is not helped by spurious claims about how a fire could have started, but we will move on.

Q138 **Antoinette Sandbach:** Do you accept, Mr Noel, that valuable evidence about potential causes of a fire can be obtained from your customers?

Jeff Noel: Absolutely. It is part of the important process of making sure that you get all the facts.

Q139 **Antoinette Sandbach:** Why is it, then, that you are trying to shut people up by asking them to sign NDAs?

Jeff Noel: First, I believe that settlement agreements are important to any process. They are used across all industries.

Q140 **Antoinette Sandbach:** Of course settlement agreements are used across all industries. It is perfectly standard to sign a settlement agreement with your insurer, for example, when you have a claim. What is not standard is asking people not to broadcast on any social media forum—Facebook or Twitter—or any broadcast media. That is not standard. That is not part of a settlement agreement, is it? That is shutting people up.

Jeff Noel: Standard confidentiality provisions are quite common in settlement agreements, in all markets and in the UK. They are commonly used by insurance adjusters, et cetera.

Q141 **Antoinette Sandbach:** They may be in certain circumstances, but not in product safety. You have described the need to get information out into the public domain. Why would you not want your customers to inform other customers of their experiences, if you are trying to get out the message of product safety?

Jeff Noel: Under no situation has Whirlpool ever used legal or other enforcement mechanisms to prevent discussions about defects, investigations into incidents or work with public authorities.

Q142 **Chair:** With respect, Mr Noel, Antoinette has not asked you about enforcing them. She is asking why you use them in the first place.

Jeff Noel: Again, these are confidentiality provisions that oftentimes are entered into by third parties—insurance companies and their adjusters. These items are often requested by or, I should say, required by lawyers and others.



Chair: We are asking about yours, Mr Noel.

- Q143 **Antoinette Sandbach:** You, as a company, have a choice. You have described the huge cost to you of advertorials and trying to reach out to your consumers. What is more powerful than one of your consumers going out there and saying, "This is my experience. Go and check your machine"? What is more, using Facebook, Twitter and broadcast media does not cost you anything as a company, does it?

Jeff Noel: First, we welcome anyone going on social media encouraging consumers to register their appliance. Make sure the product is registered, so that we can make direct contact if we need to, as mentioned by the gentleman here earlier. That is the important part of a public registration campaign, which we fully support.

- Q144 **Antoinette Sandbach:** You heard evidence from the London Fire Brigade about indelible markings. Is that something your company will use on your new machines, going forward?

Jeff Noel: The gentleman said that he would welcome a discussion with a manufacturer. I can tell you that I will reach out to him personally to let him know that we, as a company, are prepared to sit down and have that conversation to understand the perspectives that he has. He may well be able to give us information that we may not be aware of on how to make it workable and achievable. We will then work with the industry to do that. You have my pledge to meet with the members of the panel who brought that up to follow it up and have a discussion with them.

- Q145 **Antoinette Sandbach:** I am grateful to hear that, because the coroner who dealt with the Llanrwst fire, in his judgment, stated that, "The description by the company's global product safety director of the company's approach to what he described as 'soft data' from the field (meaning, amongst other things, reported instances of fires) was of considerable concern to me. I am concerned that the company's reluctance to place due reliance on information coming forward in this way, and instead to prefer to take advice from itself, represents an obstacle to timely learning and a likely inhibitor to progressive steps which might prevent fires and save lives". That is quite a damning judgment, is it not?

Jeff Noel: We take all reports from those involved in any investigation very seriously. We take all comments seriously. I can assure you that in our company product safety is our utmost concern and, every day, we work to lead the industry to continue to make products safer.

- Q146 **Antoinette Sandbach:** Will you commit, then, to ask your third-party representatives, including loss adjusters acting on behalf of Whirlpool, to remove the requests in any non-disclosure agreement that prevent customers from advertising what has happened on social media forums?

Jeff Noel: I commit not only to look into the matter, but have those conversations with third parties. I cannot direct a third party, an



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insurance company or their independent claims adjuster to do anything specific that their company requires, but we will have those conversations.

Q147 **Antoinette Sandbach:** Will you be able to inform them that it is your preferred policy for them not to request these kinds of NDAs?

Jeff Noel: I will make sure that we have those conversations with attorneys in our companies and in those third parties that we work with. I am not at liberty to speak on their behalf, but I will take the benefit of this experience this morning. This is not a comfortable experience, but it is a good experience. I take your comments to heart and will make sure that I convey that to the appropriate individuals, beginning as soon as this meeting is adjourned.

Q148 **Antoinette Sandbach:** The coroner identified that the Llanrwst fire was caused by a defective door switch. Do you accept that that was at fault, in that fire?

Michael Farrington: After the findings of the coroner, we have been co-operating with the TSO in their investigation. We have also done our investigation and shared that with the OPSS. We have not heard that it disagrees with our assessment.

Jeff Noel: We have made sure that our information was available to the trading standards office. Also, importantly enough, the types of door switches and the incidents described in the coroner's report are from another manufacturer. They are provided to multiple companies in multiple markets around the world, so that information needs to be shared, so that the proper assessments can be made.

Q149 **Antoinette Sandbach:** You are making sure that that information is being passed on through the channels. In terms of customers who have signed confidentiality clauses, can you confirm that you are happy for them to approach the OPSS and this Committee with information about their experiences, without there being a concern that there will be enforcement action from you?

Jeff Noel: On no occasion has the existence of any type of confidentiality agreement prevented—

Chair: You have already said that.

Jeff Noel: I want to say to anyone who is engaged in a settlement agreement that we would never prohibit them from having contact with the regulator, so that any information they have can be passed to that regulator. As I understand it, that means they could and should be allowed to come before this body.

Q150 **Chair:** Of the 54 fires that you have spoken about, Michael Farrington, for how many have customers had to sign a confidentiality clause or non-disclosure agreement?



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Michael Farrington: I am sorry; I am more involved in the root-cause investigations. I do not have that information.

Q151 **Chair:** Do you have the answer to that question, Mr Noel?

Jeff Noel: Agreements are only reached if there is a settlement. A settlement means that both parties have agreed to something. That something is usually—in almost all cases—compensation for property damage. That agreement would stipulate that. I am not familiar with whether there has been any kind of settlement for those 54 units that you mentioned.

Q152 **Chair:** Could you get back to us with the number of confidentiality clauses or non-disclosure agreements, similar to the one we have had sight of, that have been used by Whirlpool in the UK over the last five years?

Jeff Noel: We would have to understand whether they were done by third parties or those acting for foreign insurance bodies.

Chair: I am sure that is not beyond your capabilities, Mr Noel. Can you give us an assurance that you will get back to us with those numbers?

Jeff Noel: I will look into the matter and be back in touch with you.

Chair: Thank you for coming to give evidence to our Select Committee this morning.