

# Written evidence submitted by London Fire Brigade

## Introduction

London Fire Brigade (LFB) is London's fire and rescue service - one of the largest firefighting and rescue organisations in the world and we are here to make London a safer city. Decisions are made either by the London Fire Commissioner (the statutory fire and rescue authority for Greater London), the Mayor of London or the Deputy Mayor for Fire and Resilience. A Fire, Resilience and Emergency Planning Committee of the London Assembly holds the Commissioner, Mayor and Deputy Mayor to account.

## **Is product safety regulation successfully influencing consumers, businesses and other stakeholders to prevent product safety risks from materialising?**

LFB notes that the National Audit Office (NAO) highlighted in its report 'Protecting consumers from unsafe products' that consumer engagement with product safety is weak and that the Office for Product Safety and Standards (OPSS) is constrained in its ability to influence them due to gaps in its understanding. LFB would agree with this and supports the recommendation of the NAO that OPSS examine how this could be improved. An example of why this is important is demonstrated by anecdotal accounts from fire and rescue services attending fires, which suggests that people from lower socio-economic groups or other demographics may be buying more products from marketplaces (physical/online) or second hand, gifted or recycled sources. This potentially puts them at greater risk so it is important the OPSS understands these demography behaviours and how to effectively reach these groups.

LFB has a number of suggestions for how influencing consumers could be improved:

- More information/education provided to consumers on how to report issues (Citizens Advice, Trading Standards etc.) would be beneficial.
- More can be done to protect and support the vulnerable and those with particular needs. For example:
  - Non-internet based options for reporting and product registration (e.g. possible issues with 'internet poverty', some older persons/disability demographics).
  - Consider issues relating to English as a second language. For example, over 20 per cent of London's adult population do not speak English as their first language at home, with approximately 300 languages/dialects spoken across the capital.

Another issue that was not sufficiently highlighted in the NAO report is the lack of transparency with product risk assessments when there is a possible safety issue. This can undermine public (and stakeholder) trust in the system. With product safety issues, decisions are made whether to instigate a corrective action such as a safety notice or a full product recall, but there is little to no transparency. This can damage consumer and stakeholder trust in the company and potentially in the regulator. It seems counter-intuitive

that decisions are being made on public safety, but the rationale that supports the decision is not in the public domain. This will have an impact on public trust.

**Can the OPSS and Trading Standards services identify and address safety issues quickly when they arise, to minimise harm to consumers?**

LFB continues to have concerns in this area. The NAO report rightly highlights the Whirlpool tumble dryer as an example of impactful interventions on high-profile safety issues. LFB was heavily involved in this having had direct experience with fires caused by Whirlpool tumble dryers and campaigned at an early stage for effective action to be taken to address these issues. The advice given by Whirlpool that the product was safe to use while awaiting a repair was, in fact, not safe, suitable or sufficient in the view of LFB and we wrote to the company twice to ask them to change this advice as a matter of urgency. Getting to the point of a full product recall, with accompanying advice from Whirlpool not to use the machine until repaired or replaced, took far too long and required significant engagement with stakeholders on the part of third party organisations along with the threat of a judicial review. It is reasonable to question whether corrective action/recall would have been achieved at all if the product had a lower public profile. This suggests the system is not currently working as it should.

Anecdotal experience of speaking with consumers, some stakeholders and even journalists, suggests that many did not know how to report potentially dangerous product safety issues (e.g. to Trading Standards). The actions of Peterborough Trading Standards in dealing with the Whirlpool matter highlighted a gap in expertise, resourcing and the response.

The NAO report also recognises that the OPSS lacks the data and intelligence required to adequately assess consumer risks. It is encouraging that the OPSS is working on an overarching data strategy which has been assessed by the NAO. LFB's own work with the OPSS has highlighted that much more data relating to fire issues may be available, e.g. from insurance bodies, private sector forensic investigators and spares/repairs. However, such data is not shared with Trading Standards/OPSS, therefore it can be assumed that risk assessments for fire issues will be flawed, if based on incomplete intelligence and data. LFB has also called for risk assessments to fully consider hazards, such as fire, and their potential to affect many people, e.g. a sharp object may harm a person, a fire may harm many due to fire spread. Also, when people are sleeping they will take longer to react to the hazard.

The NAO report rightfully recognises the resourcing challenges facing Trading Standards services. LFB welcomes the efforts of the OPSS highlighted in the report to introduce initiatives to support with resourcing issues. However, effective product safety regulation must have effective surveillance and enforcement to underpin it. Enforcement authorities need to be adequately resourced to be effective in their role and to ensure an appropriate safety culture exists. Despite this, Trading Standards have seen significant reductions in staffing over recent years and do not normally have ring-fenced budgets – a lack of resources with broad remits can be an issue. Many local authorities/Trading Standards may be reluctant to take on enforcement action especially against a large company due to potential legal costs. Central funding for enforcement, such as the use of Proceeds Of Crime Act 2002 or a model that follows environment law's 'polluter pays' principal may enable more effective enforcement action. Highlighting successful OPSS or Trading Standards prosecutions may also help deter bad practice in the sector.

**Is the regulatory framework able to adapt to social, political and technological changes and protect consumers from emerging product safety risks?**

LFB agrees with the assessment in the NAO report that product safety regulation has not kept pace with trends in online commerce. There is a gap in the power of the regulator when it comes to online sales which needs to be addressed. This can be further compounded by online sales of second-hand products (e.g. via fulfilment houses, auction or recycle platforms). LFB has responded to the OPSS's product safety review in relation to this issue.

**June 2021**