



H.M. Coroner for Wiltshire & Swindon
26 Endless Street
Salisbury
Wiltshire
SP1 1DP

For the attention of: Mr Nicholas Rheinberg – Assistant Coroner

17 May 2019

Our Reference: MRR1-6856666097

Dear Sir,

Regulation 28 report in relation to the Inquest touching on the death of Andrew Clegg

Thank you for sending the Care Quality Commission (CQC) a copy of the Regulation 28 report which we received on 03 April 2019 following the inquest into the death of Mr Andrew Clegg. We are writing to you with our response to the section 5 matters of concern raised within your report in respect of the Care Quality Commission, specifically point 2:

Care homes and other healthcare premises are regularly inspected by the Care Quality Commission. In recent years the inspection regime has included a duty on inspectors to check on water safety. Expert evidence at the inquest suggested that inspectors lacked training to help them identify risks relating to potential legionella infection.

I can confirm that water safety is considered by CQC inspectors prior to every inspection we conduct. We use a planning tool to record information about the location when preparing for an inspection. The Key Lines of Enquiry which inform the planning tool make specific reference in the Safe domain. In the section S2 the question is "How are risks to people assessed and their safety monitored and managed so they are supported to stay safe and their freedom respected?" There are then sub questions which include: S2.6 which asks "How are the premises and safety of communal and personal spaces (such as bedrooms) and the living environment checked and managed to support people to stay safe?" The guidance for inspections suggests their evidence should include checking there are Legionella Certificate/risk assessment and checks in place, and also checking Provider/Manager arrangements for checking, identifying, and rectifying premises issues.

I would point out that CQC inspectors are not technically qualified in water safety or water systems generally (where these issues are known to develop) and therefore are unable to hold themselves out to be experts in this field. As a regulator we are not able or qualified to advise providers on how to deal with specific logistical water safety issues on site. We do however refer all providers to the relevant industry guidance in water safety as provided by the Health & Safety Executive. This can be found at <http://www.hse.gov.uk/legionnaires> and <http://www.hse.gov.uk/pubns/books/l8.htm>.

It is the CQC's responsibility to draw the providers attention to the expected compliance with these guidelines, it is not CQC's role to make technical examinations of water systems on registered provider sites during inspections. It is the responsibility of the provider running the location to ensure they comply with the water safety guidelines and provide a safe environment for their service users.

We have taken significant learning from the sad death of Mr Clegg and have already spoken with CQC Academy which is responsible for developing and rolling out training programmes within the Care Quality Commission, suggesting that a tailored training course in Legionella awareness should be developed and cascaded down to all inspectors nationwide to improve the inspectorate knowledge generally in this area of risk.

If you have any further queries in respect of this issue please do not hesitate to contact me.

Yours sincerely




Head of Inspection



H.M. Coroner for Wiltshire & Swindon
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For the attention of: Mr Nicholas Rheinberg – Assistant Coroner

22 May 2019

Our Reference: MRR1-6856666097

Dear Sir,

Addendum to CQC response to Regulation 28 report in relation to the Inquest touching on the death of Andrew Clegg

For completeness we have further information as an addendum to our response dated 17 May 2019 to the Regulation 28 report made on 1 April 2019 following the inquest into the death of Mr Andrew Clegg. More specifically with reference to section 5 matters of concern raised within your report in respect of the Care Quality Commission, specifically point 2:

CQC is currently in the process of agreeing an updated Memorandum of Understanding (MoU) with Public Health England (PHE) to improve CQC's access to water safety and water systems'-related technical expertise from PHE. Specific provision in the revised MoU is being made to regularise and make more systematic and efficient our access to PHE specialist expertise in circumstances where CQC require it to inform its regulatory functions. These functions include monitoring, inspection and civil and criminal enforcement actions. It is expected that the revised MoU will be agreed between CQC and PHE in summer of 2019.

I wish to reiterate that if you have any further queries in respect of this issue please do not hesitate to contact me.

Yours sincerely





Royal Institute of British Architects

Nicholas Leslie Rheinberg
Assistant Coroner
H.M. Coroner for Wiltshire & Swindon
Wiltshire & Swindon Coroner's Court
26 Endless Street
Salisbury
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SP1 1DP

23 April 2019

Dear Mr Rheinberg,

**Response to Regulation 28 Report
Re: Andrew Robert Frank Clegg deceased**

Thank you for your letter of 1 April 2019 to the Royal Institute of British Architects regarding the death of Andrew Robert Frank Clegg. I am responding as Executive Director of Professional Services at the RIBA with overall responsibility for overseeing professional guidance for our members.

In responding to your concerns, the RIBA intends to develop a concise knowledge resource to explain to our members the need to consider water safety, particularly in coordinating the design of care homes and healthcare buildings. We intend to publish this as an article by the end of July to raise awareness of the water safety issues highlighted in your report.

It is important to explain that architects do not generally design the public health (plumbing) systems in buildings, this is usually undertaken by building services engineers in most medium or large projects like care homes or healthcare buildings. On most smaller projects these systems will be designed by the contractor or a subcontractor.

Architects will provide architectural design and depending on the services they are appointed to undertake, may coordinate the design of building services engineers with the overall architectural design and if acting as Principal Designer, under the Construction (Design and Management) Regulations, they will have a duty to coordinate health and safety information for the construction and maintenance of the building.

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I note that the Regulation 28 letter was not sent to the Chartered Institution of Building Services Engineers. We advise that the Regulation 28 report is also circulated to this body and the Construction Industry Council for wider dissemination.

Yours sincerely,

A. P. H. Dobson

Adrian Dobson
Executive Director Professional Services



Nicholas Rheinberg
HM Assistant Coroner for Wiltshire and Swindon
Wiltshire & Swindon Coroner's Court
26 Endless Street
Salisbury
Wiltshire
SP1 1DP

18 June 2019

Dear Mr. Rheinberg,

Re: Andrew Robert Frank Clegg (deceased)

Thank you for your letter of 2 May 2019 and the accompanying report under Regulation 28 of the Coroners (Investigations) Regulation 2013.

The first matter to report in response is that the Construction Industry Council does not have any locus or authority over the education, training, accreditation or continuing professional development of architects, construction (or building services) engineers or others designing water systems for care homes. And so, the particular action that you suggest in relation to providing relevant education and training for architects, construction (or building services) engineers or others designing water systems in this regard, is not within our direct remit but those of the relevant professional and statutory registration bodies. We will, of course, do what we can to encourage them to take the action suggested.

We are deeply involved in the very necessary work that is required in the post-Grenfell improvement of life safety competences for all those who commission, design, construct, maintain and manage higher risk residential buildings. We have actively participated in the Independent Review of the Building Regulations and Fire Safety, carried out by Dame Judith Hackitt – I was privileged to serve her Review as Chair of the Competence working group. We fully support the outcome of that review, *Building A Safer Future*, which was published in May 2018 and have been working with the MHCLG, the Home Office and others to ensure that Dame Judith's recommendations are implemented.

I am pleased to report that, on 6 June 2019, the Government published its proposals to take these recommendations forward towards legislation (*Building A Safer Future: Proposals for reform of the building safety system*).

On the day prior to the publication of *Building A Safer Future*, I was appointed chair of the Competence Steering Group, which is a comprehensive alliance of more than 130 organisations across the construction industry, the fire safety sector, the built environment professions and those bodies representing building owner/managers in the public and private sectors, including Housing Associations.



Our report – *Raising the Bar* – proposes enhanced competence levels for Engineers, Installers, Fire Engineers, Fire Risk Assessors, Fire Safety Enforcement Officers, Building Control, Building Designers (including Architects), Building Safety Managers, Site Supervisors, Project Managers, Procurement and Products; and has been written with their direct participation and willingness to implement the new competence frameworks. The interim report is due to be published for consultation at the end of this month but, having worked closely with MHCLG and the Home Office throughout, the proposed recommendations dovetail with those included in *Building A Safer Future: Proposals for reform of the building safety system*.

I would be happy to send you a copy of the interim report when it is available. In the meantime, I attach a copy of an opinion piece that I have recently written for *Building* magazine, which explains more about our work.

The key issue here is that the initial focus of the Hackitt Review was very much on fire safety, following on from the Grenfell tragedy, but we have pushed for this to be increased to all aspects of life safety. In its proposals, the government has accepted the argument that matters of structural safety are to be included within the legislative package for reform of the building safety regulatory system, but not water safety. We are continuing to press this point and your Investigation Report into the tragic death of Mr Clegg is timely to help us ensure that ALL aspects of life safety are considered in this package of reforms.

I hope that this is of interest.

A handwritten signature in black ink, appearing to read 'Graham Watts', with a long horizontal flourish extending to the right.

Graham Watts OBE
Chief Executive

