



Department for Levelling Up, Housing & Communities

Geoffrey Sullivan
HM Senior Coroner
The Old Courthouse
St Albans Road East
Hatfield

Rt Hon Michael Gove MP

*Secretary of State for Levelling Up, Housing and
Communities
Minister for Intergovernmental Relations*

**Department for Levelling Up, Housing and
Communities**

4th Floor, Fry Building
2 Marsham Street
London SW1P 4DF

7 April 2022

Dear Mr Sullivan,

NEWGRANGE RESIDENTIAL CARE HOME FIRE - REGULATION 28 REPORT

Thank you for your letter and report of 10 February 2022 provided in accordance with paragraph 7, Schedule 5, of the Coroners and Justice Act 2009 and regulations 28 and 29 of the Coroners (Investigations) Regulations 2013, following your inquest into the deaths of Daphne Holloway and Ivy Spriggs on 8 April 2017.

I would like to take this opportunity to offer my sincere condolences to the family and friends of Daphne Holloway and Ivy Spriggs following this very sad incident.

You have recommended that I, in my capacity as the Secretary of State, should take action to prevent future deaths. The matters of concern you raise are:

1. That sprinkler systems are not a mandatory requirement for care homes whose occupants have either limited or no independent mobility and are therefore at higher risk from fire.
2. That care homes whose occupants have either limited or no independent mobility, and are therefore at higher risk from fire, are not deemed to be 'Higher Risk Buildings' unless they are at least 18m in height or at least 7 storeys high.

For clarity, it should be noted that the building regulations only apply when building work is undertaken. For existing residential care homes, the Regulatory Reform (Fire Safety) Order 2005 (the FSO) applies which is the responsibility of the Home Office.

Sprinklers

The requirements of the building regulations must be met for all buildings when they are built and when subsequent major works are undertaken. This includes a requirement to inhibit the spread of fire within the building where it is reasonably necessary.

Approved Document B (ADB) provides guidance to meet part B (fire safety) of the building regulations. This statutory guidance recommends a high degree of fire compartmentation in care homes by dividing floor areas into places of relative safety to resist fire spread and protect residents. Above a set limit on the number of beds in each fire compartment enclosure, sprinklers are currently recommended by ADB.

My department keeps under close review the guidance in Approved Document B and the appropriateness of sprinklers. In the consultation for the change to the height threshold for the inclusion of sprinklers in blocks of flats from 30m to 11m, we heard people's view that the sprinkler provision should be expanded to housing for vulnerable persons such as residential care homes. I personally understand the importance of ensuring our loved ones are cared for, and that includes providing a safe environment with the peace of mind that provides to their families.

Having heard people's views on sprinklers, we are looking closely at further potential fire safety measures in housing for vulnerable residents as part of our ongoing full technical review of Approved Document B and its associated programme of research.

This full review includes research specifically considering fire safety issues in specialised housing and care homes. It will identify the current evidence for the effectiveness of sprinklers. We expect the analysis for sprinklers in care homes to be completed this year. I will carefully consider the outcome of this analysis in light of this tragic incident and your concerns. I have asked my officials to accelerate this important work and we will ensure we make all the necessary changes to prevent future incidents similar to this.

I am mindful however that sprinklers are only one of a range of potential fire safety measures which may be appropriate to ensure safety. Our review will go further to look at wider issues and measures as part of the overall fire strategy in these building types.

For residents in existing care homes, the Fire Safety Order legislation requires the person responsible for the premises to ensure adequate and appropriate fire safety standards while it is occupied. The responsible person (usually the owner, employer or managing agent) must undertake and regularly review a fire risk assessment of the premises and put in place and maintain adequate and appropriate fire protection measures to mitigate against the risk to life from fire.

Government makes guidance available to support those responsible to comply with the legislation and support the safety of their premises. This guidance highlights that sprinkler systems can be very effective in controlling fires. It goes on to state that they can be designed to protect life and/or property and may be regarded as a cost-effective solution for reducing the risks created by fire. It cites research which shows there can be worthwhile safety and financial benefits in fitting a sprinkler system in residential care homes.

I believe residents in both new and existing care homes have the right to expect safe, quality, healthy environments. There should be full consideration of the risks in a building to determine the right protection to keep residents safe. Where there is doubt over what measures are necessary to address risks, we recommend that professional advice is sought.

Higher Risk Buildings

As you mention, we are introducing a more stringent regulatory regime led by the Building Safety Regulator. This will create a robust building control system for some high-rise buildings, including new care homes at least 18 metres in height or at least 7 storeys.

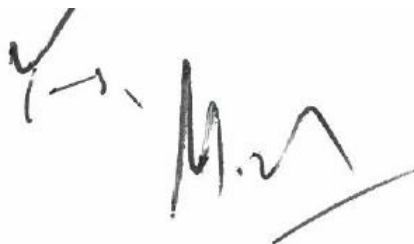
The definition of high-risk building was determined on the basis that the risk to multiple households is greater when fire spreads in buildings of at least 18m. That followed extensive consultation, including a stakeholder listening exercise following the publication of the independent review by [REDACTED], stakeholder engagement and our public

consultation on building a safer future. Therefore, we think the current definition is correct, and as such we do not propose to make amendments at this time.

The Building Safety Regulator will have wider responsibilities for overseeing the safety of all buildings, including identifying patterns of regulatory failure and making recommendations for improving standards. This will drive continuous improvement in the performance of all buildings to ensure the safety of occupants. I have forwarded your letter to [REDACTED], Chief Inspector of Buildings at the Health & Safety Executive, who is overseeing the new regulator which is currently in shadow form.

I hope this response makes clear the importance the Government places on improving fire safety and our ongoing commitment to ensure people are safe and feel safe in their own homes.

With every good wish,

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

RT HON MICHAEL GOVE MP
Secretary of State for Levelling Up, Housing and Communities
and Minister for Intergovernmental Relations