



Home Office

[REDACTED]
Deputy Director
Fire Safety Unit
Home Office
2 Marsham Street
London SW1P 4DF

Oliver Longstaff
Coroner's Service
West Yorkshire (Eastern) Area
71 Northgate
Wakefield
West Yorkshire
WF1 3BS

20 September 2023

Dear Oliver,

Regulation 28: Report to prevent future deaths

I refer to your report dated 25 July 2023 provided in accordance with your duty under 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 very sad death of Mr Paul Keating. I offer my sincerest condolences to the family and friends of Mr Keating.

I understand from your report that the inquest concluded that Mr Keating died from a fire in his home, which was found to have likely been caused by the discarding of smoking materials. You have raised concern regarding the fire risks that arose as a consequence of the local authority not having the necessary powers to enter Mr Keating's flat to install fire safety precautions when entry is denied.

In your report you refer to the Regulatory Reform (Fire Safety) Order 2005 (FSO). The purpose of the FSO is to regulate fire safety in workplaces and the communal parts of multi-occupied -domestic premises (the 'common parts'). The FSO is not intended to regulate fire safety inside individual private dwellings.

In the case of social housing such as Mr Keating's, the Housing Health and Safety Rating System (HHSRS) applies. The HHSRS, set out in secondary legislation under the Housing Act 2004 and introduced in 2006, is a technical

risk-based tool used by local authorities to assess the condition of residential premises. It can be applied to a whole building (e.g. all private dwellings and all common parts) or to part of a building (e.g. an individual private dwelling). An HHSRS assessment covers 29 potential hazards, including fire, and categorises them by seriousness.

The Decent Homes Standard sets the minimum standards that social homes are required to meet. To meet it, the standard that all social housing (including local authority-owned stock) must achieve, a dwelling must be free from hazards at the most dangerous 'category 1' level that is assessed using the aforementioned HHSRS. In addition, where a dwelling is privately rented or rented from a housing association, local authorities have a duty to enforce if they identify category 1 hazards, and a discretionary power to enforce where less serious category 2 hazards are assessed. The decision whether to enforce in respect of a category 2 hazard should be taken in accordance with the local authority's enforcement policy. The actions available to the local authority include powers to require remedial works, prohibit the use of part or all of a building or carry out emergency works themselves.

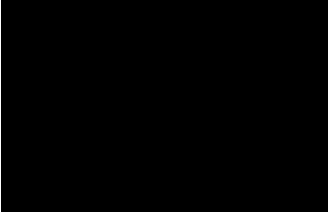
Turning to the specific issue of the local authority's ability to access the property to carry out works, the Pre-Action Protocol (PAP) for Housing Conditions Claims (England) has been published by the Ministry of Justice to promote the speedy and appropriate carrying out of any remedial works which are the landlord's responsibility and avoid unnecessary legal action. Section 7.6 of the PAP, which relates to access, states that 'Tenants must allow the landlord reasonable access for inspection and the carrying out of works in accordance with the tenancy agreement'.


Also relevant is the important role that Fire and Rescue Authorities (FRAs) must play in relation to the prevention of fires and ensuring public safety. Section 6 of the Fire and Rescue Services Act 2004 requires FRAs to make provision to promote fire safety in its area. FRAs meet this requirement through a range of activity, including through Home Fire Safety Visits. These visits see fire service personnel visit vulnerable people in their own homes to provide them with tailored fire safety advice. Where risks are identified which cannot be addressed by the FRA, they will work closely with other local public services, such as multi-agency safeguarding hubs, to ensure appropriate action is taken.

The Home Office also funds the Fire Kills campaign to promote domestic fire safety messages to the general public, and particularly those groups we know to be most at risk should a fire in the home occur. The campaign raises awareness of the importance of installing and regularly testing smoke alarms and, crucially, the behaviours and actions they can take to reduce the risk of a domestic fire.

Taken together, these measures provide a basis for action to be taken and support residents, such as Mr Keating, with improving fire safety.

Yours sincerely,




Deputy Director
Fire Safety Unit
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