

**HOTPOINT UK APPLIANCES LIMITED'S RESPONSE  
TO REGULATION 28 REPORT TO PREVENT FUTURE DEATHS  
DATED 6 DECEMBER 2024**

This is the response of Hotpoint UK Appliances Limited (**Hotpoint**) to the Regulation 28 Report to Prevent Future Deaths arising out of the Inquest into the deaths of Champaguri Bhatt and Dipak Bhatt.

Before we address the Assistant Coroner's report we would like to express our deepest condolences to the Bhatt family and anyone affected by this tragedy.

The matters of concern raised by the Assistant Coroner relate to industry-wide challenges. The response to those concerns should be considered in light of the broader regulatory framework that underpins product safety in the UK together with an ongoing revision by the Government.

**Current Product Safety Legal Framework**

The UK has a comprehensive framework of laws covering product safety, derived primarily from EU law. The overarching legislation is the General Product Safety Regulation 2005 ("**GPSR**"), which sets out general safety rules that apply to all products unless those products are subject to sector specific legislation. In the case of electrical appliances, the applicable sector-specific legislation is the Electrical Equipment (Safety) Regulation 2016 ("**EESR**").

These product safety laws set out objectives and rules governing the safety of products. The underlying technical rules that ensure these objectives are met are contained in technical standards. Designated Standards<sup>1</sup> are technical standards, often based on international standards, that are officially recognised by the Government. The standards set out a series of technical requirements that must be met in order for the product to be declared compliant. The safety of a product that complies with a technical standard is presumed.

Designated Standards are written by a committee of technical experts including manufacturers, independent accredited test houses, enforcement authorities and others and, in the UK, published by the British Standards Institute. They are often subject to revision as new risks are discovered over time. That process ensures that thorough testing can be conducted by independent technical experts to determine whether any risk exists, and if so, whether it is appropriate in all the circumstances to revise the technical standards to address that risk. Additionally, the Government is able to develop additional standards where they feel appropriate and there are examples in recent times where OPSS has done exactly that.

We view meeting the standards as the minimum level of safety. In addition to meeting the standards, we do additional testing to ensure, as much as is possible, that a product is safe. That includes putting faults on products and assessing the consequences. This is known as Failure Mode and Effect Analysis (FMEA).

The product safety framework contains checks and balances to ensure that new and emerging safety risks are discovered and addressed. In particular, there are specific obligations placed on industry to:

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<sup>1</sup> Called Harmonised Standards in the European Union.

- monitor and investigate safety risks;
- take corrective action (e.g. recalls) to address non-conformities; and
- report safety risks to Trading Standards

If the UK authorities are investigating a safety issue, they can make an initial request for relevant information to be shared willingly. In the event of a refusal, they have tools, including Regulation 28 of the GPSR, to require companies to provide information in relation to product safety issues. A failure to comply is a criminal offence.

### Upcoming Changes to Product Safety Legal Framework

The legal framework in the UK is likely to be updated this year. The Product Regulation and Metrology Bill (the “**Bill**”) is currently being debated in the House of Lords. The Bill is intended to be an enabling Act with detailed regulations passed after it has been enacted, so the precise scope is not known. However, following a consultation by the Office for Product Safety and Standards (“**OPSS**”) in October 2023,<sup>2</sup> it is clear that the Government is considering issues relevant to a number of the matters raised by the Assistant Coroner. In particular:

- *Proposal 8: Facilitate a rich source of data, by creating a new legal data gateway* – this would enable the Government to request that product safety data is shared by industry with the authorities, including the OPSS and Trading Standards.
- *Proposal 9: All notification of recalls and serious product safety incidents and other corrective action by a manufacturer or distributor is sent to OPSS, rather than the local authority, as soon as the economic operator has knowledge of an unsafe product* – this would streamline the report of product safety incidents to the OPSS.

These proposals have been subject to feedback from multiple stakeholders. In its response to the Consultation,<sup>3</sup> OPSS noted that:

- *e. **Better use of data:** capturing high-quality product safety data in a central repository to identify product safety risks and allow targeted intervention and establishing a legal data gateway that integrates existing systems and allows sharing of intelligence e.g. between market surveillance authorities, to aid compliance and enforcement* – over two thirds of responses were supportive, however, businesses suggested caution around how the data would be shared given the need to consider confidentiality.

### Matters of Concern

- (1) That ingress of moisture into condensate pumps may result in tracking faults causing resistive heating and fire

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<sup>2</sup>

<https://assets.publishing.service.gov.uk/media/64ca51246ae44e001311b3e7/uk-product-safety-review-consultation-august-2023.pdf>

<sup>3</sup>

<https://www.gov.uk/government/consultations/smarter-regulation-uk-product-safety-review/outcome/government-response-to-the-product-safety-review-and-next-steps#appendix-b-summary-of-responses-to-the-product-safety-review>

Manufacturers have an obligation to only place products on the market that are safe. They must ensure the products have been designed and manufactured in line with established safety objectives. Many manufacturers (including Hotpoint), demonstrate those safety objectives have been met by testing their products against relevant safety standards as described above.

In addition to testing all our products to the appropriate industry safety standards, all the results of those tests are checked and approved by an independent accredited test facility.

Once a product is placed on the market, we are required to monitor the field to identify any safety related incidents that will subsequently feed into risk assessments. We have a robust process in place for doing this. Having interrogated our data following the tragic deaths of Champaguri Bhatt and Dipak Bhatt, we cannot find any evidence of safety issues with the ingress of water into condensate pumps in our products. However, that does not exclude the possibility of there being a wider industry issue, and, if stakeholders involved in setting standards agree that there is a requirement to focus on potential risk with condensate pumps, we will of course actively participate in that process.

**(2) That changes in information management would result in better analysis of, and learning from, white goods fires**

As outlined below, we regularly engage with other stakeholders to discuss how systems and processes can be changed to improve consumer safety.

**(3) Manufacturers to give the OPSS as the regulator and London Fire Brigade (LFB) to support their fire prevention work data on parts replaced on warranty for condensate pumps and RFI filters**

**(5) Manufacturers to share data on decisions and rationale behind recall / replacement of condensate pumps and RFI filters OPSS as the regulator and LFB to support their fire prevention work**

**(6) Companies investigating fires to notify Trading Standards and the OPSS of the outcome of those investigations**

These matters of concern all relate to the collection and sharing of information around product safety risks and incidents.

As noted above, the product safety legal framework places responsibility on manufacturers and other actors in the supply chain to monitor and investigate safety issues and report safety risks.

The UK authorities have investigatory tools, including Regulation 28 of the GPSR, to require companies to provide information in relation to product safety issues where the information is not given willingly. A failure to comply is a criminal offence. That is the proper route for authorities that are minded to require manufacturers to disclose sensitive company information.

We note that data sharing is within the scope of the Government's ongoing product safety review, although the scope is not as broad as the matters recommended to the Assistant Coroner by the LFB. Hotpoint is a member of AMDEA, the white goods trade association, and actively participates in industry meetings, including on safety and standards. We regularly engage with the LFB, OPSS and NGOs such as Electrical Safety First, both through industry meetings and directly, to explore how all

stakeholders can work together with the aim of improving safety. We are also actively involved with BSI and European International Standards bodies in the development of safety and performance standards. We fully support the development of systems to improve product safety, including data sharing and information management that can be adopted cross industry and supported by all stakeholders.

#### **(4) Working group CPL / 61 look at standards of manufacture of mains and sub mains operated condensate pumps and RFI filters**

Hotpoint welcomes the role of standards bodies such as the British Standards Institute in the continuing improvement of safety standards. Hotpoint is an active participant in standards development, with its representatives sitting on technical committees on a range of standards, and is very supportive of all efforts to improve product safety where new and emerging risks have been discovered.

#### **(7) Manufacturers to be required to use the OPSS risk assessment methodology, PRISM, when conducting risk assessments to account for persons in a property and their actions, i.e. while sleeping whilst a product is taking advantage of lower electricity rates**

Manufacturers are already required to demonstrate that their appliances are safe, and, if it is subsequently found they are not safe, to risk assess to determine the level of risk.

PRISM was not developed with the intention that it would be used to assess the safety of the design of a product prior to manufacture. It is a methodology developed from the EU's RAPEX methodology for the assessment of unexpected risks that may occur in products that are already on the market. In the OPSS' guidance on PRISM, it states: *"As noted above, this guidance is intended for use by market surveillance officers. It is not intended to be used by businesses when undertaking pre-market risk assessment as part of the process of assessing the conformity of their products to relevant essential requirements or when considering the general safety requirement contained within the General Product Safety Regulations 2005 (GPSR)."*<sup>4</sup>

That being said, there are elements of PRISM that can be applied usefully to a pre-market risk assessment process. For example, it is already common for foreseeable risks associated with sleeping to be taken into account when assessing the risks of electrical products that operate at night.

#### **(8) Identification plates on appliances that will not be destroyed by fire akin to those on vehicles**

We know that indelible marking is under consideration by the CPL / 61 Standards committee<sup>5</sup>. The committee has formed a working group to look at this issue, and as a company, we are members and actively involved in that working group.

On 8 January 2024, the LFB wrote to the Senior Coroner. At point 6, the LFB refers to working with AMDEA on a means of identifying fire damaged white goods via the sharing of digital images between

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<sup>4</sup> Section 1.2 of Guide for GB Market Surveillance Authorities and Enforcing Authorities Responsible for Regulating Consumer Product Safety, version 2.0, October 2024 (<https://assets.publishing.service.gov.uk/media/66fd385ae84ae1fd8592ec93/prism-guidance-v02.pdf>)

<sup>5</sup> The CPL / 61 Standards Committee is a committee headed by BSI, which considers UK input to the international standard on household and similar electrical appliances, including tumble dryers.

appliance manufacturers and FRS. The LFB notes that if it does not show clear evidence of sustainable success, then the LFB would recommend an indelible marking scheme.

Our understanding from AMDEA is that the trial is working well and is being rolled out to other Fire Services (outside the LFB). Additionally, indelible marking is only a benefit from the day it's implemented, it does not help with the identification of any products produced before that date and already in the market. The AMDEA trial does address this challenge.

As this issue is an industry-wide issue with national ramifications, any change would need to be implemented through updates to standards or regulation. We will obviously continue to support the LFB/AMDEA initiative of digital identification and comply with any future industry wide regulatory requirements.

Hotpoint will work with government policy makers, regulators, fire services, manufacturers and other stakeholders to ensure that we continue to raise the bar for appliance product safety in the UK. We are always available to discuss relevant topics at your disposal.

Your Sincerely,

A black rectangular box redacting the signature of the Managing Director.

Managing Director