Dear Mary

ENVIRONMENTAL AUDIT COMMITTEE INQUIRY INTO TOXIC CHEMICALS IN THE ENVIRONMENT

Thank you for your letter of 26 March, bringing to my attention the queries raised relating to the Environmental Audit Committee's inquiry into toxic chemicals in the environment and the BEIS review of the UK Furniture and Furnishings (Fire Safety) Regulations 1988.

I have taken your queries and the allegations very seriously, commissioning appropriate senior leads in the relevant policy and HR teams to address the questions posed. The detailed responses are set out in the attached annex.

I trust the responses will provide sufficient detail for you and the Committee, however, please do let me know if I can offer any further support on this matter.

Yours sincerely,

Alex Chisholm
Annex A – Responses to the questions set from letter of 26 March

1. Since the start of the review of the Furniture and Furnishings Regulations in 2009, what internal and external advice has the Department sought and received on whether a new match test is required to avoid legal action?

The Furniture and Furnishings (Fire) (Safety) Regulations were introduced in 1988 to help reduce the risks of injury or loss of life through fires in the home spread by upholstered furniture. The Government recognises that these Regulations need to be updated to respond to developments in furniture design, innovation, manufacturing processes and environmental and health concerns whilst maintaining product safety protections.

The Government has undertaken 2 consultations on proposals to update the prescribed tests as set out in the schedules of the Regulations including the match test. These consultations have had at their forefront that any changes need to improve public safety.

In 2014, Government consulted on a proposal for the match test that essentially would require the cover fabrics to be tested not over the current highly-flammable prescribed test foam but instead over the fire-resistant variety found in the finished product. These proposals were suggested considering advice provided by Intertek (a test house) and corroborated by the Furniture Industry Research Association (FIRA).

Responses from stakeholders on the proposals indicated that there were concerns about the safety implications of the proposals, and on whether the changes would have the desired effect, or be workable and enforceable. In the light of all the information received through the consultation process the Government decided not to implement the proposed amendments but to consider changes to the testing regime as part of a full review of the Regulations.

Further work was then undertaken on the testing regime, initially through a set of question which the British Standards Institution agreed to consider consulting with the standards stakeholders represented on its relevant technical standards committees and through a Government established industry led technical advice panel. In 2016 the Government consulted on a full review of the 1988 regulations with the three main elements being i) scope, ii) testing and iii) traceability and enforcement.

In respect of the match test the Government proposed a test structure considered more representative of most modern furniture. This included testing over a single test structure comprising combustion modified foam and fibre wrap, using covers and testing certain components close to the cover.

2. Why has the Department’s response to the 2016 consultation not been published? When will it be published?

Please note – we have combined the response to this question with that of question 4 below.
3. Has your Department received any complaints about [redacted] and [redacted]'s conduct during the review of the Furniture and Furnishings Regulations? If so, what steps were taken to investigate? What were the findings?

Our policy is not to divulge information about individual employees. However, all complaints received about our employees are managed under BEIS internal policies and procedures, and are fully investigated.

4. When and why did [redacted] and [redacted] leave their roles overseeing the Furniture and Furnishings Regulations review? Are they still employed by the Civil Service? If so, at what level and role?

Our policy is not to divulge information about individual employees.

5. Has the Department taken any other action to investigate allegations that BEIS officials impeded the review of the Furniture and Furnishings Regulations? Who investigated the allegations? What were the findings?

A complaint was made in 2015 about a potential breach of the Civil Service Code in relation to the intended approach to the Review and information that had been provided to the then-Minister.

An internal investigation, and then a further internal review of both the Civil Service Code complaint and the policy process/approach, concluded that there had been no breach of the Civil Service Code.

Further complaints were raised and were investigated externally by the Government Internal Audit Agency (GIAA) under the Department’s Whistleblowing Policy and Procedure. No evidence was found to substantiate the allegations.

6. What stage is the review of the Furniture and Furnishings Regulations currently at? When will the results be published?

To note, this response is combined with question 2:

The Government is in the process of agreeing a new way forward and will publish its response to the 2016 Consultation in due course. This will take account of the responses received from the consultation, the views of experts from across government including the Department for Environment, Food and Rural Affairs, Public Health England, the Food Standards Agency and the Fire Services, as well as a range of evidence from external sources such as academic papers. It is a complex area that requires careful consideration of evidence and engagement with stakeholders to find consensus on the right way forward.

7. How many investigations per year have Trading Standards carried out related to Furniture and Furnishings Regulations compliance since August 2014? What
proportion of these investigations have resulted in prosecutions? How many convictions have been achieved?

From April 2014 we are aware of 10 prosecutions that Trading Standards have taken under the Consumer Protection Act s12 (1) offence for the reg 15 prohibition of supply under The Furniture and Furnishings (Fire) (Safety) Regulations 1988. These have resulted in actions ranging from criminal proceedings to a simple caution.

This data is taken from the BEIS Sanctions Database and not all local authorities will enter their cases on this data base.