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Mr Terry Edge
(By Email)

Our ref
Your ref

19 December 2016

Response by Terry Edge to the BEIS consultation on changes to the furniture and furnishings (Fire) (Safety) Regulations 1988 (September 2016)

Dear Mr Edge

Thank you for your email of 11 November in which you provided a response to the consultation. Your views will be considered alongside those received from others. However I note that you raised a number of complaints about the way in which the consultation has been run.

We take seriously any concerns raised as all consultations are required to be run in accordance with the Consultation Principles 2016, which sets out very clear guidance on how Government consultations are conducted. These principles are published with every public consultation. We have discussed your complaints with policy colleagues who lead on the above consultation and I have listed those complaints and addressed them separately in this letter.

- *Since November 2014, BEIS has periodically held secret, exclusive meetings with some stakeholders in an attempt to justify its delays. The latest have been during the current consultation period when only business stakeholders were invited.*

As part of the policy development process the Department will use various stakeholder engagement tools and activities to ensure that a wide range of stakeholders views are obtained, including meetings of groups of different types of stakeholders.

The issues raised relating to stakeholder engagement since November 2014 have been covered in internal and independent reviews on this policy, and were found to be legitimate approaches to policy formation. During the current consultation process BEIS has engaged with business, other government departments, enforcement authorities and other interested stakeholders.

- *This failure to mention that the previous consultation and technical paper proved that the current match test fails in most cases, and that the new test puts right these failings, will allow organisations like FRETWORK and the Fire Safety Platform to put in consultation responses along the lines that no changes should be made unless the fire safety guaranteed by the current match test is continued (even though they know differently). For the record, it should be noted that neither of these organisations has challenged the discovery that the current match test mostly does not work.*

As the earlier 2014 consultation did not receive a positive response to the new match test it was appropriate to apply a different approach and a revised proposal in this consultation. There is a link in the 2016 consultation to the 2014 consultation and supporting documents.

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- *The introduction of other amendments that are incomplete and in some cases contentious. In 2014, BIS brought the new match test forward from the overall amendments because the failings of the current test needed to be addressed sooner rather than later. On this point, the current consultation states: "However, the match test is only part of the story: clear feedback was received from stakeholders participating in the 2014 consultation that it would be preferable to see all possible changes set out together and in its formal response to the consultation in March 2015, the Government set out its intention to bring all the changes together as part of the wider review."*

The consultation process is meant to encourage comments on amendments from stakeholders and prompt them to suggest solutions. It is recognised that the proposals are a compromise package.

- *However, as said, these other amendments are in any case woefully incomplete or contentious. Over the period 2010-2012, the Department regularly consulted stakeholders to build up more than enough data to thoroughly amend the FFRs. But it's clear from this consultation that BEIS has not used this information to inform its new proposals.*

The present consultation builds on the work of the 2014 consultation which developed the work done with stakeholders over 2010-12. Subsequent information from stakeholders has been given consideration when developing the proposals in this consultation.

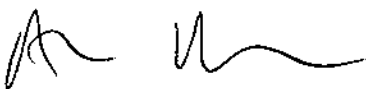
On the consultation process more generally, where any points raised in your letter relate to the consultation process up to March 2016 and stakeholder engagement since November 2014, these have been subject to internal and independent reviews, and were found to be legitimate approaches to policy formation.

- *Unlike the previous consultation, this one carries no endorsement from the Minister. This suggests it is very much an interim measure, which will require further work.*

Many consultations do not include a foreword from a Minister. The absence of a foreword does not provide any indication to the status of the proposal that is being consulted on.

Your response to the consultation will be carefully considered with all other responses received. The Government Response, which will issue in due course, will summarise comments/evidence, and address relevant issues as part of the decision making process that has informed its final policy proposal and next steps.

Yours Sincerely



Alan Martin
Assistant Director, Better Regulation Unit