

REGULATION 28: REPORT TO PREVENT FUTURE DEATHS

NOTE: This form is to be used **after** an inquest. Mr and Mrs Cain - Fire 03403 and 03404 2016

	<p>REGULATION 28 REPORT TO PREVENT FUTURE DEATHS</p> <p>THIS REPORT IS BEING SENT TO:</p> <p>The Rt Hon Amber Rudd MP Secretary of State for the Home Department public.enquiries@homeoffice.gsi.gov.uk</p>
1	<p>CORONER</p> <p>I am André Rebello, Senior Coroner, for the area of Liverpool & Wirral</p>
2	<p>CORONER'S LEGAL POWERS</p> <p>I make this report under paragraph 7, Schedule 5, of the Coroners and Justice Act 2009 and regulations 28 and 29 of the Coroners (Investigations) Regulations 2013.</p>
3	<p>INVESTIGATION and INQUEST</p> <p>On 18th November 2016 I commenced investigations into the death of Clare CAIN, Aged 75 and her husband Robert Frederick CAIN, aged 72 The investigation concluded at the end of the inquest on 9th February 2017. The conclusion of the inquest was for both inquests:</p> <p>Accidental Death</p> <p>Mrs Cain died from 1a Asphyxia 1b Smoke Inhalation</p> <p>Mrs cain died from 1a Asphyxia 1b Smoke Inhalation II Ischaemic Heart Disease</p>
4	<p>CIRCUMSTANCES OF THE DEATH FOUND FROM THE INQUESTS</p> <p>At 15:39 on 23rd October 2016, a fire was reported at 268 Mather Avenue, Allerton. The fire destroyed the floors of the house causing them to collapse. Following excavation after the fire, the deceased bodies of Robert Frederick Cain and his wife Clare Cain were found on the 25th October 2016 in the ground floor front lounge under debris. It is more likely than not that the fire was started by a fan heater radiating heat onto combustible material in the vicinity.</p> <p>Post mortem, Mr Cain had a carboxyhaemoglobin level of 38%. Mrs Cain had a carboxyhaemoglobin level of 63%.</p> <p>The house was very full with hoarded items occupying much of the living space limiting use of the home. This hampered the rescue response from the fire and rescue service and also more likely than not obstructed egress from the property to escape the fire. The fact that the property was full of hoarded material was known by public authorities many months before the fire. There was however no statutory powers available for a fire and rescue service to tackle hoarding in a single private dwelling.</p>

5	<p><u>CORONER'S CONCERNS</u></p> <p>During the course of the inquest the evidence revealed matters giving rise to concern. In my opinion there is a risk that future deaths will occur unless action is taken. In the circumstances it is my statutory duty to report to you.</p> <p>The MATTERS OF CONCERN are as follows. –</p> <p>Current Fire Service legislation under the Regulatory Reform (Fire Safety) Order 2005 applies to non-domestic premises and therefore does not cover people's homes. The legislation values business and industrial premises above citizen's homes. It is brought to your attention that where there are vulnerable people living in their own home, who do not accept advice offered by a Fire And Rescue Service that following risk assessment from neighbours, relatives or other statutory authorities there is currently no legislative or enforcement powers which exist for Fire and Rescue authorities to address the situation in a single private dwelling.</p> <p>The risk to life in this situation arose from hoarding behaviour, of which authorities were aware, but for which they had no enforcement powers to address, even to enter the premises. This was a semi-detached property and other fatalities could have occurred.</p> <p>I would be grateful if you could review the law and the powers afforded to Fire and Rescue authorities in this regard.</p>
6	<p>ACTION SHOULD BE TAKEN</p> <p>In my opinion action should be taken to prevent future deaths and I believe you have the power to take such action.</p>
7	<p>YOUR RESPONSE</p> <p>You are under a duty to respond to this report within 56 days of the date of this report, namely by 10th April 2017. I, the coroner, may extend the period.</p> <p>Your response must contain details of action taken or proposed to be taken, setting out the timetable for action. Otherwise you must explain why no action is proposed.</p>
8	<p>COPIES and PUBLICATION</p> <p>I have sent a copy of my report to the Chief Coroner and to the following Interested Persons the family, Liverpool City Council, Merseyside Fire and Rescue Service and to the Chief Fire Officers' Association.</p> <p>I am also under a duty to send the Chief Coroner a copy of your response.</p> <p>The Chief Coroner may publish either or both in a complete or redacted or summary form. He may send a copy of this report to any person who he believes may find it useful or of interest. You may make representations to me, the coroner, at the time of your response, about the release or the publication of your response by the Chief Coroner.</p>
9	<p></p> <p>André Rebello Senior Coroner for the City of Liverpool and Wirral</p> <p>Dated: 9th February 2017</p>