Regulation 28: Prevention of Future Deaths report

Malika HIBU (died 17.02.24)

	THIS REPORT IS BEING SENT TO: **1.** [redacted]  **2.** [redacted]  **3.** [redacted] **Mayor of London** **City Hall** **Kamal Chunchie Way** **London E16 1ZE** **4.** [redacted] **Secretary of State for Housing, Communities and Local Government** **House of Commons** **London SW1A 0AA**
1	**CORONER** I am: Coroner ME Hassell Senior Coroner Inner North London St Pancras Coroner's Court Camley Street London N1C 4PP
2	**CORONER'S LEGAL POWERS** I make this report under the Coroners and Justice Act 2009, paragraph 7, Schedule 5, and The Coroners (Investigations) Regulations 2013, regulations 28 and 29.

3	**INVESTIGATION and INQUEST** On 27 February 2024, one of my assistant coroners, Ian Potter, commenced an investigation into the death of Malika Hibu aged 5 years. The investigation concluded at the end of the inquest on 17 July 2024. I made a narrative determination at inquest, which I attach to this report.
4	**CIRCUMSTANCES OF THE DEATH** Malika Hibu was a little girl with autism spectrum disorder who lived in Crest Buildings (a 2015 housing development) just beside Regent's Canal. On 17 February 2024, she left her home without her mother's knowledge and went to play at the canal's edge. At 3.57pm, she fell in. Malika was discovered face down in the water 25 minutes later. Strenuous efforts were made to resuscitate her, but she was pronounced dead in hospital a short time later. She had drowned.
5	**CORONER'S CONCERNS** 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. The **MATTERS OF CONCERN** are as follows. The railing next to the canal afforded no protection against the water for a small child. In fact, an adult could easily fit through it. 1. [redacted] owned the development where Malika lived. However, I heard evidence tha[redacted] - did not know where its ownership boundary finished; - did not risk assess the barrier to the canal; - did not act on complaints made by residents about the barrier; - having noticed in October 2023 that the barrier was unsafe, did not attempt to make it safer and did not make any significant attempt to ask anyone else to make it safer. 2. I also heard that when the planning application for the 2015 housing development was considered in the first place, no consideration was given to the safety of the barrier as part of the development.

	I have been told that the government has announced a consultation on the national planning policy framework (NPPF). I have also been given to understand that section 12 sets out policies relating to the achievement of safe, inclusive and accessible spaces. It has been put to me that paragraph 135(f) could include a requirement that when development takes place in proximity to open water, railways and other hazards, special regard should be paid to ensuring the safety of children, young people and vulnerable adults. There will of course be many planning applications considered before any changes can be made to the NPPF.
6	**ACTION SHOULD BE TAKEN** In my opinion, action should be taken to prevent future deaths and I believe that you have the power to take such action.
7	**YOUR RESPONSE** You are under a duty to respond to this report within 56 days of the date of this report, namely by 7 October 2024. I, the coroner, may extend the period. 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.
8	**COPIES and PUBLICATION** I have sent a copy of my report to the following. • [redacted], Malika's parents • HHJ Alexia Durran, the Chief Coroner of England & Wales I am also under a duty to send a copy of your response to the Chief Coroner and all interested persons who in my opinion should receive it. I may also send a copy of your response to any other person who I believe may find it useful or of interest. The Chief Coroner may publish either or both in a complete or redacted or summary form. She may send a copy of this report to any person who she 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.

9	**DATE**	**SIGNED BY SENIOR CORONER**
	07.08.24	*ME Hassell*