

Fire safety consultation

NHF briefing and guidance for members

25 August 2020

Summary

This briefing summarises proposals set out in the government's fire safety consultation, published on 20 July 2020. It covers:

- An introduction to the consultation and our influencing work.
- A summary of the consultation proposals.
- Our view of the consultation proposals.
- Questions for members, consultation questions, and how to share your views.

We are seeking members' views on the proposals in the consultation to inform two pieces of influencing work:

- Our submission to a Housing, Communities and Local Government Committee call for evidence on the draft Building Safety Bill. We're seeking input for this by **Wednesday 9 September**.
- Our sector response to the consultation. We're seeking input for this by **Monday 28 September**.

Throughout this briefing, we refer to the consultation document, which you can [download here](#).

Introduction

The government announced its fire safety consultation on 20 July, seeking views on proposals to:

- Strengthen the Regulatory Reform (Fire Safety Order) 2005 (FSO).
- Implement the Grenfell Tower Public Inquiry phase 1 recommendations.
- Strengthen the regulatory framework for how building control bodies consult with and share fire safety information with the fire and rescue authorities.

The government's ambition through this consultation is to provide greater assurance to residents about fire safety improvements in their buildings, improve operational outcomes for firefighters, and increase accountability among those responsible for requirements under the FSO.

The consultation also seeks views on whether the work the government has carried out to date on building and fire safety will sufficiently address the Grenfell Tower Public Inquiry's concerns.

The consultation follows the publication of the [Fire Safety Bill](#) in March. This Bill seeks to clarify dutyholder responsibilities under the FSO 2005 and lay the legislative groundwork for implementing the Grenfell Tower Public Inquiry phase 1 recommendations. We [published a briefing](#) in May seeking feedback from our members on the Bill and the Public Inquiry phase 1 recommendations, recognising that some of these may be challenging for housing associations to implement to the letter.

This current consultation was published alongside the draft Building Safety Bill and is part of the government's package of reforms to improve building and fire safety in regulated premises. You can find our member briefings on the draft Building Safety Bill [here](#).

How you can inform our sector response

In this briefing, we summarise the relevant topics and amendments being considered as part of this consultation and pose questions we'd like your views on to inform our sector response.

We are looking for your views to inform two pieces of our influencing work:

- Firstly, we'd welcome any general views you would like to share on the proposals in this consultation by **Wednesday 9 September**. This is so that we can use your views in our engagement with the pre-legislative scrutiny process on the draft Building Safety Bill. While this is a separate piece of legislation, there is potential for significant changes to be implemented simultaneously, so we believe it is important that we have an overall understanding of our members' views. You can share your views for this piece of work by contacting Victoria Moffett, Head of Building and Fire Safety Programmes, via housingsafety@housing.org.uk.
- Secondly, we're looking for your detailed views on the proposals to inform our sector response to this consultation by **Monday 28 September**. You can share these views, including your answers to the specific questions in this briefing, by contacting Amy Simmons, Head of Policy, at amy.simmons@housing.org.uk. We will use your feedback, together with feedback we received earlier in the year, to develop our sector response to the consultation by 12 October.

Summary of the proposals

Proposed changes to FSO

The Regulatory Reform (Fire Safety) Order 2005 (FSO) regulates fire safety in all non-domestic premises, including workplaces, and the non-domestic parts (including communal areas) of multi-occupied residential buildings in England and Wales. The proposals in this consultation, however, only apply to England.

The FSO places fire safety duties on persons who control non-domestic premises – the Responsible Persons (RP) – and on other FSO dutyholders. The FSO adopts a risk-based approach to fire safety, with RPs required to put fire precautions in place. The Fire Safety Bill, published in March, lays the legislative groundwork for changes to the FSO and for the implementation of the Grenfell Tower public inquiry recommendations. This consultation seeks views on detailed proposals on both topics.

The [consultation document](#) sets out the government's proposals to strengthen the FSO by ensuring it applies to the building structure and external walls (including cladding, balconies and windows), as well as entrance doors to individual flats that form the boundary between common areas and private homes.

It also proposes the introduction of a competence requirement for fire risk assessors to improve the quality of fire risk assessments, and to ensure that these and other information is made available to residents.

In addition, the proposals also consider how best to ensure that RPs' responsibilities are clear, and that the RP can be easily identified by other RPs they need to work with and by residents.

Other proposals include measures to define higher-risk workplaces that could be subject to further precautions under the FSO, as well as proposals to ensure fire and rescue authorities can ensure compliance.

Public Inquiry recommendations

The consultation also seeks views on the recommendations following the completion of phase 1 of the Grenfell Tower Public Inquiry, which considered the events that occurred on the night of the fire. These include recommendations that would support fire services in the event of a fire, such as a requirement for building owners to share floor plans and relevant information in advance. They also include recommendations for building owners to ensure residents have better access to fire safety information, and that those residents who would need assistance to evacuate have been identified and have a specific evacuation plan.

The consultation also addresses recommendations around specific requirements to maintain fire safety equipment, including checking fire door self-closers at regular intervals.

Other changes to strengthen existing fire safety regulations

Finally, the [consultation document](#) sets out the government's proposals to strengthen the regulatory framework for how building control bodies consult with fire and rescue authorities on plans for building work. These include proposals for the government to develop guidance on the information that should be provided, and set out timeframes for consultation with fire and rescue authorities, and for their response.

The government also sets out proposals to improve existing regulations around the handover of information about a building from the developer to the RP on completion, so that the RP can manage the building appropriately. Specifically, the consultation sets out proposals to extend the requirement for the handover of

information to all building work, so that an RP receives safety information following refurbishment.

Alignment with the new regulatory regime for building safety

Alongside this consultation, the government published the draft Building Safety Bill on 20 July. The draft Bill aims to put in place measures that will make building work on all buildings safer, whether when newly developed or refurbished.

It will also implement a more stringent regulatory regime for higher-risk residential buildings, acting on recommendations from Dame Judith Hackitt's [Independent Review of Building Regulations and Fire Safety](#). In the first instance, the Bill proposes that the term 'higher-risk buildings' will apply to residential buildings of 18m and above, or more than six storeys (whichever is reached first).

In this briefing, we point out where the proposals in the fire safety consultation are applicable to all buildings in scope of the FSO, and where they are only applicable to those deemed to be 'high-rise' or 'higher-risk'. While the terminology differs, the consultation proposes aligning the definitions with those used for the new regulatory regime, as set out in the draft Building Safety Bill.

Alongside the new measures introduced by the draft Building Safety Bill, both the existing FSO regime and the enforcement of standards under the Housing Health and Safety Rating System (HHSRS) will continue to apply. For example, while the draft Building Safety Bill will make provision for additional structural and fire safety measures in buildings it defines as higher-risk, the FSO will make provision for general fire safety measures in all regulated buildings. The HHSRS then also allows local authorities to take a broader set of hazards, beyond fire alone, into consideration.

The draft Building Safety Bill introduces a new dutyholder regime, with an Accountable Person (AP) being the dutyholder for higher-risk buildings during occupation. The AP is responsible for managing safety risks in all parts of a higher-risk building that will be subject to the more stringent safety regime. In most cases, the AP will be the same person as the Responsible Person (RP) under the FSO, and must demonstrate that they have met the requirements of both regimes.

Where alignment does not exist, such as in a mixed-use building, the government will introduce duties of cooperation between the RP under the FSO and the AP(s) under the new building safety regulatory regime, to ensure

that the building as a whole is effectively managed. The government intends to provide guidance to assist RPs and APs to coordinate their responsibilities.

Our view of the proposals

We welcome proposals to update the FSO and to implement the Grenfell Tower Public Inquiry phase 1 recommendations, in the context of the wider overhaul of building safety regulatory systems. It is ours and our members' utmost priority to ensure that residents are, and feel, safe in their homes.

We support government proposals to strengthen the FSO. We also support the proposals to clarify the Responsible Persons' (RPs') responsibilities, improve competence requirements of those conducting fire risk assessments, and more clearly define higher-risk workplaces, among others. We believe these will go some way to ensuring high standards of safety in buildings that will not be in scope of the more stringent regime for higher-risk buildings, as set out in the Building Safety Bill. It is important that the overhaul of regulatory systems ensuring safety standards covers all buildings, regardless of their height or risk profile.

We welcome the government's decision to implement the phase 1 recommendations of the Grenfell Tower Public Inquiry. Some of the recommendations would have been challenging for housing associations to deliver to the letter, so we agree with the government's decision to modify some of these on a risk basis, such as the recommendation to inspect fire door self-closers regularly.

We are particularly keen to hear our members' views on the government's proposals for intervals at which fire door self-closers should be checked. Fire doors play a key role in maintaining effective compartmentation to limit internal fire spread, and housing associations are working hard to replace those that they have found to be non-compliant. The widespread nature of the failure of composite fire doors means that remediation and replacement is not an easy endeavour. The government should further support housing associations to identify doors for inspection and replacement by sharing the full test reports of the doors included in their testing programme and expanding this programme to include other types of doors.

A key challenge for housing associations and their partners will be ensuring the capacity to implement the changes set out in these proposals effectively. In many cases, housing associations will be simultaneously inspecting existing buildings for safety concerns and remediating any issues they identify, while also adopting a new

regime for higher-risk buildings. The scale of this work cannot be underestimated. We are calling on the government to support all the relevant sectors to increase capacity, while also ensuring that the transition to the new requirements under the FSO and the draft Building Safety Bill will enable our members to adopt the new regulations diligently.

While we welcome the government's wholesale review of building and fire safety regulation – together with the £1.6bn of funding it has made available for remedial works – the work to remediate buildings with safety concerns is complex. The cost of remediating buildings of all heights for all possible safety issues is likely to exceed the funding government has made available, and could take many years to complete. In addition to the calls we have made to the government to increase capacity for remediation, we believe the government could further speed up remedial works by making funding available upfront for all building safety concerns, then recouping costs later once liabilities are established.

Consultation details and questions for members

As explained above, we are looking for feedback from members on two sets of questions:

- Your overarching views of the proposals, to inform our influencing work with the government on the Building Safety Bill.
- Your detailed views on the consultation proposals, to inform our sector response.

Overarching questions to inform our influencing work

In order to gather a picture of the sector's overarching views of government action on building and fire safety, we have included some of our own strategic questions for members.

1. What challenges, if any, do you foresee in implementing changes set out in this consultation?
2. What are your views on your organisation's capacity to deliver changes to fire and building safety regulation, particularly while you might also be inspecting and remediating properties?
3. What further support would you ideally receive from the government to implement changes to fire and building safety regulation?

4. What are your views on whether or not the government has sufficiently addressed the public inquiry's concerns through its work on building and fire safety to date?

Please send your response to Victoria Moffett, Head of Building and Fire Safety Programmes at housingsafety@housing.org.uk by **Wednesday 9 September**.

Consultation proposals and questions

To develop our sector response to this consultation, we have included a summary of the key consultation proposals and questions below. Please share your answers to these by **Monday 28 September** – you can find details of how to do this at the end of the questions. In recognition of the length of the consultation, we would be happy to receive your responses to the questions that are most relevant to you.

Section 1: Strengthening the Fire Safety Order and improving compliance (for all regulated premises)

Following the June 2019 [Home Office call for evidence](#) to consider the role of the FSO in the context of wider building safety reform, the government concluded that it needed to be strengthened to improve fire safety standards.

This consultation proposes improvements to the tools available to enforcing authorities to improve compliance, with greater competence and accountability for those with responsibilities under the FSO. The government is seeking further evidence on certain topics, and importantly, is committing to an overhaul and review of supporting guidance.

Guidance

The overhaul of both government and sector-led guidance will seek to provide clarity on the relationship between the FSO and the Housing Act 2004, which covers the regulation for fire safety in existing residential premises by the HHSRS and the licensing and management of houses in multiple occupation (HMOs). Any update would seek to clarify which authority enforces which piece of regulation, what the recent changes to the legislation have been, roles, and support for those seeking to comply and those enforcing.

The government wishes to explore whether it would be suitable to provide guidance using Approved Codes of Practice (ACOP) similar to those that support health and

safety legislation and building regulations. These codes have a special legal status and can be considered by the courts if legislation is breached. If an individual did not follow the ACOP and has not complied with the law in another way, they may be at fault.

- 1. Do you agree that a strengthened legal basis for the guidance under the FSO is needed, such as a Code of Practice?**
- 2. If yes, can you indicate any areas or areas you think should be covered?**
For example: Responsible Persons, enforcement and sanctions, Fire Risk Assessments, higher risk workplaces, provision of information, etc.
- 3. If no, do you think the format and style of Codes of Practice (such as the Health and Safety Executive's) should be adopted for revised guidance to support the FSO?**

Responsible Persons (RPs)

In response to concerns around the identification of the RP, the government is consulting on proposals to place a legal requirement on the RP to record as part of the Fire Risk Assessment:

- Who they are.
- The extent of their responsibility for the building under the FSO.
- Their contact information.
- Whether they should be required to provide a UK contact address (aligned with draft Building Safety Bill requirements for the Accountable Person (AP)).
- That all RPs identify themselves to each other within the same premises.

You can find further detail on these proposals on page 24 of the [consultation document](#).

- 4. Do you agree with the proposals to require RPs to record the information proposed?**
- 5. If yes, should this be extended to others, such as dutyholders, who have control of premises?**
- 6. Do you agree that the duty to cooperate and coordinate should include a requirement for RPs to identify themselves to**

other RPs or dutyholders such as the Accountable Person and/or Building Safety Managers under the Building Safety Bill?

Quality of Fire Risk Assessments (FRAs)

The June 2019 call for evidence highlighted the variable quality of FRAs, citing a lack of fire risk assessor competence and guidance limitations. We share concerns that the capacity may not exist to meet requirements for FRAs to include building structure, external walls, balconies and flat entrance doors.

The government is therefore proposing to introduce:

- Competence requirements for fire risk assessors.
- Legal requirements on RPs to record the entirety of their FRAs.
- Requirements on RPs to record the name and contact information of any person engaged by them to undertake all or part of the completed FRA.

The government will provide further support on new duties and compliance through guidance. You can find details of this on page 29 of the [consultation document](#).

7. Do you agree that the FSO should include a competency requirement for fire risk assessors and other fire professionals engaged by RPs, and that their contact details should be recorded within the FRA?

8. Do you agree that all RPs should be required to record their fire safety arrangements and that a duty be placed on them to record their completed FRAs?

Provision of information

The government is considering how to enhance the provision of information to residents of multi-occupied residential buildings under the FSO. The proposals align with the Grenfell Tower Public Inquiry's phase one recommendations, set out in section 2 of the [consultation](#), for the building owner/manager to share specific evacuation procedure information with residents.

To strengthen measures for residents in all multi-occupied residential buildings, the consultation seeks views on whether to require RPs in such buildings to take

reasonable steps to provide comprehensive and relevant information to residents, including:

- The risks to them identified by the FRA, with the FRA made available on request.
- The potential fire risk mitigation measures in place in the building.
- The role and responsibilities of relevant RPs and dutyholders, including their name, capacity and contact details as a point of contact to request information/raise concerns.
- Ensuring the effective transfer of information and requiring RPs to provide the latest FRA to anyone taking over their role and responsibilities (complementing golden thread provisions in the draft Building Safety Bill throughout the building's lifecycle).

The government will develop guidance to assist RPs and residents with the above requirements.

9. Do you agree that a new requirement should be placed on RPs to provide information to residents on fire safety in multi-occupied residential buildings they live in (excluding individual flats/private dwellings)?

10. Do you consider there to be other information that RPs should be required to provide to residents?

11. Do you agree that a new requirement should be placed on RPs to take steps to share all relevant fire safety information with subsequent RPs and, if so, is there any other information that should be shared?

Enforcement and sanctions

Revised guidance on these issues will provide additional clarity and support for enforcing authorities to take action against non-compliance with the FSO. The government is also seeking views on whether the fines for specific offences are sufficient.

For information: a level 3 fine = £1,000, level 4 = £2,500 and level 5 = unlimited.

12. To what extent do you agree that a level 3, 4 or 5 fine provides a suitable deterrent and carries a suitable financial penalty?

Maintenance, including the role of residents

Premises subject to building regulations are required to have reasonable facilities installed that will safeguard those who live and work in them, as well as facilities that will safeguard firefighters in a fire (Article 38).

In its current form, the FSO also contains two specific provisions requiring the maintenance of facilities, equipment and devices for safeguarding relevant persons and firefighters in the event of a fire (Article 17). You can find further detail from page 37 of the [consultation document](#).

The government wants to gather views of the effectiveness of these provisions following stakeholder discussions.

- 13. Do you agree that the FSO makes sufficient provision for ensuring that premises and facilities are maintained to an appropriate standard for the safety of relevant persons, and for the replacement of defective or substandard facilities, equipment and devices including fire doors?**
- 14. Do you agree that the building regulations make sufficient provision for ensuring that premises and facilities are maintained to an appropriate standard for the safety of firefighters?**
- 15. Do you agree that the FSO and/or building regulations are effective in ensuring the occupier (of parts of a building to which it does not apply) cooperates with the RP?**
- 16. Do you agree that the occupier (of parts of a building to which the FSO does not apply) in buildings out of scope of the new more stringent building safety regime should be under duties similar (in relation to fire safety) to those being considered under the Building Safety Bill?**
- 17. Do you agree that enforcement available to fire and rescue authorities is effective in ensuring remediation of breaches for this section of the FSO (Article 17) and building regulations (Article 38)?**

Higher-risk workplaces

The consultation acknowledges that some buildings are higher risk than others, but that there is no clear consensus on which buildings these are or how they should be defined. In this context, higher-risk workplaces can include residential

accommodation such as supported or specialist housing. Further detail is set out from page 40 of the [consultation document](#).

Regulations may be made under the FSO requiring additional precautions to be taken in relation to risk to relevant persons in such higher-risk premises.

The government is seeking further evidence to support decisions on the potential need for further precautions for specific premises, and what these might be. This follows inconclusive responses on this issue to the June 2019 call for evidence and the Building a Safer Future consultation.

18. What risk factors are of most concern to you in higher-risk workplaces (such as prisons, hospitals, sheltered and supported housing, residential educational buildings, care homes) and why?

For example: occupancy, use, existing fire strategy, design and construction of the building, etc.

19. What additional fire precaution requirements should apply to higher-risk workplaces to increase fire safety and are these building type specific?

For example: means of escape, firefighting systems, employee safety training, sufficient employees to ensure means of escape at all times, annual review of FRA, record keeping to demonstrate compliance, etc.

Fees and charges

The FSO will continue to apply alongside the provisions in the draft Building Safety Bill for a new enhanced regime for buildings in its scope. As a result, enforcement activity undertaken by the new Building Safety Regulator in a building covered by the regime is likely to be chargeable, but FSO enforcement activity in the non-domestic parts of the same premises would not be.

As a result, the government would like to consider whether the current prohibition on charging for FSO enforcement activity should be removed in some form, as well as gathering views about central charging to encourage best practice and the sufficiency of the levels of fines available. You can find further detail on this on page 44 of the [consultation document](#).

In 2018/19, among the types of buildings that had the highest number of formal notices were care homes, hotels, shops, licensed premises and purpose-built flats between four and ten storeys (11-30m).

- 20. Do you agree that charging for FSO enforcement activity in line with the proposed approach to charging for enforcement action in the Building Safety Bill (buildings in scope – 18m or over six storeys)?**
- 21. If yes, to what extent should charging be allowed – solely for buildings in scope of the new regulatory regime or for all premises that fall in scope of the FSO?**
- 22. Do you think that FRAs/FSO inspectors should be able to charge for all unsatisfactory FSO audits or just those that result in a notice – i.e. informal, enforcement, prohibition or alteration?**
- 23. Do you agree that charging guidance should be provided, and do you have any views on what appropriate levels might be?**
For information: a level 3 fine = £1,000, level 4 = £2,500 and level 5 = unlimited

Charging for false fire alarms

The consultation is also seeking views on the current criteria for charging for false fire alarms for FSO regulated premises under the Fire and Rescue Services Act 2004 (FRSA) and the effectiveness of existing provisions. This includes criteria for charging for false alarms in non-domestic premises and in communal areas of domestic premises, as a result of equipment having malfunctioned or having been mis-installed, or where there is a persistent problem.

- 24. Do you agree that charging can be a beneficial tool to encourage behaviour change and reduce false alarms, or should the current approach be changed? Are there any barriers to change?**
- 25. Do you have any comments regarding terminology used in relation to false fire alarms generally, and specifically, the use of malfunctioned, mis-installed and persistent?**
- 26. Do you have any comments regarding what the fire and rescue authority can charge for in relation to false fire alarms, specifically false alarms with good intent, malicious false alarms, equipment false alarms and unwanted alarms?**

Section 2: Grenfell Tower Public Inquiry phase 1 report recommendations

This section focuses on those recommendations where the inquiry called for changes to the law (listed in Annex A of the [consultation document](#)). It sets out the government's proposed approach to their implementation, citing the need to meet the objectives of the recommendations in the most practical, proportionate and effective way.

The recommendations relate primarily to requirements on building owners and managers to provide information to fire and rescue services to ensure they can provide an effective operational response, and to provide assurance and additional safety measures to residents. However, some go further and apply to all multi-occupied residential buildings regardless of height. Further background and considerations are set out on page 51 of the [consultation document](#).

The responsibilities and requirements imposed on RPs (and/or dutyholders) will be generally linked to matters over which they have control. The RP will need to demonstrate that they have done all that could reasonably be expected to do to avoid committing an offence. The fire and rescue service will be able to take enforcement action against non-compliance by any RP or dutyholder, with failure being a criminal offence where it places one or more relevant person at risk of death or serious injury in case of fire. Sanctions include potential prosecution and imprisonment, or unlimited fines or both.

The recommendations addressed in this section are set out below.

Definition of height for high-rise buildings

The inquiry recommendations apply to either 'high-rise residential buildings' or 'every residential building containing separate dwellings (whether or not it is a high-rise building)'.

The government proposes to set a clear height threshold for the category of buildings referred to as 'high-rise' in the recommendations, aligned with the proposed scope of the Building Safety Bill, which determines 'higher-risk' in part as buildings of 18m and over and/or more than six storeys, whichever comes first.

The government notes that risk can increase with building height, evacuation plans become more complex, and intervention from fire and rescue service becomes more challenging. This is because the frontline equipment carried

by firefighters is primarily fit for external firefighting and rescue in buildings up to 11m in height.

The height threshold of 18m, as set out in building regulations, is the height at which additional standards for fire protection in buildings are adopted – for example, structural fire resistance periods vary depending on height. Earlier this year, [changes to Approved Document B](#) included the provision of sprinklers and wayfinding signage to new buildings of more than 11m.

27. Do you agree that the definition of ‘high-rise’ in the public inquiry recommendations should align with the proposed scope of the Building Safety Bill?

External walls

The effect of the Fire Safety Bill will be that under the FSO, RPs will need to make an assessment of the fire risks posed by the structure and external walls (including balconies and anything attached to those walls) of all multi-occupied residential buildings.

Where RPs have yet to take action in line with the government’s [advice notes](#) for multi-storey, multi-occupied residential buildings, the government encourages them to identify the relevant materials and update their fire risk assessment.

In addition, consultation proposals would require RPs for those buildings deemed to be high-rise to:

- Provide local fire and rescue services with information about the design of the building’s external walls and details of the materials they are constructed from.
- Inform fire and rescue services of any material changes made.
- Go further than the recommendations by requiring that information is provided relating to the level of risk arising from the design and materials of the external wall structure, together with associated mitigation steps using standard formats.

28. Do you agree with the proposals set out to share information with the fire and rescue services for high-rise buildings?

29. If yes, do you have any further comments on the information format for external wall structures and mitigating steps?

Plans

The government proposes to require RPs of high-rise residential buildings to provide their local fire and rescue services with:

- Up-to-date electronic floor plans, identifying the location of key firefighting systems.
- A single-page building plan which should include the location of all key firefighting equipment.

The government is proposing a national standardised format to ensure consistency across public and private housing sectors. Part of this consultation is testing whether floor plans for every floor should be provided, as opposed to those where floor plans differ in layout.

30. Do you agree with the proposals to require RPs to provide the fire and rescue services with the information proposed?

31. Currently, key firefighting equipment could include dry and wet risers, the location of the nearest fire hydrant, smoke control systems, suppression systems (including associated operating instructions and lifts). Do you agree with this list?

32. Do you think that building plans should be provided for every floor, or only for those floors that are different in layout?

Premises Information Boxes

Currently, no statutory requirement exists to have a Premises Information Box (PIB) installed in multi-occupied residential buildings and their use is voluntary.

The proposals seek to impose a requirement that RPs of all high-rise multi-occupied residential premises have a PIB, holding:

- Up-to-date floor plans with the location of key firefighting equipment.
- A single-page building plan with the location of key firefighting equipment.
- A copy of the completed FRA.

- Contact details for the relevant RP (if not included in the FRA as proposed).
- Evacuation plans.

The government is also proposing an update to address this requirement, applying to building work carried out on new and altered high-rise residential buildings of 18m and over (the six-storey threshold will not be included in Approved Document B in order to maintain a consistent approach with current trigger thresholds within the guidance and building regulations).

The government recognises that a national standard and guidance to standardise physical aspects of specification, access and contents would be helpful and it is mindful of the supply, security and costs of provision. The potential for further physical and document specifications are covered on page 60 of the [consultation document](#).

33. Do you agree with the proposed approach to require PIB in high-rise buildings, and with the proposed contents?

34. Do you agree there should be a consistent approach to premises information?

Lifts

The government is proposing that RPs report to their local Fire and Rescue Service any failures of relevant lifts and the mechanism that allows firefighters to take control of the lifts in high-rise residential buildings. This would be done in real-time so that the Fire and Rescue Service could amend their operation response accordingly.

RPs will be required to undertake monthly checks of these lifts and, where they identify that a relevant lift or mechanism has failed, they must report it to their local fire and rescue service.

- This requirement applies to all lifts within a relevant building, not just those designed for use by firefighters.
- Other critical pieces of firefighting equipment (i.e. dry risers and smoke control systems) are to be tested monthly, with failures reported to the fire and rescue service.
- Residents will be able to access the results of the monthly checks.

This means that for all specified key firefighting equipment, RPs must undertake monthly inspections or tests, and report any failures to the fire and rescue service. The consultation asks for views on reporting timeframes, so the government can set a national standard threshold.

Importantly, where monthly checks are required, these should be recorded in an open and transparent way that is accessible to residents. The government is proposing further guidance to support compliance and enforcement.

35. Do you agree with the proposed approach to reporting and information sharing with residents, including the coverage of all building lifts?

36. What is a sufficient threshold for the reporting timeframe to the local fire and rescue service? Within 24 hours of identification / 48 hours / 72 hours / other?

37. Do you agree with the inclusion of other key firefighting equipment?

38. Should this include any of the following (tested or inspected every month and reported to the FRS) in the event of failure: dry risers, wet risers, smoke control systems, suppression systems (including associated operating instructions), other?

Evacuation plans

The proposals require RPs of high-rise residential buildings to draw up evacuation plans and keep these under regular review. In addition, the proposals require that these are shared electronically with the local fire and rescue services – not in paper form, but with a paper copy placed in the PIB.

The consultation also tests whether this proposal should be extended to cover all multi-occupied residential buildings of 11m and above.

The FSO already places a number of requirements on RPs to implement reasonable and practicable arrangements and procedures to safeguard relevant persons and prevent serious and imminent danger. It is expected that the evacuation plan would be dependent on the design of the building and the evacuation strategy in place – for example, stay put versus simultaneous evacuation. Any change in the evacuation plan would require an updated plan to be issued to the local FRS and placed in the PIB, with proposals supported by further guidance.

- 39. Do you agree with the proposed approach to share and update evacuation plans?**
- 40. Do you agree that proposals should be extended to cover all multi-occupied residential buildings of 11 metres and above?**
- 41. What information do you think should be included in an evacuation plan?**

Personal Emergency Evacuation Plans (PEEPs)

The proposals require RPs in high-rise residential buildings to:

- Provide details of any residents who self-identify to them as requiring assistance to evacuate to their local fire and rescue service.
- Place this information in a PIB, including the location of the individual.
- Provide residents with clear advice so they can declare their need for assistance.

In buildings with a waking watch (with un-remediated cladding or under interim measures and in which stay put is temporarily suspended due to heightened risk), the RPs will be required to:

- Prepare a PEEP for each resident who self-identifies as requiring assistance.
- Keep PEEPs up-to-date and include the location of the individual.
- Share them with the local fire and rescue service (with prior relevant resident consent).
- Ensure personnel are available and able to assist with an evacuation.

A joint Home Office and MHCLG steering group was set up in December 2019 to support a technical review of the stay put policy.

- 42. Do you agree with the proposed approach to identifying and sharing information to assist personal evacuation?**
- 43. Do you think there is further information that should be provided to the local fire and rescue service, and what information would you like to see in the guidance?**

Information to residents

The FSO does not expressly require the provision of information to residents, as it does not apply to the domestic parts of buildings in its scope. However, it does place a duty to take general fire precautions to ensure those who are lawfully on the premises or in the immediate vicinity are safe from a building fire.

However, as the FSO applies to the non-domestic or common parts of buildings within its scope, the proposals require the RPs for all multi-occupied residential buildings to provide to residents:

- The risks to them identified by the FRA (including the FRA on request).
- The preventative and protective measures in place to mitigate potential fire risks.
- The role and responsibilities of relevant RPs, including their name, capacity and contact details.

The government is proposing that these sections be supplemented by:

- The inclusion of instructions for evacuation in a form that they can reasonably be expected to understand, taking into account the nature of the building and the RP's knowledge of the residents.
- Additional general provisions for RPs in relation to residents under the FSO.

The government is also seeking views on whether other information should be included beyond instructions for evacuation. You can find more information on this on page 31 of the [consultation document](#).

44. Do you agree with the proposals to share information to residents of all multi-occupied residential buildings?

45. What further information should be provided to residents?

46. What factors should be taken into account to assure information is accessible and what should be included in supporting guidance?

Fire doors

The government confirms it has recommended that all fire doors, including their closers, should be routinely checked or inspected by a suitably qualified professional. This was covered in the latest [advice note to](#)

[owners of multi-storey, multi-occupied buildings](#). The government has also called on landlords or building owners to ensure residents are aware of the importance of maintaining the self-closing devices on all fire doors, including flat entrance doors.

The Fire Safety Bill will clarify that the doors between domestic premises and non-domestic or common parts of the building are within scope of the FSO, removing ambiguity.

To take forward the inquiry's recommendation, the proposals rely on the relevant RP duties in the FSO and, where relevant, on duties for residents to cooperate with the RP. You can find further detail on page 73 of the [consultation document](#).

The proposals require an RP to undertake prescribed checks to ensure effective self-closing devices are in working order in the following multi-occupied residential buildings:

- For buildings of **18m and above** or more than six storeys (whichever is reached first) – in scope for new higher-risk building safety regime:
 - No less frequently than every three months, on all fire doors exclusively located in the non-domestic (common) parts.
 - No less frequently than every six months, on all flat entrance doors which are fire doors.
- For buildings of **11-18m**:
 - No less frequently than every six months, on all fire doors exclusively located in the non-domestic (common) parts.
 - No less frequently than every year, on all flat entrance doors which are fire doors.

The proposals include a requirement on the RP to keep records of these requirements.

In addition, the government is seeking views on:

- Whether guidance on the checks and their frequency for all fire doors in buildings of 11m and over, alongside the Fire Risk Assessment process, is a reasonable and practicable response to the risk in these buildings.
- Expanding proposals to require that checks take place on other parts of doors such as gaps, seals and hinges.

- The adequacy of the current duties of the RP and those of cooperation on dutyholders and/or other occupants to discharge the proposed new requirements.

47. Do you agree with the proposed approach to fire door checks?

In line with the inquiry's recommendation, where external walls have been identified to incorporate unsafe cladding, the government proposes that those that have 'control' of the relevant door in high-rise residential buildings (via a lease or tenancy agreements) are obliged to ensure that the door complies with current standards and, if necessary, replace the door.

You can find further detail on page 76 of the [consultation document](#).

It also proposes that:

- The requirement applies to fire doors exclusively located in the non-domestic (common) parts, as well as flat entrance doors in high-rise buildings.
- Guidance is available to support decisions regarding whether or not an older fire door meets the required standard, building on the [government's advice note for owners of multi-occupied, multi-storey buildings](#).

As an alternative, the government is seeking views on:

- Whether the clarification in the Fire Safety Bill in relation to flat entrance doors, possible changes to strengthen the relevant provisions in the FSO, alongside the £1.6bn of government funding for the remediation of unsafe cladding in high-rise buildings, will sufficiently address the inquiry's concerns.

48. Do you agree with the proposed approach? Can you provide comments and other factors for consideration as well as comments on the government's action to date to address the inquiry's concerns?

Non-legislative Grenfell Tower Inquiry phase 1 recommendations and alignment with Approved Document B

The phase 1 report included recommendations on wayfinding signage, evacuation alert systems and sprinklers.

In May 2020, MHCLG published forthcoming [amendments to Approved Document B](#) to recommend the installation of sprinkler systems and consistent wayfinding signage in all new blocks of flats with storeys over 11m tall. In addition, it was announced that the government would work with the National Fire Chiefs Council on a series of tests of evacuation alert systems, with a view to including guidance in a later update.

The phase 1 report also set out that any recommendations for sprinklers would come from phase 2.

Wayfinding signage

The proposals recommend that wayfinding signage be installed in existing multi-occupied residential buildings of 11m and above through bespoke regulations. This would be complemented by amended guidance to reflect the new requirement, providing advice on the appropriate size, material and format.

Evacuation alert systems

You can find information regarding progress on testing and research on page 79 of the [consultation document](#).

Sprinklers

The consultation reports that sprinklers are an effective fire protection measure and that their installation is one of a number of options RPs can employ to achieve adequate levels of fire safety within buildings. The retrospective installation of sprinklers in an existing building is informed by the FRA and other relevant duties under the FSO, and there may be different ways to achieve an appropriate level of fire safety in an existing building.

49. Do you agree that the installation of sprinklers in existing buildings should continue to be guided by the Fire Risk Assessment process rather than be made mandatory under the FSO?

50. Do you have any comments regarding the use of wayfinding signage or evacuation alert systems and the building types they should be introduced in?

Section 3: Building control bodies consultation with fire and rescue authorities

The FSO and building regulations contain requirements for building control bodies/local authorities to consult the enforcing authorities on plans for building work.

The building regulations also impose requirements for fire safety information to be handed over to the RP for premises subject to the FSO on the completion of building work.

The proposals cover concerns raised by stakeholders about the effectiveness of these arrangements. We have summarised these below, and you can find further information on page 81 of the [consultation document](#).

Information sharing

The government wants to test whether the current guidance on information to be provided to fire and rescue authorities is sufficient, or if there are areas that need improvement or further guidance. It is also considering whether there would be value in a standardised approach to presenting the information.

Plans certificates

The government is seeking views on whether there is value in plans certificates being mandatory for buildings covered by the FSO, or whether further guidance would be preferable. A plans certificate is a statement that the approved inspector (where they are the building control body) has checked the plans of the building work and considers them to be compliant with building regulations. These are currently voluntary and would provide a level of assurance to the fire and rescue authority that plans have been checked for compliance with building regulations.

Timeliness of response

The government is also seeking views on whether further consultation points in the process should be prescribed in legislation and, if so, at what point they should be prescribed to promote timely engagement between the building control body and the fire and rescue authority.

Response timescales

The government is seeking views on whether there should be a statutory timeframe for responses by the fire and rescue authority to provide further clarity about what is required and when.

Dispute resolution

The government recognises that, on occasion, building control bodies and fire and rescue authorities may not agree on whether plans deposited demonstrate

compliance, because they will be reviewing the plans from the perspective of their different enforcement roles. It is therefore seeking views on whether there are problems with resolving disputes between building control bodies and fire and rescue authorities that could benefit from a mediation panel and, if so, which representative bodies should be involved.

Better guidance

The principle of being able to refer to standing advice produced at the national level for use at the local level, rather than having to develop specific advice on each occasion could help fire and rescue authorities respond more easily. However, there may be limitations around how effective this could be because of the specific nature of building work. The government is interested in whether standing advice for use at the local level would be helpful.

Fire safety information

The government is seeking views on improving the current arrangements under the building regulations (regulation 38) that requires fire safety information to be provided to the RP by the person carrying out the work for premises subject to the FSO. The consultation seeks views on whether the scope of regulation 38 should be extended to material alterations (such as refurbishment). Options for strengthening the arrangements for ensuring compliance with regulation 38 are set out earlier in proposals.

51. Do you have any comments on the proposals set out above?

How to share your views and next steps

We are seeking feedback on the overarching questions by **Wednesday 9 September**. You can share your views on these questions with Victoria Moffett, Head of Building and Fire Safety Programmes, via housingsafety@housing.org.uk.

For the consultation questions, we are looking for your feedback by **Monday 28 September**. To share your views, please email your responses to the questions set out in this briefing to Amy Simmons, Head of Policy (amy.simmons@housing.org.uk). We will use your feedback to coordinate a sector response to share with the government.

If you have any further questions, or would like to share experiences or feedback outside of the questions in this briefing, please contact Victoria Moffett, Head of Building and Fire Safety Programmes on housingsafety@housing.org.uk.