

Fire safety consultation

NHF member consultation response

12 October 2020

Summary

In our response to the Home Office's fire safety consultation, published on 20 July 2020, we welcome the government's proposals to:

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

We are calling on the government to:

- Support our sector to implement new requirements in the revised Fire Safety Order and Building Safety Bill by defining a consistent approach to risk so that implementation can be prioritised accordingly.
- Coordinate and lead a managed transition to the new regulatory regimes, by allocating limited resources and capacity according to risk.
- Fund existing remediation projects and any remediation work uncovered by the new regulatory regimes upfront to drive pace, with costs recouped once liabilities are established – and, crucially, coordinate resources for all remediation works so that priority buildings are remediated first.
- Work with all relevant industries to increase sector capacity and resources for key roles such as fire risk assessors.
- Provide clarity on new regulatory measures through detailed expectations, recommendations and guidance.

We also:

- Outline the challenges our sector could face in adopting these proposals, so that we can work with the government to overcome these.
- Commit to engaging further with the government and other partners to achieve effective future regulatory change.

Introduction

The National Housing Federation (NHF) is the representative body for housing associations in England. Our 800 members own and manage more than two and a half million homes for around six million people, as well as providing vital care, support and community services. Housing associations are independent, not-for-profit organisations driven by their social purpose – to ensure everyone in the country can live in a quality home that they can afford.

The fire at Grenfell Tower has had a profound impact on our sector. Ensuring the safety of residents is the number one priority for housing associations and our members are taking urgent and comprehensive action to inspect buildings for any safety concerns and remediate them as a priority.

In the three years since the tragedy, housing associations have been working with residents to ensure that they are safe – and, importantly, that they feel safe. This includes reviewing the safety of buildings and pro-actively engaging with residents to share and explain information such as fire risk assessments in an accessible format. They have also been taking steps in their roles as clients and commissioners of new buildings to ensure the design, specification and build quality of new homes takes into account the latest guidance and key building safety considerations.

We fully support Dame Judith Hackitt’s work to create a new system for building safety that is fit for purpose. Housing associations have been supporting the Hackitt Review since its inception, either by contributing to working groups informing the Review, or by working independently or as Early Adopters to trial the review’s recommendations and respond to emerging government proposals.

We are committed to working with the government and other partners to achieve our shared aim of keeping residents safe, and ensuring that a tragedy like the fire at Grenfell Tower never happens again. Our sector will continue our work to remediate buildings with safety concerns and to proactively implement the Hackitt recommendations.

The NHF's view

Strengthening the Fire Safety Order

We welcome proposals to update and strengthen the Fire Safety Order (FSO), in the context of the wider overhaul of building safety regulatory systems.

We support proposals to clarify responsibilities, improve the competence of fire risk assessors, and more clearly define higher-risk workplaces, among others. The new regulatory system set out in the Building Safety Bill must include the strengthening of building safety standards for multi-occupied residential buildings covered by the FSO but outside of the scope of the Bill's more stringent regulatory regime.

A key challenge for housing associations and their partners will be ensuring the capacity and resource 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, while also adopting the new regime for higher-risk buildings set out in the Building Safety Bill. The scale of this work cannot be underestimated.

Many of the views expressed in this response mirror those shared as part of 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. We therefore believe it is important that the different government departments responsible for the different pieces of legislation have a comprehensive understanding of the challenges for our members.

Implementing the phase one public inquiry recommendations

Similarly, we welcome the government's decision to implement the phase one recommendations of the Grenfell Tower Public Inquiry. As a sector we are committed to learning all of the lessons we can from inquiry, so that such a tragedy never happens again.

Housing associations are already working with residents and partners to implement the inquiry recommendations, such as by reviewing and replacing non-compliant fire doors and reviewing evacuation plans. Some of the recommendations would have been challenging to deliver in practice for both residents and building owners. 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.

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.

Strengthening the regulatory framework between building control bodies and fire and rescue authorities

We support proposals to improve consultation between building control bodies/local authorities and fire and rescue authorities on plans for building work. We also support the proposed requirement for fire safety information to be handed over to the Responsible Person (RP) for premises subject to the FSO on the completion of building work.

How the government could help with the implementation of new building safety requirements

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 will 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.

The government could ensure a just and deliverable transition to the adoption of the updated FSO by staggering implementation, using risk as a determining factor to prioritise when buildings move to adopting new systems. New requirements under the FSO and the draft Building Safety Bill must include realistic and planned transition periods and arrangements to enable our members to adopt and deliver the new regulations diligently. We believe it is critical that the government coordinate limited resources and capacity for remedial works to ensure that these are directed first at buildings that need them most – and that only the government can fulfil this vital role.

While we agree with many of the specific proposals put forward in this consultation, we are calling on the government to provide clear guidance and expectations about what checks should encompass, and how they should be carried out. This is to ensure quality is maintained and the appropriate sector skills and training can be provided to increase available capacity and resources.

Housing association sector view

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

As indicated above, our members support the government's proposals to strengthen the FSO, including proposals to clarify the RPs' responsibilities, and improve competence requirements of those conducting fire risk assessments. We believe these changes will go some way towards ensuring the highest standard of safety needed in buildings covered by the FSO, regardless of their height or risk profile.

Guidance

Housing associations agree that concise new guidance is essential to ensure clarity of revised fire safety requirements, and an Approved Code of Practice (ACOP) could provide this. An ACOP should set out detailed requirements for RPs, duty-holders and other relevant persons to enhance clarity.

Importantly, for new requirements to be deliverable, its expectations must recognise and take into account the practical difficulties involved in transitioning to new requirements.

Although housing associations are best placed to understand and manage their buildings appropriately, the government could help them by including the following points in a new ACOP and good practice guidance:

- Preferred or recommended methods to comply with the updated remit of the FSO regulations and the duties it imposes (e.g. risk assessing external walls, checking fire doors and engaging and working with residents to understand building safety and meet any resident duties).

- The interrelationship of the revised FSO with requirements of other key building safety legislation and systems (e.g. the Building Safety Bill and the Housing Health and Safety Rating System).
- Clear details of the information that should be shared between duty-holders and with relevant persons, for example under section 17 of the FSO and section 38 of the building regulations.
- Examples of non-mandatory, standard formats for documentation.

Responsible Persons (RPs)

Our members support proposals to require RPs to record information about who they are, how they can be contacted, and the extent of their responsibility, as well as the requirement to identify themselves to other RPs within the same premises. Housing associations also support aligning these proposals with requirements set out in the draft Building Safety Bill for high-rise/higher-risk buildings, as this will improve clarity across the provisions of both safety bills.

However, where the RP is a corporate body, housing associations have flagged that it does not always make sense to have one named individual to contact where systems already exist to cover safety 24 hours a day. In case of an incident, such support can be provided by several individuals and we believe consideration should be given to how such practices could be included in any guidance whilst retaining a recognised point of contact for residents. This is particularly important where RPs have responsibility for large portfolios of buildings, and to cover absences of key contacts through annual leave, sickness or replacement.

Overall, clarity of responsibilities for those in key roles will lead to higher levels of accountability, but consideration must also be given to any increased liability for some roles and the subsequent impact on insurance cost provision.

We welcome proposals to extend responsibilities similar to those for the RP to others who have control of parts of the same premises. For example, the requirement for an RP to identify themselves to other RPs or duty-holders will enable a coordinated approach among various RPs, which we believe is essential to achieving safety outcomes.

Housing associations would welcome proposals to extend similar responsibilities to those who have control of other parts of the same premises, such as RPs of commercial premises in a mixed-use multi-occupied residential building. These could include a requirement to identify themselves to other RPs or duty-holders, such as

the Accountable Person (AP) or the Building Safety Manager (BSM), where they exist, and supplying information on request.

Our members report that in many buildings with complex management arrangements, they have experienced difficulties in maintaining contact and exchanging information with other duty-holders or RPs outside of their organisations. Transfer of relevant information between parties and frequent changes to key contacts are highlighted as particular issues. For new developments, such requirements can be added to contract terms but for existing buildings this may take time to become fully embedded.

Quality of Fire Risk Assessments (FRAs)

Housing associations are supportive of and actively involved in cross-industry work to define and enhance competence across the built environment sector. The NHF has represented the housing association sector on both the Competency Steering Group (CSG) and the working group focused on the role and responsibilities of the Building Safety Manager (WG8). Inclusion of a competency requirement for fire risk assessors will provide housing associations with greater levels of assurance to meet their client responsibilities and continue to keep their buildings and residents safe.

We welcome the recent submission of the CSG's [final report to the government](#) and the publication of the first consultation on the [BSI Built Environment Competence Standards](#). These are important next steps in progressing sector competence standards particularly as they encompass consideration of the competence of fire risk assessors and building safety managers. However, the government must respond quickly to provide clear, transparent feedback and direction to supplement early sector work and set out how competency will be determined for key roles such as fire risk assessors under the new regime. This will help the housing sector to prepare and upskill their teams if necessary, providing a better indication of how existing professional skills will transition to a new regime and where additional support may be needed.

Housing associations note that consistency of training is an important part of ensuring safety. There are currently a number of accreditors that provide training to become a Fire Risk Assessor, but each operates slightly differently, meaning not all assessors are qualified to the same level. Any delay in making these competency requirements clear could see a surge in demand when the requirements are announced. Depending on the length of the transition period, this could see some

assessors not appropriately qualified by the time the requirements need to be implemented.

In addition to prioritising transition on a risk-basis to help manage sector capacity and specialist resources, the government could improve and maintain FRA quality by providing clear guidance on how to achieve expected regulatory outcomes for FRAs and clear guidance setting out the requisite level of skills, knowledge, experience and training needed by assessors for buildings of different risks.

This would support the current risk-based portfolio approach adopted by many housing associations where FRAs are not always done annually where buildings are identified as lower risk. However, it would still be possible to assess and update some fire protection measures annually as proposed and sense check that the systems in place remain effective.

Provision of information

Housing associations agree that new requirements should be placed on RPs to provide fire safety information to residents in multi-occupied residential buildings (excluding individual homes not covered by the FSO). This will align with provisions in the Building Safety Bill and help close the regulatory gap between buildings within scope of the more stringent building safety regime and those not in scope.

Our members also agree that new requirements should be placed on RPs to share all relevant fire safety information with subsequent RPs, providing clarity and transparency and complementing golden thread provisions in the draft Building Safety Bill throughout the building's lifecycle.

However, our members would like to put forward a number of points for further consideration to ensure these proposals are deliverable and proportionate. The following comments also apply to proposals discussed in section 2 of this response for the building owner/manager to share specific evacuation procedure information with residents.

- Many housing associations already share safety information with their residents in a range of formats or allow them to request specific documentation. They would welcome clear, outcome-focused guidance setting out what constitutes reasonable steps to provide relevant information to residents, particularly in relation to fire safety risks and mitigations. This would help clarify what needs to be provided in practice and should include

examples of how information can be made appropriately accessible for residents.

- Our members want to ensure that guidance finds the right balance between protecting residents' personal information and whole building safety. Clear guidance could mitigate the risk of information being presented poorly, which could unintentionally undermine efforts to ensure residents feel safer in their homes.
- These proposals will extend to a huge number of buildings and their residents and the government should plan for a realistic transition period based on prioritisation of risk, particularly if standardised formats are required. The impact on housing association resources as well as the additional time and costs to carry out effective resident engagement, including with leaseholders and shared owners, should not be underestimated.

Housing associations recognise that the role and engagement of residents is key to the success of these proposals. They know the buildings they live in well and have a key role to play in supporting building safety.

Enforcement and sanctions

Housing associations agree that fines should align with the scale set out in the consultation and these should serve as a suitable deterrent and financial penalty. Promised revised guidance and clarity is welcomed to support authorities to take action against non-compliance with the FSO.

Where enforcement and sanctions can justifiably be levied, for example where an RP is at fault, we think the action taken should:

- Be proportionate and not set at a level that affects the RP's ability to rectify identified problems.
- Take account of the fact that non-compliance may occasionally be the result of residents not complying with their safety responsibilities, and that it can be difficult in these cases for the RP to recover costs incurred from enforcement.
- Recognise that cost recovery following enforcement may deter some residents from reporting dangerous situations for fear of recharges.

Members report that in a minority of cases, residents do not comply with their responsibilities around safety. We work hard to engage with these residents and enforcement action is always a last resort. However, the safety of our residents in our properties is paramount, meaning sometimes action is

required to protect the majority of residents being put at risk by the actions of an individual.

Housing associations also report that current legal routes to overcoming any action by residents in conflict with safety requirements are not sufficient, as they can be lengthy, which is hugely detrimental when trying to take action on safety grounds, and costly.

The government must consider effective methods for ensuring residents cooperate with RPs/APs and BSMs to ensure safety, in the small minority of cases where engagement fails and a swift response is needed. We believe in such cases relevant duty-holders and RPs should be given very specific powers of access to enable them to meet their duties and responsibilities. Housing associations recognise the potential for involving other support providers in cases where resident cooperation may be impacted by wider health and social care considerations.

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).

Our members agree that current enforcement provisions remain effective. However, they would welcome the introduction of resident duties similar to those proposed for higher-risk buildings under the Building Safety Bill to buildings covered by the FSO, in recognition of the crucial role residents play in ensuring safety. This would raise awareness of fire safety among all residents, including safety systems and how they are maintained, and promote the benefits of engaging with the RP.

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.

Our members have raised concerns that there is little reference to specific risks associated with some more specialised housing and how such risks are already or can be further mitigated. Many housing associations already have additional safeguards and checks in place to mitigate such risks to staff and to safeguard their residents. This includes checking and reporting regimes, specific requirements to support individuals and higher levels of staff to attend to any incidents that might arise.

Housing associations contributed to the National Fire Chief Council's publication [Fire Safety in Specialist Housing](#) and it is widely referenced as good practice by our members. It may be appropriate to review the recommendations in this publication in light of changes to legislation and to take account of changes in technology and good practice.

We would welcome greater clarity and guidance to promote good practice for mitigating specific risk factors within specialist housing. In the event of any review of the NFCC publication or wider review of risk mitigation, housing associations would welcome the opportunity to be involved and share their extensive delivery experience and expertise.

Fees and charges, including for false fire alarms

Housing associations understand the reasoning behind reviewing enforcement fees, proposing that charges align with proposals in the Building Safety Bill, and the objective of providing a deterrent for non-compliance. However, they are concerned about the potential impacts of charging for enforcement activity.

Following earlier commentary regarding enforcement and sanctions, we do not agree with increasing charges for enforcement activity in most cases, including false fire alarms.

If charges are allowed for all buildings or premises that fall in scope of the FSO the number of buildings subject to such charges managed by our members will increase exponentially. Any changes must ensure a balance is struck between valid charging for enforcement, not penalising RPs for the activities of others and deterring residents from reporting dangerous situations for fear of recharges.

Key to ensuring this balance is the provision of clear guidance setting out duties and expectations for both Responsible Persons and residents. The achievement of such expectations, as with those set out in the Building Safety Bill, will be heavily

dependent on positive and collaborative relationships between building managers to and residents to enhance and support building safety.

Building and resident safety are a top priority for housing associations but they have concerns that increased charging could divert resources and funds away from important maintenance and remedial works. In addition, they note that such action would substantially increase administrative burdens for fire services.

Section 2: Grenfell Tower Public Inquiry phase 1 report recommendations

Definition of height for high-rise buildings

Housing associations agree that the definition of 'high-rise' in the Grenfell Tower Public Inquiry phase 1 report should align with the proposed scope of the more stringent regulatory regime set out in the Building Safety Bill, referred to as 'higher-risk' (buildings of 18m and over and/or more than six storeys, whichever comes first).

This will provide consistency across regulatory reform and improve clarity for those working to improve and maintain building safety, and for residents. Consideration should be given to the impact of potential future changes in scope or definition and how any change process should be managed and communicated to retain clarity.

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. We agree that this information should be contained in the section of the FRA that is related to external walls.

Housing associations agree with further proposals to share additional external wall information with the fire and rescue service for high-rise/higher-risk buildings, including the design of the external wall, details of the construction materials, and any material changes made.

However, such inspection work must be seen in light of the unintended impact it may have on the demand for EWS1 forms. A coordinated government approach to enable work to be carried out based on risk prioritisation will be key to ensuring

resident safety, by directing capacity and resources to buildings that need remediating as a priority.

Many housing associations with higher-risk buildings have already surveyed the external walls of their buildings to identify the extent of remediation work required. This work will support a golden thread of information and proposals to strengthen section 38 of the building regulations.

However, consideration must be given to the implications of providing information about the design, construction materials and detail of the external walls of existing high-rise/higher-risk buildings. Requirements must be proportionate and reasonable, focusing on facilitating fire safety outcomes, as opposed to being a tick-box approach.

Invasive surveys and tests will be required to provide certainty of the materials and construction methods used. Many existing buildings will also need to have as-built drawings produced to share with fire and rescue services, particularly where unexpected construction is uncovered. This work will take considerable time and resource and such considerations must be reflected in any new information sharing requirements and the transition to them.

In terms of information formats and mitigating steps, the information must be shared in a manner that is easy to access and understand. Fire services must have the necessary resources to assimilate and effectively use the information they receive or the exchange becomes meaningless. Members suggest that some current approaches, such as face-to-face meetings in parallel with sharing of information, might prove to be more effective.

Guidance should include timeframes for responses by the fire service to provide consistency, making it simpler for all involved to adopt on a consistent basis and allow RPs to align their processes to it. It should include how information should be formatted within FRAs, how it should be shared electronically, and how the local fire and rescue services will be able to use the information they are provided with. Consistency of approach will make adoption simpler.

We are aware that some members are already taking steps to adopt 3D modelling and electronic filing systems to be able to share this type of information with the fire services in the areas they operate. If this approach becomes more widespread, fire and rescue services' capacity and infrastructure would need to reflect an eventual move to all RPs taking this approach.

Plans and premises information boxes

Housing associations agree with the premise of providing their local fire and rescue services with up-to-date electronic floor plans of high-rise residential buildings, identifying the location of key firefighting systems. They support proposals for a national standardised format to ensure consistency across public and private housing sectors, as this will provide additional clarity where complex management arrangements exist. However, they have raised a number of concerns for further consideration to ensure the information shared is used effectively to support building and resident safety.

Housing associations have flagged that the following scenarios would render proposals challenging:

- Particularly large buildings or those with multiple differently planned storeys may end up with illegible detail (such as key firefighting equipment) if information is provided on a single page.
- If buildings have truly identical floors, then any plan should very clearly articulate which floors the plan covers in multiple locations on the plan. Consideration should be given to the potential relationship and cross-referencing of such plans to evacuation plans and Personal Emergency Egress Plans (PEEPs), where the location of specific individuals may be required.
- Where one plan represents more than one floor, clarity is needed between flat numbers and the floors they are located on.
- If firefighting equipment is indicated, care is needed that layouts do not differ from floor to floor, despite plans being the same.

A national template that accounts for the points raised above could provide consistency for those working with shared building plans.

Many of our members who own and manage high-rise multi-occupied residential premises, or those that include a large number of corridors, already specify the use of Premises Information Boxes (PIBs) as standard in both new and existing buildings. Housing associations support the use of such boxes to provide standard information to assist the emergency services, recognising the value of a consistent approach and alignment with Approved Document B requirements.

We are also aware of examples where members report already supplying much of the suggested PIB information to the fire and rescue services. In addition, some are

investigating the potential use of 3D modelling and electronic filing to be able to share this information with the fire services in the areas they operate.

As set out in earlier comments, consideration must be given to the potential impacts on capacity and resources as well as the time needed to transition to new requirements and to provide information in a standardised way. Existing service agreements with consultants are unlikely to cover such work at present.

Consideration must be given to the fact that preparation of up-to date plans may require extensive survey work for existing buildings, some of which will be reliant on access to flats. In the majority of cases residents will be happy to provide access, but there may well be a small number of residents who refuse. In such cases, relevant duty-holders and RPs should be given very specific powers of access to enable them to meet their duties and responsibilities. Housing associations have flagged the impact of coronavirus on gaining access to carry out such work. In future, when the pandemic hopefully recedes, residents being away from home during working hours is likely to become more prevalent, with survey work being challenging to coordinate and carry out in a timely manner.

Lifts

Many housing associations report already carrying out regular checks of lifts and other key firefighting equipment, as part of regular servicing, maintenance and insurance inspections, but cite that results are not currently shared with fire and rescue services. We have been made aware of examples where members are considering the use of 3D modelling and electronic filing systems to be able to share this information with fire and rescue services in the areas they operate in real time.

Despite overall support for sharing reported data to improve fire and rescue service intelligence, in order to successfully achieve the ambition of proposals, housing associations flag a number of key considerations.

Testing and maintaining all lifts, mechanisms and other firefighting equipment, and real time reporting of failures, have will significant resource implications for most landlords. Our members indicate it can take days or weeks for subcontractors to provide service reports on testing and maintenance work and this would have implications for such requirements.

Concerns have been voiced by housing associations that information sharing must not focus solely on reporting as opposed to fixing and remedying failures, and that

inspection and testing regimes must be proportionate to the relevant risks in the buildings where they will apply.

However, if taken forward, data reporting should be aligned with current proposals for data collection and reporting proposed in the Building Safety Bill to support the golden thread of information and allow the regulator to carry out safety trend analysis. This will support management of the building safety case in occupation but also mitigate the risk of double handling data and reporting requirements. This type of standardisation is likely to be invaluable if legislative scope changes in future.

We agree with government proposals to ensure reported information can be shared with residents in an accessible way but also that building and resident security and safety is maintained. We are well placed to contribute to government plans to develop guidance specifically on sharing information with residents in a manner that enables residents to hold RPs to account.

Evacuation plans

Housing associations support proposals to require RPs of high-rise residential buildings to draw up evacuation plans, keep these under regular review, share them electronically with local fire and rescue services, and place a paper copy in the PIB. They also support proposals to extend the requirement to cover all multi-occupied buildings of 11m and above.

Many housing associations report already providing evacuation plans for all their flats that require an FRA under the FSO. This includes storing information in existing PIBs for high-rise buildings. As with other resident safety information, some are already exploring the best way to make this information accessible, including providing it via their websites and customer portals.

Some of the concerns flagged in the previous section regarding data sharing and security remain relevant for these specific proposals.

Finally, our members note that having an evacuation plan does not necessarily mean that someone can evacuate. Further detail and considerations are set out in the next section.

Personal Emergency Evacuation Plans (PEEPs)

For high-rise buildings, housing associations agree with the ambition of proposals to require RPs to provide residents and fire and rescue services

with clear, up to date information to support residents who may need assistance to evacuate.

As with other consultation proposals, they raise further considerations to ensure legislation is deliverable and will meet its objectives. Housing associations want to know who lives in their buildings, understand their needs and help them in a non-intrusive way, but have expressed concerns primarily due to their ability to identify residents who require may require assistance and PEEPs.

Residents' health inevitability changes over time, and even if it is practical for RPs and duty-holders to monitor this routinely, such monitoring is felt to be potentially intrusive. From a practical perspective, building owners and managers cannot always know exactly who is residing in the building. For instance, members of a tenant's or leaseholder's family may join or leave the household from time to time.

Some of these concerns are allayed by proposals for residents of high-rise buildings to self-identify as requiring assistance to evacuate as part of resident engagement. Placing this information in the PIB, including the location of the individual, will also help, supported by clear guidance for residents.

We also believe that landlords could provide residents with regular opportunities to self-identify as needing assistance. This could include automatic text messages or periodic letters to ask if circumstances have changed in households and their ability to self-evacuate. Leaseholders sub-letting their properties has been raised as a potential barrier to compliance with these proposals, where residents might fall outside of lawful residency or correspondence or contact is made with them directly.

For buildings with a waking watch, in which a stay-put evacuation policy is suspended due to heightened risk, members agree that additional proposals to provide PEEPs for vulnerable residents are reasonable. This should include sharing detail of PEEPs and the individual's location with the local fire and rescue service (with prior resident consent) and ensuring personnel are available and able to assist with evacuation.

A number of members report they already collect this type of information and develop PEEPs where they manage buildings with PIBs, but that they can only update the information they have when further information is provided by residents. This practice is already a requirement for specialised housing such as extra care, sheltered and some supported homes.

However, if a resident is unable to self-evacuate, the first step would be to do a person-centred FRA. This enables both the RP/landlord and the individual to identify the risks and consider the steps that need to be taken before production of a PEEP. Examples of this approach include moving residents into more appropriate accommodation, or installing misting systems to enhance the safety of a particular individual.

One member who is developing a new higher-risk building is considering a local lettings strategy for the block and ensuring no residents with known mobility issues can let homes above the ground floor. This will provide assurance on the day the building is first let, with any changes in circumstances picked up by an annual questionnaire.

A further possible approach would be to require the RP to engage with residents periodically, perhaps annually, to identify anyone likely to find it difficult to evacuate or provide a reminder to those with plans in place to consider if their circumstances have changed. Current IT systems used by housing associations do not typically accommodate this type of information and there are data protection implications for who should or could have access to it.

In addition, residents could be regularly reminded of the importance of making the building manager or owner aware of any change of circumstances, for instance if a resident's mobility has been reduced owing to worsening health. The importance of developing opportunities for information exchange cannot be underestimated alongside the need to develop trusted, partnerships between residents and RPs or duty-holders.

Another approach might be for General Emergency Evacuation Plans (GEEPs) to cover particular vulnerabilities that might need to be managed in the event of an evacuation: for instance, residents might have vulnerable visitors.

Case study:

[Thrive Homes](#) has embarked on a new programme called Home Plan, where they will visit each property annually to collect customer and property information. During this visit they will ask customers questions similar to a person-centred FRA. This information will be stored in their CRM system and where required added to PEEPs. They will also be requesting that customers inform them of changes to their mobility and are including provisions within their new online customer portal for Equality and Data information – so this can be seen by the customer and updated when personal circumstances change.

Information to residents

The consultation proposals in this section align with those set out in part 1 of the consultation, for the building owner/manager to share specific evacuation procedure information with residents.

We agree with proposals to share specific building safety information with all residents of multi-occupied buildings, noting that many housing associations already provide evacuation plans for all their flats which require a Fire Risk Assessment (FRA) under the Fire Safety Order (FSO).

In line with earlier comments, further clarity and guidance will be required to enable housing associations to understand specific requirements, plan ahead effectively, gather the information they need and ensure their relationships with residents are maintained. A deliverable, potential phased transition period will also be key.

Other factors that may be helpful to take into account might be resident vulnerability, first language, and different formats required to explain evacuation measures including digital or face-to-face contact. There may also be additional guidance to consider, for example if bespoke arrangements exist.

Fire doors

Housing associations are committed to checking fire doors regularly as part of their commitment to fire and resident safety. Clear lines of responsibility for both landlords/RPs and residents about what is expected are seen as key drivers of success.

We agree that to ensure safety, checks should be carried out by a qualified fire risk assessor or a suitably qualified professional. However, this will increase inspection costs as well as exacerbating existing sector capacity challenges. Clear guidance would allow housing associations to transition to new responsibilities and plan to upskill colleagues, review organisational structures and ensure they are ready to implement new requirements. Importantly such detail will have budget and resource implications that need early consideration.

A key issue raised by housing associations regarding regular checking of fire doors and their closers at intervals suggested by the inquiry is that in the majority of cases, door closing mechanisms are located on the inside of the door meaning it cannot be checked without access to the premises. Plans can be made

to fit closers on the other side of the door in new buildings but retrofitting in existing buildings could prove to be challenging.

Residents may find it unreasonable to be required to remain at home for checks to be carried out, possibly requiring multiple days of annual leave to be taken for each check (depending on the frequency that the check needs to be made in their building) as well as for other appointments and compliance checks. The cost in staff time and resource could be extensive given the need for reminders, staff physically attending to conduct checks, possible no-access, and for enforcement action. We are aware, however, of housing associations who are instigating annual visits to reduce the number of times they need to visit a property. In such a visit they would seek to understand who is living in the homes in case they need evacuation support, provide an opportunity to assess the property condition, and complete an inventory and annual compliance checks.

It is therefore reasonable to assume that there could be a minority of cases in which the landlord is non-compliant due to not being able to gain access to a property to conduct a check. We are concerned that, without powers of access in proportion to the mandatory checks required, RPs will not be able to conduct these essential checks and any remedial work needed as a result, undermining the safety of individual residents and the whole building.

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. However, this could cause tension with leaseholders due to additional costs where non-compliant doors have been installed or damage means that replacement is necessary. Many leaseholders already feel understandably upset by costs they may face to remediate properties, as well as the impact of requirements for an EWS1 form for their buildings, which they may have to wait years to receive. We believe that leaseholders should not have to foot these bills, but neither should charitable housing associations.

We have advocated for a risk-based approach to the application of the more stringent building safety regulatory regime set out in the Building Safety Bill, and many of our members would support a risk-based inspection programme for fire doors. This would provide assurance that fire doors are working as intended and are inspected regularly, but inspection and testing requirements would remain proportionate to the relative risks in buildings where they will apply. This would assist with managing capacity and resource while reporting systems and guidance are prepared and implemented.

Our members suggest this approach could be coupled with a fire door awareness programme for residents. This could include raising awareness of the role of a fire door in mitigating risk of a fire, as well as obvious examples of compromised fire safety such as the complete replacement of the door or the drilling of holes through the door or its surrounds. This approach could supplement periodic inspections carried out by professionals. Further information could also be provided to residents about what a working fire door self-closer looks like, together with information on where to report faults, should they happen to notice any faults between inspection dates.

Housing associations have raised concerns regarding the capacity of small organisations with limited professional resources to carry out checks and they would like to explore options for upskilling colleagues to carry out checks to an appropriate level. Additionally, in a minority of high-rise/higher-risk buildings where there are high levels of resident turnover, further requirements and or approaches may be needed to take this change into account.

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

Wayfinding signage

We support the proposals to require wayfinding signage for fire and rescue services in stairways in existing multi-occupied residential buildings of 11m and above through bespoke regulations, complemented by guidance providing advice on the appropriate size, material and format. Housing associations called for the extension of retrofitting signage in existing buildings accompanied by national guidance in our recent response to the MHCLG consultation on changes to Approved Document B.

This change will significantly improve fire and rescue services' ability to locate firefighting equipment and safety features such as firefighting shafts, hydrants and smoke control switches, improving the pace of operational response. We support the need for guidance to be prescriptive in this area, including annotated diagrams and a clear set of industry-approved standards, generated and led by the fire and rescue service. These standards should include national guidance on floor level numbering.

Our members' preferred option is photo luminescent lettering, due to its high levels of visibility through smoke, lack of maintenance requirements and cost-effectiveness. We do not consider emergency powered lighting luminaires to be cost-effective. They are more likely to fail or be damaged, require a high

level of maintenance, have higher running costs, and require periodic testing – all of which will have cost implications. Our least favoured option is vinyl lettering, as it is too cheap and is easily vandalised.

Evacuation alert systems

We supported the inclusion of a requirement for an emergency evacuation system, for use by the fire and rescue services to alert residents if they need to evacuate, in Approved Document B. There are benefits to providing such systems that support the management of high-rise buildings and provide peace of mind for residents who will be warned quickly if they need to leave their building, should the fire and rescue service consider this appropriate.

To ensure that the application and use of these systems is successful, our members maintain the need for a greater focus on achieving high-quality compartmentation, together with suppression systems, providing layers of fire protection which could support a stay put policy where appropriate. Housing associations are carrying out invasive surveys to check their buildings and remediate them to support stay put policies where appropriate. We would like to see a clear standard that sets out how evacuations – both full and staged – would be managed in an emergency. We know that often, in the event of a fire, people will try to exit the same way they entered a building – even though this may not be the closest or best escape route. Our members have also highlighted that variations in the quality of systems specified in buildings they acquire could have implications for long-term maintenance costs.

Sprinklers

Housing associations have been diligently working with residents in existing tall buildings to ensure they are safe and feel safe. This includes reviewing all of a building's mechanisms to mitigate the risk of fire, as well as considering new mechanisms, such as sprinklers, where appropriate. Housing associations with tall buildings have been engaging their residents throughout this process.

In some cases, housing associations have found that it is not appropriate or possible to fit sprinklers to existing buildings. This may be because residents involved in the decision making have decided that they do not want sprinklers to be part of their home. It may also be due to technical or structural reasons and where this is the case, the review of the building will be considering how to reduce any fire risk through other fire mitigation mechanisms.

We believe that sprinkler systems are just one of many fire safety mechanisms that can be considered to ensure residents' safety and their use will need to be advised upon according to the views of a fire engineer. The Bill or secondary legislation should not prescribe specific mechanisms that may not be possible or necessary in some buildings, particularly where they come with a maintenance cost for leaseholders that might be disproportionate to their impact (if any) on reducing fire safety risk.

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

Information sharing

Housing associations support proposed strengthening of regulation 38 within the building regulations, which will help to maintain the golden thread of information for buildings throughout their lifecycle and promote the transfer of relevant fire safety information.

The government could assist strengthening of regulations by providing good practice guidance, to include preferred or recommended methods to comply with the transfer of information in a clear and accessible manner to fire and rescue authorities. Potential exists for the use of case studies that cover buildings of varied sizes, management, tenure and occupation, which our sector would be well placed to inform.

Greater clarity regarding the information to be provided to fire and rescue authorities would be welcomed

However, we would highlight the potential for capacity challenges for fire and rescue services which may result due to strengthening of regulation. Members that have low rise, lower-risk, lower-rise buildings in their portfolios report that constructive engagement with fire and rescue authorities can be challenging as the authorities lack capacity and resource, and are prioritising higher-rise/higher-risk buildings.

Many housing associations with higher-risk buildings have already surveyed the external walls of their buildings to identify the extent of remediation work required. However, consideration must be given to the implications of providing information about the design, construction materials and detail of the external walls of existing buildings. Often this will require intrusive surveys and testing to understand how

facades have been assembled. As set out earlier, we believe the government should ensure that such specialist work is prioritised on a risk basis.

Clear guidance and expectations should support any improvements in this area. Requirements must be proportionate and reasonable, focusing on facilitating fire safety outcomes as opposed to becoming a tick-box approach to safety.

Plans certificates

As a regulated sector, audited for compliance with grant funding conditions, housing associations already operate in evidence-based compliance regimes to provide assurance for their actions. The introduction of mandatory plans certificates for buildings covered by the FSO would become part of these existing processes. Due to the scope of application of the FSO, consideration should be given to the capacity of the building control bodies and the new building safety regulator to be able to sign off certificates in a timely manner, as well as the increase in liability and insurance costs of inspectors.

Timeliness of response and response timescales

Housing associations support steps to increase consultation points between the building control body and the fire and rescue authority where these will add to assurance and genuinely improve building and resident safety. Key factors will be the mitigation of delays, clarity of information required, adequate capacity and ensuring that programme milestones are not impacted.

Any interventions will have to be carefully timed to ensure that design revisions can be made. It may be sensible to consider if engagement should be split for complex projects to ensure key decisions are supported early in the development process.

A statutory timeframe for responses by the fire and rescue service could assist with programme management but must be adequately resourced to enable the fire and rescue service to carry out any updated role.

Dispute resolution and better guidance

Housing associations support proposals for dispute resolution to mediate differences of opinion between building control bodies and fire and rescue authorities where they do not agree on whether plans deposited meet intended regulatory outcomes. Housing associations who work across a number of areas and local authorities highlight inconsistencies of approach. A mediation panel would have the benefit of

ensuring consistent advice with any intelligence being used to support clarity of regulation and sector guidance. Representatives from the Building Safety Regulator, Fire and Rescue Service and Building Control bodies should be involved with access to additional specialist professional advice if required.

As outlined in previous sections of this response, our members would support the transparency and clarity of national standard advice to be used locally to judge compliance. However, consideration should be given to any if there are any specific local circumstances or locations where guidance may differ.

Fire safety information

A wide variety and scale of building work can take place during refurbishment projects, some of which might directly have implications for fire safety such as reconfiguration of compartmentation, means of escape and over cladding. The government should improve current regulation 38 arrangements under the building regulations that require fire safety information to be provided to the RP by the person carrying out the work for premises subject to the FSO.

Conclusions

Government support to increase sector capacity and agree a deliverable transition period

To meet the requirements of new legislation, much work will be required to implement new process and systems and gather information. Housing associations are already making significant progress but require:

- Government support to boost sector capacity to ensure resident safety more quickly
- Assurance that there will be an achievable period of transition based on risk and taking account of capacity.

This could facilitate a phased approach to implementation over a number of years that would be more realistic and achievable. Space must be created for learning to happen during the transition phase.

Without a clear transition plan based on building risk profiles, our primary concern is that existing skilled sector resources could end up being focused on buildings that

are not necessarily higher-risk. This is concerning, as we believe that safety concerns in higher-risk buildings should be addressed as the utmost priority.

Despite housing associations' speed in identifying and mitigating safety issues on their buildings to date, the government must take steps to coordinate prioritisation and support development and training of existing staff to meet new competence requirements.

Without this support, demand for skilled staff in fields such health and safety, surveying and construction is likely to remain competitive, with likely increases in salary costs. Ability to pay more should not be a factor in securing appropriate professional advice to improve resident safety. This is particularly important for housing associations, many of whom are charitable organisations and operate on a not-for-profit basis.

Continuing to improve resident safety

Many housing associations are concerned about the cost of implementing the proposed changes in this consultation and in the Building Safety Bill, despite their wholehearted support for a step change in assuring resident and building safety. This position is exacerbated as costs remain difficult to quantify before proposals are finalised. The scope of the work and the scale of change required is significant and will naturally require new processes and procedures to facilitate compliance, which will take time.

Despite training commencing across the housing association sector, further concerns centre on a national shortage of people with the necessary competencies to carry out many of the proposed changes. It will take time to shape and deliver training programmes that are compliant with new expectations. Without further clarity and detail, it is challenging for building owners and landlords to make decisions with confidence. Although many housing associations have already introduced new systems and processes in advance of legislation being enacted, others are cautious about spending significant amounts to do so in case they turn out to not be fit for purpose.

As an example, housing associations are keen to ensure that information transfer between organisations is considered in detail, to make sure that new reporting systems can be used effectively by those sharing data and receiving it. Our members indicate that some of the information and data to be collected and shared cannot be stored on many existing management systems. The cost of upgrading or

acquiring new systems must remain affordable for our members who are not-for-profit and often charitable organisations.

Potential impact on affordable housing supply

There is significant empirical evidence setting out the need for more affordable housing. In future, the costs and risks associated with high-rise properties could prove too great for some social housing providers, which could lead to demolition of this building type. The footprint of these buildings is relatively small, meaning that although lower risk properties can be provided; there would be far fewer homes within them. Housing associations would welcome support to ensure that these building do not become financially unviable.

For example, in London (and most cities), there is a desperate need for affordable housing but this cannot be provided in the numbers required unless organisations are willing to build upwards. We would like to see reassurance for social and affordable housing providers, who are delivering new housing in what is already a housing crisis, that controls or funding will be in place to ensure we can keep building.

In addition, our members believe that the building safety agenda should be reflected in other government work streams such as housing supply and reaching the zero carbon agenda to ensure a joined up approach.

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