

Social Landlords Fire Safety Seminar - 29 October 2020

Seminar Questions & Answers

Guinness Partnership Trust

1. What are you doing differently now in practice as a result of the fire and how have you applied the learning in practice?
2. Attendees would like to know more about the cause of the fire and the reasons for the fire spread?
3. How did the Primary Authority Partnership work/help after the incident?
4. What are the benefits of the Partnership going forward with the rest of the housing block?
5. Has the incident changed the risk rating that you apply to buildings that have balconies and cladding systems?

These questions were answered during Q & A session

Fire Safety

6. We have received notification of inspection for a building which is below 18mtrs. We were told height was a factor but not height alone. Do you have a list of what the criteria is for selection?

Answer

The Building Risk Review is focused on buildings over 18m or more than six floors.

7. Is there a standard list of information required by fire & rescue services?

Answer

The Building Risk Review programme collates a range of standard building information, including critical questions relating to the external wall construction including below;

- Number of storeys?
 - Does the building have a basement and/or balconies?
 - What is the evacuation strategy?
 - Can the make-up of the external wall system be identified by the Responsible Person/s?
 - Type of cladding?
 - Type of insulation?
 - Is there a fire suppression system installed?
 - Is there a gas supply?
8. Can you touch on the complexity of multi-occupied High Risk Buildings or High Rise Residential Buildings? For example, would you expect to see multiple named business managers etc. and if so how these managers might be expected to interact with each other, the occupants the regulators?

Answer

Whilst each premises is individual there is a clear duty to identify the responsible person for each area in a multi-occupied premises, where two or more responsible persons share/have duties, there is a requirement to co-operate and co-ordinate fire safety responsibilities.

9. Can you please clarify the point about the "Building Safety Manager" which I believe was stated can be an organisation or an individual?

Answer

The “Safer People, Safer Homes: Building Safety Manager” working group 8 final reports states: *“The Building Safety Manager role can be undertaken by a legal entity (organisation) or individual, however in both cases there is a need for a named individual who is competent and will be required to be appointed to undertake the role and manage implementation within an organisation”*.

10. I have a primary partnership with two social housing organisations and they are concerned about the latest guidance from MHCLG requiring EWS 1 forms for high rise residential buildings.

Answer

The External Wall Survey (EWS 1) was introduced by the Royal Institution of Chartered Surveyors (RICS), The Building Societies Association (BSA), and UK Finance as an industry-wide valuation process to help people buy and sell homes and re-mortgage in buildings above 18 metres (six storeys).

The process is endorsed by RICS, UK Finance, BBSA, IRPM and ARMA, with MHCLG supportive of the approach.

11. It appears that solicitors are requiring EWS 1 forms for residential buildings of any height and as such property sales are being blocked or fall through. My interpretation of the latest guidance is that although you have to consider external wall cladding for low rise residential premises, this can be achieved through the normal Fire Risk Assessment (FRA) process by a suitably qualified Fire Risk Assessor.

Answer

Changes in Government advice in January 2020, bringing all buildings into scope, means that some residential buildings below 18m which have ‘specific concerns’, may now require a EWS 1.

12. Are Fire Authorities aware of this issue and are they engaging with the conveyancing solicitor industry to encourage a more proportional response to this issue?

Answer

Prime Minister Boris Johnson recently revealed in parliament that a reassessment of the EWS 1 form is being undertaken by RICS.

13. Presumably the amendment to Building Regulations only applies to new builds, is there an expectation that existing signage in blocks should be upgraded. I’m sure on a risk basis most organisations will be looking at existing stock, and many signs will be clear but not meet the detailed criteria set out in the amendment. Has guidance been given to Fire Services as to what an acceptable standard is for existing blocks?

Answer

There is no specific guidance at this time for existing buildings.

14. Institution of Fire Engineers have stated balconies and wall systems do not fall within the current requirements of an FRA, and aside from observing that they exist no formal assessment should be offered.

In MHCLG guidance it says factors which could be considered as a risk on balconies includes volume of combustible materials in construction and geometric configuration. I have checked and neither Building Research Establishment nor Fire Prevention Association include any advice on assessing risk posed by balcony construction. When asked I was advised to contact RICS as they are seen as setting the requirement behind EWS 1.

Answer

The EWS 1 form provides a clear process to survey the external wall construction of a premises, including the competencies of those individuals completing the form. This process is outside the control of the Fire Service.

15. When assessing acceptability of wall systems do we accept A1 A2 only for blocks above 18mtrs, or apply the functional requirement of Building Regulations meaning that there should be nothing on the façade of any height of building which could spread flame, (paraphrased) which is generating EWS 1 in my case for a house and three storey gen needs block with no specific resident risks”.

Answer

The EWS 1 form provides a clear process to survey the external wall construction of a premises, including the competencies of those individuals completing the form. This process is outside the control of the Fire Service.

16. Although it is possible to carry out a desk top review of an external wall system via the Operation and Maintenance manual and confirm the system is compliant, from previous experience the wider concern is the standard of installation/absence of both vertical and horizontal fire barriers, which would require an intrusive inspection.

Answer

The building owner or managing agent is responsible for confirming what materials are on their building, and in respect to the EWS form, the person responsible for the building needs to confirm what the wall system is made up of and whether an assessment is required.

17. Regarding the requirements for Premises Information Boxes (PIB) for blocks of purpose built flats over 18 M. What is NFCC view on the proposal in the recent Fire Safety Consultation for hard copy plans of the Building to be placed in the PIB?

Answer

This is a question for the NFCC.

18. Due to the points system used by Local Authority Housing allocations, we are finding that a significant number of Social Housing referrals coming from Local Authorities for general needs housing identify people that are already 'significantly vulnerable' in terms of mental illness, addiction , asylum seekers or those leaving care or custodial sentences.

How should Housing Associations respond to this risk in general needs housing and what is our responsibility as a landlord under the Fire Safety Order?

This was answered within the presentation.

19. How will the changes to the fire safety legislation affect social landlords with extra care premises?

Answer

The proposed changes are only draft at this time, however Fire Services promote reference to the guidance contained in the NFCC Fire Safety in Specialised Housing guide when considering the resident vulnerabilities in extra care premises.

20. What is your advice regarding non-compliant leaseholder front entrance doors?

Answer

Front entrance doors to individual flats are often the leaseholder’s responsibility. If the fire risk assessment flags up that the front entrance door is not fire compliant, it would be important to check the lease to see who is responsible for the door. If leaseholders are responsible for the doors, the landlord would have no immediate legal right to change those doors. Instead they would have to inform the leaseholders and instruct them to change the doors. It would be advisable for the leaseholder to ensure that the doors would perform satisfactorily in the event of a fire.

21. What do you envisage the biggest change to be on the ground from the proposed changes to the Fire Safety Order?

Answer

The proposal to include buildings containing two or more sets of domestic premises the inclusion of the buildings structure, external walls and flat entrance doors.

22. What is the current position from Fire Services on the EWS 1 form?

I appreciate it is a requirement of the conveyancing process at the moment, but it is causing confusion particularly with blocks under 18mtrs, and decisions about combustibility of wall systems including balconies seem to be falling to risk assessors who have been advised not to offer specific advice unless, as is always the case, they are competent to do so.

Answer

The EWS 1 form provides a clear process to survey the external wall construction of a premises, including the competencies of those completing the form. This process is outside the control of the Fire Service.

23. What is the criteria for selecting a specific premises for the Building Risk Review programme, I understand height is just one factor, is there a standard set of data required?

Answer

The Building Risk Review programme is focused on buildings over 18m or more than six floors.

24. What duties do housing associations have regarding communicating with tenants regarding fire safety?

Answer

The responsible must make a suitable and sufficient assessment of the risks to which relevant persons are exposed, therefore the FRA should identify what information is required to be shared with relevant persons (residents).

25. Should residents have direct contact details for the responsible person?

Answer

The responsible must make a suitable and sufficient assessment of the risks to which relevant persons are exposed, therefore the FRA should identify what information is required to be shared with relevant persons (residents).

26. What recourse do tenants have if the landlord is not complying with their legal obligations?

Answer

If residents have concerns relating to fire safety in their premises, they are able to bring their concerns either the Local Authority or Fire Service depending on the nature of the concerns.

27. Would you recommend a sole person or group to be a Building Safety Manager in a Housing Association?

Answer

This would depend on the size and structure of the organisation, however in both cases the proposal is for a named individual who is competent and will be required to be appointed to undertake the role and manage implementation within an organisation.

28. What minimum fire related qualifications would they recommend a Building Safety Manager or Competent Person to have?

Answer

The "Safer People, Safer Homes: Building Safety Manager" working group 8 final report sets out the proposed competency requirements for the Building Safety Manager role.

29. How often do you think is practical to check tenant's fire doors, such as new doors could be done 3 yearly and older notional doors might be more often e.g. annually.

Answer

Whilst the Grenfell Tower Inquiry has made clear recommendations with regards to the frequency of inspections, in the absence of legislation this remains a matter for the FRA.

30. How to mitigate for non-access during Covid 19 pandemic.

Answer

The responsible must make a suitable and sufficient assessment of the risks to which relevant persons are exposed, therefore the FRA should identify any additional risks created by non-access during Covid 19 pandemic.

31. Deciding when the risk of fire and risk to other people outweighs the rights of the individual.

Answer

This would be a matter for the courts to decide.

32. Do you think the BS5839-6 detection linked to telecare in age restricted housing is enforceable under the Fire Safety Order, as recommended with the NFCC Fire Safety in Specialised Housing Guide (Section 2.11, page 15)?

Answer

The NFCC Fire Safety in Specialised Housing guide states *"The recommendations in this guide go beyond the scope of legislation, in that they also provide guidance on protection of vulnerable residents from fire within their own private accommodation"*.

33. Please can anyone provide clarity on the following in relation to conversion flats and the building regulations 1991. Specifically, in relation to the levels of fire resistance present, evacuation strategy and detection required to support it (LACoRs Housing Fire Safety guide 22.14 page 25 and Section 37 page 46).

Should conversions prior to that time have been split with adequate fire resistance and detection not be present or is that after?

Answer

The LACoRS Housing Fire Safety guide is written specifically to address existing housing stock converted prior to 1991. Buildings converted after this date should comply with the Building Regulations in force at the time of the conversion, in effect converting the building to purpose built flats (page 5 section 2.3). It is not a design guide for new conversions.

Sprinklers

34. Discussions with residents about how sprinkler systems are vitally important to have is a struggle for us.

This question was answered within the presentation.

35. Will it be a requirement to retro fit sprinkler systems if refurbishing buildings over 11m as of end of November?

Answer

This would depend on the extent of the proposed works.

36. When considering the pros and cons of both systems, would a sprinkler system or a misting system be more appropriate?

Answer

In general terms for whole building protection sprinklers tend to be the preferred option with bespoke misting systems used to cover specific risks.

37. Practical help and advice on how to encourage residents that retrospective installation of sprinkler systems is necessary and beneficial to all, even though they can 'look' unsightly.
This question was answered within the presentation.

Primary Authority

38. Can you please share an example of where ESF&RS have issued assured as a Primary Authority, which has positively impacted on the business in terms of cost savings or increased efficiency?
This question was answered within the presentation.
39. In addition, can you give an example of PAP 'Inspection Plans' that have streamlined Inspections / Audits carried out by other F&RS"?
This question was answered within the presentation.