



Home Office

# Fire Safety Consultation

## Government response

Published on: 17 March 2021



# Contents

Introduction and contact details	5
Background	6
Executive Summary	9
The Report and Responses	15
Methodology	15
Who responded?	16
Interpreting Findings	17
Section 1: Strengthening of the Fire Safety Order and Improving Compliance	19
1.1 Guidance	19
1.2 Responsible persons	21
1.3 Quality of fire risk assessments	23
1.4 Provision of information	26
1.5 Enforcement and sanctions	30
1.6 Maintenance, including the role of residents	31
1.7 Higher risk workplaces	34
1.8 Fees and charges	36
1.9 Charging for fire false alarms	38
Section 2: Grenfell Tower Inquiry Phase 1 recommendations	41
2.1 Definition of height for high-rise buildings	42
2.2 External walls	43
2.3 Plans	45
2.4 Premises information boxes	47
2.5 Lifts	49
2.6 Evacuation Plans	52
2.7 Personal emergency evacuation plans	54
2.8 Information to Residents	55
2.9 Fire doors	56
2.10 Non-Legislative Grenfell Tower Inquiry Phase 1 recommendations and alignment with Approved Document B	58
Section 3: Building Control Bodies Consultation with Fire and Rescue Authorities	61
3.1 Better information	61
3.2 Plans certificates	62

3.3 Timely consultation	63
3.4 Appropriate response times	63
3.5 Enabling dispute resolution	65
3.6 Better guidance	66
3.7 Fire safety information	67
3.8 Impacts	69
Consultation principles	71

# Introduction and contact details

This document is the post-consultation report for the consultation paper, Fire Safety Consultation.

It will cover:

- the background to the consultation;
- the report and responses; and,
- summary of responses to questions asked in the consultation and next steps.

Further copies of this report and the consultation paper can be obtained by contacting the Fire Safety Unit at the address below:

Fire Safety Unit  
Home Office  
2 Marsham Street  
London SW1P 4DF

Email: [FireSafetyUnitconsultations@homeoffice.gov.uk](mailto:FireSafetyUnitconsultations@homeoffice.gov.uk)

This report is also available at <https://www.gov.uk/government/consultations/fire-safety>

Alternative format versions of this publication can be requested from [FireSafetyUnitconsultations@homeoffice.gov.uk](mailto:FireSafetyUnitconsultations@homeoffice.gov.uk).

## **Complaints or comments**

If you have any complaints or comments about the consultation process you should contact the Home Office at the above address.

# Background

1. The Fire Safety Consultation<sup>1</sup>, published on 20 July 2020, sought to further deliver the Government's objective to improve building and fire safety in all regulated premises where people live, stay or work. It outlined proposals designed to: strengthen the Regulatory Reform (Fire Safety) Order 2005 (The FSO)<sup>2</sup> and improve compliance in all regulated premises (section 1); implement the Grenfell Tower Inquiry Phase 1 Report (GTIP1) recommendations that require a change in the law (section 2), and; improve the effectiveness of consultation between Building Control Bodies (BCBs) and Fire and Rescue Authorities (FRAs) on planning for building work and the arrangements for the handover of fire safety information (section 3).
2. The consultation followed a Call for Evidence on the FSO<sup>3</sup>, which ran from 6 June 2019 to 31 July 2019. This Call for Evidence sought to collate evidence to assess any changes that may be needed to the legislation and how they may best be achieved to deliver high and proportionate standards of fire safety in all non-domestic premises, including those within high-rise residential buildings. The consultation was the next step in our process to ensure that the FSO continues to be fit for purpose, particularly in light of the ongoing reform of the wider building safety landscape. The consultation closed on 12 October 2020. This report summarises the responses, sets out our next steps and demonstrates how the consultation process continues to, inform the policy development in relation to each of the areas consulted upon.

## Relevant Legislation

### The Regulatory Reform (Fire Safety) Order 2005

3. The FSO was introduced in October 2006 and covers the ongoing fire safety management of a premises while occupied. Prior to this, the main fire safety legislation was the Fire Precautions Act 1971, which required certain fire safety standards in specific types and sizes of buildings and saw the fire service inspect premises and issue Fire Certificates and the Fire Precautions (Workplace) Regulations 1997. The 1971 Act was repealed by the FSO, which also repealed or amended many other legislative provisions. The Fire Precautions (Workplace) Regulations 1997 were also repealed subject to any saving provisions. The intention behind the FSO was that it should replace in one Order the piecemeal legislation that then existed in relation to fire safety, reducing the burden on business caused by the many overlapping regimes.

---

<sup>1</sup> <https://www.gov.uk/government/consultations/fire-safety>

<sup>2</sup> <https://www.legislation.gov.uk/uksi/2005/1541/contents/made>

<sup>3</sup> <https://www.gov.uk/government/consultations/the-regulatory-reform-fire-safety-order-2005-call-for-evidence>

4. The FSO requires a responsible person (RP) to undertake, and review regularly, a fire risk assessment of the premises and to put in place and maintain fire precautions that are adequate and proportionate to manage the risk that lives could be lost in the event of a fire. The FSO brought all non-domestic premises into scope and, owing to an exemption for domestic premises except in limited circumstances, also applies to the common parts in residential buildings.

### **The Fire Safety Bill**

5. The Fire Safety Bill, currently before Parliament, seeks to clarify that the scope of the FSO applies to the structure, external walls and individual flat entrance doors of multi-occupied residential buildings. When the Bill comes into force, RPs will need to ensure that their fire risk assessments include the fire safety risks and where appropriate, any general fire precautions in relation to these parts of the building.
6. The clarification provided by the Fire Safety Bill also allows Government to take forward the Grenfell Tower Inquiry Phase 1 (GTIP1) recommendations in relation to creating explicit duties for the RP in relation to sharing information on external walls and flat entrance doors. The Government included proposals to deliver on the Inquiry's recommendations in the Fire Safety Consultation. Our response to the GTIP1 proposals is in Section 2 of this document.

### **The Building Safety Bill**

7. The Government is due to introduce the Building Safety Bill. The Bill was published in draft on 20 July 2020<sup>4</sup> and will put in place an enhanced safety framework for high-rise residential buildings, taking forward the relevant recommendations from Dame Judith Hackitt's Independent Review of Building Regulations and Fire Safety<sup>5</sup>. In the first instance, it is proposed that the new building safety regime applies to high-rise residential buildings of 18 metres and above or more than six storeys (whichever is reached first).
8. The main elements of the draft building safety legislation are:
  - A new system to oversee the performance of building control functions, with local enforcement agencies and national regulators working together to ensure that the safety of all buildings is improved.
  - Clearer accountability for, and stronger duties on, those responsible for the safety of higher-risk buildings throughout design, construction and occupation.
  - Giving residents a stronger voice in the system, ensuring their concerns are never ignored and they fully understand how they can contribute to maintaining safety in their buildings.

---

<sup>4</sup> <https://www.gov.uk/government/publications/draft-building-safety-bill>

<sup>5</sup> <https://www.gov.uk/government/collections/independent-review-of-building-regulations-and-fire-safetyhackitt-review>

- Stronger enforcement and sanctions to deter non-compliance with the new regime in order to keep buildings safe and hold the right people to account.
  - A new stronger and clearer framework to provide national oversight of construction products, to ensure all products meet high performance standards.
9. Alongside the new measures introduced by the draft Building Safety Bill, both the existing regime under the FSO and the enforcement of standards under the Housing Act 2004, which is assessed using the Housing Health and Safety Rating System (HHSRS), will continue to apply to relevant parts of higher risk buildings. For example, while the Bill will make provision for structural and fire safety in buildings within its scope, and the FSO will make provision for general fire safety provisions in all regulated buildings, and the HHSRS allows local authorities to take a broader set of hazards into consideration than fire alone.
10. The FSO and the Housing Act 2004 (where appropriate) will continue to apply alongside the Building Safety Bill and the Government intends to address the interaction between the different regimes within buildings in scope through operational guidance. This will clarify the different obligations under the relevant regimes and minimise any undue burden on those with responsibilities under the regimes. For example, under the Bill, Accountable Person(s) will be responsible for managing safety risks in all parts of a residential multi-occupied high-rise building. In most cases, the Accountable Person will be the same person as the Responsible Person under the FSO and must demonstrate that they have met the requirements of both regimes. Where there is not alignment between those with responsibilities within a single building, for instance in a mixed-used building, the Government will introduce duties of cooperation between the RP under the FSO and the Accountable Person(s) under the new regime in order to ensure that the building as a whole is effectively managed.

### **The Building Regulations 2010**

11. The Building Regulations 2010 (as amended) cover the construction and extension of buildings, and material changes of use of buildings and material alterations to them. Requirements for fire safety are set out in Part B of Schedule 1 to the Building Regulations 2010 (as amended). There are also requirements for BCBs to consult FRAs in the FSO and Building (Approved Inspectors) Regulations 2010 (as amended) and a requirement for the handover of specific fire safety information to RPs when work is completed in Regulation 38 of the Building Regulations. Approved Document B, issued under section 6 of the Building Act 1984, provides practical guidance on ways to comply with the fire safety requirements of the Building Regulations.



# Executive Summary

12. The Fire Safety Consultation contained 139 questions aimed at identifying what, if any, policy and legislative changes are needed to improve fire safety. It outlined proposals designed to:
  - strengthen the Regulatory Reform (Fire Safety) Order 2005 (the FSO) and improve compliance in all regulated premises;
  - implement the Grenfell Tower Inquiry Phase 1 Report (GTIP1) recommendations that require a change in the law; and,
  - improve the effectiveness of consultation between Building Control Bodies (BCBs) and Fire and Rescue Authorities (FRAs) on planning for building work and the arrangements for the handover of fire safety information.
13. Our intention throughout the consultation was to seek views in order to take further steps towards delivering the Government's fire and building safety reform agenda and ensure that people, in all buildings regulated by the FSO, feel safe and are safe from fire regardless of where they live, stay or work.
14. The Government's commitment to implementing the Grenfell Tower Inquiry's recommendations remains undimmed, as does our commitment to ensure those most affected by the tragic events at Grenfell Tower – the bereaved and survivors – continue to have a voice in their implementation. It is important that we get this right and ensure the voice of residents and those likely to be affected by the proposals are heard. That is why we have decided to undertake a further consultation this spring to seek additional views on the complex issue of personal emergency evacuation plans in relation to the proposals to implement the relevant Grenfell recommendations relating to personal emergency evacuation plans. Responses already provided to the proposals in this consultation will also be considered alongside the responses to the forthcoming consultation. Further information on this will be available soon on the Government's website.

## Summary of responses

### Section 1: Strengthening of the Fire Safety Order and Improving compliance

15. In general, respondents were broadly supportive of the proposals consulted on in this section, while offering comments and suggestions on where proposals could be improved, extended or modified throughout.
16. Respondents clearly agreed with the need to strengthen the FSO and improve compliance. There was also clear support for proposals to improve the quality of fire risk assessments, including a requirement that any person engaged by the responsible person (RP) to undertake all or any part of the fire risk assessment

should be competent and a requirement for all RPs to record their completed fire risk assessments. Proposals to facilitate the identification of RPs and improve their cooperation and coordination with one another where they share or have duties in respect of the same premises were also met with support. The majority of respondents agreed with the proposal to enhance the provision of information between RPs and residents, and the proposal to ensure the preservation of fire safety information over a building's lifetime.

17. There were mixed views regarding the maintenance of buildings under the FSO and the role of residents, and in relation to charging for enforcement activity, there was support for charging for formal enforcement notifications such as Enforcement and Prohibition Notices, but views expressed in relation to charging for other enforcement activity were more varied. There was also some agreement on charging proposals, but thinking was diverse as to the circumstances in which this might be appropriate.
18. A recurring theme throughout many of the responses was the need to consider other risk factors in addition to a building's height in order to determine the extent of fire safety measures necessary to mitigate them. This point was particularly emphasised in relation to higher risk workplaces.
19. It was also clear that many respondents felt that strengthened guidance would be required wherever changes are made to ensure an understanding of any new regulations or requirements and to support compliance.

## Section 2: Grenfell Tower Inquiry Phase 1 recommendations

20. Respondents to this section were again largely supportive of many of the proposals. A few received mixed levels of agreement and respondents again offered comments and suggestions on where proposals could be improved, extended or modified.
21. Proposals on the requirement for RPs to provide specific fire safety information to residents – be it contact details or fire safety measures, advice or records of fire risk assessments – received high levels of agreement. There was also strong agreement for the proposal for building plans to be shared with fire and rescue services (FRSs), including floorplans and the location of key firefighting systems. However, only three-fifths of respondents thought that building plans should be provided for every floor of a building, and approximately two-fifths of respondents thought building plans should only be provided for those floors that are different in their layout.
22. A proposal requiring RPs to provide Premises Information Boxes (PIBs) for high-rise residential buildings, which would include evacuation plans, and another requirement for wayfinding signage to be provided on all storeys, both received strong support. The proposal to require RPs to conduct monthly checks on lifts and other relevant equipment, including checking the adequacy of fire doors, received similar agreement.

23. While respondents generally agreed with the three proposals on personal emergency evacuation plans outlined in the consultation, many commented on the need to consider and address the legal, financial and practical implications arising from this as the policy intention is developed further.
24. The requirement to consider other risk factors, in addition to a building's height, when determining appropriate fire safety measures also appeared as a recurring theme throughout section two.
25. There was a clear call for guidance to underpin the proposals made in this section to support understanding of, and compliance with, any new regulations or requirements.

### **Section 3: Improve the effectiveness of consultation between building control bodies and Fire and Rescue Authorities**

26. On matters relating to BCBs and their consultation with FRAs, the majority of respondents agreed on the need for clear guidance and standardisation to ensure a smoother process and for clarity and improvements in information provision.
27. Most respondents also agreed that providing plans certificates should be mandated in some way, that additional consultation points could be specified in legislation or guidance and that there should be a statutory timeframe for responses by FRAs to consultation requests from BCBs.
28. There was also support for strengthening the requirements for handing over fire safety information to RPs when building work is completed.

### **Conclusions and next steps**

29. The consultation covered a wide range of proposals that required further exploration to enable us to better understand their application and any consequential issues. We are grateful to all those who responded.
30. The responses received have informed, and will continue to inform, policy and legislative changes that will drive forward improvements in the fire safety of regulated buildings. Where possible we will take immediate action to deliver these changes, and where further work is required, we will continue to take this forward as quickly as possible. We will take the following specific next steps:

### **Section 1: Strengthening of the FSO and Improving Compliance**

31. In light of the findings of the consultation we will take action to amend the FSO through the Building Safety Bill (BSB) to:
  - strengthen the provision relating to statutory guidance issued under Article 50 of the FSO.

- require that, where the RP appoints a person to make or review the fire risk assessment that they must be competent.
  - require that all RPs must record their completed fire risk assessment.
  - require that all RPs must record (and as necessary update) their contact information, including a UK based address.
  - require that all RPs must take reasonable steps to identify themselves to all other RPs (and where applicable Accountable Persons under the BSB) where they share or have duties in respect of the same premises.
  - require that, for all regulated premises in England and Wales, RPs must record the name of the individual, and organisation of persons engaged by them to undertake any or all of the fire risk assessment.
  - require that departing RPs must first take reasonable steps to share all relevant fire safety information with incoming RPs.
  - increase the level of fines from Level 3 (£1,000) to Level 5 (unlimited) for offences in relation to the impersonation of an inspector, failure to comply with specific requirements imposed by an inspector, and failure to comply with requirements relating to the installation of luminous tube signs.
32. More work is required to further develop policy in relation to fees and charges, false fire alarms, maintenance, the provision of information to residents and higher-risk workplace buildings. We will continue to consider the responses received to this consultation and engage with stakeholders to inform policy development in these areas.

## Section 2: Grenfell Tower Inquiry Phase 1 recommendations

33. The proposals included within Section 2 of the consultation looked specifically at recommendations from the Grenfell Tower Inquiry Phase 1 recommendations (GTIP1) that require legislation. These focus on improving fire safety in high-rise residential buildings by placing requirements on building owners/managers (RPs) in line with recommendations. All of the GTIP1 proposals included in this section generated overall support from the respondents, albeit with different levels of agreement (from 67 per cent at the lower end of the scale to 95 per cent at the higher end of the scale).
34. The GTIP1 recommendations are detailed and, in some cases, build on existing provisions within the FSO. The Home Office's Fire Safety Bill, which provides much needed clarity on the scope of the FSO in relation to external walls and flat entrance doors, is currently making its way through Parliament. Building on this, the Home Office will consider further the proposals contained within the Fire Safety Consultation in light of the consultation responses, with the intention to deliver these proposals, where possible, through regulations introduced under Article 24 of the FSO. This Government intends to – subject to the Fire Safety Bill gaining Royal Assent – lay Regulations before the second anniversary of the Grenfell Tower Inquiry

Phase One Report which will deliver on the Inquiry's recommendations. These will include measures around checking fire doors and lifts.

35. Consultation responses have also highlighted that there is a significant operational impact, for both RPs and FRSs. As such, it is apparent that standardisation at a national level is required to achieve consistency across the relevant sectors and efficient and effective implementation. Home Office officials will work with key stakeholders and other Government departments to support operational implementation.
36. Delivery of these recommendations also needs to take account of the provisions outlined in the draft BSB to provide a coherent set of reforms. The Fire Safety Consultation noted that where there may be overlap, it would be sensible to review the legislation arising from these recommendations on implementation of the relevant parts of the BSB.
37. It is critical that the legislative approach is supported by necessary guidance, and that the operational implementation challenges have been considered and addressed to enable the necessary change on the ground.
38. In relation to the consultation proposal to implement the recommendation relating to personal emergency evacuation plans, as set out above, the Home Office has committed to seeking further views this Spring, and more details about this will be made available as soon as possible. It is critical that when we do legislate, we get it right, and we therefore want to ensure that we have fully considered the views of those most affected by these recommendations before we do so.
39. Finally, in relation to the proposal relating to PIBs, further work is being undertaken to develop our policy approach to PIBs in existing buildings and to define the information that will be required to be stored in them. In the meantime, as part of ongoing policy development on PIBs, we intend to introduce a new recommendation that they should be provided in all new blocks of flats with storeys above 11 metres in height. This recommendation will be delivered through amendments to the building regulations fire safety guidance (Approved Document B).

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

40. The proposals in Section 3 will require implementation through changes to primary and secondary legislation and guidance. Where changes are needed to primary legislation, we intend to take them forward through the BSB. This will include revoking Article 45 of the FSO to enable consultation requirements to be consolidated in building regulations. This will bring legislation together in one place, making the legislative framework clearer and more adaptable to accommodate any future changes. We also propose to make provision for mandating Plans Certificates for FSO properties as supported in the consultation.

41. Further changes will require implementation either through secondary legislation or guidance and we will work with stakeholders on these. This will include: supporting the sector review of procedural guidance to improve the way information can be provided regarding building works; working with the sector to come forward with specific proposals to promote timely consultation and a workable approach regarding response times with a view to both changes being made through secondary legislation in due course; and bringing forward any relevant changes to Regulation 38 following further work with the sector to fully understand the pros and cons of options to strengthen Regulation 38 with a view to improving the process and robustness of the fire safety information handed over to the RP.

## Review of FSO supporting guidance

42. The Fire Safety Consultation included a commitment to overhaul the existing guidance under the FSO. The Government established a Guidance Steering Group to provide direction and expertise on the overhaul of FSO guidance in recognition that new and revised guides will be needed to reflect changes coming out of the Fire Safety Bill and any other legislation affecting the FSO. We have split this work into three tranches to align with these potential amendments and will make sure that the guidance supports RPs, enforcing authorities, fire risk assessors and anyone else affected by the changes to understand their new duties. Responses from the consultation indicate that revised guidance will be an important part in delivering the outcomes of the consultation. The findings of the consultation will also be used to support this work.

# The Report and Responses

## Methodology

43. Through this consultation we wanted to hear from everyone who would be affected by the proposals made within it including RPs, residents, the Grenfell community, enforcing authorities, building owners/managers and their representatives, and fire safety professionals. To ensure that all were able to respond as fully and effectively as possible, we used an online platform hosted on GOV.UK and provided contact details if anyone required a hard copy to be sent to them.
44. All responses we received by the closing date have been considered, and this document provides a summary of those responses. The most common themes raised by respondents have been reflected in the summary data set out in each section.
45. A number of respondents submitted their responses via the dedicated mailbox but did not follow the questions or sections as set out in the consultation document and online questionnaire. As a result, not all of these responses could be included within the quantitative data for specific questions and are not reflected in the summary data. However, they have all been considered as part of the analysis of the responses received to the free text questions.
46. The Fire Safety Consultation was split into three thematic sections, with each divided into topical chapters.
  - Section 1: Strengthening the FSO and improving compliance.
  - Section 2: Implementation of the Grenfell Tower Inquiry Phase 1 Report Recommendations.
  - Section 3: Building Control Bodies consultation with Fire and Rescue Authorities.
47. Respondents were permitted to answer as many or as few questions as they wished. Unless otherwise stated, the figures set out in this document represent the number of responses received for each of the questions and not the number of responses received to the overall consultation.
48. Many of the questions prompted respondents to select a level of agreement with proposals and some asked for respondents to pick from a choice of options. With these, and other multiple-choice questions, the responses are presented in table format. Where open questions were asked or free text boxes provided, all responses were analysed to identify common themes and coded where possible to collate similar views and comments. Key themes or issues are presented to provide a summary of these responses. In most cases in this document, the responses to specific questions are presented as a combination of both.

## Who responded?

49. In total 256 organisations and individuals responded to this consultation both using the survey format (216) and through individual submissions sent in alternative formats (40). Responses represented many different groups with an interest in the building and fire safety sectors, including residents, RPs (including building owners/managers), enforcing authorities (including FRAs) and others.
50. We want to extend our thanks to all those who shared their views and experiences with us throughout the consultation process.
51. Respondents were asked – as part of the “About you” section of the consultation – in which capacity they were responding and could select multiple options. The largest group of respondents was those responding in their capacity as an enforcing authority (21 per cent), and similar numbers answered in the capacity of a duty-holder (16 per cent), a Trade Association (15 per cent), or as an RP (15 per cent). The groups of respondents are outlined in the table below.

Capacity of Response <sup>6</sup>	Definition	Respondents (n=216)	Percentage
Enforcing Authority	A body responsible for enforcing compliance with the FSO.	46	21%
Duty-holder	One on which any duty is placed by the FSO.	35	16%
Trade Association	A body representing businesses of a particular sector.	34	15%
Responsible Person	One who has control over a premises to which the FSO applies, defined by Article 3 of the FSO.	32	15%
Local Authority	An administrative body in local government.	22	10%
Resident or Resident Group	An individual or a collective body of those living in relevant buildings.	18	8%
Building Control Body	A body responsible for ensuring compliance with the Building Regulations.	17	8%

<sup>6</sup> Some respondents selected multiple options to accurately capture the capacity they were responding in. Thus, the total percentage exceed 100%.



Property Company	A company that buys, sells and/or rents properties.	15	7%
Construction company	A company that undertakes construction projects.	7	3%
Professional body	An organisation that promotes, supports and protects a particular profession.	5	2%
Other	Any individual or organisation not covered by the other roles.	38	17%

52. Respondents were asked whether they were answering the consultation questions on behalf of an organisation or as an individual. More than half of respondents (55 per cent) were answering on behalf of an organisation, while a quarter responded as an individual (25 per cent) and a fifth on behalf of a trade body (20 per cent).
53. Responses tended to be from larger organisations or trade bodies. Of the responses completed on behalf of an organisation just under half (45 per cent) had over 1,000 employees, and almost a third (32 per cent) had between 250 and 999 employees. In terms of responses on behalf of trade bodies (44), a quarter (25 per cent) were from those comprising more than 1,000 employees, and 40 per cent from those with between 250 and 999 employees.
54. Respondents classifying themselves as individuals (53) were asked in which capacity they were responding to the consultation. Almost half (47 per cent) classified themselves as fire safety professionals and 17 per cent as a resident. Three in ten (30 per cent) responded as an individual in the 'other' capacity and the remaining six per cent classified themselves as from other categories listed above.

## Interpreting Findings

55. The consultation was promoted widely to encourage participation from groups and/or individuals impacted or representing the interests of those affected by the FSO, including but not limited to: 'RPs being the owners, occupiers, or other persons in control of relevant premises; fire safety professionals; enforcing authorities; and 'relevant persons' being any persons lawfully on, or in the immediate vicinity of, said premises and who would be at risk from fire on the premises. We welcomed responses from anyone else with an interest in or experience of the areas being consulted on within this consultation.
56. The number of survey respondents (n) to each question is noted in the tables set out in this document. In instances where total percentages do not sum to 100 or where

combination percentages do not match the sum of the composite figures, this is due to rounding.

57. Many comments and explanations were received within free text responses. Given the nature of these responses it is not possible to interpret the strength of, nor quantify, the comments. As such, where possible we have highlighted the key themes raised by respondents and summarised the key findings. We have also outlined next steps following consideration of the findings of the consultation. The data reported in this document represents the views of those who responded to the consultation by the closing date.

# Section 1: Strengthening of the Fire Safety Order and Improving Compliance

58. This section of the consultation sets out a range of proposals to address the areas identified through the 2019 Call for Evidence on the FSO, or other means, that required further consideration and action. It also sought views from those with experience of the FSO in relation to key areas which did not have specific proposals attached.

## 1.1 Guidance

59. Questions 6 to 9 considered the adequacy of the provisions in the FSO that relate to guidance, specifically in relation to whether they require strengthening to ensure awareness, compliance and effective enforcement for those that have statutory responsibilities under the FSO. It also considered the form of revised or new guidance.

To what extent do you agree that...	Strongly agree	Tend to agree	Neither agree nor disagree	Tend to disagree	Strongly disagree	Don't know
<b>Q6. Article 50 is a sufficient basis for providing guidance to RPs to support their compliance with their duties under the Order? (n=181)</b>	11%	43%	11%	22%	10%	5%
<b>Q7. a strengthened legal basis for guidance under the Fire Safety Order is needed such as a Code of Practice? (n=187)</b>	52%	34%	3%	5%	2%	4%

<b>Q8. If you agree that a strengthened legal basis for guidance is required, then can you set out which specific areas or issues you think should be covered by an 'Approved Code of Practice'? (n=167)</b>	Percentage of respondents
Fire Risk Assessments	81%
Responsible Persons	80%
Provision of Information	63%
Enforcement and Sanctions	60%

Higher risk workplaces	48%
Other	38%

<b>Q9. If you do not agree that the legislative basis for guidance needs to change, to what extent do you agree/disagree that the format and style of Codes of Practice (such as the Health &amp; Safety Executive's) should be adopted for any new or revised guidance under the existing provisions within the FSO? (n=82)</b>	<b>Strongly agree</b>	<b>Tend to agree</b>	<b>Neither agree nor disagree</b>	<b>Tend to disagree</b>	<b>Strongly disagree</b>	<b>Don't know</b>
	17%	29%	33%	2%	2%	16%

60. The majority of respondents agreed that a strengthened legal basis was required for guidance issued under the FSO. Mixed views were received in relation to the need for Approved Codes of Practice or whether strengthening existing FSO provisions and guidance was sufficient.
61. Key themes emerging from the free text responses were that guidance should: have a stronger legal standing and should not be seen as advice; capture the upcoming changes to fire safety legislation and the interactions between various regimes; support vulnerable people; and include additional guides in relation to specific aspects of the FSO including, but not limited to, competence, roles and responsibilities and the application of the FSO to specific building types. There was also a clear call for a wider suite of guides to be available to better support compliance with and understanding of the FSO. The need to regularly review guidance to ensure it remained updated was also highlighted.

### **Next Steps**

62. Considering the findings of the consultation, we intend to take steps to strengthen the legislative basis of the guidance issued under the FSO. We are therefore seeking to amend Article 50 of the FSO to include provision that where proceedings are brought against RPs for breach of Articles 8-22 or regulations made under Article 24, failure to follow such guidance may be relied upon in support of such breach. Also, conversely, that following the guidance may be relied on as supporting compliance. It is intended that this amendment to the FSO, coupled with the planned overhaul of existing guidance, will support RPs in complying with their duties under the FSO and support enforcement action against non-compliance.

## 1.2 Responsible persons

63. Questions 10 to 14 sought views on two proposals regarding the role of the RP under the FSO:

**Proposal 1:** To help the identification of RPs and promote their self-identification, the Government proposes amending the FSO to require all RPs to record (and as necessary update) who they are, the extent of their responsibility under the Order, and their contact information. Where this information is recorded is dependent on the outcome of Proposal 5 (see Chapter 1.3) which proposes that all RPs be required to record their fire risk assessments. RP information could either be included as part of the prescribed information that is currently required to be recorded under Article 9(7) of the FSO (in certain circumstances) or as part of the fire risk assessment.

**Proposal 2:** To ensure a whole building approach to the management of fire safety where responsibility is shared, the Government proposes to amend the FSO and establish a new requirement under Article 22 of the FSO on all RPs to identify themselves to all other RPs (and where applicable Accountable Persons and/or Building Safety Managers as proposed under the Building Safety Bill) where they share or have duties in respect of the same premises.

To support this proposal, the draft BSB will seek to amend Article 22 of the FSO to require RPs to cooperate with the Accountable Person(s) and places a reciprocal requirement on the Accountable Person.

To what extent do you agree that...	Strongly agree	Tend to agree	Neither agree nor disagree	Tend to disagree	Strongly disagree	Don't know
<b>Q10. a requirement for Responsible Persons to record who they are, the extent of their responsibility under the FSO, and their contact information will facilitate the identification of RPs? (n=185)</b>	65%	26%	4%	2%	2%	1%
<b>Q11. the requirement set out in proposal 1 be extended to others that have control of the premises, such as duty-holders? (n=182)</b>	62%	28%	4%	2%	1%	3%
<b>Q12. the information the Responsible Person is required to record should include a UK based contact address? (n=185)</b>	74%	18%	4%	1%	2%	2%

<b>Q13. the duty to cooperate and coordinate (Article 22) should be amended to include a requirement for Responsible Persons to take steps to identify themselves to all other Responsible Persons? (n=185)</b>	74%	21%	2%	1%	2%	1%
---	-----	-----	----	----	----	----

64. At least 90 per cent of respondents to questions 10, 11, 12 and 13 either strongly agreed or tended to agree.
65. Respondents were invited to provide free text comments to support their responses to the questions set out above. Enforcing authorities noted the difficulties they experience under the current regime in identifying RPs, particularly in complex structures, and stated that the proposed requirement for RPs to record their identifying information would allow for quicker enforcement action as RPs could be identified more easily.
66. Some respondents raised that difficulty in identification of RPs contributed to a lack of compliance with the FSO. Others stated that RP identifying information should be available to the local fire and rescue service with calls for this information to be stored in a confirmed location in the premises and for it to be made available on a public database. It was noted by several respondents, however, that extending the requirement in proposal 1 to duty-holders may place undue burden on some RPs as it would be impractical to list all those who have responsibility in some premises.
67. Few respondents provided a qualitative answer for the proposal to require inclusion of a UK contact address, but those who did, were supportive. It was also highlighted that if RPs are to be required to provide a UK based address, that it should not be to a shell company and that where an RP was overseas, there should be a nominated representative of the RP present in the UK. Respondents raised issues relating to the need to better define the roles and responsibilities of RPs and duty-holders within the FSO, with some calling for improved guidance and clarity.
68. It was noted that Article 22 should include more specific requirements on the need for RPs to cooperate and coordinate with one another. Examples given included producing a fire safety management plan, evacuation procedure and joint or complimentary training on how to implement the building wide emergency procedure. Some respondents, largely enforcing authorities, suggested that a lead or principle RP should be nominated where there were multiple RPs in relation to a particular building or premises. It was felt this would avoid confusion, allow swift identification and facilitate cooperation and coordination among RPs.

## Next Steps

69. Given the clear support received for both proposals 1 and 2, we intend to amend the FSO to include a requirement for all RPs for all regulated premises to record their name, extent of their responsibility, and contact information (which must include a UK based contact address). It is intended that these changes will work towards facilitating the self-identification of RPs as well as give residents and enforcing authorities the information they need to identify the RP for all regulated premises.
70. We also intend to amend Article 22 of the FSO to place a new requirement on all RPs for all regulated premises to take reasonable steps to identify themselves to all other RPs (and where applicable Accountable Persons under the BSB) where they share or have duties in respect of the same premises. It will be expected that the reasonable steps must be done in an auditable way to evidence compliance with the new requirement and should include the provisions of identifying information. This seeks to encourage RPs to cooperate and coordinate with one another in shared premises and increase their awareness of their respective responsibilities within the shared premises, as well as to assist enforcing authorities to identify non-compliance of RPs with Article 22 of the FSO.

### 1.3 Quality of fire risk assessments

71. Questions 15 to 20 invited views on three proposals:

**Proposal 3:** The Government proposes to amend the FSO to require that any person engaged by the RP to undertake all or any part of the fire risk assessment must be competent.

**Proposal 4:** Where an individual is engaged by the RP to undertake any or all of the fire risk assessment, the Government proposes to make it a statutory requirement that their name and contact information are recorded within the completed fire risk assessment.

**Proposal 5:** To ensure a consistent approach is taken to fire safety across all premises regulated by the Order, the Government proposes to require all RPs to record their fire risk assessments. This will:

- replace the current requirement to only record specific prescribed information, and;
- remove current requirements that the RP must record the information prescribed by Article 9(7) only where:
  - he employs five or more employees;
  - a licence under an enactment is in force in relation to the premises; or,
  - an alterations notice requiring this is in force in relation to the premises.

We would also require all RPs to record their fire safety arrangements. Therefore, we would seek to remove the requirement that only certain RPs must record their fire safety arrangements (Article 11).

To what extent do you agree that...	Strongly agree	Tend to agree	Neither agree nor disagree	Tend to disagree	Strongly disagree	Don't know
<b>Q15. the FSO should include a competency requirement for fire risk assessors and other fire professionals engaged by the RPs? (n=190)</b>	78%	18%	1%	1%	2%	1%
<b>Q16. the name and contact information of an individual engaged by the Responsible Person to undertake any or all of the fire risk assessment, should be recorded within the completed fire risk assessment. (n=189)</b>	80%	16%	1%	1%	1%	1%
<b>Q18. a duty should be placed on all RPs to record their completed fire risk assessment? (n=184)</b>	73%	22%	1%	2%	2%	1%
<b>Q19. all RPs should be required to record their fire safety arrangements (Article 11)? (n=185)</b>	67%	28%	1%	2%	1%	2%

72. An overwhelming majority (96 per cent) of respondents agreed with questions 15 and 16, covering both proposals 3 and 4, and 95 per cent agreed with questions 18 and 19, covering proposal 5.

73. Views were invited from respondents on what further information should be included in fire risk assessments. Respondents provided a varying list of information, notably the contact details of those with fire safety duties within the regulated premises and persons who have carried out, checked, reviewed or directed/made any amendments to the fire risk assessment, the review frequency of the fire risk assessment detailing when a new fire assessment is needed, alongside recommendations for the next review date and justification for the interval between assessments and risk mitigations needed arising from the assessment including an action plan and time scale for implementation.

74. More specific suggestions included recording contacts of suppliers and door manufacturers, details of the inspection of the building's safety manual and its state of maintenance, or lack of manual, designation tenant liaison, plans of the building with approved escape routes, mandatory fire plans, evacuation procedure and



reasoning, type of assessment undertaken (Type 1, 2, 3 or 4), details of periodic electrical installation safety inspection, assessment of white goods in properties, and details on vulnerable people such as location and the details of the nature of disabilities. There were also calls for a national standard/minimum standard format for fire risk assessments and clarity on the scope of fire risk assessments.

75. Responses to the free text questions suggested an appropriate level of competence could only be demonstrated through relevant qualifications and accreditation and stated that suitable guidance is required to assist RPs when engaging fire professionals. Respondents from the housing and insurance sectors were supportive of proposal 3, indicating recognised competence could improve assurance of fire risk management across the housing stock.
76. There were some calls for third-party accreditation to be utilised and a view expressed to the effect that only then would the competence requirement be effective. Respondents suggested a proportionate approach should be applied in determining the standard of competency required for completing fire risk assessments, in recognition of the wide scope of premises which fall within the scope of the FSO. Respondents reiterated their support for proposal 5, stating that it should be considered good practice to record fire risk assessments for all regulated premises and that this could work towards improved compliance with the FSO and support audit and enforcement activity. The need to make the fire risk assessment accessible and understandable was also highlighted and the need for the assessment to be available to relevant persons.
77. Respondents also raised the need to balance proportionality and the level of risk of a building for these proposals as well as the potential increased burden placed on small businesses if all RPs, irrespective of building size, are required to record their fire risk assessments. Respondents also called for clear guidance to support RP compliance with existing and proposed requirements in relation to fire risk assessments.

## **Next Steps**

78. Given the high level of support received for proposals 3, 4 and 5, we intend to amend the FSO to require that any person engaged by the RP to undertake all or any part of the fire risk assessment must be competent. For this purpose, we intend to align the definition of competence with that provided under Article 18 which states that a person is to be regarded as competent where they have sufficient training and experience or knowledge and other qualities to enable them properly to assist in undertaking the preventive and protective measures. Alignment with this definition of competence will encompass ongoing sector-led work relating to competence of risk assessors and other specialists.
79. We also intend to amend the FSO to require all RPs to record their fire risk assessments and prescribed information as required under Article 9 of the FSO. We

also intend to amend Article 11 of the FSO to require all RPs for all regulated premises to record their fire safety arrangements. This will work towards ensuring that a consistent approach is taken to fire safety across all premises regulated by the FSO, improve the quality of fire risk assessments and support enforcement action. It is also intended that these amendments will support co-operation with Accountable Persons (as defined in the BSB) to ensure a whole building approach where both regimes apply, enabling the sharing of fire risk assessments as well as provision of fire safety information to residents in regulated premises (subject to ongoing policy development).

80. Finally, we intend to amend the FSO to place a requirement on all RPs to record the name and organisation of those they have engaged to undertake any or all of the fire risk assessment. This amendment seeks to facilitate the identification of those engaged by the RP to carry out their duties under Article 9 of the FSO, enhancing accountability and enforcement activity. It also seeks to assist enforcing authorities in ensuring that RPs engaging persons to assist with fire risk assessments are competent. In practice, in most cases where a professional is engaged to assist with a fire risk assessment this information is already recorded and held by the RP.

## 1.4 Provision of information

81. Questions 21 to 30 invited views on two proposals:

**Proposal 6:** To enhance the provision of information, the Government proposes requiring RPs to take reasonable steps to provide comprehensible and relevant information to residents (as relevant persons) in multi-occupied residential buildings which should include, but is not limited to, the following:

- a) The risks to them identified by the fire risk assessment;
- b) The preventative and protective measures in place to mitigate potential fire risk;
- c) The role and responsibilities of relevant RPs, and duty-holders, including their name, capacity and contact details. This will seek to ensure all residents have a point of contact to whom they can raise concerns and request the fire safety information they need to be safe in their homes and on the premises; and
- d) The Fire Risk Assessment (available on request).

**Proposal 7:** To ensure the preservation of fire safety information over a building's lifetime, the Government proposes requiring RPs to take steps to share all relevant fire safety information with subsequent RPs. This will complement the 'golden thread' provisions proposed in the draft BSB and maintain a clear thread of information central to ensuring the fire safety across the entirety of a building's lifetime.

To what extent do you agree that...	Strongly agree	Tend to agree	Neither agree nor disagree	Tend to disagree	Strongly disagree	Don't know
<b>Q21. a new requirement should be placed on Responsible Persons to provide information to specific relevant persons (residents) on fire safety in multi-occupied residential buildings (excluding individual flats/private dwellings) in which they reside? (n=187)</b>	67%	23%	3%	1%	0%	5%

<b>Q22. To what extent do you agree that a new requirement should be placed on Responsible Persons to take steps to provide the following information to residents in multi-occupied residential buildings:</b>	Strongly agree	Tend to agree	Neither agree nor disagree	Tend to disagree	Strongly disagree	Don't know
a. information on the risks identified by the fire risk assessment (n=183)	66%	25%	2%	3%	1%	3%
b. the preventative and protective measures in place to mitigate potential fire risk (n=184)	70%	20%	3%	2%	2%	4%
c. the role and responsibilities of relevant RPs and duty-holders, including their name and contact details (n=182)	65%	21%	4%	3%	2%	4%
d. the Fire Risk Assessment (available on request). (n=186)	55%	29%	7%	3%	3%	3%

<b>Q25. The intention of proposal 6 is to provide information to residents of all multi-occupied residential buildings subject to the FSO. To what extent do you agree that this information should be available on request to other 'relevant persons' within:</b>	Strongly agree	Tend to agree	Neither agree nor disagree	Tend to disagree	Strongly disagree	Don't know
a. multi-occupied residential buildings covered by the Order (n=179)	49%	34%	8%	5%	2%	3%
b. all buildings covered by the Order (n=178)	40%	33%	13%	8%	2%	4%

To what extent do you agree that...	Strongly agree	Tend to agree	Neither agree nor disagree	Tend to disagree	Strongly disagree	Don't know
<b>Q27. a new requirement should be placed on RPs to take steps to share all relevant fire safety information with subsequent RPs? (n=182)</b>	82%	13%	2%	1%	1%	2%

82. There was high level agreement in each of the multiple-choice questions above.
83. When answering the free text questions, respondents raised potential issues in relation to the definition and identification of residents. Some indicated a need to define who would be included under the term 'resident' and how to ensure that they could be identified, in instances such as rentals or sub-lets, so as to not impede the RP in providing any required information. Several respondents also supported the idea that information should be available to 'relevant persons' on request who may be affected by fire safety. Examples provided include persons who are known and authorised onsite (e.g. approved carer) and next of kin. Others noted that caution should be applied where information is shared and a check should be made to ensure that relevant persons have a genuine need for it and it will not be misused, particularly where the documents contain personal or contact information.
84. Several respondents raised concern that the fire risk assessment is technical, written in a way to emphasise risk and may result in undue anxiety. However, some respondents highlighted that access to fire risk assessments would benefit residents by enabling them to spot hazards and challenge breaches/misinformation. It was suggested that a simplified user-friendly version of the fire risk assessment may be more appropriate.
85. Other fire safety information suggested to be provided to residents included: how to report fire safety concerns; planned/unplanned works; timescale for completion and work updates; general fire safety information (e.g. what to do in the event of an emergency and home safety information); fire safety management plans; and residents' rights and responsibilities. Many respondents stated that fire safety information should be provided in an accessible manner, accounting for any factors that could affect a recipient's ability to access and/or understand the information.
86. To support the provision of information to subsequent RPs, several respondents indicated in the free text answers that a system or process for sharing this information would be required, as well as a clear list of what information should be provided. When asked for views on what other information should be shared

between successive RPs respondents raised a wide range of documentation, with the key themes being:

- Regulation 38 information was suggested by a majority of respondents (largely Enforcing Authorities) with respondents referring to the importance of complying with the 'Golden Thread' of information proposed under the BSB.
- Reports and records were another notable theme with significant crossover with Regulation 38 information. Views were varied in terms of what reports should be shared. However, respondents generally referred to all gas and electrical records, compliances works reports, building regulation certification, all testing records, operational and maintenance manuals as well as repair and refurbishment records, and 'fire safety reports'. Many respondents, largely enforcing authorities, stated that alternatively, the key risks and significant findings of these reports and assessments be shared including, incident data such as alarm activations and faults, any near misses and any remedial action that have taken place.
- Fire Strategy documents, particularly for large or complex buildings. This included fire engineered solutions and the building evacuation strategies and means of escape in the event of a fire, specifically for vulnerable persons.
- Enforcement matters including historical non-compliance with the FSO.

87. Respondents also highlighted the need for: improved maintenance records for fire protection equipment; more vigorous recording of refurbishment actions; a national standard of information; consistent and accurate fire plans; the recording and sharing of information on leaseholder assets and responsibilities; and tenants to notify their landlord on work done on their property. It was also noted by respondents that not all historic information will be available for all regulated premises and that we should be mindful of this in the implementation of these proposals.

### **Next Steps**

88. Further work is required to develop the proposal to enhance the provision of information to residents and other matters raised in this chapter by respondents. We will continue to consider the findings of the consultation to inform ongoing policy development in this regard to deduce what, if any, change is required and how best it can be delivered.

89. As proposal 7 received strong support, we intend to amend the FSO to require all departing RPs for all premises, or parts of premises, regulated by the FSO, to take reasonable steps to share all relevant fire safety information with incoming RPs. If the RP does not have this information, this amendment will impose a requirement that they obtain this information, unless it is not practicable for them to do so. This intends to ensure the preservation of fire safety information central to the safety of regulated premises over a building's lifetime.

## 1.5 Enforcement and sanctions

90. Questions 31 to 34 referred to enforcement of the FSO and the sufficiency of the level of fines for specific offences.

To what extent do you agree that...	Strongly agree	Tend to agree	Neither agree nor disagree	Tend to disagree	Strongly disagree	Don't know
<b>Q31. a level 3 fine (£1,000) provides a suitable deterrent and carries a suitable financial penalty? (n=173)</b>	2%	12%	14%	18%	46%	8%
<b>Q32. a level 4 fine (£2,500) would provide a suitable deterrent and carry a suitable financial penalty? (n=172)</b>	3%	14%	16%	28%	31%	8%
<b>Q33. a level 5 fine (unlimited) would provide a suitable deterrent and carry a suitable financial penalty? (n=171)</b>	48%	27%	10%	5%	3%	7%

91. The views regarding the potential to increase the level 3 fines for the three specific offences within the FSO were largely in favour of doing so to the highest possible level.

92. When considering the potential for an unlimited fine, some respondents to the free text question felt that any fine allocated must be done so through the Courts and that any final decision must consider the circumstances behind the non-compliance – taking into account factors including (but not limited to) the severity of the breach, the size of the company in question and any history of non-compliance. In doing so, respondents were keen to ensure that any fine levied would be fairly distributed and would therefore serve as an adequate and effective deterrent. Respondents also raised that the fines must be cost effective and that guidance/meaningful engagement with RPs is needed to support compliance.

93. Many respondents highlighted how the fine at present is typically less costly than the measures required to manage compliance with the FSO. This was expanded upon by several representatives of enforcement authorities, who noted that £1,000 was not considered proportionate for the time and resources required to take forward a prosecution.

## Next Steps

94. There was clear support from respondents that the level of fines should be increased and consistent across the FSO and doing so would address concerns that the level 3 fine (currently £1,000) is not proportionate to the time and resources required to undertake enforcement action. We therefore intend to amend the FSO to increase the level of fines allocated to offences in relation to the impersonation of an inspector, failing to comply with any requirements imposed by an inspector and failure to comply with requirements relating to the installation of luminous tube signs. from level 3 to level 5 unlimited. This would complement the current provision in the BSB, which proposes to set a maximum fine (level 5) for impersonating an officer of the Building Safety Regulator, and similar offences under section 33(1)(n) of the Health and Safety at Work Act 1974 and section 90 of the Police Act 1996.
95. Although no concerns were raised prior to the Fire Safety Consultation with regards to level 3 fines allocated to offences in relation to failure to comply with requirements relating to the installation of luminous tube signs, seventy-five per cent of respondents were satisfied that this should be raised to a level 5 fine. Fire Statistics showed that, during the recording period from April 2019 to March 2020, there were 175 cases of non-compliance with regards to luminous tube signs<sup>7</sup>. When including the data available for the three years previous, this provides an average of 225 cases of non-compliance. By increasing the fine to Level 5, this would not only work towards providing further consistency across the Fire Safety Order but would ensure fines could be allocated that would be greater than the cost to remediate.

## 1.6 Maintenance, including the role of residents

96. Questions 35 to 44 invited views on the effectiveness of the existing provisions within Articles 17 and 38 of the FSO, which require suitable maintenance of the fire safety facilities, equipment or devices put in place for the protection of relevant people and firefighters on the premises.

To what extent do you...	Strongly agree	Tend to agree	Neither agree nor disagree	Tend to disagree	Strongly disagree	Don't know
<b>Q35. agree that Article 17 makes sufficient provision for ensuring that premises and any facilities etc are subject to a system of maintenance and are maintained to an appropriate standard for the safety of relevant persons? (n=175)</b>	19%	33%	13%	22%	10%	4%

<sup>7</sup> <https://www.gov.uk/government/statistical-data-sets/fire-statistics-data-tables>

<b>Q36. agree that the Order sufficiently provides for the replacement of defective or substandard facilities, equipment and devices including fire doors? (n=176)</b>	7%	21%	11%	34%	22%	5%
<b>Q37. agree that Article 17 is effective in ensuring the occupier (of parts of a building to which the FSO does not apply) co-operates with the Responsible Person? (n=175)</b>	5%	11%	15%	37%	28%	5%
<b>Q38. think that the occupier (of residential parts of a building to which the FSO does not apply) in buildings out of scope of the new regime should be under duties similar (in relation to fire safety) to those being considered under the Building Safety Bill? (n=175)</b>	45%	33%	10%	4%	3%	5%
<b>Q39. agree that the powers of enforcement available to Fire and Rescue Authorities are effective in ensuring remediation for breaches of Article 17? (n=172)</b>	6%	28%	16%	28%	11%	11%
<b>Q41. agree that Article 38 makes sufficient provision for ensuring that premises and any facilities etc are subject to a system of maintenance and are maintained to an appropriate standard for the safety of fire fighters? (n=174)</b>	7%	32%	15%	33%	6%	6%
<b>Q42. agree that Article 38 is effective in ensuring that the occupier (of parts of a building to which the FSO does not apply) co-operates with the Responsible Person? (n=173)</b>	6%	18%	20%	35%	13%	8%
<b>Q43. agree that the powers of enforcement available to Fire and Rescue Authorities are effective in ensuring remediation for breaches of Article 38? (n=168)</b>	4%	33%	20%	24%	10%	10%



97. Just over a quarter (28 per cent) agreed that the FSO sufficiently provides for the replacement of defective or substandard facilities, equipment and devices including fire doors, while more than half of respondents (56 per cent) disagreed.

### **Article 17**

98. Just under two-thirds of respondents to question 37 (65 per cent) disagreed that Article 17 is effective in ensuring the occupier co-operates with the RP, while 16 per cent agreed. The majority of respondents who identified as being RPs (84 per cent) disagreed with this statement. Around a third of respondents to question 39 (34 per cent) agreed that the enforcement powers available to FRAs are effective in ensuring remediation for breaches of Article 17, while two-fifths (39 per cent) disagreed. Those identifying as enforcing authorities were more in agreement (50 per cent, while 30 per cent disagreed).
99. The vast majority of respondents to the free text question were of the view that the FSO needed further clarification, including: clarity in relation to the maintenance and replacement of flat entrance doors; the need for an appropriate standard / suitable system for maintenance, and; clarity on roles and responsibilities. Respondents were also notably in favour of placing duties on homeowners and residents to fully cooperate with the RP in complying with Article 17. It was noted that caution was needed with regards to who enforces compliance with this new duty, the burden it places on the allocated enforcer and the need to incentivise and engage with residents to comply with these duties.
100. Respondents were also in favour of aligning with the BSB to ensure the complimentary nature of the two regimes. Many respondents, largely Enforcing Authorities, were of the view that Article 17 could be strengthened further in regard to enforcement powers. Many respondents raised the issue of the resourcing required to enforce these powers, particularly: the lack of resource; the insufficiency of current powers to support enforcement; balancing resourcing between pro-active activities vs. reactive enforcement; and the length of time required to undertake enforcement action. The impact of the ability to access individual dwellings under the FSO on enforcement action was also raised by respondents as was the costs associated with such action.

### **Article 38**

101. In response to question 41, an almost equal proportion agreed (39 per cent) or disagreed (40 per cent) that Article 38 makes sufficient provision for ensuring that premises and any facilities are subject to a system of maintenance and are maintained to an appropriate standard for the safety of firefighters. RPs and duty-holders were most likely to agree with this statement (53 per cent and 51 per cent respectively), while enforcing authorities had split levels of agreement (41 per cent agreed and 35 per cent disagreed).

102. Responses to question 43 showed a relatively even distribution in the proportion of respondents agreeing and disagreeing about the effectiveness of enforcement and sanctions related to a breach of Article 38. Just over a third agreed (36 per cent) that the powers of enforcement available to FRAs are effective in ensuring remediation for breaches of Article 38. However, a third (33 per cent) disagreed. Almost half of enforcing authorities (46 per cent) agreed compared with 22 per cent who disagreed.
103. Many respondents commented on the lack of clarity provided in the FSO and ways it could be strengthened within the free text questions. Respondents raised a range of areas as in need of increased clarity, including but not limited to: the extent of Article 38 in that it presently only allows for maintenance of what is present and not installation/retro-fitting of facilities for fire-fighting which may have been missed or overlooked by Building Control Bodies at the point of design; the provision of fire safety equipment in buildings; the terms “maintenance” and “efficient”; and, records of the tests and maintenance of firefighting facilities. Respondents also raised concerns regarding the non-worsening requirements in the BSB and the impact on the FSO and fire safety.
104. Respondents were supportive of placing duties on homeowners and residents to fully cooperate with the RP in complying with Article 38, raising that residents should be required to notify the RP of any work that may compromise the compartmentation of the building.
105. The responses from FRAs highlighted that firefighters are not considered relevant persons under Article 17 and therefore any “facilities, equipment and devices” within the premises would not be designed for their use. They raised that while this is considered appropriate, as it would set an otherwise unachievable expectation, it means that the death or serious injury of a firefighter is not prosecutable under the FSO. Respondents suggested that this could potentially be remedied with the addition of an improvement clause to section 4(3) of the Building Regulations (and is explored further within the responses to the Fire Doors proposals). Furthermore, some respondents felt that enforcement was restricted by the time intensive process for enforcement and the resources available to FRAs for enforcement action.

## **Next Steps**

106. Further work is required develop the policy consulted on in this chapter. We will continue to consider the findings of the consultation and engage with the sector to inform ongoing policy development in these areas to deduce what, if any, change is required and how best it can be delivered.

## **1.7 Higher risk workplaces**

107. Questions 45 to 48 looked at the application of the FSO to higher risk workplaces, such as prisons, hospitals, sheltered and supported housing, residential education buildings and care homes. They specifically asked for comment on the risk factors of

most concern in these premises and what additional fire precautions may be required to mitigate these risks and improve fire safety including to specific types of higher risk workplaces.

<b>Q45. 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: (n=165)</b>	<b>Response Percent</b>
Occupancy (who is on the premises: children, patients, the elderly, etc.);	78%
Design and construction of the building (e.g., layout, materials, size, etc.);	76%
Existing fire strategy;	64%
Use of premises (what activity is carried out);	61%
Other (please specify):	58%

<b>Q46. What additional fire precautions requirements – over and above those already required under the Order – should apply to higher risk workplaces to increase fire safety? (n=156)</b>	<b>Response Percent</b>
Annual review of the fire risk assessment;	70%
Provision and maintenance of means of escape;	69%
Provision of employee training on fire safety;	69%
Record keeping demonstrating the specific requirements;	68%
Provision of sufficient employees present on the premises to ensure means of escape can be safely and effectively used all times;	67%
Provision and maintenance of firefighting systems;	60%
Other (please specify):	39%

108. The majority of respondents were supportive of all the additional fire precautions listed in question 46.

109. When asked to list any others, respondents highlighted considerations required on vulnerability (assistance being required in the event of a fire), though this was more often mentioned by fire and housing (including voluntary) sector organisations than by individual residents or tenants' groups. The free text answers also highlighted consideration is needed on compartmentation assurance and the currency of the fire strategy.

110. Also, in the free text answers, respondents considered the application of the listed fire precautions to the common parts of residential blocks to ‘level up’ residents’ safety in line with occupants of higher-risk workplaces. Respondents who specified which higher-risk workplaces should be subject to additional fire precautions often referred to vulnerability and supported mandating minimum staffing levels and employee training to provide assistance to vulnerable occupants as part of the local fire strategy.

### Next Steps

111. Further work is required to develop the policy consulted on in this chapter. We will continue to consider the findings of the consultation and engage with the relevant sectors to inform policy development in these areas to deduce what, if any, change is required and how best it can be delivered.

## 1.8 Fees and charges

112. Questions 49 to 56 asked for views on one proposal:

**Proposal 8:** To remove the provisions under the FRSA 2004 which prohibit FRAs from charging for action taken in their capacity as enforcing authorities under the FSO, both to align where relevant with the draft BSB but also in relation to all action taken in FRAs’ capacity as enforcing authorities under the FSO.

To what extent do you agree that	Strongly agree	Tend to agree	Neither agree nor disagree	Tend to disagree	Strongly disagree	Don't know
<b>Q49. the current provisions for prohibition of charging within s.18B(8) of the Fire and Rescue Services Act 2004 should be removed to align with the proposed approach to charging for enforcement action in the Building Safety Bill (the starting scope of the regime is proposed as HRRBs of 18m or more in height, or more than six storeys)? (n=170)</b>	23%	29%	12%	9%	15%	11%
<b>Q50. the current provisions for prohibition of charging within s.18B(8) of the Fire and Rescue Services Act 2004 should be removed in their entirety to enable charging for enforcement activity for all premises subject to the FSO? (n=164)</b>	22%	27%	14%	10%	15%	12%

<b>Q51. the proposed ability to charge would incentivise compliance with the FSO? (n=167)</b>	20%	34%	13%	12%	13%	9%
<b>Q52. to what extent do you agree that FRAs should be able to charge for all unsatisfactory audits conducted under the FSO? (n=170)</b>	15%	17%	9%	24%	26%	9%

<b>Q53. To what extent do you agree that FSO Inspectors should be able to charge only for unsatisfactory audits that result in:</b>	<b>Strongly agree</b>	<b>Tend to agree</b>	<b>Neither agree nor disagree</b>	<b>Tend to disagree</b>	<b>Strongly disagree</b>	<b>Don't know</b>
a. Informal notifications (n=169)	7%	10%	13%	25%	37%	9%
b. Enforcement notices (n=171)	28%	32%	9%	9%	14%	8%
c. Prohibition notices (n=171)	39%	25%	6%	6%	15%	8%
d. Alteration notices (n=171)	18%	26%	11%	19%	16%	9%

<b>To what extent do you agree that</b>	<b>Strongly agree</b>	<b>Tend to agree</b>	<b>Neither agree nor disagree</b>	<b>Tend to disagree</b>	<b>Strongly disagree</b>	<b>Don't know</b>
<b>Q54. To what extent do you agree that there should be charging guidance for FRAs in relation to charging provisions in the Fire and Rescue Services Act 2004? (n=159)</b>	43%	28%	5%	4%	10%	10%

113. In response to question 49, just over half of respondents (52 per cent) agreed that charging should be enabled to align with the proposed approach to charging for enforcement action in the draft BSB. While in response to question 50, around half (49 per cent) agreed that alternatively the current provisions should be removed in their entirety. More than half of the respondents to question 51 (53 per cent) agreed that the proposed ability to charge would incentivise compliance with the FSO, while 25 per cent disagreed. In response to question 53, there was a higher level of agreement to charging for formal enforcement activity but significantly fewer respondents agreed with charging for informal action.

114. Responses to the free text questions across the chapter were generally mixed in their views of charging, with some agreeing but having concerns about how it will work, some supporting it generally and others disagreeing completely. Many respondents raised that policies on charging would need to adopt a proportionate approach and consider levels of non-compliance and RP intentions. There were concerns from some that a punitive approach could deter RPs from seeking advice from enforcing authorities. Some respondents suggested that charging should be made in relation to the time taken for formal enforcement activity. It was noted that charging should not take place for issuing informal notifications but rather for cases where non-compliance is repeated.
115. In relation to a charging model, some respondents suggested that a charging model similar to the Health and Safety Executive (HSE) (charging for material breach such as Fee for Intervention) would be appropriate or similarly indicated that charging rates and models should be structured around non-compliance. While many did not refer to a particular charging model, some respondents highlighted the importance for guidance to clarify what will be charged for and others raised concerns about charging practices creating incentives to generate income which may lead to focusing on fault finding.
116. Some responses indicated that there is inconsistency in the way that FRAs enforce the FSO and that this would feed into the use of any charging model. Many respondents, although supportive of charging, highlighted concerns about the financial burdens placed on those involved, including for example the transfer of financial impact to residents. Many respondents disagreed with charging, for reasons such as: being counterproductive to the relationship between FRAs and RPs; deeming it inappropriate to charge for statutory functions; and negative regulatory and financial implications.
117. All these factors played into the calls for guidance to be provided to support any charging scheme introduced to ensure a consistent approach.

### **Next Steps**

118. Further work is required to develop the policy consulted on in this chapter. We will continue to consider the findings of the consultation and engage with the sector to inform ongoing policy development in this area to deduce what, if any, change is required and how best it can be delivered.

## **1.9 Charging for fire false alarms**

119. Questions 57 to 65 asked for views and comments on the current provision for charging in reducing FFAs in non-domestic premises, the efficacy of the provisions in the FRSA and whether changes might be required.

To what extent do you agree that...	Strongly agree	Tend to agree	Neither agree nor disagree	Tend to disagree	Strongly disagree	Don't know
<b>Q57. charging can be a beneficial tool when attempting to reduce FFA and encourage behaviour change? (n=170)</b>	24%	36%	10%	9%	12%	9%
<b>Q59. barriers to the current charging system for FFA exist?</b>	15%	25%	29%	6%	2%	23%

<b>Q61. To what extent do you agree that the following terminology, under 18C(3) FRSA, in relation to charging for FFA are appropriate and clear?</b>	Strongly agree	Tend to agree	Neither agree nor disagree	Tend to disagree	Strongly disagree	Don't know
Q61a. Malfunctioned (n=155)	13%	15%	20%	17%	12%	23%
Q61b. Misinstalled (n=155)	15%	16%	20%	15%	11%	23%
Q61c. Persistent (n=156)	21%	11%	18%	13%	14%	23%

<b>Q63. To what extent do you agree that FRA can charge for the following types of FFA? FFA is defined into four categories under BS 5839-1: False alarms with good intent, malicious false alarms, equipment false alarms and unwanted alarms.</b>	Strongly agree	Tend to agree	Neither agree nor disagree	Tend to disagree	Strongly disagree	Don't know
Q63a. False alarms with good intent (n=161)	3%	3%	11%	16%	57%	10%
Q63b. Malicious false alarms (n=162)	23%	17%	13%	17%	21%	9%
Q63c. Equipment false alarms (n=160)	23%	31%	13%	14%	9%	9%
Q63d. Unwanted alarms (n=156)	22%	27%	19%	10%	10%	13%

To what extent do you agree that...	Strongly agree	Tend to agree	Neither agree nor disagree	Tend to disagree	Strongly disagree	Don't know
<b>Q65. we should take steps to change the current approach to charging under 18C(3) FRSA? (n=170)</b>	22%	36%	15%	8%	6%	13%

120. Three-fifths of respondents (59 per cent) to question 65 agreed with the broad proposal that there should be steps to change the current approach to charging. Similarly, three-fifths of respondents (59 per cent) to question 57 agreed that charging can be a beneficial tool when attempting to reduce false fire alarms.
121. In free text answers, respondents commented that there needed to be better information and education on how to prevent false fire alarms occurring in the first place, supported by improved research and data. Respondents highlighted concern that an increase in charging could result in a perverse incentive not to set off fire alarms for fear of being fined. However, respondents also indicated that charging for false fire alarms may incentivise improved maintenance, servicing and installation by competent persons, thereby reducing the burden on FRSs attending false fire alarms. Some respondents said that a large number of false fire alarms emanate from buildings managed by public sector organisations, such as hospitals and universities, and argued there would be little gained in charging there.
122. When asked about different false fire alarm terminology in question 61, there were similar levels of agreement and disagreement around whether each was appropriate and clear.
123. In free text answers, many respondents indicated that the terms 'malfunctioned', 'mis-installed' and 'persistent', specified under 18C(3) FRSA, would need to be clearly defined and supported by guidance to ensure a consistent approach to charging for false fire alarms. Several respondents called for the term 'mismanagement' to be included within future revisions of 18C(3) FRSA, as the term accounts for instances of unwanted false fire alarms that are not explicitly covered by existing legislation. Respondents suggested that the current lack of clarity is leading to a reliance on industry standards and guidance that stops short of fully commenting on the consequences of unwanted fire signals.

## Next Steps

124. Further work is required to develop the policy consulted on in this chapter. We will continue to consider the findings of the consultation and engage with the sector to inform ongoing policy development in these areas to deduce what, if any, change is required and how best it can be delivered.



## Section 2: Grenfell Tower Inquiry Phase 1 recommendations

125. This section of the consultation focused on those recommendations from the GTIP1 report where the Inquiry called for changes to the law and set out the Government's proposals for implementation. The recommendations relate primarily to requirements on building owners and managers of high-rise residential buildings to provide information to FRSs to ensure they can provide an effective operational response, and to provide assurance and additional safety measures to residents. Some recommendations went further, however, recommending application to all multi-occupied residential buildings regardless of height.
126. There are a number of practical implications that arise from the implementation of the proposals set out in this section, as identified by the respondents. For example, in relation to information systems that may be required by FRSs to store and manage information proposed to be provided to them by RPs, and measures to ensure the safety and security of the information including data protection requirements in relation to any personal data being processed. All of these will continue to be considered as a final set of proposals is developed and we move towards implementation.
127. The Government's commitment to implementing the Inquiry's recommendations remains undimmed, as does our commitment to ensure those most affected by the tragic events at Grenfell Tower – the bereaved and survivors – continue to have a voice in their implementation. We are doing everything in our power to implement the Phase 1 recommendations of the Grenfell Tower Inquiry in the most practical and effective way. This Government intends to – subject to the Fire Safety Bill gaining Royal Assent – lay Regulations before the second anniversary of the Grenfell Tower Inquiry Phase One Report which will deliver on the Inquiry's recommendations. These will include measures around checking fire doors and lifts.
128. It is critical that the legislative approach is supported by necessary guidance, and that the operational implementation challenges have been considered and addressed to enable the necessary change on the ground. More work is required to further develop our proposals to implement the recommendations and we will continue to consider the responses received to this consultation and engage with stakeholders to inform policy development.
129. It is important that we get this right and ensure the voice of residents and those likely to be affected by the proposals are heard. That is another reason why we have decided to undertake a further consultation this Spring to seek more views on the complex issue of personal emergency evacuation plans. The upcoming personal emergency evacuation plans consultation will build on the responses that have been

received through this consultation, whilst also taking forward a supplementary process to seek the views of those most affected, in particular residents. Further information on this will be available soon on the Government’s website.

## 2.1 Definition of height for high-rise buildings

130. The Inquiry recommendations refer to either “high-rise residential buildings” or “every residential building containing separate dwellings (whether or not it is a high-rise building)”. However, during Phase 1 of its considerations the Inquiry did not take a position or make a recommendation in relation to what constitutes a “high-rise” building.

Paragraph 33.4: (...) that question (of height) was not the subject of examination in Phase 1 and it is therefore not possible for me to make a recommendation about it at this stage. It is, however, a matter which will be examined in Phase 2.

131. Without wishing to pre-empt the outcome of Phase 2 of the Inquiry, and while recognising that height is only one of the factors which could be considered to assess fire risks in complex buildings, we sought views on the appropriate definition of height for 'high rise'.

132. Questions 66 and 67 asked for views on one proposal:

**Proposal 9:** To align with the proposed scope of the draft BSB and apply those recommendations that refer to “high-rise” residential buildings to buildings that are 18 metres or above and/or more than six storeys, whichever comes first.

To what extent do you...	Strongly agree	Tend to agree	Neither agree nor disagree	Tend to disagree	Strongly disagree	Don't know
<b>Q66. agree that we should apply the same height definition for high-rise residential buildings to that set out in the proposed Building Safety Bill (18 metres and / or more than six storeys whichever comes first) to any proposed regulations made under the FSO? (n=177)</b>	40%	27%	5%	8%	20%	1%

133. Just over two-thirds of respondents to question 66 (67 per cent) agreed, while almost three in ten disagreed (28 per cent). Residents or residential groups were more likely than average to disagree (56 per cent of those who disagreed).
134. Question 67 allowed free text answers and some respondents raised alternative options for the definition of height with many calling for 11 metres as the height threshold, and others favouring either a six, seven or 10-storey definition. Others argued that safety should be improved in all buildings regardless of height.
135. In the free text, many respondents flagged their view that risk is not solely determined by height. Most of these respondents were of the view that the proposals placed too much focus on building height and considered the 18 metres height threshold to be arbitrary. Some respondents from the fire sector were of the view that linking the FSO to the draft BSB definition would be counterproductive, with such prescription limiting the flexibility and risk-based approach of the FSO. Some in the housing sector raised concerns that the proposal could impact negatively on housing supply, including that of lower cost. Many respondents from varied sectors called for a more holistic risk-based approach with Government also accounting for factors such as building use and layout.

## 2.2 External walls

136. This chapter related to GTIP1 recommendation 33.10 (a).

*The owner and manager of every high-rise residential building be required by law to provide local FRS with information about design of its external walls as well as details of the materials they are constructed from and inform FRS of any material changes made to them.*

137. The Government agrees that the detailed information about the design and materials of the external walls of high-rise residential buildings will be useful to FRSs for operational firefighting and fire safety inspection purposes. This chapter sought views on proposals to implement requirements for relevant RPs to provide additional information to FRSs relating to the level of risk from the external wall structure and the associated mitigating steps taken.
138. The Fire Safety Bill clarifies that the FSO applies to external walls (including cladding, balconies and windows) and flat entrance doors between the flat and the non-domestic parts for multi-occupied residential buildings.
139. Questions 68 to 70 invited views and comment on two proposals:

**Proposal 10:** To require relevant RPs in high-rise residential buildings to provide their local FRS with information about the design, materials and construction of the building's external wall structure as well as details of the materials they are constructed from and to inform local FRSs of any material changes made to them.

**Proposal 11:** To require relevant RPs to provide additional information to their FRS in relation to the level of risk that the design and materials of the external wall structure gives rise to and the associated mitigating steps taken.

<b>Q68. To what extent do you agree with the above proposal to make regulations as described above? (n=168)</b>	<b>Strongly agree</b>	<b>Tend to agree</b>	<b>Neither agree nor disagree</b>	<b>Tend to disagree</b>	<b>Strongly disagree</b>	<b>Don't know</b>
	49%	41%	5%	2%	2%	2%

140. Nine in ten respondents agreed (90 per cent) with proposals 10 and 11 as they were described in the consultation document before question 68.

141. In response to the free text questions, most respondents favoured a bespoke standard format for the provision of the information to FRSs to ensure a consistent national approach. Other options included the provision of the relevant section of the fire risk assessment which closely followed the bespoke format in terms of preference. Some also suggested the provision of both a bespoke format and copy of the fire risk assessment given that fire risk assessments are not standardised so it would make the task for FRSs having to consider them more complicated and less likely to be consistent. There was consensus by many respondents for an agreed standard to be nationally developed so that there is a readily understandable classification system which states how the external wall system performs in a fire.

142. Many respondents from varied sectors indicated that having better information would support FRSs' operational response as well as improve the RPs' and residents' knowledge of risk factors. While many respondents agreed that there should be restrictions on whether this information should be provided based on height, others, particularly residents' groups and insurers, felt that this should not be the only risk factor.

143. Concerns were raised in the free text answers about the competency of fire risk assessors to assess and interpret the information accurately, with many not having the relevant professional indemnity insurance. Some respondents from the fire professional and technical sector felt that information on external walls needed to include technical specifications, including construction standards and rigorous testing data so that a proper risk assessment could be made. They also felt there needed to be clarity on how different types of buildings, including older style properties where it was often unclear what the external walls consisted of, would be assessed. Other concerns focussed on resource implications for FRSs and RPs, with a fear that costs may be passed onto leaseholders.

## 2.3 Plans

144. This chapter relates to GTIP1 recommendation 33.12 (a).

*The owner and manager of every high-rise residential building be required by law to provide their local fire and rescue services with up-to-date plans in both paper and electronic form of every floor of the building identifying the location of key fire safety systems.*

145. The Government agrees that the floor plans are likely to be useful and relevant to the local FRS in assisting it to plan and deliver an effective operational response to a fire incident in a high-rise residential building. The plans should be simple to assist quick and critical decisions which may need to be taken by operational firefighters during an incident. Although RPs may already have plans for their buildings, the consultation proposed a new standardised approach to ensure consistency across the public and private housing sectors.

146. Questions 71 to 74 invited comments and views on three proposals.

**Proposal 12:** To require RPs of high-rise residential buildings to provide the most up-to-date floorplans, identifying the location of key firefighting system to their local FRS in electronic format.

**Proposal 13:** To require RPs of high-rise residential buildings to provide an additional single page building plan, which should include the location of all key firefighting equipment, to their local FRS.

**Proposal 14:** To provide a national standard format to support the collation of this information by RPs and receipt of the same by FRSs.

Q71. To what extent do you agree with this proposed approach to make regulations as described above? (n=163)	Strongly agree	Tend to agree	Neither agree nor disagree	Tend to disagree	Strongly disagree	Don't know
	54%	40%	1%	2%	0%	2%

Q72. What key firefighting equipment could be included in the building plans?	Response per cent	Response total
a. dry risers	81%	126
b. wet risers	80%	125
c. location of nearest fire hydrant	76%	119
d. smoke control systems	79%	124
e. suppression systems (including associated operating instructions)	80%	125
f. lifts	79%	124
g. other (please specify)	74%	116

<b>Q73. Please indicate whether you think building plans should be provided for:</b>	<b>Response per cent</b>	<b>Response total</b>
a. every floor of the building, or	57%	89
b. only for those floors that are different in their layout	43%	67

147. The vast majority of respondents agreed with the proposed approach to make the regulations described in this chapter before question 71 (94 per cent).
148. In the free text answers, those in the housing sector highlighted the operational benefits of the plans. FRSs noted the information would be useful in an incident, but also raised concerns about the practicalities in relation to storing, processing and retrieving the data. Some respondents indicated that the location of fire compartments, protected lobbies and their expected fire-resisting capability should be included within plans.
149. To support use, some respondents in their explanation of their answer to question 71 made the case for a standardised format to enable RPs to collate the information and to support FRSs' operational needs. However, some property companies commented on the associated costs and the potential for these to impact on leaseholders.
150. Other equipment specified by many in answer to question 72 included: identified hazards; sprinkler stop valves/valve sets; fire alarm control panels; access to service routes and cupboard specific rooms; and building service isolation points and switches. Some respondents from different groups shared a view that key firefighting equipment to go into building plans should be solely determined by FRSs' needs as it is purely an operational firefighting question.
151. Of those in favour of plans for every floor, some raised concerns in the free text answers that the single page plans and different floorplans may not provide sufficient information or not account adequately for complex buildings. Respondents noted that building plans for every floor would minimise confusion and prevent possible inaccuracies arising from plans only for those floors differing in layout. Others noted that it would be excessive to provide plans for every floor and suggested that plans for only those floors differing in their layout was both proportionate and simple.
152. Respondents emphasised the need for clear standard guidance as suggested under proposal 14. FRSs noted that Government should consider the ongoing work of the special interest group for PIBs<sup>8</sup>, and BS8644<sup>9</sup> for digital management of fire safety information. Local authorities recommended that the Government establishes a

<sup>8</sup> The special interest group for Premises Information Boxes is coordinated by the Fire Industry Association and has industry wide representation..

<sup>9</sup> BS8644 is an information management standard for fire safety that aims to provide a code of practice for the digital management of fire safety information.

working group with the National Fire Chiefs Council (NFCC), HSE and Local Authority Housing practitioners to draw up appropriate guidance.

## 2.4 Premises information boxes

153. This chapter relates to GTIP1 recommendation 33.12 (b).

*The owner and manager of every high-rise residential building be required by law to ensure that the building contains a PIB, the contents of which must include a copy of the up-to-date floor plans and information about the nature of any lift intended for use by the fire and rescue services.*

154. The Government agrees that PIBs are a recognised method through which building owners / managers and occupiers provide information to attending FRSs. Although there is existing guidance to support their use, there is no statutory requirement to have them installed in multi-occupied residential premises. In line with the Inquiry's recommendations, the consultation included proposals about their requirement as well as content. In addition, MHCLG proposed updates to Approved Document B, which would apply to building work carried out for new and altered buildings.

155. Questions 75 to 81 invited views and comments on three proposals.

**Proposal 15:** To require RPs for high-rise residential buildings to have in place a PIB and include up-to-date floorplans with the location of key firefighting equipment and a single page building plan.

**Proposal 16:** To require the PIB to include a copy of the fire risk assessment and RP contact details (pending the outcome of proposals 1 and 5 which would require a completed fire risk assessment to include this information already)

**Proposal 17:** To require the PIB to include a number of other documents as recommended by the Inquiry in other sections of the Phase 1 report alongside proposals from MHCLG to update Approved Document B to ensure that new and altered buildings are capable of meeting this requirement.

To what extent do you agree...	Strongly agree	Tend to agree	Neither agree nor disagree	Tend to disagree	Strongly disagree	Don't know
<b>Q75. with this proposed approach to make regulations as described above? (n=166)</b>	52%	34%	5%	4%	3%	2%

To what extent do you agree that ...	Strongly agree	Tend to agree	Neither agree nor disagree	Tend to disagree	Strongly disagree	Don't know
<b>Q76. the premises information box should include copies of the completed fire risk assessment? (n=164)</b>	23%	21%	12%	29%	10%	6%
<b>Q77. the premises information box should include the contact details for the relevant Responsible Person? (n=168)</b>	60%	28%	5%	3%	2%	2%
<b>Q78. there should be a consistent approach to Premises Information Boxes between the Fire Safety Order and the Building Regulation guidance?</b>	75%	17%	1%	0%	2%	5%

To what extent do you agree...	Strongly agree	Tend to agree	Neither agree nor disagree	Tend to disagree	Strongly disagree	Don't know
<b>Q79. that Approved Document B should set the threshold at 18m top storey height only in relation to the PIB requirement? (n=161)</b>	11%	12%	9%	30%	30%	8%

156. In response to question 75, most respondents (86 per cent) agreed to the approach described in proposals 15,16 and 17.

157. In the free text answers, some respondents highlighted that PIBs are only useful if kept up to date and available and accessible when required, with some flagging security concerns. There were numerous calls for guidance as to how often PIBs should be updated and to establish parameters regarding how often this information should be reviewed. In response to question 80, some respondents stressed the value of PIBs being digital, which may make management of the information easier and more secure.

158. Responses to question 76 were mixed. In free text answers many respondents from various groups viewed this as unnecessary, excessive and not useful in an emergency. Some respondents suggested a summary of the fire risk assessment may be a suitable alternative to include in PIBs.



159. The majority of respondents to question 78 (92 per cent) agreed there should be a consistent approach to PIBs. Many used the free text questions to highlight the role guidance could play in delivering a consistent approach, setting out format, content, specification, location, and frequency of updates.
160. While almost a quarter (22 per cent) agreed that Approved Document B should set the threshold at 18m top storey height only in relation to the PIB requirement (question 79), three-fifths disagreed (61 per cent). There were differences between groups in the proportions that disagreed. Seven in 10 of those who responded in their capacity as enforcing authorities (70 per cent) disagreed while almost half of those who responded in their capacity as local authorities (45 per cent) disagreed. Some respondents suggested in free text answers that the Approved Document B threshold should be lowered to 11m, as referenced by the sprinkler requirements.
161. Those who viewed the 18m requirement as being too restrictive noted in responses to the open questions that PIBs may be useful in other buildings depending on occupancy, complexity, construction and layout. Many stressed that PIBs should apply to high-risk buildings below 18m, with others providing different height thresholds, e.g. buildings with a storey at least 11m above ground level. As with the content of plans in the previous section, many felt content should be determined by FRSs as this will support their operational response.

### **Next Steps**

162. While further work is being undertaken to develop our policy approach to PIBs in existing buildings and to define the information that will be required to be stored in them, we will introduce a new requirement that they must be provided in all new buildings above 11 metres in height. Such requirement will be delivered through amendments to the building regulations fire safety guidance (Approved Document B).

## **2.5 Lifts**

163. This chapter related to GTIP1 recommendation 33.13 (a) and (b).

The owner and manager of every high-rise residential building be required by law:

**(a)** to carry out regular inspections of any lifts that are designed to be used by firefighters in an emergency and to report the results of such inspections to their local fire and rescue service at monthly intervals.

**(b)** to carry out regular tests of the mechanism which allows firefighters to take control of the lifts and to inform their local fire and rescue service at monthly intervals that they have done so.

164. The Government agreed that it is important to ensure that FRSs can amend their operational response to consider any impairment to the lift capability of a building that

they might otherwise rely on during an emergency response. The RP should already be undertaking routine checks and maintenance recommended by the lift manufacturer. While monthly tests of the lifts designed to be used by firefighters in an emergency and the mechanism through which firefighters can take control of the lifts can be done as part of this routine maintenance or alongside it, practical consideration has been given to reporting these results to FRSs.

165. Questions 82 to 88 invited views and comments on two proposals.

**Proposal 18:** To require RPs for high-rise residential buildings to undertake monthly checks of any lifts within the building designed to be used by firefighters and of the mechanisms which allow firefighters to take control of lifts and report any faults to the local FRS at an agreed standard threshold.

**Proposal 19:** To require checks to include all lifts within relevant buildings and other pieces of key firefighting equipment and for these checks to be recorded in an open and transparent way that is accessible to residents.

To what extent do you agree...	Strongly agree	Tend to agree	Neither agree nor disagree	Tend to disagree	Strongly disagree	Don't know
<b>Q82. With this proposed approach to make regulations as described above? (n=166)</b>	41%	33%	6%	9%	4%	8%

<b>Q83. What would you suggest is a sufficient threshold for the reporting timeframe to the local Fire and Rescue Services?</b>	<b>Response per cent</b>	<b>Response total</b>
a. Within 24 hours of the fault or issue being identified	44%	67
b. Within 48 hours of the fault or issue being identified	18%	27
c. Within 72 hours of the fault or issue being identified	9%	13
d. Other	30%	46

To what extent do you agree that...	Strongly agree	Tend to agree	Neither agree nor disagree	Tend to disagree	Strongly disagree	Don't know
<b>Q84. the proposal should cover all lifts within a building? (n=164)</b>	26%	28%	10%	17%	12%	7%

<b>Q85. the proposal should cover other pieces of key fire-fighting equipment? (n=164)</b>	52%	24%	5%	6%	4%	7%
--	-----	-----	----	----	----	----

<b>Q86. What other pieces of key fire-fighting equipment, excluding lifts and the mechanism with through which fire fighters can take control of the lifts, would you suggest should be included in this proposal (therefore tested or inspected every month and reported to the local fire and rescue service in the event of failure)?</b>	<b>Response per cent</b>	<b>Response total</b>
a. Dry risers	74%	107
b. Wet risers	72%	104
c. Smoke control systems	79%	114
d. Suppression systems (including associated operating instructions)	76%	109
e. Other	47%	68

<b>To what extent do you agree...</b>	<b>Strongly agree</b>	<b>Tend to agree</b>	<b>Neither agree nor disagree</b>	<b>Tend to disagree</b>	<b>Strongly disagree</b>	<b>Don't know</b>
<b>Q87. that the proposal should be extended to include a requirement for information about the monthly checks to be made visible to residents?</b>	26%	38%	11%	14%	4%	7%

166. In addition to the findings from the questions above, many respondents used the free text answers to agree with exception reporting so that FRSs are only informed when lifts are out of order or there are failures, including in relation to the control mechanism. Concerns were raised if reporting was to be done regardless of whether a lift was operating. This may lead to FRSs struggling to cope with the amount of extra data and there may also be resource implications for building owners or managers, with the increased need to test all lifts and keep accurate records of this.

167. In answer to question 85, just over three-quarters agreed (77 per cent) that the proposal should cover other pieces of key firefighting equipment. In the free text specification for 'other', there were numerous additional suggestions, including details of compartmentation, fire curtains, emergency lighting systems, sprinklers, disabled refuge spaces, and fire hydrants. Some respondents simply summarised that all critical fire safety systems should be included. There was concern, however, that expanding the list too widely may increase the burden on those required to test and may increase costs for leaseholders.

168. There was a mixed response to question 83 on the suitable timeframe for reporting this information to local FRSs. The general view in the free text answers was that such a requirement would improve confidence for residents that sufficient checks were in place. As with the additional key firefighting equipment, issues were raised about the practicality of putting arrangements in place, burdens on RPs and costs, which may impact on leaseholders. It was also highlighted that effective guidance would need to be produced along with a dispute process for residents dissatisfied with the arrangements in place.

## 2.6 Evacuation Plans

169. This chapter relates to GTIP1 recommendation 33.22 (c).

The owner and manager of every high-rise residential building be required by law to draw up and keep under regular review evacuation plans, copies of which are to be provided in electronic and paper form to their local fire and rescue service and placed in an information box on the premises

170. The Government agreed that it is critical for RPs to have in place an evacuation plan to ensure that building occupants can safely exit the building in case of an emergency, and that FRSs are aware of the evacuation plan and have an appropriate operational response prepared should this be required. It may also be beneficial to share the evacuation plan with both the local FRS and residents and a copy of the plan placed in a PIB, as recommended in the GTIP1 Report.

171. Questions 89 to 92 invited views and comments on proposals 20 and 21.

**Proposal 20:** To require RPs of high-rise residential buildings to draw up and keep under regular review evacuation plans, send them electronically to the local FRS and keep a paper copy in the relevant PIB.

**Proposal 21:** To possibly extend these requirements to cover all high-rise multi-occupied residential buildings of 11m and above.

	Strongly agree	Tend to agree	Neither agree nor disagree	Tend to disagree	Strongly disagree	Don't know
<b>Q89. To what extent do you agree with the proposed approach to make regulations as described above? (n=163)</b>	47%	36%	4%	5%	2%	6%
<b>Q90. Do you think this proposal should be extended to cover all multi-occupied residential buildings of 11m and above? (n=168)</b>	40%	29%	10%	5%	10%	6%

172. More than four-fifths of respondents (83 per cent) to question 89 agreed with proposals 20 and 21.
173. In response to the open questions, some respondents felt additional clarity was needed on what evacuation plans comprised. To FRSs, this was interpreted as an evacuation strategy, which would likely be one of the following common strategies: a stay put strategy, a phased horizontal evacuation strategy, or a simultaneous evacuation strategy. Many respondents assumed it included a mixture of evacuation strategies.
174. Many respondents stressed that any evacuation plan needed to include provision of sufficient information to residents and volunteers or staff on site to manage an effective evacuation before the local FRS arrives, as evacuation is something that should begin before then.
175. There was however a strong view from residents' groups that a 'stay put' evacuation strategy should not be supported regardless of the consultation proposals. They expressed concern that 'stay put' as an evacuation strategy might allow building owners and managers to avoid drawing up an actual evacuation plan with residents where 'stay put' is declared the building's official evacuation strategy. They also expressed concern about the absence of wider proposals for planning and facilitating partial or total evacuations of high-rise buildings in the event of a fire and asked that national guidelines for carrying out such evacuations of high-rise buildings be implemented.
176. The use of a 'stay put' strategy in any multi-occupied residential building should be determined by the building owner or manager, informed by the design, construction and maintenance of the building along with the fire risk assessment completed under the FSO. What to do in the event of a fire should be communicated to residents and those legally on, or in the vicinity of, the premises.
177. The Inquiry recommended that the Government develop national guidelines for carrying out partial or total evacuations of high-rise residential buildings. In December 2019, a joint Home Office and Ministry of Housing, Communities and Local Government technical steering group was set up to support a research project to review means of escape provisions in blocks of flats including the use of a 'stay put' strategy and evacuation. The steering group identified four strands to this work: an evidence review to assess academic evidence on methods of evacuation; operational research to test evacuation strategies; building design research to evaluate fire safety provisions in buildings; and human behaviour and public confidence, to better understand public perception and understanding of evacuation strategies. This research will consider a range of issues including the risks associated with the evacuation of large numbers of people in order to produce national guidelines for the carrying out of full or partial evacuations of high-rise residential buildings.

178. There was support for including evacuation plans within the PIB but these plans should be kept under regular review.
179. The majority who responded to question 90 (70 per cent) agreed that this proposal should be extended to cover all multi-occupied residential buildings of 11m and above, although there were a number of respondents who stated that height should not be the only risk factor to consider and other building types may benefit from such plans.

## 2.7 Personal emergency evacuation plans

180. The Government is committed to implementing the Inquiry's recommendations. It is important that we get this right and ensure that the voice of residents is heard. This chapter relates to GTIP1 recommendations 33.22 (e) and (f).

The owner and manager of every high-rise residential building be required by law:

**(e)** to prepare personal emergency evacuation plans for all residents whose ability to self-evacuate may be compromised (such as persons with reduced mobility or cognition);

**(f)** to include up-to-date information about persons with reduced mobility and their associated personal emergency evacuation plans in the PIB.

181. We proposed to require RPs to provide details of any residents who self-identify to them as requiring assistance to evacuate to their local FRS and to place this information in a PIB. Residents would need to be clearly told how 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 personal emergency evacuation plan for each resident who self-identifies as requiring assistance with evacuation. They will also need to keep personal emergency evacuation plans up to date and, with the explicit consent of the relevant residents, share them with the local FRS to assist with their planning and response to any incident.
182. Implementing personal emergency evacuation plans in general use blocks of flats is a complex issue. That is why we have decided to seek further views on this matter before committing to a legislative approach. We will include more information on this on GOV.UK as soon as possible.
183. We will build on the responses that have been received through this consultation, whilst also taking forward a supplementary process to seek the views of those most affected, in particular residents.

## 2.8 Information to Residents

184. This chapter relates to GTIP1 recommendation 33.28.

The owner and manager of every residential building containing separate dwellings (whether or not it is a high-rise building) be required by law to provide fire safety instructions (including instructions for evacuation) in a form that the occupants of the building can reasonably be expected to understand, taking into account the nature of the building and their knowledge of the occupants.

185. It also links to proposals set out under chapter 1.4 Information to Residents.

186. We proposed to require the RP to provide fire safety information (including instructions for evacuation) to residents in an accessible manner, taking into account the nature of the building and their knowledge of the residents. We also sought views on whether other information should be provided to residents as detailed in chapter 1.4.

187. The Government is of the view that residents of any multi-occupied residential building should be provided with information and instructions, including those for evacuation, in a form that they can understand and that takes into account the nature of the building and the knowledge of their occupants. While some RPs make provision of fire safety information proactively, there is no explicit statutory requirement for information to be provided to residents. In line with the GTIP1 recommendations, the consultation included proposals to enhance the provision of information to residents of multi-occupied residential buildings for which the non-domestic parts are subject to the FSO.

188. Questions 99 to 103 invited views and comments on two proposals.

**Proposal 25:** To require RPs of multi-occupied residential buildings to provide residents with certain fire safety information about the premises (including instructions for evacuation) in an accessible way.

**Proposal 26:** To supplement proposal 25, to require RPs to provide comprehensible and relevant information to residents in multi-occupied residential buildings as set out in proposals 6 and 7.

Q99. To what extent do you agree with this proposed approach to make regulations as stated above? (n=160)	Strongly agree	Tend to agree	Neither agree nor disagree	Tend to disagree	Strongly disagree	Don't know
	54%	34%	4%	1%	1%	7%

189. Almost nine in ten respondents (88 per cent) agreed with question 99.

190. In the free text answers, several respondents also supported provision of this information to 'other relevant persons' in multi-occupied residential buildings. However, responses indicated that provision to all 'relevant persons' could become burdensome for RPs, and as a result it was suggested that 'key relevant persons' should be considered.
191. Respondents indicated that any information provided needed to be accessible, relevant, succinct, clear and available in multiple languages and formats, although some had reservations about the level of information available to the RPs in order for the RP to produce this. Many respondents raised the need for building specific information on evacuation policies and procedural advice to be available in this way. Other fire safety information suggested for provision to residents included: fire safety management plans, with a particular focus on emergency evacuation procedures; fire risk assessments; RP contact details; resident responsibilities; home safety information; fire prevention and protection measures in place; and how to report concerns. Many respondents indicated that any information provided needed to be: accessible, relevant, succinct, clear and available in multiple languages and formats, although some had reservations about the level of information available to the RPs for the RP to produce this. Many respondents raised the need for building specific information on evacuation policies and other fire safety information to be available in this way.
192. Many respondents to the open questions stated that RPs should consider any disabilities or vulnerabilities of occupants, their communication needs, their demographic and their building use. Several respondents stated that residents should have a responsibility to self-declare, proactively providing RPs with information concerning their need for assistance to evacuate and updating it when necessary. It was noted by many respondents that RPs can only be responsible for the extent to which residents inform them of vulnerabilities.
193. Many respondents stated that they would like to see supporting guidance delivered to three key audiences: RPs, residents and regulators. Respondents stated the guidance should be clear and include, but not be limited to: roles/responsibilities of residents / RPs / duty-holders / regulators; primacy of legislation; minimum standards; residents' rights; processes for reporting defects; advice to magistrates / courts to assist prompt resolution; identification of residents; obtaining information from residents; and processes for residents to report vulnerabilities.

## **2.9 Fire doors**

194. This chapter relates to GTIP1 recommendation 33.29 (b) and 33.30.

The owner and manager of every residential building containing separate dwellings (whether or not they are high-rise buildings) be required by law to carry out checks at



not less than three-monthly intervals to ensure that all fire doors are fitted with effective self-closing devices in working order.

All those who have responsibility in whatever capacity for the condition of the entrance doors to individual flats in high-rise residential buildings, whose external walls incorporate unsafe cladding, be required by law to ensure that such doors comply with current standards.

195. The Fire Safety Bill clarifies that flat entrance doors and fire doors in common parts of multi-occupied residential buildings are in scope of the FSO. This clarification allows the Government to take forward the GTIP1 recommendations in relation to creating explicit duties on flat entrance doors and fire doors in common parts.

196. Questions 104 to 107 invited views on two proposals and then questions 108 to 111 invited views on a further two proposals.

**Proposal 27:** To require RPs to undertake prescribed checks to ensure self-closing devices are in working order in multi-occupied residential buildings.

**Proposal 28:** To require RPs to keep a record of those checks.

**Proposal 29:** To require those who have control over a relevant door in high-rise residential buildings where external walls have been identified to incorporate unsafe cladding to ensure that the door complies with current standards and, if necessary, replace the door.

**Proposal 30:** To apply proposal 29 to fire doors exclusively in the non-domestic parts as well as flat entrance doors in buildings of 18m and above (or more than six storeys), and to provide guidance to support decisions on whether or not a door complies.

To what extent do you agree...	Strongly agree	Tend to agree	Neither agree nor disagree	Tend to disagree	Strongly disagree	Don't know
<b>Q104. with this proposed approach (proposals 27 and 28) as described above? (n=173)</b>	27%	43%	6%	12%	9%	5%
<b>Q108. with this proposed approach (proposals 29 and 30) as described above? (n=161)</b>	37%	39%	9%	4%	7%	5%

197. While the majority of respondents agreed with proposals 27 and 28, opinion given in the free text questions was split on how frequently the RP would be required to undertake the inspections. Many respondents used their free text answers to raise

concerns that the proposals overcomplicated the recommendation made by the GTIP1 report. Many others had the view that these proposals were too frequent and therefore not practical to undertake. Furthermore, while proposal 27 sets out separate inspection frequencies for buildings 11-18m and 18m and above, some respondents highlighted in free text answers the benefit of inspecting both subsets in a unified manner to reduce any potential ambiguity over such duties.

198. Many respondents used the free text answers to acknowledge the difficulties in the RP obtaining access to check flat entrance fire doors. Respondents highlighted the practical difficulties in doing so and the difficulties present to the RP when entry is refused. The potential for requiring access through tenancy agreements was raised and opposed in separate responses, with the potential for a statutory duty to require provision of access and for residents to cooperate with RPs suggested instead.
199. Although responses to proposals 29 and 30 were similarly positive, respondents used free text answers to raise concerns that proposal 29 would direct attention away from undertaking remediation work on dangerous external cladding. Further to this, respondents also raised concerns that the remediation work required to address non-compliant fire doors would incur significant costs, with many suggesting that the Government's remediation fund should be increased and expanded to cover fire doors. Concerns around the cost of remediation were particularly prevalent in responses where the duty-holder was responsible for older buildings as the potential costs would be far greater.
200. Some respondents, including FRSs, felt remediation should not be forced upon those responsible but to allow them the freedom to explore other methods of mitigating potential risk of fire, such as fire suppression equipment. FRSs and several other respondents also highlighted the potential need to address the "non-worsening clause" in Section 4 (3) of the Building Regulations, which only requires any remedial work on the building to not make the building worse, rather than ensuring tangible improvements are made.

## **2.10 Non-Legislative Grenfell Tower Inquiry Phase 1 recommendations and alignment with Approved Document B**

201. The final questions of section 2 (112 to 115) sought views in response to the recommendations from the GTIP1 Report, affecting multi-occupied residential buildings, that did not specifically recommend changes in legislation, specifically 33.22 (d) and 33.27.

That all high-rise residential buildings (both those already in existence and those built in the future) be equipped with facilities for use by the fire and rescue services enabling them to send an evacuation signal to the whole or a selected part of the building by means of sounders or similar devices;

In all high-rise blocks of flats floor numbers be clearly marked on each landing within the stairways and in a prominent place in all lobbies in such a way as to be visible both in normal conditions and in low lighting or smoky conditions.

202. Approved Document B was amended in May 2020 to require sprinkler systems and consistent wayfinding signage in all new high-rise blocks of flats over 11m tall. The consultation sought views on aligning these new requirements with those for existing buildings under the FSO.

**Proposal 31:** To require all multi-occupied residential buildings of 11m and above to have wayfinding signage installed.

To what extent do you agree that...	Strongly agree	Tend to agree	Neither agree nor disagree	Tend to disagree	Strongly disagree	Don't know
<b>Q112. 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? (n=171)</b>	24%	24%	3%	19%	25%	5%
<b>Q113. regulations should be made requiring wayfinding signage to be introduced in multi-occupied residential buildings? (n=167)</b>	66%	29%	4%	0%	1%	1%

<b>Q114. Should the requirement for wayfinding signage be introduced in: (n=158)</b>	<b>All multi-occupied residential buildings?</b>	<b>Multi-occupied residential buildings of 11m and above?</b>
	69%	31%

Q115. To what extent do you agree any requirement for evacuation alert systems should be informed by the outcome of the programme of research and testing? (n=164)	Strongly agree	Tend to agree	Neither agree nor disagree	Tend to disagree	Strongly disagree	Don't know
	43%	38%	7%	4%	4%	4%

203. The majority of respondents to question 113 (95 per cent) agreed with proposal 31, with two thirds indicating that wayfinding signage should be introduced to all multi-occupied buildings. There was also strong agreement (81 per cent) that requirements for evacuation alert systems should be informed by research. There was a split, however, on whether sprinklers should be mandatory or be guided by fire risk assessments.

# Section 3: Building Control Bodies Consultation with Fire and Rescue Authorities

## 3.1 Better information

204. This chapter explored the need for better information to be provided to inform consultation between BCBs and FRAs on plans for building work. In particular, we sought views on proposals to provide a list of information which needs to be included, and whether there should be a standardised format in which to submit it.

To what extent do you...	Strongly agree	Tend to agree	Neither agree nor disagree	Tend to disagree	Strongly disagree	Don't know
<b>Q116a. agree that further guidance should be provided on the information which needs to be supplied? (n=164)</b>	55%	26%	12%	4%	1%	3%
<b>Q117. agree that a standardised set of building fire safety information requirements describing what information is to be provided would be helpful? (n=163)</b>	58%	34%	4%	1%	1%	3%
<b>Q118. agree that a standardised format for providing the above information would be helpful? (n=165)</b>	56%	36%	1%	1%	2%	4%

205. In response to question 116a, four-fifths of respondents (80 per cent) agreed that further guidance should be provided on the information that should be supplied to FRAs.

206. When asked what the information should include, respondents most often felt this should be a list of basic requirements and information on design layout, escape routes, alarm systems and the fire strategy plan.

### Next Steps

207. Local Authority Building Control (LABC), jointly with the NFCC, Association of Consulting and Approved Inspectors (ACAI) and the Joint Regulators' Group (JRG)

published new procedural guidance on consultation arrangements (July 2020). This included a standardised pro forma<sup>10</sup>. The Government has endorsed the guidance and welcomes the further work which LABC, NFCC and ACAI will be doing with the JRG to review the operation of the guidance in the coming months. The Government will consider the outcome of this work closely.

### 3.2 Plans certificates

208. This chapter sought views on whether there is value in Plans Certificates being mandatory for buildings covered by the FSO and whether they should allow for conditions to be set, or if further guidance would be more beneficial. A Plans Certificate is a statement that the Approved Inspector (where they are the BCB) has checked the plans of the building work and considers them to be compliant with Building Regulations. This provides a level of assurance that the plans have been checked for compliance with Building Regulations. These are currently voluntary.

	Strongly agree	Tend to agree	Neither agree nor disagree	Tend to disagree	Strongly disagree	Don't know
<b>Q119 - To what extent do you agree that plans certificates should be mandated for FSO buildings? (n=156)</b>	59%	21%	10%	2%	3%	5%
<b>Q120 - To what extent do you agree that plans certificates could allow for conditions to be set? (n=157)</b>	44%	34%	10%	3%	3%	7%
<b>Q121 - To what extent do you agree that plans certificates should be mandated only where building work affects fire or structural safety matters? (n=153)</b>	12%	24%	16%	19%	20%	9%
<b>Q122 - As an alternative, to what extent do you agree that further guidance would be sufficient? (n=150)</b>	11%	19%	12%	22%	21%	14%

In addition to the multiple-choice questions, which received mixed responses, many used the free text answers to highlight the value of Plans Certificates in: clarifying that checks had been made; providing a layer of responsibility to the approval process; helping FRAs

<sup>10</sup> <https://www.labc.co.uk/sites/default/files/2020-07/LABC.Building-Regulations-and-Fire-Safety-Procedural-GuidanceV2.150720.pdf>

when buildings are completed; and reducing the possibility of the build differing from the plan.

### Next Steps

209. Mandating Plans Certificates will require changes to the Building Act. Given the strong support for this proposal, the Government is considering including provision in the BSB.

## 3.3 Timely consultation

210. This chapter of the consultation asked respondents whether further consultation points in the process should be prescribed in guidance or legislation, and if so when they should be prescribed to promote timely engagement between the BCB and the FRA.

	Strongly agree	Tend to agree	Neither agree nor disagree	Tend to disagree	Strongly disagree	Don't know
<b>Q124a - To what extent do you agree that there are additional consultation points that could be specified in legislation or guidance? (n=155)</b>	41%	34%	12%	5%	1%	6%

211. In addition to the table above, respondents were asked an open question on what the additional consultation point(s) should be. The most common suggestions were: where there is a change in layout, proposal or design; at planning/design phase; before build begins; at completion; and before the building is occupied.

212. There were mixed views on whether additional consultation points should be in legislation or guidance.

### Next Steps

213. There was general agreement that there should be further consultation points. However, given the mix of views on what the point(s) should be and whether the point(s) should be in legislation or guidance, we will be working with the sector in developing the detail. Introduction of any new formal consultation point(s) will require a change in Regulations. We will come forward with specific proposals in due course.

## 3.4 Appropriate response times

214. The consultation sought views on whether there should be a statutory timeframe for responses by the FRA to provide further clarity about what is required and when, and

if so, what it should be. It is important that FRAs responses are timely to ensure their views are taken into consideration in time.

To what extent do you...	Strongly agree	Tend to agree	Neither agree nor disagree	Tend to disagree	Strongly disagree	Don't know
<b>Q125. agree that there should be a fixed statutory timeframe in legislation for response by Fire and Rescue Authorities (upon receipt of the appropriate information from building control bodies)? (n=156)</b>	45%	37%	6%	1%	3%	8%

Q126a. If a statutory timeframe were to be introduced in legislation, to what extent do you agree that it should be:	Strongly agree	Tend to agree	Neither agree nor disagree	Tend to disagree	Strongly disagree	Don't know
<b>Q126a.i - 15 calendar days (n=133)</b>	16%	18%	26%	20%	11%	11%
<b>Q126a.ii - 21 calendar days (n=135)</b>	22%	33%	25%	6%	4%	10%

To what extent do you...	Strongly agree	Tend to agree	Neither agree nor disagree	Tend to disagree	Strongly disagree	Don't know
<b>Q127. agree that there should be a flexible arrangement where all parties involved including developer, building control body and Fire and Rescue Authority are able to agree an extension to the timeframe to meet the need/s of the specific project? (n=152)</b>	47%	28%	6%	3%	7%	10%

215. In response to question 125, four-fifths agreed (82 per cent) that there should be a fixed statutory timeframe while four per cent disagreed.



216. In the open questions, some felt complex or large-scale projects should have the possibility of extending the timeframe to reflect the work required; some felt 21 days was ample; and others felt it was important to standardise or be consistent with other timescales.

### Next Steps

217. Stakeholders felt strongly that there should be a statutory time limit for FRAs providing their views. Any introduction of a statutory time scale will require a change in legislation. It will also need to take account of the overall timetable within which building plans have to be approved or rejected by local authorities. The Government will work with the sector on the appropriate changes needed to regulations and guidance to ensure a workable approach. We will come forward with specific proposals in due course.

## 3.5 Enabling dispute resolution

218. We recognise on occasion that BCBs and FRAs may not agree on whether plans deposited deal adequately with fire safety matters because they will be reviewing the plans from the perspective of their different enforcement roles. We asked for views on whether there are problems with resolving disputes between BCBs and FRAs which could benefit from a mediation panel and, if so, which representative bodies should be involved.

<b>Q129a - Are there problems with resolving disputes between building control bodies and Fire and Rescue Authorities which could benefit from a mediation panel with appropriate representative bodies providing advice on resolving disputes? (n=152)</b>	<b>Strongly agree</b>	<b>Tend to agree</b>	<b>Neither agree nor disagree</b>	<b>Tend to disagree</b>	<b>Strongly disagree</b>	<b>Don't know</b>
	28%	31%	12%	7%	5%	16%

219. Respondents used the open questions to explain their answers. Respondents said it would be helpful to have a mediation panel; some said different parties involved have different priorities; others that authorities don't work together therefore mediation is needed. Those who didn't agree with introducing a mediation panel most often felt there were no issues to address or they hadn't experienced any disputes.

220. Many respondents suggested a variety of different organisations who could be involved in a mediation panel. Those most often suggested were: NFCC, LABC, FRAs, ACAI and Building Control.

## Next Steps

221. Given the number of respondents who see value in a process for dispute resolution, we support implementation of this proposal. The LABC, NFCC and ACAI have taken forward work to develop a proposed model for seeking consensus where there are different views. We support this work, which will be published shortly.

## 3.6 Better guidance

222. We want to ensure the best guidance is available to support consultation arrangements. This chapter of the consultation sought to understand whether standing advice for use at the local level would be helpful.

<b>Q131a - To what extent do you agree that standing advice, separate to but complementing Approved Document B and the Procedural Guidance, for use at the local level would be helpful? (n=153)</b>	<b>Strongly agree</b>	<b>Tend to agree</b>	<b>Neither agree nor disagree</b>	<b>Tend to disagree</b>	<b>Strongly disagree</b>	<b>Don't know</b>
	14%	24%	20%	22%	10%	10%

223. There were mixed levels of agreement around proposed guidance in question 131a.

224. Most of the respondents to the following open question were not in favour of bespoke standing advice: some believed attention should be on ensuring better or more concise national guidance; some felt Approved Document B should provide the level of guidance required; some felt consultation methods should be the same regardless of location; and others expressed the view that standing advice would not be helpful, leading to potentially different processes in different areas and potentially causing more confusion, and felt it wouldn't help them working nationally to have different standing advice on local issues.

225. Where standing advice was favoured, this was most often related to producing practical examples of applying procedural guidance on the fire safety of a building.

## Next Steps

226. Given the mixed views on this proposal we do not plan to take forward work in this area at present. We propose to await the review of the LABC/NFCC/ACAI Procedural Guidance (see section 3.1) and will keep this issue under review.

### 3.7 Fire safety information

227. In this chapter of the consultation we sought views on improving the effectiveness of the current arrangements under the Building Regulations (Regulation 38) that require fire safety information to be provided to the RP for premises subject to the FSO by the person carrying out the work. We asked whether the scope of application of Regulation 38 should be extended to material alterations. Respondents were also asked their views on three different options for strengthening the arrangements for ensuring compliance with Regulation 38, as well as any requirements for further guidance on what fire safety information has been handed over.

To what extent do you...	Strongly agree	Tend to agree	Neither agree nor disagree	Tend to disagree	Strongly disagree	Don't know
<b>Q132a. agree that the application of Regulation 38 should be extended to material alterations and/or other types of building work? (n=162)</b>	56%	31%	6%	2%	1%	4%
<b>Q133. agree that the building control body should have to approve the fire safety information to be handed over? (n=160)</b>	48%	30%	7%	5%	6%	4%
<b>Q134. agree that a review of the Regulation 38 information should be included in any formal consultation requirements between the building control body and the Fire and Rescue Authority prior to the issue of a completion or final certificate? (n=157)</b>	52%	29%	8%	5%	3%	4%

<b>Q135. agree that there should be a requirement for the developer to provide a formal notice to the building control body that fire information has been handed over (including confirmation from the Responsible Person to that effect)? (n=159)</b>	67%	23%	4%	1%	1%	4%
<b>Q136. agree that further guidance would be useful, for example through a British Standards such as BS 8644? (n=157)</b>	54%	25%	11%	3%	2%	4%

<b>Q137 - Overall, please state which of the three options is your preference. (n=140)</b>	<b>Respondents Percent</b>
<b>Option 1: For the BCB to be required to approve the fire safety information which is to be handed over and prescribing in more detail what information should be provided. This could include a requirement to consult the FRA. It would remain the responsibility of the person undertaking the work to ensure that there was adequate fire safety information.</b>	37%
<b>Option 2: To formalise the process for persons undertaking work to confirm that fire safety information has been handed over, for example by requiring them to provide a formal notice to the BCB (including confirmation from the RP) to that effect.</b>	31%
<b>Option 3: To improve guidance on good practice on how fire safety information should be assembled and presented so that it is usable and accessible by the RP.</b>	19%
<b>None</b>	13%

228. There was strong support across all of the proposals for strengthening Regulation 38. Respondents were asked which types of work it should be extended to cover and used the free text answer to identify: where changes had been made to fire safety measures or the fire safety strategy were affected; or to cover all areas of works and refurbishment. While respondents overwhelmingly supported a reform in this area to improve the process and the robustness of information provided to the RP, the result

was not clear cut when respondents were asked to state a preference between three potential options in question 137.

229. The preferred option was option one (37 per cent) but this was closely followed by option two (31 per cent). Meanwhile, 19 per cent would prefer option three and 13 per cent would not select any of the three options as their preference. There was a spread of different organisations favouring each option.

### Next Steps

230. Given the strength of support for making changes, we are taking forward work in this area. However, the mixed views presented when asked about the three options suggest further work is required with the sector to fully understand the pros and cons of each option before bringing forward changes to Regulation 38 in due course.

## 3.8 Impacts

231. Overall, the proposals are intended to help BCBs and FRAs manage the process more efficiently so that they can focus their time on key fire safety issues and provide better assurance that fire safety issues have been identified and dealt with. The impact assessment published alongside the consultation identified benefits in improving efficiency, effectiveness and robustness of current arrangements as well as extra costs involved with the proposals. These may be offset by time saved as a result of improved processes and some costs will be recoverable for local authorities through charging. There are also non-monetised benefits for those undertaking building work through a more certain process and for residents and building users that fire safety issues are being properly addressed.

If implemented, to what extent do you...	Strongly agree	Tend to agree	Neither agree nor disagree	Tend to disagree	Strongly disagree	Don't know
<b>Q138a. agree that the changes would provide benefits to your work? (n=152)</b>	34%	42%	7%	3%	3%	12%
<b>Q139a. agree the changes would result in any additional costs to your organisation? (n=150)</b>	19%	37%	18%	6%	7%	13%

232. In addition to the questions in the above table, we also asked some qualitative questions to provide further detail on costs and benefits. Many of those who agreed that additional costs would result for their organisation if implemented also talked of

the benefits the changes would bring, which they often felt would outweigh any costs experienced in the longer-term.

233. Overall, when asked what benefits respondents felt the changes would provide, many respondents identified a clearer process, clear responsibilities and clearer accountability; other respondents identified more information/more detail or better-quality information; some identified increased confidence in the build and with ensuring buildings are built correctly; and others raised that early or more meaningful dialogue would prevent delays down the line.
234. When asked about the costs that respondents felt the changes would bring, many highlighted additional time, staff, planning, maintenance and communication costs; some specifically highlighted time; others said they felt there would be an overall reduction in cost and time due to the changes proposed; and some felt any costs would be negligible or recoverable.

### **Next Steps**

235. This information will inform future impact assessments supporting changes to legislation.

# Consultation principles

The principles that Government departments and other public bodies should adopt for engaging stakeholders when developing policy and legislation are set out in the Cabinet Office Consultation Principles 2018:

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/691383/Consultation\\_Principles\\_\\_1\\_.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/691383/Consultation_Principles__1_.pdf)









© Crown copyright 2021

This publication is licensed under the terms of the Open Government Licence v3.0 except where otherwise stated. To view this licence, visit [nationalarchives.gov.uk/doc/open-government-licence/version/3](https://nationalarchives.gov.uk/doc/open-government-licence/version/3)

Where we have identified any third party copyright information you will need to obtain permission from the copyright holders concerned.

This publication is available at <https://www.gov.uk/government/consultations/fire-safety>

Any enquiries regarding this publication should be sent to us at [FireSafetyUnitconsultations@homeoffice.gov.uk](mailto:FireSafetyUnitconsultations@homeoffice.gov.uk).