

Response to the Government's Consultation on reforms to the Fire Safety Order

I am writing on behalf of Fuel Poverty Action with a response to the Home Office Consultation on proposed changes to The Regulatory Reform (Fire Safety) Order 2005 (FSO), especially sections 1 and 2 of the consultation document. Our campaign covers cladding and insulation as well as fuel poverty and climate matters, and we are in regular contact with residents of tower blocks with unsafe cladding.

Before addressing specific points of the proposed changes, we feel it is pressing to highlight again the huge importance of the voice of tenants and residents in matters concerning their safety. In the words of last year's MHCLG document, 'Building a Safer Future', *'It is crucial that Government ensures that the views and concerns of residents can never be ignored by those responsible for managing the safety of their buildings'*.

There must be an organised, independent voice for tenants and residents in policy and law-making processes like this, to avoid inadequate legislation that allows more lives to be lost in the future. This voice should be formed from local and regional democratic tenants and resident organisations. And social landlords should be legally required to fund and support independent and democratic tenants and residents organisations at the local level, so that tenants and residents cannot be ignored.

It is too easy for housing providers to just pay lip service to consulting residents. One of our members, speaking from experience of a tower block in Pendleton, Salford, notes that some housing providers:

- pick and choose whether to recognise Tenants and Residents Associations
- select the 'representatives' they want to engage with at residents' meetings without a proper transparent process, and exclude others
- fail to circulate minutes of these meetings, so that the community supposedly represented may be unaware of decisions made.

The same tenant, on simply distributing some letters on his block, was informed in writing that this could only be done through the housing provider. Tenants and residents' rights to organise freely and share information must be respected. And whistle blowers need to be taken seriously, and protected from the threats over their tenancy that we know a lot of people are fearful about. It is mortally dangerous to bully or sideline ['antagonists' like those who raised safety concerns at Grenfell.](#)

Section 1: Strengthening the Fire Safety Order (FSO) and Improving Compliance (for all Regulated Premises)

We support:

- Clearer guidance on how the FSO operates
- More legal duties and stronger penalties on the Responsible Person (RP) and especially support the proposal for unlimited fines being introduced
- Proposals to ensure that fire risk assessors are competent, accountable and record their Fire Risk Assessments (FRAs).
- The proposed new requirement that RPs should provide information to tenants and residents and other relevant persons affected on fire safety in multi-occupied residential buildings in which they reside and that there should be no restrictions on this information
- Fire and Rescue Services being able to charge to charge for enforcement activity under the FSO as long as tenants and residents are protected from having these costs passed on by the building manager or owner

However, we are concerned about the following areas of the Fire Safety Order proposals:

- That a professional Code of Practice to guide FRAs, RPs and Enforcement Bodies will be written to protect the landlord / freeholder / fire brigade from the costs of additional regulation and compliance - a COP needs to be written in consultation with tenants and residents and their groups
- That the government is proposing that FRAs should only be provided to tenants and residents upon request instead of being published in the public domain and provided to all tenants and residents automatically - why should tenants and residents have to ask for the FRA and then be subject to potential delays that could endanger lives? The FRA is the last layer of protection for tenants and residents. The criticality of it in larger residential buildings cannot be overstated. A most crucial aspect of FRAs is the completion of the action plan inside it. Enabling scrutiny of FRA and action plans through some simple online training for tenants and residents and publishing the FRA documents accessibly, would be highly empowering for tenants and residents.
- That proposals to charge for false fire alarms would create a perverse incentive not to set off fire alarms for fear of being fined for doing so if later discovered to be a false alarm. We need better education and more resident involvement in the installation and maintenance of fire alarms to reduce false alarms, not a punitive regime.

Section 2: Grenfell Tower Inquiry Phase 1 Report Recommendations

We are concerned about the following areas of the Fire Safety Order reforms:

- **The arbitrary exclusion of certain residential buildings by height or type that will put tenants and residents lives at risk**

We do not understand why the FSO - and the Draft Building Safety Bill - treats buildings over 18 metres high differently to buildings over 11 metres, and why both building height ranges are

treated differently to buildings below 11 metres high. Fire does not respect height as we have seen in the horrific fires since Grenfell in buildings under both 18 metres like the Bolton Cube and 11 metres like Richmond House, Worcester Park. The FSO needs to be strengthened in relation to all multi-occupied residential buildings, especially care homes where vulnerable tenants and residents are unable to self-evacuate.

- **Rights of tenants and residents to evacuate in the event of a fire are still being ignored**

We are deeply concerned that the Grenfell Inquiry recommendations on planning and facilitating partial and total evacuations of high-rise buildings in the event of a fire are being ignored by the government.

The consultation suggests that the government will require the owner and manager of every high-rise residential building by law to draw up and keep under regular review evacuation plans. However, at the moment, the government, building owners, managers, fire risk assessors, and enforcement bodies such as the Fire and Rescue Service continue to treat 'stay put' as an evacuation strategy.

Tenants and residents are no longer going to stay put in a burning building after Grenfell and we feel very strongly that 'stay put' is not an evacuation strategy. We are worried that the continued reference to 'stay put' as an evacuation strategy will allow building owners and managers to avoid drawing up an actual evacuation plan with residents.

Residents are also bitterly disappointed that there are no proposals to ensure that high-rise residential buildings are fitted with fire detection and evacuation systems as recommended by the Grenfell Inquiry Phase 1 report. Tenants and residents want to be warned immediately when there is a fire so we can make a choice about whether we want to stay put or get out; and we want to know that the fire brigade will have the means to evacuate us if necessary.

Finally, tenants and residents will be horrified that the government appears to be directly undermining the Grenfell Inquiry's recommendation that landlords prepare Personal Emergency Evacuation Plans (PEEPs) to help vulnerable and disabled people and anyone else *whose ability to self-evacuate may be compromised*. The proposed changes to the Fire Safety Order only require PEEPS where 'stay put' has been 'temporarily' abandoned and a Waking Watch is in place. This makes absolutely no sense - every disabled person or person in need of assistance to evacuate should have in place a personal evacuation plan. Parents of small children need to be considered here too; a single parent should not have to decide which of three small children to carry down the back stairs if the need to evacuate arrives.

- **Recommendations for stringent fire door inspections and other fire prevention / suppression systems are being watered down:**

It was shocking to learn that one of the factors behind the Grenfell Disaster was the failure of fire doors throughout the building. This has led tenants and residents in blocks of flats to be extremely anxious about the safety of their front door and the fire doors in the communal areas. The Grenfell Phase 1 inquiry report made it clear *“that 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.”*

We are, therefore, deeply shocked that the government’s Fire Safety Order proposals are trying to water down Sir Martin Moore Bick’s recommendation by only committing to three-month checks on fire doors in the common parts of buildings over 18 metres. All other fire doors and buildings between 11 and 18 metres will have less stringent testing frequencies and for all other buildings below 11 metres, there are no proposed requirements for periodic checks on any fire doors being made.

Why can the government not simply create a standard, universal regulation that all multi-occupied residential blocks regardless of height or type must have inspections to all fire doors not less than every three months? Why create a confusing and inconsistent set of requirements with different time scales for different doors and building heights? Didn’t Grenfell prove without any doubt that where regulatory confusion exists, disaster follows?

Sprinklers should be mandatory and retrospective - not just for new buildings. They are an essential piece of a fire safety strategy. They suppress a fire, allowing people extra time to get to safety and aiding firefighters by curtailing fire growth.

But we recognise that sprinklers don’t do everything that’s required on their own. As well as prevention, we need systems of detection, compartmentation and evacuation. Whilst this layered system works well in workplace buildings, as dictated by the FSO, it’s fundamentally irresponsible to allow the housing sector to block residential buildings from enjoying these important layers of protection.

Tenants and residents want comprehensive alarms, evacuation strategies and sprinklers to buy time, as well as a proper evacuation strategy to get people to safety and reach fresh air. There is very little in the FSO proposals to suggest tenants and residents are going to get this.

- **The problem of ‘common parts’ and the failure to modernise the definition of what the Responsible Person is responsible for**

One of the major shortcomings of the FSO for residential buildings is that its scope is restricted to a narrow understanding of the non-domestic common parts of a building, creating a dangerous regulatory blind spot in preventing fire risks present in commonly used parts to buildings not accessible from common areas but instead from individual flats being inspected. These include the

walls and ceilings between flats which act as the main compartment barriers, and full height service risers containing pipes taking bathroom and kitchen waste out of the building or supplying communal heating and ventilation to all flats in a building.

Tenants and residents know only too well that over the years, landlords, contractors and tenants & residents will have made alterations to flats - in some cases to all flats; what we do not know is whether this has compromised compartmentation. But the FSO does not allow or require anyone to check these areas or indeed more generally inside flats for penetrations through compartment barriers that were added during such a refurbishment (an example being the addition of a new downpipe that runs the full length of the building through every kitchen) without the required fire stopping.

There needs to be a logical correlation for a fire safety system to work effectively, starting with the responsible person being responsible for the Fire Risk Assessment (FRA). The FRA must consider where the most prevalent risks in a building are, currently there appears to be no sign of that being achieved. We support the need for periodic Type 4 FRAs, perhaps every five years across a 10% sample of dwellings, and for these to include ALL full height service risers that must have their protection integrity checked, ensuring it remains fit for purpose.

Yours sincerely,

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