

Fire Safety Guidance in Purpose Built Blocks of Flats

RESPONDENT INFORMATION FORM - please return by 31 May

The Fire Safety Guidance for Purpose Built Blocks of Flats is sector owned guidance intended to give practical support and advice to all those with responsibilities for ensuring the safety of residents and others in these types of buildings. This includes private sector and social landlords, managing agents or facility managers, enforcement officers, advice agencies and those carrying out fire risk assessments.

In producing this consultation draft, our consultants – C.S. Todd and Associates Ltd – have been directed by a Reference Group of key stakeholders. This consultation is now seeking all stakeholder views on the extent to which the draft guidance offers appropriate support and guidance to those with responsibilities for ensuring the safety of purpose built blocks of flats.

The Respondent Information Form is set out to ensure that the Reference Group obtain a strategic view on issues around readership, presentation and content. There is also an opportunity to feed in detailed comments on content in each chapter of the guidance.

Consideration will be given to all consultation feedback. The final decision on whether to include suggestions and amendments or to reject them will be made by the Fire Safety Guidance in Purpose Built Blocks of Flats Reference Group.

Please send completed forms back to C.S. Todd and Associates Ltd at guideconsult@cstodd.co.uk no later than 31 May.

1. Name/Organisation

Organisation Name

Chief Fire Officer's Association

Title Mr ☒ Ms ☐ Mrs ☐ Miss ☐ Dr ☐ *Please tick as appropriate*

Surname

Cloke

Forename

Andrew

2. Postal Address

| | | |
|---------------------------------|--|----------------------------|
| South Yorkshire Fire and Rescue | | |
| Eyre St | | |
| Sheffield | | |
| | | |
| Postcode S1 3FG | Phone [REDACTED] | Email acloke@syfire.gov.uk |

3. Permissions - I am responding as...

Individual ☐ / Group/ Organisation ☒
Please tick as appropriate

CONSULTATION QUESTIONNAIRE RESPONDENT FORM

CONSULTATION QUESTIONS

Overall comments :

Content:

1. Do you feel that the guidance covers what you would expect it to cover? Please explain your answer.

It is generally felt that the document is comprehensive and provides a wealth of information that will be useful in the process of undertaking a suitable and sufficient fire risk assessment, and to ensure an appropriate level of fire safety management in these types of premises. Some comments received make reference to the fact that the level of detail in some sections of the document make it difficult to understand, and may detract from the ease with which the document may be used. This will obviously depend on the level of technical experience held by the reader, and who ultimately this document is aimed at. Enforcers and sector professionals may well be happy with this level of content, whereas the lesser experienced premises manager/responsible person may find the detail daunting. Overall, from the enforcer's perspective, it is viewed as good attempt to consolidate all relevant technical matters into one cohesive document

a. Do you feel there is currently anything missing?

A number of responders have expressed views regarding issues they feel are not represented adequately:

The absence of a section on fire engineered solutions. It is appreciated that the guide is intended for a certain audience, and perhaps an age of building where this may not be relevant, however a very significant proportion of flats built post 1991 have some form of fire engineered solution. In some cases functional compliance particularly with parts B1 and B5 to the Building Regulations have been achieved in ways that rely very heavily on ongoing management (e.g. push/pull systems in extended corridors, fuel load management in atrium bases etc). The section would not need to cover engineering principles in detail, but emphasise the need to maintain a building

manual so the responsible person knows how their building works and how to maintain it. The section would also benefit from some form of guidance as to who to consult if the building manual has gone missing or indeed was never passed on to the owners after completion which is still very common.

There is very little contained in the document which discusses the effect that the occupancy of the building has on the extent measures required within the risk assessment. Part A of the document takes time to explain that the increased incidence of fires in flats is largely down to lifestyle factors i.e. influence of the occupancy type, but gives little advice as to what additional measures may have to be considered by the responsible person to ensure the risk assessment is suitable and sufficient, or has identified persons especially at risk as per the requirement of the Fire Safety Order. The CFA Housing Group see this as a significant omission as stakeholders are starting to understand that some occupancies require additional considerations to achieve a suitable and sufficient risk assessment especially in such respects as management of fire safety, emergency procedures and additional information to be provided, as well as structural considerations which may be led by the nature of the occupancy profile.

There does not appear to be any consideration given the issue of cladding being applied to the external envelope of existing buildings to improve the energy efficiency ratings and the potential fire spread through these systems

This document evolves as a result of recent incidents within blocks of flats in which persons lost their lives and uncharacteristic fire spread occurred. This uncharacteristic fire spread has been no doubt influenced by subsequent refurbishment works that have been done and undermined the original standard of construction. It is therefore disappointing that the document does not seek to encourage the identification of baseline standards existing within these buildings which, to a large extent, were constructed during a time of minimal involvement of fire safety professionals and building standards supervision. In fact, it actively encourages doing the minimum required to comply in terms of risk assessment, rather than a comprehensive review of current status.

Over the lifetime of these buildings, such work as electrical rewiring, heating replacement, asbestos removal, upgrading of kitchens and bathrooms, fitting of fire/burglar alarms, entry control systems, cable and satellite TV systems have been undertaken, all of which will have had significant impact on the standard of compartmentation within the building.

Our experiences have shown that building owners are unaware of the extent of such problems and have never, in the past, viewed them with any significance. It is often the case that the people responsible for such works have changed many times over the lifetime of the building and records do not give a clear audit trail of work undertaken. On subsequent inspection, it has been found that serious defects exist within the standard of compartmentation which undermines the safe utilisation of stay put policy which would not have been identified if a less rigorous risk assessment regime had been employed.

Furthermore, the extent of defects found indicate that many existing buildings did not meet the expected standards at construction stage and were never identified as such, and therefore calls in to question the assumptions made regarding the existing standards. It is unclear how Types 1 and 3 risk assessments can prove the safety of ALL relevant persons.

One of the difficult areas of housing is sheltered housing. The document quite clearly indicates that regarding advice in sheltered Accommodation that the assumption is *'residents are able to escape unaided from their own flats and make their own way to a place of safety'* (para 70.6)

This is an unrealistic over arching assumption and the document does not give any advice on non ambulant residents.

Nationally, there is conflict between the National Housing Federation and enforcers about the differing care packages provided in sheltered accommodation almost akin to 'nursing home'

Guidance misses an opportunity to give advice and clarity in this area.

Growing issue is 'apartmenthotels' where apartments are being leased as short term hotel lettings. Hotels and apartments have very different standards/risks in Compartmentation, fire alarms, management, and access facilities.

Timber framed buildings and the 'documented and known' issues regarding workmanship and stay put policies have been completely ignored in the guidance. This is concerning since they can be six storey high

b. Do you feel that there are any areas that are unnecessary?

Submissions have suggested that the references to the history of the development of purpose built flats is unnecessary and adds nothing to the document in terms of assisting with the production of a suitable and sufficient fire risk assessment.

Presentation:

The Reference Group believe that the document is currently too lengthy and needs to be reduced in size in order to make it more readable for users.

2. Can you suggest any areas you would edit down?

Most sections could be edited down

3. Do you have any suggestions to improve the presentation of the information, i.e. use of summary boxes, images to illustrate points?

N/A

Accessibility:

The final guidance will be available in a free web based format. A key consideration is how accessible it is to users.

4. Please comment on how practical, user friendly and easy to interpret you find the draft guidance.

Despite the length of the current document draft, some submissions had concern regarding the layout and flow of the document. It raises certain technical issues early in the document, promising further detail later on in the document, but is not clearly identified. For example, Service risers are not mentioned early on in the document, but mentioned later on. Smoke control is covered in several different places such as section 58 and section 60. Part A of the document alludes to greater detail further on in the document regarding social factors to be taken into account, but is not forthcoming in a clear or concise way, but rather being lost among other technical detail

5. Do you have any ideas on how to improve ease of use of the guidance, i.e. use of summary boxes to draw out key points?

The current use of the summary boxes is considered beneficial and will assist the responsible person to extract the most important points to be aware of

Diversity

6. Do you think that the guidance deals adequately with vulnerable people such as people with disabilities who need assistance with evacuation in the event of a fire?

The document, as stated earlier, tends to avoid any reflection on the effect of occupancy on the adequacy of provision over and above stating the minimum required for Building Regulation or Benchmark compliance. Experience shows us that stay put policy is adopted in many situations to overcome difficulties with disabled evacuation with the building failing to meet the standards required for stay put. Many providers have taken great effort to provide access for disabled persons and fail to appreciate the difficulties in a fire situation when the measures they have provided cannot be used in a fire situation. Additionally, the document states that where fire may start in common areas then occupants in these areas should make their way out of the building. To ignore and eliminate advice on disabled access and evacuation is a fundamental error of the document and is recommended that it must be included.

Overall impression:

7. Overall, do you find the guidance useful to you / not useful to you? Please explain your answer.

This document is a welcome addition to existing guidance, and overall, the authors should be congratulated on the good work done so far.

Detailed comments by section :

The following section is to enable you to feedback any detailed comments on each part of the document

8. Please enter specific comments on Part A in the box below

| Clause no. / sub clause no. / annex | Paragraph / figure / table / note e.g. table 1 | Type of comment: (GE general / TE technical / ED editorial) | Comment (justification for change) | Proposed change |
|---|--|--|---|-----------------|
| | 10.2 | GE | Some mention should be made of the value that the furniture and furnishing regs 1988 have made with relation to reducing fire deaths. | |

Please add rows as necessary

9. Please enter specific comments on Part B in the box below

| Clause no. / sub clause no. / annex | Paragraph / figure / table / note e.g. table 1 | Type of comment: (GE general / TE technical / ED editorial) | Comment (justification for change) | Proposed change |
|---|--|--|---|-----------------|
| | 16.16 | ED | Is the meaning behind the statement – fire safety considerations alone should not be used to debar people from residing in blocks of flats – or could it be interpreted in relation to the provisions that are required for the elderly/disabled under DDA? | |
| | 16.11 | GE | Refer to the fire safety order as FSO 2005 rather than FSO for clarity of reading. | |
| | 15.1 | GE | Mention that there is some greater risk due to the actions of other residents of the block. The risk is not identical to an individual dwelling since there are more residents which can | |

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| | | | affect the flats. | |
| | 19.4 | GE | Typo, should read 'whether part of the building..... | |
| | 19.7-19.9 | | Should mention the issues around timber framed buildings and the impact on stay put policies | |
| | 20.11 | GE | Remove the advice about fire alarms alerting the FRS, contradicts national and local call challenging procedures and policies. | |
| | 21.5 | GE | Conflicts with advice in 21.4 | Promote the requirement to get out stay out call FRS out. |
| | 24.3 | ED | Use of the word 'deprecated', assuming this is not a typo. This is not plain English and although it correctly refers to an 'out moded' approach, and as such is appropriate, use of such language in a guidance document is not helpful | |
| | 24.4 | ED | This paragraph refers to the need to keep 'smoke routes' clear. | Surely this should read 'escape routes' |
| | 24.4 | TE | This paragraph introduces the phrase 'fire engineering' but nowhere in the document is the term or concept 'fire engineering' explained | |
| | 24.5 | TE | Although this paragraph contains reference to design freedoms and open plan flats, there does not appear to be any reference to the NHBC (DCLG accredited) study document on the comparisons between Approved Document B (ADB) compliant flats and open plan flats fitted with sprinklers, which showed that flats fitted with sprinkler systems can achieve 'an equivalent' standard of fire safety (we would say higher from the data in the report) to that of 'ADB' approved designs. | |
| | 24.7 | GE | Should mention the importance of Article 34 | |

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| | | | ALARP as a primary concept of the FSO 2005. The whole part should be put at the front of the document to inform of the legal framework requirements first. (remove most of the padding from the section) | |
| | 24.8 | TE | The CFOA AWSS Working group <i>strongly recommend</i> that this paragraph should be amended as it does not fully take into account the possibilities that retro-fitting of sprinkler/mist systems offer to those involved in maintaining the fire protection of purpose built blocks of flats (high, medium and low rise). This is currently being demonstrated by the progress made towards retro-fitting sprinklers in a high rise block of flats in Sheffield. There are also a number of other blocks that have been so fitted. It is NOT, in our opinion, credible to say that the retro-fitting of suppression systems is ' <i>an unlikely practical proposition</i> ' in purpose built blocks of flats! This document should surely reflect on current fire safety practise and offer better solutions without prejudice. | |
| | 24.8 | ED | 'You should challenge fire risk assessors and enforcing authorities where an unduly precautionary approach is taken.' The sentiment is appropriate but we find the language adversarial. The suggested change from 'challenge' to 'question' as proposed by Mr Todd fits better in a professional guidance document. | |
| | 24.8 | ED | From an Enforcing Authority perspective the choice of language in this paragraph is very unhelpful ('you should challenge...'). | I fully appreciate the sentiment but would the following type of language not be more suitable: 'If you feel an unduly precautionary |

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| | | | | approach is being taken then seek reassurance from the Fire Authority. Ask them to explain the reasons for the approach advocated and if necessary ask for a second opinion before you commit resources'. |
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Please add rows as necessary

10. Please enter specific comments on Part C in the box below

| Clause no. / sub clause no. / annex | Paragraph / figure / table / note e.g. table 1 | Type of comment: (GE general / TE technical / ED editorial) | Comment (justification for change) | Proposed change |
|---|--|--|---|-----------------|
| | 27.1 | TE | This paragraph suggests local Housing Authorities 'must keep housing conditions in their area under review'. This is quite a dangerous choice of words as it tends to suggest responsibility for housing safety rests with the housing authority. As I understand it, housing authorities have powers of inspection but do not have a duty to inspect i.e. in some housing authorities (depending on resources) there may be no pro-active inspection work but rather just reactionary work based on complaints / new HMO license applications etc. | |
| | 28.1 | ED | Using the acronym 'TRA' without an explanation is not helpful. This is not a phrase that is well used in the NW. | |
| | 28.2 | GE | We have been guided by our legal advisors to provide a title or position i.e. 'company secretary' etc when addressing a corporate entity. | |
| | 28.5 | GE | 'The landlord has no legal right to force a tenant to upgrade the door to the current standard, nor to carry out the works unilaterally'. | |

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| | | | It would be useful here to mention that the matter could be referred to the enforcing authorities. | |
| | 28.5 | TE | Ought to include reference to article 32.10 which enables a third party (such as a tenant/owner of a flat) to be prosecuted for a contravention even if the RP is not prosecuted. | |
| | 28.14 | TE | Comment box; if the FRA indicates upgrade is necessary then the standards should be upgraded. | |
| | 29.2 | TE | Suggests (incorrectly) that FSO inspectors have absolutely no powers of entry to flats. It is accepted that there are no powers of enforcement within the flat itself but where parts of the flat also form part of the 'premises' (e.g. breaches in compartmentation, inappropriate doors to MOE) then there are some powers and specifically regarding potential prohibition issues there certainly are powers (Article 31(10)). It is accepted it is easier for housing to do this work but nonetheless this guide should be technically accurate in all aspects. This para could cause FRS problems in the future and potentially mislead a responsible person or worse still a court. | |
| | 29.3 | GE | Include 28.5 here; this area is one of the most sought after areas of advice. Possibility to expand with case law? | |

Please add rows as necessary

11. Please enter specific comments on Part D in the box below

| Clause no. / sub clause no. / annex | Paragraph / figure / table / note e.g. table 1 | Type of comment: (GE general / TE technical / ED editorial) | Comment (justification for change) | Proposed change |
|---|--|--|---|-----------------|
| | 31.3 | ED | The risk assessment approach advocated explains the logic behind the forgoing paragraph in this document | |
| | 33.2 | TE | There is no mention of 38(2) of the Building Regulations – Fire Safety Information which should form an essential foundation for risk assessments in new buildings. | |
| | 33.2 | GE | Ignores that at design stage BS 9999, BS 7974 makes assumptions that some designs expect certain levels of management to be incorporated at design stage in fire engineered solutions. A fire risk assessment may not only have to consider what management arrangements are in place but also the management arrangements that are expected to be in place as part of the fire engineered solution. L1 management is completely different than L3 and allows significant trade offs. | |
| | 35.1 | TE | The descriptions given to the depth of a risk assessment would be better defined by 'invasive' or 'non-invasive' and so on rather than type 1, 2, 3. | |
| | 35.1 | TE | A Type 4 FRA 'should only be carried out where unusual or serious risks suspected'... how do you know without carrying out a Type 4 FRA? Paragraph 54.20 seems to suggest one every time. How do you know that a fire will be confined to a | |

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| | | | <p>single flat without one. Fire in high rise in West Midlands killed a woman after the fire spread between flats (bathrooms I think..)</p> <p>A Type 4 should be the default FRA unless it is known that it is not required and a Type 2 should normally only be used for reviews where the original Type 4 proved the compartmentation.</p> <p>Types 1 & 3 should be binned as they cannot prove the safety of all Relevant Persons.</p> | |
| | 36.4 | TE | <p>This paragraph is very hard to follow for the lay person. The term '5 steps to risk assessment' was created for simplicity - why does this guide abandon it?</p> | |
| | 36.6 | TE | <p>'The measures that have been taken, or are in place to satisfy the FSO'.</p> <p>It would be better for this to read '...are in place to mitigate the risk.'</p> <p>The guide should be about fostering good fire safety management – not just doing enough to satisfy the legislation?</p> | |
| | 38.3 | TE | <p>This paragraph is potentially inaccurate – it is the courts job to decide.</p> | |
| | 39.8 | TE | <p>This should read 'for premises with the highest potential risk' hopefully there should not be too many high risk purpose built flats if the risk assessors have done their job.</p> | |

Please add rows as necessary

12. Please enter specific comments on Part E in the box below

| Clause no. / sub clause no. / annex | Paragraph / figure / table / note e.g. table 1 | Type of comment: (GE general / TE technical / ED editorial) | Comment (justification for change) | Proposed change |
|---|--|--|--|-----------------|
| Part E | | GE | Lose most of this section as it is already in HM Guidance. | |

Please add rows as necessary

13. Please enter specific comments on Part F in the box below

| Clause no. / sub clause no. / annex | Paragraph / figure / table / note e.g. table 1 | Type of comment: (GE general / TE technical / ED editorial) | Comment (justification for change) | Proposed change |
|---|--|--|---|---|
| | 54.14 | | Seems to conflict with 54.10 and true 'stay put' advice. | Suggest a Decision Tree be made to evaluate 'stay put'. |
| | 53.5 | TE | Decision Tree should state what the relevant standards currently are, ADB BS 5588 Pt1. | |
| Section 58 | | TE | This section does not appear to include provisions for 'small premises' (ADB definition) and therefore suggests a more onerous standard which will not be necessary for most buildings up to 4 storeys. Given the complexity and size of the guide this | |

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| | | | could potentially mislead readers | |
| | 58.25 | TE | Add 0.4 m2 minimum permanent natural vent | |
| | 58.28 | TE | Suggests intumescent grills on vents between flats, would these operate in time? | |
| | 60.33 | GE | All advice is on acceptable travel distances, no examples given on non acceptable travel distances. | |
| | 66.7 | TE | This indicates that BS5839pt 6 systems shouldn't be used in common areas, advocating that all such systems should be removed and pt1 should be used. This is a vast generalisation and is inaccurate. In small premises and those converted to flats but not meeting the standard for compartmentation (i.e. the one's to which LACORS applies) a pt6 system is certainly appropriate. The key decision being the grade of system which, depending on size and findings of the RA, can be anything from a Grade D up to Grade A. Building Control accept pt6 on certain new builds | |
| | 70.1 | GE | No recognition that some sheltered accommodation has 'personal care' packages provided by external providers and some evidence to suggest sheltered accommodation is being used as interim care in the community. The guide assumes all sheltered accommodation provides no care? This is a wrong assumption | |
| | 70.6 | GE | Wrong assumption re care requirements in sheltered accommodation. | |

Please add rows as necessary

14. Please enter specific comments on Part G in the box below

| Clause no. / sub clause no. / annex | Paragraph / figure / table / note e.g. table 1 | Type of comment: (GE general / TE technical / ED editorial) | Comment (justification for change) | Proposed change |
|---|--|--|--|-----------------|
| | 80.10 | TE | This advocates a weekly test of mechanical AOVs. From my recollection, this exceeds most manufacturers' guidance, could be excessive, and could break some types of vent prematurely. The guidance is less onerous in BS9999 | |

Please add rows as necessary

15. Please enter specific comments on the appendices in the box below

| Clause no. / sub clause no. / annex | Paragraph / figure / table / note e.g. table 1 | Type of comment: (GE general / TE technical / ED editorial) | Comment (justification for change) | Proposed change |
|---|--|--|--|-----------------|
| | A1.74 | TE | The CFOA AWSS working group would again reiterate that the retro-fitting of suppression systems into existing purpose blocks of flats can be a feasible, practicable and economical proposition and asks that this paragraph be amended to reflect this. It is also our supposition that common parts should be fitted with AWSS, particularly in light of fatal fires which have occurred in such areas and the tendency for these areas to be allowed to become in 'un-sterile' (in fire safety parlance) condition and the shortcomings of FR partitions. (see A1.8, A1.26, 44.11) | |

Please add rows as necessary

If you have any enquires on the consultation process that are not of a technical nature please contact:

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On issues of technical detail please contact Colin Todd Associates Ltd:

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