



Open Consultation on Fire Safety

G15 response

About the G15

The G15 is the group of London's largest housing associations. Our members house one in ten Londoners and own or manage more than 600,000 homes across the country. We're independent, charitable organisations and all the money we make is reinvested in building more affordable homes and delivering services for our residents. Each G15 member is different, but we're all striving towards the same goal – to solve the capital's housing crisis and improve the lives of Londoners.

<https://g15.london/>

Overview

The G15 is committed to keeping our residents safe. The G15 owns approximately 10% of the high-rise buildings in England, representing thousands of families and leaseholders who will be positively and negatively impacted by the upcoming changes to legislation.

We have previously documented our response to the draft Building Safety Bill and activity on remediation works and the scale of the challenge still to be delivered. We have also clearly set out the anticipated costs and funding gap, as well as highlighting the severe impact on leaseholders and current sales and mortgage market. This response should be considered in conjunction with our previous responses, and especially our response to the draft Building Safety Bill.

We continue to face unprecedented demands on resources and funding and will need to adapt to new legislation. This legislation has the potential to dramatically change how we work and, if not managed carefully and thoughtfully, could impact our ability to deliver on our core purpose of providing services to residents and delivering new affordable homes. There is a need to adapt to the requirements of the Future Homes standard, Building Safety and Fire Safety Bills, and to prepare for net zero carbon delivery whilst continuing to deliver a service with residents.

Work on bringing about the cultural, structural and operational changes required to comply with the new legislation has already begun in anticipation in many of the G15 organisations, and while we recognise the need for these changes, the work to transform our data monitoring and performance management systems from asset base modelling to a building-centric approach should not be underestimated. In addition, we will need time to extensively redesign our operating models with associated adjustments to procedures and structures in order to provide the prescribed local service responsiveness and accountability required by proposed new legislation.

We estimate the timescale for implementation of the requirements of the Building Safety Bill could take up to three years, dependent upon the size of portfolio; this is not to be confused with activity to deliver the commitments from the new Fire Safety Bill which could take many landlords significantly longer depending upon the scale and type of stock impacted by the proposed legislation. In previous consultations we have indicated that, despite continued attention, remediation for tall buildings could take up to ten years.

We recognise the considerable time, effort and thought that has been put into the draft Building Safety and Fire Safety Bills together with their accompanying documents. We welcome and support many of the suggested changes but must continue to express our desire for further clarity and as part of this consultation we register our concern about the following areas.

Proposed approach

We support the focus on a golden thread of information and clarity about how information should be shared, particularly the proposed strengthening of Section 38. However, we feel that new requirements to provide information for existing buildings must be reasonable and proportionate and should facilitate fire safety activities rather than become an objective in themselves. Issues we would like the government to consider include:

- We are likely to have to create new electronic 'as built' plans for many existing buildings. This will take considerable time and resource, and this should be reflected in any new requirements
- It will be difficult to reproduce plans for multi-story buildings on a single page
- We will have to undertake invasive tests of all external walls in order to be certain about the materials they are constructed from. This will take considerable time and resource, and this should be reflected in any new requirements
- There is no clarity about how we will share information electronically
- It is not clear how local fire services will be able to use the information we will be required to provide them
- We must adopt a risk based prioritised approach to the collection of data taking into account layers of protection.

Guidance

We agree that new guidance is essential to make revised fire safety requirements clear. We feel that an Approved Code and Practice, detailing the requirements for Responsible Persons, Duty Holders and Relevant Persons, would provide the necessary clarity. However to be achievable, its expectations must recognise the practical difficulties we will have meeting new requirements. A new code of practice would benefit from including:

- The remit of the legislation and how it links to other legislation
- All areas covered by the updated Fire Safety Order, including the duties of residents which should align to the Building Safety Act (when it is enacted)
- Standard requirements, formats and templates (with guidance) where appropriate
- Descriptions of good practice, how it can be evidenced, and the standards required to maintain compliance

Details of the information that should be shared between duty holders and with relevant persons, for example Sections 17 and 38.

Inspection and testing

Inspection and testing requirements must be proportionate to the relative risks in buildings where they will apply. We would like to raise these issues:

- Testing and maintaining all lifts, mechanisms and other firefighting equipment is obviously essential. Real time reporting of failures have significant resource implications and we would question the need to do this and how this is to be recorded and managed
- Will reporting lift failures to the fire service in real time be useful? Will it overload fire services with information and set up a reporting rather than a fixing culture for remedying failures?
- Who would be considered qualified to check fire doors?

Furthermore, it will be very difficult to gain access to tenants and leaseholders' homes to inspect and test their entrance doors. This is likely to lead to significant resource implications (including, the administrative burden of arranging appointments and pursuing legal action in the event of access problems). It should be recognised that annual visits such as gas LGSR inspections already require considerable effort to gain entry and often legal intervention. The number of surveys proposed for entrance door inspections will significantly increase the number of inspections to be completed. Consideration should be given to a sensible sample checking process with 100% external visual inspection and/or quick and simple forced entry rights where no access procedures have been followed. This will reduce the need for legal intervention which is likely to place significantly more burden on our own management and the legal system. Suggested proposals as set out in the Draft Building Safety Bill in relation to resident cooperation need to be stronger.

Working with residents

We support the need to work with our residents and to promote the residents' voice agenda. In fact the G15 has promoted this widely and have worked closely with our residents and to involve widely particularly in relation to Building Safety. Some of the expectations however within the proposed legislation are not considered realistic. We feel that:

- Many residents are unlikely to be willing to give us access to their homes, sometimes several times a year, to test entrance doors
- The requirement for residents to self-report as needing help to evacuate a building may not be reliable. This proposal implies a duty on the landlord to proactively identify potential residents likely to need help. What happens if residents fail to self-identify?
- More clarity is needed on regulatory expectations for sharing information with residents in an accessible manner on:
 - o Fire safety risks and mitigations
 - o Lift maintenance
- Residents should be held accountable for damaging or misusing fire alarms, lifts or fire doors or obstructing escape routes, rather than the Responsible Person.

Contact details

We feel it would be reasonable to provide the contact details for a Responsible Person and/or Building Safety Manager, in line with the proposals in the Draft Building Safety Bill.

However, where the landlord is a corporate body, it does not seem to make sense to have one named individual as the Responsible Person to contact when we have systems in place to cover safety 24 hours a day, provided by several individuals, in the case of an incident.

Enforcement and Sanctions

We do not agree with increasing charges for enforcement activity in most cases, including false fire alarms, as this may:

- Take resources away from maintenance and remedial works
- Penalise the Responsible Person for the activities of residents, either directly or through recharging
- Increase administrative burdens for fire services
- Act as a disincentive to raise alarms.

Where enforcement and sanctions can justifiably be levied, these should be agreed to be fair and reasonable by social landlords and should:

- Follow very clear guidance set at a national level, including clarity about where they should or shouldn't be levied
- Be proportionate and not set at a level that affects the Responsible Person's ability to rectify problems identified in the prosecution
- Take account that they may be the result of resident activity, making them difficult for us or the fire service to recover costs and/or could deter residents from reporting dangerous situations for fear of recharges.

Roles of Duty Holders

We welcome clarity about the roles of Building Control and Fire and Rescue Authorities. However, we would like new provisions to include giving landlords sight of deliberations to see if we can help resolve disputes and obtain approvals more quickly, for example by changing designs to meet requirements.

Areas requiring more clarity

We feel that more clarity is needed in the following areas:

- Definition of height for high-rise buildings.
 - o We agree that 18 metres or above 6 stories is sensible. There is however inconsistency within legislation and the parameters defined within the Building Safety Bill should be adopted by all legislation. This will enable us to focus resources efficiently to meet regulatory expectations. Any subsequent changes to review this definition should be part of further consultation to understand financial and operational impact of any future amendments proposed which should consider risk and existing layers of protection.
- External walls. Will this link to EWS1 and will this apply to blocks 18m and above as originally defined within article 14?
- Electronic formats for plans. How do we provide floor plans to local fire services and in what format (JPEG, CAD)?
- How will a single page plan will work for multi-story buildings?
- What is considered an accessible manner for sharing fire safety information with residents? Will Responsible Persons be able to agree how best to share information with residents directly?
- How will 'competency' be determined in the new testing and inspection regime?

Whilst in theory the proposed Article 17 is sensible to require residents to notify housing associations of damage, changes made to the home that may impact fire prevention, and to record equipment within the home, we would like to know how this will be practically monitored and enforced. Unless supported by enforceable legal penalties and random inspection programmes we do not believe this to be a reliable or a practical measure. For instance, the amount and type of electrical equipment stored and used within homes can change daily. Equipment such as fridges are often old and sometimes purchased on a second-hand basis. The ability to ensure that these appliances are safe would require equipment to be tested and certified by residents at their cost and should remain their responsibility to maintain. This is a complex area that will require further clear guidance.

Housing associations should maintain fire equipment, however Article 38 suggests that we will have a duty to ensure that fire protection and equipment within a home is well maintained to protect fire fighters. As mentioned in relation to Article 17, we should not be responsible for actions taken by residents on a daily basis outside of our agreed statutory checks. Fire authorities may need to consider random checks with the ability to issue penalties to residents where alterations or damage affecting equipment within the home is identified.

For more information, please contact:

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