

FAO: Fire Safety Bill Public Bill Committee

National Housing Federation evidence submission

The National Housing Federation and housing associations

1. The National Housing Federation is the representative body for not-for-profit housing associations in England. Our members provide 2.7 million homes to around six million people and reinvest all surpluses back into building more affordable homes and supporting our residents and their communities.

Submission overview

2. The National Housing Federation welcomes the opportunity to provide evidence to the Public Bill Committee scrutinising the Fire Safety Bill.
3. Alongside our members, we support the aims of the Bill, and welcome the improved clarity it provides around responsibility for fire safety in buildings containing more than one home.
4. There are however a number of changes that we believe would improve the Bill, in order to improve its practical application. Intelligence on these issues has been gathered through extensive consultation with our members.
5. **Summary of suggested amendments**
 - An amendment to enable responsible people proportionate access to properties in order to carry out their duties under the amended Fire Safety Order.
 - An amendment that requires the continuation of the fire doors and external wall systems testing programme and the publication of test results and supporting reports in full.
 - An amendment to ensure there is sufficient capacity among competent professionals needed to conduct Fire Risk Assessments, and that professional indemnity insurance is available.
 - An amendment that requires all responsible people in a multi-use building to cooperate and obtain a joint Fire Risk Assessment.
 - An amendment that requires the Fire Risk Assessment to include consideration of whether the building is constructed by the large panel system method.

Suggested amendments to the Fire Safety Bill

6. **Amendment 1: An amendment to enable responsible people proportionate access to properties in order to carry out their duties under the amended Fire Safety Order.**
7. The updated Fire Safety Order will require housing associations, as duty-holders, to assess the fire safety risks of a building they own or manage, to include those posed by the structure and external walls (including cladding, balconies and windows) and the individual flat entrance doors.
8. In order to assess and mitigate any fire safety risks in a block of flats, it will sometimes be necessary for the duty-holder to gain entry in to a resident's home, on a specific and time-limited basis. Examples of when access to individual properties would be necessary include inspection and possible remediation or replacement of fire doors as specifically referenced in the Bill, and full inspection of cladding around windows.
9. In the vast majority of cases, this process is straightforward, and access to a property in order to carry out essential work is agreed between the duty-holder and the tenant or leaseholder.
10. In a small minority of instances, access is repeatedly restricted, and the duty-holder must seek a court injunction to gain the necessary access to the property. The current court process is lengthy, largely due to delays in the court system, which is likely to face additional pressure in the coming years due to hearings having paused during the coronavirus outbreak. We do not believe the current process for granting access accounts for the urgency of the safety inspections and works required under the Bill.
11. Where action needs to be taken on matters concerning the safety of residents in the whole building and access to a property is refused, housing associations are concerned about the additional safety risks to everyone in the building as a result of the length of time it would take to gain access through the courts.
12. The Bill does not recognise this issue in its current form, and this suggested amendment proposes an additional process to enable the duty-holder to gain access to a property where it is refused, in order to carry out safety duties but only in cases where it is necessary to maintain the safety of all residents. Any process for granting access would be used as a last resort, and should not compromise residents' right to the quiet enjoyment of their own homes.
13. As the Bill will clarify duty-holders' responsibility for inspecting flat entrance doors, we believe the requisite right of access to uphold this duty is imperative to ensuring safety. We understand that different leases contain different terms around residents' responsibilities for the flat entrance door, so we would suggest that the clarification of duty-holders' responsibility for doors also override leases that demise this to leaseholders.

14. **Amendment 2: An amendment that requires the Government to continue the fire doors and external wall systems testing programme and publish the test results in full, as a means to support responsible people in their duties to assess and inspect buildings for safety concerns and appropriately remediate any found.**
15. In the weeks after the fire at Grenfell Tower, the government rightly conducted industry standard fire safety tests – known as BS8414 tests – on external wall systems using ACM cladding of differing levels of combustibility, in combination with different types of insulation. This unequivocally determined which systems were too dangerous to be used on buildings and provided certainty to residents and responsible people as to where external wall systems needed remediating. While tests conducted since then on other cladding materials have determined their fire safety performance in comparison to combustible (category 3) ACM, the government has not conducted BS8414 tests on these materials that we're aware of.
16. The government has also rightly conducted fire safety tests on glass-reinforced plastic composite fire doors, following the discovery that those used in Grenfell Tower were not fit for purpose. While some of the test information has been made public, the government has not published the full test reports. These reports give additional detail to support building owners to assess which doors need replacing and remediating as a priority and will support them to source replacement doors with certainty that they comply with safety regulations.
17. As responsible people continue to inspect buildings for safety concerns, many will be either commissioning tests to external wall systems or fire doors independently of one another, or seeking information about the safety of replacement products. If government were to continue its testing programmes and make the subsequent full test results publicly available, this would support building owners to identify and remediate safety concerns more quickly and cost-effectively.
18. **Amendment 3: An amendment to require the Secretary of State to ensure there is sufficient capacity among competent professionals to conduct Fire Risk Assessments that comply with the amended Fire Safety Order and any subsequent remedial works, and to ensure that professional indemnity insurance is available to them.**
19. Existing fire risk assessors may not have the necessary competence to provide a Fire Risk Assessment (FRA) that complies with the new order (understood to be the view of the Fire Industry Association), including the skill set necessary to carry out the additional responsibilities in relation to cladding and fire doors. To adequately assess these, responsible people will need to procure the services of a suitably competent fire engineer.
20. However, there is already considered to be a paucity of fire engineers necessary to oversee remedial works on buildings with known safety concerns, and issues in securing professional indemnity insurance for their work is further reducing this already limited pool of necessary expertise.

21. The significant number of buildings that are being reviewed as a result of the government's advice notes and that will need to be reviewed by responsible people under the Bill, could present a challenge given the lack of competent resource available to conduct this work. In addition, the implementation of the EWS1 form by the surveying and lending industry (a form required by surveyors and mortgage lenders as a condition of mortgage approval, to confirm the materials used in the external wall of a building) have created further demand for competent professionals, as the only people who can sign off this assurance.
22. The purpose of this amendment is to ensure that the government supports our members who own and manage residential buildings by increasing capacity among qualified professionals necessary to inspect and remediate buildings.
23. **Amendment 4: A requirement for all responsible people in a multi-use building to cooperate and obtain a joint Fire Risk Assessment.**
24. In buildings where residential flats sit above commercial premises, a fire in the commercial premises will affect the safety of resident in the flat. This risk needs to be considered holistically and while we accept that it is not practical for a single responsible person to be appointed covering several different businesses and a residential premises, the Fire Risk Assessment should be a single document.
25. *We propose this change to the Bill, as understood to also be supported by the Local Government Association, the national membership body for local authorities.*
26. **Amendment 5: A requirement that the Fire Risk Assessment includes consideration of whether the building is constructed by the large panel system method and the implications of this.**
27. The Bill says that the Fire Safety Order applies to the building's structure and external walls. This should cover whether it is a large panel system building, but there is some uncertainty on this.
28. The purpose of this amendment would be to ensure the Government makes it clear that future Fire Risk Assessments must cover this issue.
29. The Large Panel System approach to building leaves high rise blocks vulnerable to disproportionate collapse in the event of a fire. Many of these buildings have compromised compartmentation due to panel expansion/warping. Some have gas supplies that should have been removed
30. A large panel system block at Ronan Point collapsed in 1968 following a gas explosion. Subsequent investigations have shown that some strengthening works that were carried out to these blocks following the disaster were inadequate or not done. Other blocks have been found to have suffered significant deterioration (although this is not inevitable or universal).
31. *We propose this change to the Bill, as understood to also be supported by the Local Government Association, the national membership body for local authorities.*

Our view on existing amendments tabled to the Fire Safety Bill

32. Amendment 1

- We support this amendment.

33. Amendment 2

- We support this amendment.

34. Amendments 3 and 4

- We support these amendments.

35. Amendment 5

- We support this amendment.

36. Amendment 6

- We support the principle of this amendment in regards to ‘ensuring arbitrary distinctions are not being made between similar premises’, but would point out that bringing all buildings in to the scope of the Bill at the same time is likely to create capacity issues that impact delivery. Our suggested amendment 3 around requiring the government to ensure sufficient capacity of competent professionals would lessen this impact.

37. Amendment NC1

- We support this amendment, and greater clarity and transparency around Fire Risk Assessments (FRAs). However, we would like to point out the concerns that a register could raise in regards to data security, as FRAs often include identifying details about individuals. Housing associations have been developing publicly available information for residents that communicates the detail of an FRA, but is more accessible to the reader and accounts for any personal data in the original FRA.

38. Amendment NC2

- We support this amendment. Our suggested amendment 3 around requiring the government to ensure sufficient capacity of competent professionals within sectors conducting inspections and assessments reinforces some principles of this amendment.

39. Amendment NC3

- We believe that neither charitable housing associations, nor individual leaseholders should have to pay for building safety remedial works. We welcome confirmation that the government will make funding available so that leaseholders in the social sector do not have to pay for remediation of combustible cladding. There are remediation costs that will go beyond those of remediating cladding, for which housing associations will first seek alternate sources of funding. However, as not-for-profit organisations, housing associations may not be able to pay for leaseholders’ share of

remediation costs, and particularly without impact on services to other residents and on ambitious goals to build much-needed affordable homes.

40. Amendment NC4

- We support this amendment.

41. Amendment NC5

- We support this amendment, which reflects the suggested changes we outline in our suggested amendment 4.

42. Amendment NC6

- We support the principle of this amendment, around implementing the recommendations made in the Grenfell Tower Inquiry Phase One Report. We would like to raise a point in relation to part (a) of the amendment, that while identification of materials on buildings is underway in our sector, the number of buildings subject to review could make this a lengthy process, and any timeline for collecting and sharing information on all buildings of two or more dwellings would need to account for this.

43. Amendment NC7

- We support this amendment.

44. Amendment NC8

- Resident safety is housing associations' top priority. As well as working quickly to remediate buildings with combustible cladding prior to receiving government funding, we have worked with fire authorities and competent professionals to install appropriate mitigation measures, including waking watches, on buildings that have safety concerns. Decisions taken around appropriate mitigation measures consider a range of factors specific to the individual building and the people living there, and are taken by people with the expertise and knowledge necessary. We would be concerned about the unintended consequences of a blanket approach to waking watch set by government, and we instead welcome the support provided by government in setting up the Fire Protection Board to review current mitigation measures.

45. Amendment NC9

- We support this amendment.