

Changes to the Legislation – The Fire Safety Act 2021 and The Building Safety Act 2022 S.156

National Codes Student Experience Conference 2024

21 March 2024

Richard Lord- MCIEH CEnvH BSC (Hons), Dip
FD- National Code Verifier



Agenda

- Review of Responsible Person and Approved Person
- What are the new headline requirements for PBSA operators?
- What new checks and processes will be required?
- How does this impact on building management, regular health and safety routines, and communication with tenants?
- What is the role of building managers and site staff in all of this?

This presentation considers English Regulations only



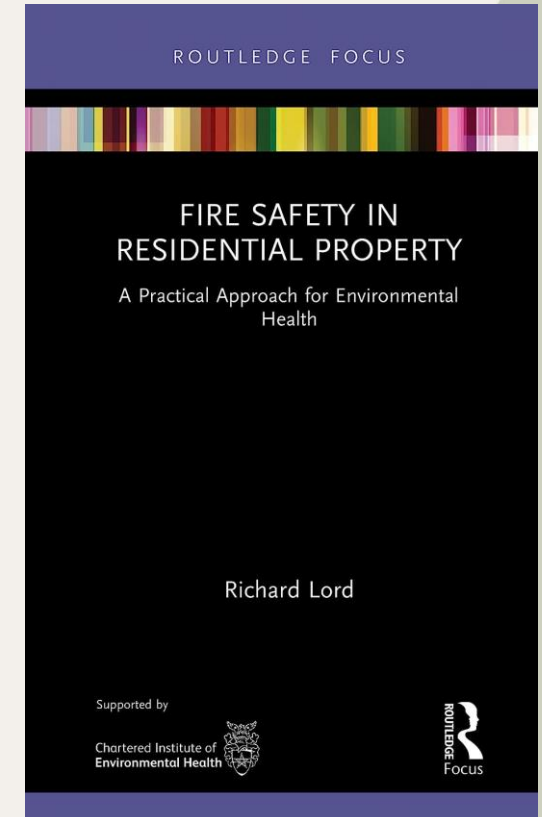
Disclaimer

- This presentation does not constitute interpretation of the law. Only the Courts can do that.
- This presentation is not guidance and should not be taken as such, it is intended to provide information only.
- Where necessary providers must take independent legal advice.
- HSE website provides further information.
- Home Office website has helpful guidance -Publishes quarterly updates.



A little about me

- Chartered Environmental Health Practitioner
- Qualified in 1998, initially worked for LAs- Epping Forest, Cambridge, Hatfield, Peterborough and Barnet LBC
- Cambridge based consultancy launched in 2013
- Current role enforcing fire safety standards in tower blocks in LB Barnet
- Expert witness
- National Codes Verifier since 2014
- Published author



Relevant fire legislation

- The Regulatory Reform (Fire Safety) Order 2005 (Fire Safety Order 2005)
- The Fire Safety Act 2021.
- The Fire Safety (England) Regulations 2022.
- Building Safety Act 2022.



Regulatory Reform (Fire Safety) Order 2005

- Fire Safety Order applies to the common parts (communal corridors and stairways) of blocks of flats and houses/flats in multiple occupation (HMOs and FMOs).
- An HMO is a property occupied by at least three people who do not form a 'household' (e.g. 3x students) & share basic facilities, where rent is paid.
- The common parts of cluster flats with more than 3 occupiers are subject to a fire risk assessment (FRA)
- FRAs must include the external wall systems and flat entrance doors.
- Reason for code clause requiring stage 3 FRA in new buildings
- FSO is enforced by the Fire and Rescue Services



Responsible Person

- A responsible person (RP) will commonly be an organisation.
- RP is a legal entity. (defined in the Fire Safety Order)
- Providers must identify the RP and arrange for the management duties to be undertaken in their developments.
- For further information see Home Office publications
- *A guide for persons with duties under the Regulatory Reform (Fire Safety) Order 2005 (as amended) and the Fire Safety (England) Regulations 2022*



Building Safety Act 2022

- Response to Grenfell Tower disaster.
- Intended to make buildings and residents safer.
- RPs have new responsibilities under S.156 of the Building Safety Act 2022 from **1 October 2023**.
- Introduced the Accountable Person for high-rise buildings. (more later)
- Separate regulations for England and Wales.



Building Safety Act S.156

New legal requirements applies to all relevant buildings.

RPs must-

1. Record their fire risk assessment in full.
2. Record the identity (name) of the fire risk assessor and share this with residents.
3. Record their fire safety arrangements (demonstrate how fire safety is managed in your premises)
4. Record & share their contact information and that and contractors who manage the alarm systems.
5. Identify other RPs and/or APs with responsibilities in the premises, identify yourself to them and explain the extent of your remit.



Building Safety Regulator

BSR in England is part of HSE and was established under The Building Safety Act 2022 to:

- regulate higher-risk buildings
- raise safety standards of all buildings
- help professionals in design, construction, and building control, to improve their competence
- **From 1 October 2023**, the BSR will automatically assume the role of building control authority for all higher-risk buildings.



High Rise Buildings

- Fire safety matters for planning are incorporated at the planning stage for schemes involving a relevant high-rise residential building.
- **Relevant buildings** for the purposes of planning and building control contain two or more dwellings or **educational accommodation** and
- meet the height condition: 18m or more in height, or 7 or more storeys

Student accommodation is not exempted from the definition of higher risk buildings.



Accountable Person

- Each building must have one clearly identifiable accountable person, known as the **Principal accountable person**.- usually an organisation.
- **Accountable persons** have legal duties to manage fire and structural safety risks of the building. Legal obligations cannot be delegate to others:
 1. Registering the building with the Building Safety Regulator (deadline passed 1st October)
 2. Engage with residents about the building's safety and carry out duties relating to the resident engagement strategy
 3. Keep, update and provide information for the building safety case



Register the building

- It is an offence to allow residents to occupy an unregistered high-rise residential building.

Registration detail include.

- A building summary, including height in metres, number of floors and residential units, and date of completion
- The names and contact details of the AP and PAP
- For buildings completed on or after **1 October 2023**, you must also upload a copy of the relevant completion or final certificate.
- Register with the BSR



Duty to prepare and update a resident engagement strategy

From 1 October 2023 duty to prepare a **resident engagement strategy** as soon as possible when:

- The building is, or becomes occupied.
- You become the **principal accountable person**

As the principal accountable person, you must:

- Prepare a resident engagement strategy
- Act in accordance with the strategy
- Review and revise the strategy and keep a record of the reviews
- Provide the latest version to each accountable person
- When necessary, consult residents, owners of residential units, and accountable persons about the strategy and take their opinions into account



Duty to prepare and update a resident engagement strategy

Accountable persons, for the parts of the building that they are responsible for, must:

- provide the latest version of the strategy to residents and owners of residential units
- tell residents about building safety work
- tell them about who will carry out the work



Safety case report

From **1 October 2023** PAP should prepare a safety case report as soon as possible when:

- the building is already occupied or becomes occupied
- you become the principal accountable person

Your report must contain

- Details of the accountable persons
- Responsible Persons (Fire safety)
- Who prepared the report
- Building description
- Risk assessments summary
- Managing risks summary
- Safety management system
- Planning for emergencies
- Ongoing work and building improvement



Fire Safety Act 2021

- The Act amends article 6 of the Regulatory Reform (Fire Safety) Order Act 2005.
- Enabling Act- Fire Safety (England) Regulations 2022.
- Includes all building with two sets of domestic premises, focusses of high-rise buildings.
- Clarifies beyond doubt that building external walls and flat entrance doors must be part of FRA.
- Responsible persons of high-rise buildings must provide information to Fire and Rescue Services to assist them to plan and, if needed, provide an effective operational response.
- Links to the National Codes fire safety clauses



The Fire Safety (England) Regulations 2022

- Regulations come into force on 23rd January 2023.
- The Regulations extend to England and Wales but apply in England only.
- Not all regulations apply to all buildings.
- Height based application.



Relevant National Code clauses

6.21 Members will provide occupants with clear written guidelines on the fire safety procedures, including details of:

- *the safety measures installed;*
- *why they are there;*
- *how they operate; and*
- *what to do in the event of fire.*

6.22 Members will display notices containing this information in all rooms and communal areas.



Regulations

1. Citation, commencement, extent and application
2. Interpretation
3. Meaning of high-rise residential building
4. Secure information box
5. Design and materials of external walls
6. Floor plans and building plans
- 7. Lifts and essential fire-fighting equipment**
- 8. Wayfinding signage**
- 9. Information to residents**
- 10. Fire doors**
11. Provision of documents to local fire and rescue authority
12. Duty to review



Regulation 7 Lifts and essential fire-fighting equipment

Relates to high rise buildings only.

Requirement to undertake monthly checks of lifts and other “essential fire-fighting equipment” located within the common parts of the building—

- (a) fire detection and fire alarm systems including any detectors linked to ancillary equipment such as smoke control systems,
 - (b) evacuation alert systems,
 - (c) automatic door release mechanisms linked to fire alarm systems;
- Where faults cannot be rectified within 24 hours the FRS must be advised electronically

Regulation 8 – Wayfinding signage

Relates to high rise buildings only.

The RP must install wayfinding signage within the stairways and the lift lobbies identifying floor and individual flat numbers on that floor.



Regulation 9 – Information to residents

Relates to all buildings with two or more sets of premises.

1. The RP must provide residents with easily understandable information including
 - how to report a fire
 - The evacuation strategy for the building. (Stay put or Sim Evac.)
 - Any other instruction that tells residents what they must do once a fire has occurred, to meet the building's evacuation strategy.
2. Display these instructions clearly in their building's communal areas and share directly with residents when they move into the building.
3. This information will need to be re-provided in both the communal area and to residents when a document is updated.
4. This information must also be re-provided to residents on an annual basis.



Regulation 10-Fire doors

This refers to all buildings

The RP of multi-occupied residential buildings in England with storeys **over 11 metres** in height to:

- undertake quarterly checks of all fire doors (including self-closing devices) in the common parts
- undertake – on a best endeavour basis – annual checks of all flat entrance doors (including self-closing devices) that lead onto a building's common parts

All buildings

RPs must provide to residents of all multi-occupied residential buildings with two or more sets of domestic premises (that have common parts) information on the importance of fire doors to a building's fire safety.



Reg 10 Fire door information to residents Summary

The RP must provide the required information about fire doors to the residents of the building.

- (a) fire doors should be kept shut when not in use;
- (b) residents or their guests should not tamper with the self-closing devices; and
- (c) residents should report any faults or damages with doors immediately to the responsible person;

The required information must be provided by the responsible person—

- (a) to a new resident, as soon as reasonably practicable after they move in; and
- (b) Annually to all residents from 23rd January 2023.



Regulation 11 - Provision of documents to local fire and rescue authority

This confirm the requirement of RP for high rise buildings to send documents relating to regs 5 and 6 electronically



Summary

Tall buildings over 18 m or seven storeys

- Provision of secure information boxes.
- External wall summary.
- Floor plans and building plan.
- Monthly checks of lifts and essential fire-fighting equipment.
- Wayfinding signage.
- Annual fire door checks to flat entrance doors.
- 3 monthly checks to common parts fire doors.
- Floor plans Information & FRAs to be sent electronically to FRS.
- Information to residents advising evacuation and importance of fire doors



Summary

11-18m (approx. 4-6 storeys)

- Annual fire door checks to flat entrance doors.
- 3 monthly checks to common parts fire doors.
- Information to residents advising evacuation and importance of fire doors

Below 11m (approx. 3 storeys)

- Information to residents advising evacuation and importance of fire doors.

Record keeping is key to proving compliance. It also helps the verifiers.



Thank you

Questions.

