



Catalyst Response to Fire Safety Consultation 2020

Catalyst is one of the UK's leading housing associations, owning and managing over 34,000 homes housing over 65,000 customers in London and the South East. We are a member of the G15 group of large London housing associations and BuildEast group of large developing housing associations in the East of England.

We take safety of our customers very seriously and have developed a comprehensive programme to investigate and improve fire safety in new and existing buildings.

We are delighted to have the opportunity to provide a response to this consultation on changes to fire safety arrangements covered by the Regulatory Reform (Fire Safety) Order 2005.

If you have any questions or require further information on this response, please contact David Flindall (david.flindall@chg.org.uk).

Introduction

We support the aims of the government in addressing fire safety in the light of the fire in Grenfell Tower in June 2017. While we agree with many of the specific proposals we believe that further clarity is needed in developing the detailed requirements and that this must consider the resource implications in framing the final requirements.

General comments about the proposed approach

Information

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 redraw '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 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.

Guidance

We agree that new guidance is essential to make revised fire safety requirements clear. We agree that an Approved Code of 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 the new requirements. A new code of practice would benefit from including:

- The remit of the legislation and how it links to other legislation, eg housing acts
- 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, eg Sections 17 and 38.

Inspection and testing

Inspection and testing requirements must be proportionate to the relative risks in buildings where they will apply. Issues that we believe are important include:

- Testing and maintaining all lifts, mechanisms and other firefighting equipment and real time reporting of failures have significant resource implications for most landlords
- Will reporting lift failures to the fire service in real time be useful? Will it overload fire services with information and create a reporting rather than a fixing culture for remedying failures?
- Who would be considered qualified to check fire doors?
- It will be very difficult to gain access to residents' homes to 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) if landlords are required to test residents' entrance doors even if residents are given a duty to cooperate as set out in the Draft Building Safety Bill.

Working with residents

We are committed to engaging with residents on all aspects of fire safety through sharing information about fire safety with them and co-creation of mitigations to identified risks and services more generally. However, we feel that the expectations for working with residents to make the new regulations work may not be realistic. In particular we feel that:

- Residents may not be willing to give us access to their homes, sometimes several times a year, to test entrance doors
- Its uncertain if the requirement for residents to self-report that they need help to evacuate a building implies a duty on the landlord to proactively identify potential residents likely to need help and what happens if we fail to get them to self-identify

- More clarity is needed on regulatory expectations for sharing information with residents in an accessible manner on:
 - Fire safety risks and mitigations
 - Lift maintenance
- Residents should be held accountable for their actions, such as damaging or misusing fire alarms, lifts or fire doors or obstructing escape routes, rather than the Responsible Person.

Contact details.

We suggest it would be reasonable to give residents the contact details for a Responsible Person and/or Building Safety Manager, in line with the proposals in the Draft Building Safety Bill, if they have concerns about fire safety in their building, eg the fire strategy or safety case.

However, where the landlord is a corporate body, it does not make sense to have one named individual 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, eg where a Responsible Person is at fault, we would like to see them:

- 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, eg by changing designs to meet requirements.

Areas requiring more clarity

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

- High risk buildings. We think 18 metres or above 6 stories feels correct to start with but there should be a clear definition of buildings in scope to understand which

buildings are covered. This will enable us to focus resources efficiently to meet regulatory expectations.

- External walls. Will this link to EWS1?
- Electronic formats for plans. How we provide floor plans to local fire services, including what format (JPEG, CAD?)
- How a single page plan will work for multi-story buildings
- How Responsible Persons will report lift failures, how quickly and who to?
- What Responsible Persons are reasonably expected to do to get residents to self-identify as needing assistance to evacuate
- 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?
- Have fire services got the resources to assimilate and effectively use the information they will receive? Would it be more effective to keep some current face to face approaches?
- A timeframe for responses by the fire service to allow us to change our processes to align to it.