



Expert Panel Consolidated Guidance – Advice for Fire and Rescue Services

To: FRS Heads of Protection
From: NFCC Building Safety Programme Team
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Consolidated Advice Notes – Advice for Building Owners of Multi-storey, Multi-occupied Residential Buildings

Purpose

The Ministry of Housing, Communities, and Local Government (MHCLG) released on 20th January 2020, consolidated guidance, “[Building safety advice for building owners, including fire doors](#)” which has superseded the previous published Expert Panel (EP) Advice Notes 1 to 22.

The consolidated advice note contains some new elements not previously covered by the Expert Panel. NFCC has received a number of queries from fire and rescue services (FRSs) about handling enquiries from residents and others regarding the implications of the advice.

NFCC is circulating this note to highlight key points for FRSs’ attention, and respond to some of the queries being received.

Main Changes

The initial advice from government following the fire at Grenfell Tower has been specific to residential buildings over 18m in height. However, the new guidance is explicit in its direction and focus and states that:

[References to MHCLG consolidated guidance, “[Building safety advice for building owners, including fire doors](#)” are in **bold**]:

The guidance states that:

Para 1.4 ...“For the avoidance of doubt, building owners should follow the steps in this advice as soon as possible to ensure the safety of residents and not await further advice or information to act”.

Para 1.5 ...“The need to assess and manage the risk of external fire spread applies to buildings of any height”.

Para 1.11 “While the use of combustible materials within or attached to external walls of residential buildings below 18m is not currently expressly prohibited, it has been a legal requirement since the 1980s to consider the risk from fire spread. This is in accordance with the functional requirements of the Building Regulations. It is also a requirement of the Fire Safety Order that any purpose-built block of flats – regardless of height – should have an up to date fire risk assessment and appropriate fire precautions in place.”

The primary focus has so far been directed to Aluminium Composite Materials (ACM). The EP have been facilitating several tests on other products including types of High-Pressure Laminate (HPL) systems and have thus far not identified any system that performs in a similar fashion as ACM PE (category 3) cladding. The EP have updated their advice to emphasise that RPs must ensure that they are fully aware of what system is present on their premises and follow the guidance, which has implications for a wide range of cladding and insulation combinations.

Para 1.21.1 ACM cladding (and other metal composite material cladding) with unmodified polyethylene filler (category 3 in screening tests) presents a significant fire hazard on residential buildings at any height with any form of insulation and action to remediate unsafe wall systems and remove unsafe cladding should be taken as soon as possible;

Para 1.21.2 ACM cladding (and other metal composite material cladding) with fire retardant polyethylene filler (category 2 in screening tests) when used with rigid polymeric foam insulation presents a notable fire hazard on residential buildings over 18m or buildings at any height with residents who need significant assistance to evacuate (particularly where horizontal, phased evacuation is in place) based on the evidence currently available. Action to remediate these unsafe wall systems should be taken as soon as possible;

Para 1.21.3 High Pressure Laminate (HPL) systems using Class C-s3,d2 or D-s3,d2 HPL panels on residential buildings of 18m or more or buildings at any height with residents who need significant assistance to evacuate (particularly where horizontal, phased evacuation is in place) would not meet the functional requirements of the Building Regulations, and these systems should be remediated;

Para 1.21.4 Building owners with HPL systems of any class used with combustible insulation on residential buildings of 18m or more to the height of the top occupied storey or buildings at any height with residents who need significant assistance to evacuate (particularly where horizontal, phased evacuation is in place) should seek professional advice and take appropriate remedial action.

Para 1.21.5 All building owners¹ of residential buildings of 18m or more to the height of the top occupied storey and also buildings at any height with residents who need significant assistance to evacuate (particularly where horizontal, phased evacuation is in place) should check their external wall systems to assess the risk of fire spread over the exterior of the building.

Para 1.21.6 The risk of external fire spread should be considered as part of the fire risk assessment for all residential buildings, irrespective of height. The fire risk assessment should take in to account height, materials, vulnerability of residents, location of escape routes, and the complexity of the building. The explicit remediation advice provided in the MHCLG advice note should be used to support the fire risk assessment and remedial actions may be required in buildings below 18m where there is a risk to the health and safety of residents, other building users, people in the proximity of the building, or firefighters.

There is also significant information in Annex A around fire doors especially those that do not meet current standards that FRSs have to have due regard to.

¹ For the purposes of this document the term 'building owner' means the owner of the building or the person, group, company or other entity on whom duties are imposed or enforcement action could be taken under the following legislation: (i) the Housing Act 2004 in relation to certain hazards; or (ii) the Regulatory Reform (Fire Safety) Order 2005 to ensure the safety of occupants of a building from fire (see Articles 3 & 5 of Regulatory Reform (Fire Safety) Order 2005 for those with duties).

What does this mean for Fire and Rescue Services?

It is important that FRSs review and understand the implication from the consolidated guidance for the RP, and consider the expectations that this has when they carry out visits and audits of effected premises. Although the new guidance has expanded its focus, it has always been expected that RPs understand the risks associated with their premises and address these as required under any risk assessment process. Fundamentally, for every residential building, irrespective of height, occupancy, or cladding system, the RP must demonstrate that they understand and have mitigated all identifiable risk in their premises.

NFCC expect the application of the advice and any resulting interim measures to be proportionate, on a risk assessed basis, and considered against remediation plans where relevant. It is **not** the expectation of NFCC that the advice be interpreted to mean that all scenarios covered by the advice should now adopt a **blanket approach to waking watch, or any other form of interim measure**. Owners should be seeking professional advice, and taking **appropriate action where needed**.

It is important to emphasise that the need for RPs to review and address the findings in their risk assessments has always been present, and that any system that does not meet the requirements and is unsafe should be subject to a process of remediation and removal at the earliest opportunity. Equally, Government have highlighted that the forthcoming introduction of the Fire Safety Bill will *“Put beyond doubt that the Fire Safety Order will require building owners and managers of multi-occupied residential premises of any height to fully consider and mitigate the risks of any external wall systems.”*

For FRSs this will mean that, where it is identified that the correct process has not been followed and that the risk assessment does not adequately address the risk to relevant persons of external fire spread, they consider taking the appropriate enforcement action. This should then be supported through a level of oversight and reinspection in line with current expectations where notices have been served.

For FRSs when visiting any premises as part of either an identified inspection programme or in any capacity of engagement within the Service remit, consideration should be given to identifying and, where necessary, communicating with both Protection teams and RPs your findings, observations, and potential necessary redress.

Where there is a clear trend on identification of premises where external wall systems do not meet the functional requirements and are putting residents and or firefighters at risk, then it is for the individual FRS to decide if, and when, to amend their RBIP and the resources allocated. It is for the RP to identify risk on their premises but equally it is for the individual FRSs to target the perceived risk in their Service area.

Findings from Dame Judith Hackitt’s Independent Review, recommendations from HMICFRS, and plans Government has announced for a new regime to address wider concerns about the built environment are all relevant elements to consider. Several total building loss fires in recent years supports conclusions made by the Hackitt review, and the NFCC is working with government to ensure that the impact on FRS RBIPs is recognised in future Spending Reviews.

New enquiries

It has become apparent that FRSs are now receiving an increasing number of enquiries from residents and RPs with regards to the consolidated guidance. This has included queries from people who may be trying to sell properties, where lenders may now be requiring owners to

have surveys carried out to assess the external wall systems on their properties. NFCC have received some queries from FRSs about the expectations on FRSs, where the guidance directs RPs towards the FRS for support.

The guidance states with regards to informing the local FRS:

Para 3.15 “Where it has been determined that the external wall system does not meet an appropriate standard of safety, building owners should inform their local Fire and Rescue Service and put in place appropriate short-term interim measures as set out in section 11 on Interim Measures below. For the avoidance of doubt, the removal of unsafe material and action to remediate unsafe wall systems should be carried out as soon as possible”.

The sharing of this information with the FRS is to ensure that FRSs can update their operational tactical plan if necessary and also, if the evacuation strategy has been changed, to enable FRSs to audit against the appropriate measures as defined in the NFCC [Guidance to support a temporary change to a simultaneous evacuation strategy in purpose-built block of flats](#).

It also states:

Para 11.3 “If you have not already done so, you should inform your local fire and rescue service. Failure to do so may put fire-fighters as well as residents at risk. The fire and rescue service will carry out an urgent inspection with the Responsible Person to ensure that appropriate short-term interim measures have been identified and introduced, as set out below. The fire and rescue service will also carry out a further inspection once the short-term interim measures are in place”.

Para 11.17 references FRS involvement in supporting the competent person on the decision as to whether a stay put strategy is still valid.

The above references about FRSs carrying out urgent inspections and follow up visits should be on a **risk-based approach** depending on the information supplied and the perceived risk to the public and firefighters.

When taking enquires it is important that FRSs direct RPs to the guidance and the expectations on RPs before the involvement of the FRS. The RP should have had their Fire Risk Assessment reviewed, and, if necessary, put mitigating measures in place **before seeking the involvement of the FRS**. This may necessarily require the RP to take steps to identify their external wall systems and seek competent persons’ advice when considering the risk from external fire spread.

There has also been interest in what part balconies play, to which the EP have stated:

Para 7.1 ...“It is the view of the Expert Panel that as a result the design of balconies should not assist fire spread along the external wall. Balconies including combustible materials may not meet an appropriate standard of safety and could pose a risk to the health and safety of residents and other building users”.

They go on to state:

Para 7.3 “The view of the Expert Panel is that the removal and replacement of any combustible material used in balcony construction is the clearest way to prevent external

fire spread from balconies and therefore to meet the intention of building regulation requirements and this should occur as soon as practical”.

The role of the EP is to advise the Secretary of State on measures that should be taken relating to fire and building safety in existing buildings. Leaseholders can access free initial specialist advice to understand their rights through the Leasehold Advisory Service (LEASE): www.lease-advice.org/

Review of the Simultaneous Evacuation Guidance

NFCC will soon be conducting a review of the Simultaneous Evacuation guidance. We have invited all of the sector experts who originally produced the guidance for NFCC, including the Fire Industry Association, the Institute of Fire Engineers, London Fire Brigade, those representing London Councils, and the Chair of the EP.

Following a recent leaseholder event attended by NFCC, and a Parliamentary debate on Leaseholders and Cladding in early February, a wider group of stakeholders has been invited to contribute, including representatives of unions and leaseholders. Including a leaseholder contribution will ensure the guidance considers the significant and increasing concerns for leaseholders, given the unanticipated extended nature of some remediation plans and interim measures (including the use of waking watches).