

Fire Safety Advisory Group

Position Statement

As we approach the 100th day (22 September) since the Grenfell Tower fire, it seems timely to provide this informal update on the Fire Safety Advisory Group's response and its position on developments subsequent to the fire.

Fire Safety Advisory Group

The [Fire Safety Advisory Group](#) was established on 6 July for an initial period of 3 months, to be reviewed thereafter. The Group, which meets weekly, is chaired by Des Tidbury, Chief Fire and Rescue Advisor for Wales. Its members comprise the Chief Fire Officer for South Wales Fire and Rescue Service and representatives of the Welsh Local Government Association, Community Housing Cymru, the Residential Landlords Association (Wales), Welsh Council for Voluntary Action and the Tenant Participation Advisory Service Cymru.

The [Terms of Reference](#), as agreed with the Cabinet Secretary for Communities and Children, outline the priorities for the Group in relation to the safety of high-rise buildings, identifying and considering possible actions following the Grenfell Tragedy.

This statement updates on our agreed position on a number of fronts and makes recommendations for the Cabinet Secretary's consideration.

Building Research Establishment Large-Scale Tests and Associated Guidance

In broad terms, we welcomed the BRE testing regime and the, ultimately extended, schedule of tested ACM and insulation configurations. We consider that, whilst it would be impracticable to replicate the myriad ACM cladding and insulation types, the seven tests provide a satisfactorily broad basis for advice.

The subsequent guidance requires building owners and landlords to take fire safety measures and to seek expert advice on processes for replacing material where their cladding systems correspond with failed rigs.

There seem to us to be likely practical resource implications for owners/landlords in all sectors. These include the availability of 'approved' ACM cladding; industry capacity to fit the same; financial capacity and implications for owners and landlords and, registered fire safety engineers (estimated to be around 250).

We continue to have regard to subsequent UK-level guidance, but recognise the limits and its capacity to respond to a complex and fast-moving environment.

Given the experience and composition of the UK Expert Panel and the clarity of guidance, which we consider is accessible even to readers with little technical knowledge, the Group has no significant issue with endorsing guidance issued subsequent to the BRE full system tests.

Owner and Landlord: Tenant Engagement

The gravity of the Grenfell situation and speed and range of subsequent issues and developments will have led to anxiety amongst tenants in high-rise buildings. Appropriate engagement, alongside safeguarding and remediation actions, are essential to ensuring people are – and *feel* – safe and informed.

The Group invited and heard from social landlords about the steps they had taken to keep tenants well-informed and reassured. We were pleased to have had a presentation from Newport City Homes (NCH) and were impressed by the breadth and nature of their extensive tenant engagement. I attach a PDF to the [pack](#) with which we were presented. NCH have been generous in agreeing to this being shared more broadly, perhaps as part of the ‘caseworker’ approach being taken by your officials. We feel that this provides a sound blueprint and can be a useful touchstone for cross-sector landlords. We have also been impressed by the speed with which NCH has commenced the installation of sprinklers in its buildings.

Whilst Fire and Rescue Services have welcomed the involvement of owners and managing agents, and in turn their engagement with tenants, we have also noted the role that Third Sector organisation, charities and community groups can play in providing additional communication routes and reassurance and support to tenants.

Identification of ‘In-Scope’ Buildings

The efforts of the WLGA, local authorities, fire and rescue services and your officials and others notwithstanding, the ability to identify the existence, location and ownership of buildings of 7 storeys (18 metres) or more has been challenging. Indeed, the initial data collection by Welsh Government defining high-rise buildings as those with 7 storeys or more does not relate exactly to the fire safety risk, nor to any regulations laid out in Approved Document B part 2.

Future action could more carefully define high-rise buildings as either:

- those of 18 metres or more in height, to the floor of the top storey, as described in diagram C6, p.210 of Approved Document B, part 2. (In terms of rationale for focus on buildings of, or beyond, a specific height, this would then relate directly and clearly to the ease of evacuation and the ability of FRS to intervene effectively.) Or, alternatively, as those of:
- 18 metres or above height of building, as described in diagram C4 on page 209 of Approved Document B part 2.

The remit of this Group has been to focus on buildings of 7 storeys/18 metres or more, however, overtime this may change in terms of scope for lower-rise buildings.

Identification of Tall Buildings

The picture, particularly - but not exclusively - about the private sector, remains frustratingly incomplete. We understand that effective identification of private sector buildings is, equally at least, a challenge in the other parts of the UK.

It might reasonably be assumed, particularly to a 'lay' observer, that reliable, accurate and timely data about the quantum of tall buildings in any local authority area could be readily accessible. That this appears not to be the case points to the need for a reform of the system and its ability to record information about the totality of this type of building stock and up-to-date ownership and/or managing agency particulars. This may be more a matter of appropriate data collection and recording (and clearly-defined expectations around the same) rather than something which needs statutory intervention to rectify. In either case, we would recommend that further work is undertaken, considering other models across the UK so that, should a future scenario emerge, we can learn and apply lessons so that appropriate information about cross-sector buildings is established and retained

Private Sector

Identifying private sector landlords (perhaps more accurately, freeholders and/or managing agents for the freeholders), or even properties, has been a significant challenge. The reasons for the difficulty in terms of engagement, assuming bodies are first sighted on requests for information, will centre on uncertainty on how matters will be resolved in terms of ownership, managing agents, and a host of other issues including financial liability. There is a lack of clarity or understanding around how material designed and fitted in accordance with building regulations and standards could subsequently fail either initial or large-scale tests. As details continue to emerge, these should be shared broadly and a definitive statement on funding given to clarify the situation.

Focus on High-Rise Residential Buildings

As per the Terms of Reference for the Fire Safety Advisory Group, the initial focus of the Group is the safety of high-rise buildings. This includes the consideration of - on a risk basis - all high-rise buildings on a tenure neutral basis, concentrating on those with a 'sleeping risk', including other forms of housing, the NHS estate, schools and further education establishments, and the higher education estate.

The agreed timescale for the Group established an initial period of three months from 6th July, to be reviewed thereafter. As 6 October approaches, the Group would welcome any early view on its role, if any, and how it can be useful to the Cabinet Secretary beyond that point.

Fire Risk Assessors

I have referenced the availability of fire engineers. The Group has also considered the arrangements for the registration and appropriate training of competent Fire Risk Assessors. Presently, there is no requirement for Fire Risk Assessors to be registered, maintain continuous professional development, or to provide satisfactory evidence of initial or ongoing competence. We presume that this will be picked up in the independent review, but would urge that this is indeed the case.

Review of Building Regulations

The Group welcomes the independent review of building regulations, led by Dame Judith Hackitt. Whilst this will be concerned with the English statutory framework, there is, and should be, clear read-across to the Welsh context.

The FSAG's specific remit and composition were based on issues specific to fire (rather than to the broader matter of building) safety. Whilst we welcome a watching brief and an opportunity to input as necessary, the group's current configuration and resources are not geared to playing a lead role in any parallel review that the Welsh Government may determine to take forward.

Priorities and Procurement

There are apparent complexities involved as focus broadens beyond the initial concentration on ACM cladding. These can relate to practical and commercial decisions in respect of replacement materials: clearly, landlords will wish to replace deficient cladding with a substitute that is approved and which will be an acceptable long-term alternative. As things stand, there may be a balance between early action (which may avoid cost issues stemming from supply and demand) and awaiting a final, definitive analysis of 'safe' cladding systems. Any implications of future changes will need to be communicated to staff responsible for procurement and to take account of any longstanding contractual commitments. Input from the National Procurement Service, on a Wales level, would be helpful.

Similarly, as far fewer buildings have been identified in Wales which require the replacement of (particularly) Category 3 ACM, than is the case in England, we would welcome further clarification of how remediation is to be prioritised. That is to say, an orderly system of remediation, rather than an 'ability to pay'.

We welcome discussions between your officials and their DCLG counterparts on supply chain issues and will further welcome updates on the same.

Mitigating Action

We agree that sprinkler (or water suppressions) systems, crucially as *part* of a suite of fire safety measures, are a highly effective asset in preventing the spread of fire. In that sense, the 2016 legislation taken forward by the Welsh Government, requiring new builds and conversions to have sprinkler systems in place, is hugely positive. In terms of retro-fitting, however, we accept that there are legislative and financial challenges (although, as stated previously, we welcome NCH and Swansea's actions on sprinkler fitting).

We have noted that tenants' questions about sprinklers seem to centre on possible costs to them and potential impact on upholstery and fixtures and fittings. Again, this is an area where enhanced engagement with tenants (and 'myth-busting') can be helpful.

Relationship with other Groups and Knowledge-Sharing

Over time, the flow of information between the UK Expert Panel and the Fire Safety Advisory Group has improved. Informal weekly updates between both bodies have proved most effective in enabling our clearer understanding of developments and underpinning issues. We intend to continue in this vein.

The FSAG has also been involved and welcomed more recent regular briefing discussions between colleagues in the UK Expert Panel and Scottish counterparts. I intend to propose a four-nations symposium as an effective way better to understand

the current situation and to share experiences and developing good practice. We will keep you apprised of developments.

Recommendations

We would make the following initial recommendations:

Collection and Availability of Data – Notwithstanding the obvious efforts of all concerned, the apparent lack of readily-available data relating to high-rise buildings is a matter of some concern. Much work, across local authorities, the Welsh Government, the WLGA and Third Sector, has gone into identifying and collating information on high-rise buildings in Wales. This information should be preserved and built on as a highly useful foundation for future broad, reliable and accessible information. Local authorities should be made aware of clear expectations around what needs to be collected, collated and reported; and expectations should take cognisance of the Information Commissioner's own recommendations in this respect.

Identification of responsible persons – Due to a range of complex owner and landlord scenarios, the identification of responsible persons can prove challenging. The Grenfell Tower aftermath and attempts to discern responsible persons have amplified this concern. We would recommend that any future revision to the Fire Safety Order addresses and clarifies the position and requirements, so far as possible.

Managing Agents - The role of 'block' managing agents (distinguished from manager of private rental accommodation) in the private sector is crucial. Competency, however, appears variable and the Group recommends exploring the feasibility of including additional activities that are carried out by block managers into Section 6(3) of Part 1 of the Housing (Wales) Act 2014 which will result in them requiring to be licensed and be trained.

Fire Risk Assessors – as part of any review of the Fire Safety Order, adopt a more stringent approach for the appointment, registration, training and competence of fire risk assessors.

Fire Safety Advisory Group - That the Group's focus remains trained on high-rise buildings, and it continues to operate for a further three-month period, before being reviewed again.

Finally, I would be happy to brief you or provide further detail if you would find that helpful.



Des Tidbury

Chair, Fire Safety Advisory Group