

Merseyside Fire & Rescue Service Fire Safety Legislation Update 2022/23



























Purpose of the session

- Provide an update on the legislative changes affecting multioccupied residential buildings
 - Fire Safety Act 2021
 - Fire Safety (England) Regulations 2022

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 Provide an overview of MFRS approach to implementing and enforcing the changes

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RESCUE

Why?

- The Regulations 2022 have been introduced as an important step towards implementing the recommendations of the Grenfell Tower Inquiry Phase 1 report.
- Most of the requirements set out in the Regulations are imposed on the responsible person (RP), which RPs need to be prepared for ahead of the Regulations coming into force on 23 January 2023.













Key changes

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









Fire Safety Act 2021

- Amends the Fire Safety Order, Article 6, in relation to 'domestic premises' and was implemented from 16th May 2022
- Provides that the Secretary of State may through Regulations amend the Fire Safety Order to clarify or change the premises to which it applies
- Makes strengthened provision for Guidance which is provided under Art 50 of the Fire Safety Order specifically 'risk based guidance'









The Fire Safety Act 'domestic premises'

Art 6 (1) This Order does not apply in relation to – Domestic premises, except to the extent mentioned in article 31(10)

"(1A) Where a building contains two or more sets of domestic premises, the things to which this order applies include—

(a) the building's structure and external walls and any common parts;

(b) all doors between the domestic premises and common parts (so far as not falling within sub-paragraph (a)).

(1B) The reference to external walls includes—

- (a) doors or windows in those walls, and
- (b) anything attached to the exterior of those walls (including balconies).";











The Fire Safety Act 'risk prioritisation guidance'

Art 50(1) The Secretary of State must ensure that such guidance, as he considers appropriate, is available to assist responsible persons in the discharge of the duties imposed by articles 8 to 22 and by regulations made **under article 24**.

"(1A) Where in any proceedings it is alleged that a person has contravened a provision of articles 8 to 22 or of regulations made under article 24 in relation to a relevant building (or part of the building)—

(a) **proof of a failure to comply** with any applicable <u>risk based guidance</u> may be relied on as tending to establish that **there was such a contravention**, and

(b) **proof of compliance** with any applicable <u>risk based guidance</u> may be relied on as tending to establish that **there was no such contravention**."













Fire Safety Act 2021 and FRA's

9.—(1) The responsible person must make a suitable and sufficient assessment of the risks to which relevant persons are exposed for the purpose of identifying the general fire precautions he needs to take to comply with the requirements and prohibitions imposed on him by or under this Order.

3) Any such assessment must be reviewed by the responsible person regularly so as to keep it up to date and particularly if—

(a) there is reason to suspect that it is no longer valid; or

(b) there has been a significant change in the matters to which it relates including when the premises, special, technical and organisational measures, or organisation of the work undergo significant changes, extensions, or conversions,

and where changes to an assessment are required as a result of any such review, the responsible person must make them.











Reviewing FRAs – Prioritisation

- Government has produced a Fire Risk Assessment Prioritisation Tool - <u>https://www.bpt.homeoffice.gov.uk</u> – free to register
- Not a risk rating tool
- Not a fire risk assessment
- Not mandatory but is important for showing compliance if enforcement action is considered or taken (Article 50)

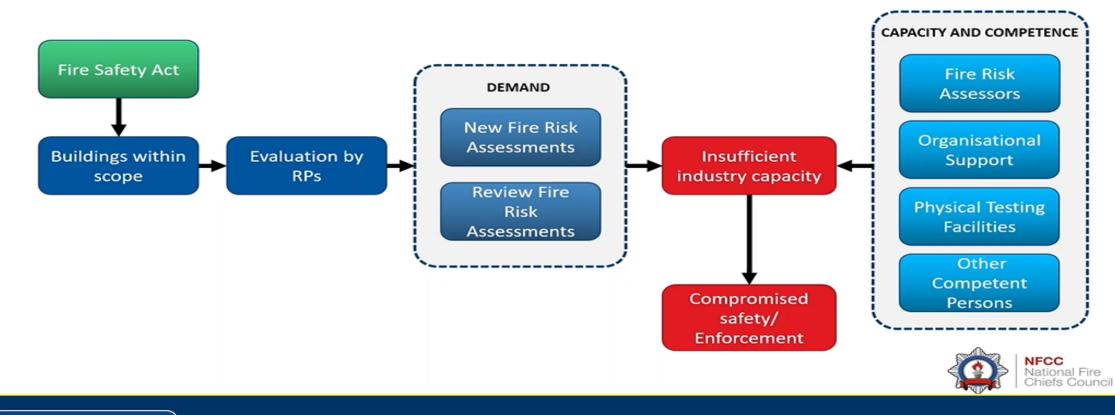








Implementing the FSA (without FRAPT)



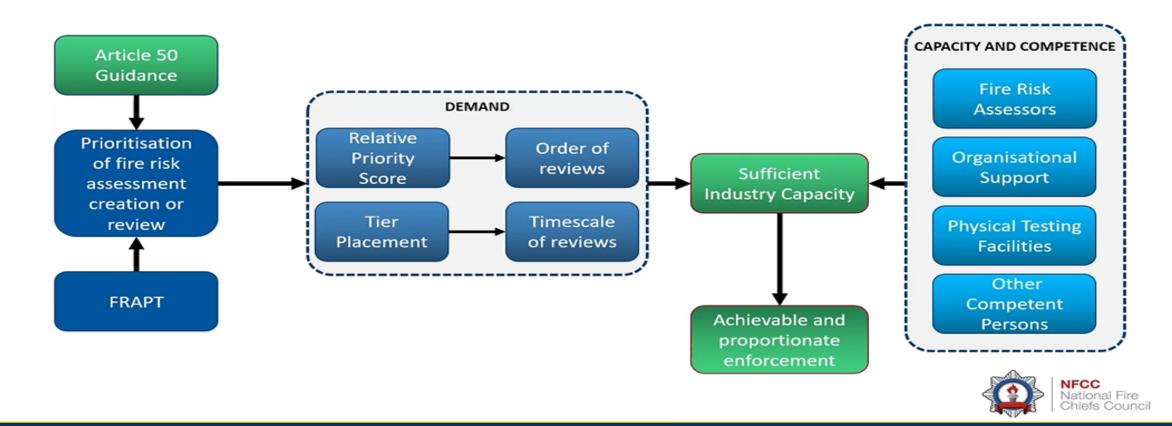




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Risk Based Approach (utilising FRAPT)







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Using the Prioritisation Tool – information required

- the height of the building (in storeys)
- if known, the composition of the external wall and covering materials (if relevant)
- the most recent fire risk assessment
- whether there are balconies and the composition of windows
- number of staircases
- details of whether the building has been recently refurbished

- the type of evacuation strategy in place
- whether the building has fire safety systems, like sprinklers or communal fire alarms
- whether vulnerable residents live in your building
- details of whether there have been any recent fires or serious antisocial behaviour









Priority Tiers

- Tier 1 'Very High' -take **immediate action** to engage a competent professional who can advise on external walls and update their fire risk assessment
- Tier 2 'High' take action as soon as practically possible to engage a competent professional and update their fire risk assessment
- Tier 3 'Medium' appoint the services of a competent professional when they are **able to do so**, reflecting the availability of competent fire safety professionals.
- Tier 4 'Low' **not expected** that the responsible person will need **to appoint a competent professional** to assess the external walls. May wish to bring forward review of FRA
- Tier 5 'Very low' consider those duties in the FSO amended by the Fire Safety Act when they **next review** their fire risk assessment.



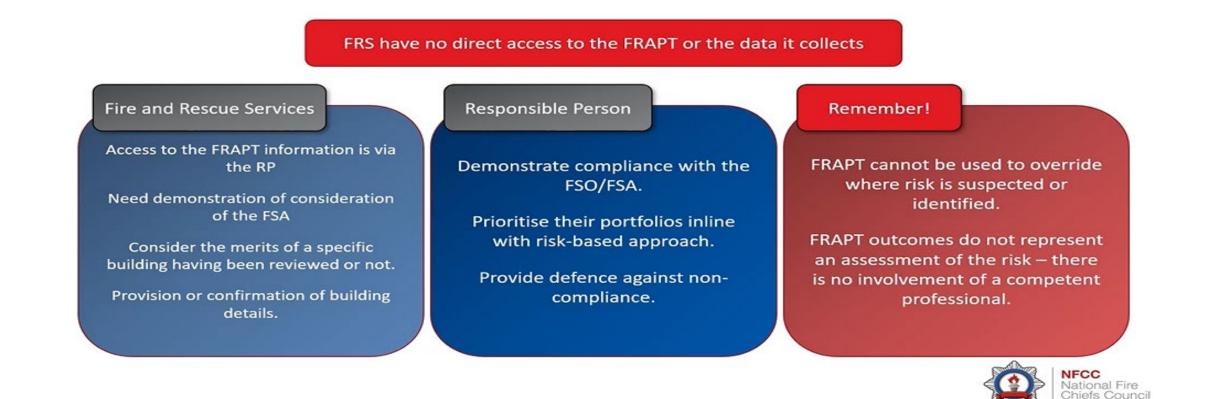








Interacting with the FRAPT









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Planning for compliance

- Be proactive
- Utilise the Fire Risk Assessment Prioritisation Tool
- Develop a programme for FRAs to be reviewed and updated
- Consider
 - Capacity internal and external
 - Is your cyclical review programme fit for purpose
 - Can you review low and very low risk in house?
 - e.g. Tier 4 & 5











Questions









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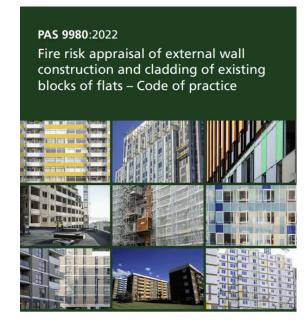






PAS 9980:2022

Fire risk appraisal of external wall construction and cladding of existing blocks of flats (code of practice).





What is PAS 9980:2022

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- Purpose?
- Intention?
- As well as being used in existing purpose built flats, it can also be used in student accommodation, specialised housing and building which have been converted into flats.
- PAS 9980 replaces MHCLG Consolidated Advice that has been withdrawn.

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Methodology for a FRAEW

What information is required?

- **Document study**: As built plans, construction records, tender information and concept / detailed design documents.
- **Onsite verification**: Site visits to investigate the actual build up of the external wall.
- Establishing likely performance: classification of materials to inform how they will behave in a fire.
- Reviewing test data: compare the classification of materials to past test records to assess its performance in fire.





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Risk factors

PAS 9980 allows the assessor to holistically consider several factors which may contribute to the overall risk rating. The 3 main risk factors are:

- Fire performance
- Façade configuration
- Fire strategy



Once the above risk factors have been assessed, a risk rating of low, medium or high will be given.











What is considered "unsafe"?

- Extremely rapid external fire spread;
- Fire spread that gives rise to widespread secondary fires, resulting in occupants being unduly harmed or prevented from escaping;
- Fire that spreads in such a way that the communal means of escape are compromised before occupants can safely use them to escape; and
- The inability of fire and rescue service intervention to prevent the above and avoid undue harm to occupants.













Does every building require a PAS9980 appraisal?

• The Fire Safety Act requires all buildings with two or more domestic dwellings to have a fire risk assessment which considers the risk of external fire spread.

This being said if the materials which makeup the external wall system can be readily obtained and proven to be non combustible, then a PAS9980 may not be appropriate. An example of this could be solid masonry leaf wall which does not contain any combustible elements.

 Fire Risk Assessors should be able to consider the above point and recommend a PAS9980 appraisal should they require more information before they are able to consider the risk of external fire spread.













Will a PAS 9980 appraisal lead to expensive remediation costs?

- PAS 9980 has been designed to encompass a risk-based approach rather than a prescriptive building regulations assessment.
- Through this approach more emphasis on risk-mitigating measures are recommended such as the installation of sprinklers and fire alarm systems....





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Questions









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Fire Safety (England) Regulations 2022

- Bring forward the majority of recommendations from the Grenfell Tower Inquiry Phase 1 Report
- Not just high rise buildings
- Fire Safety Order made under Article 24
 - Secondary legislation
- Not risk based prescriptive and 'strict liability'
- Come into force from 23rd January 2023













Where do the Regulations apply?

Buildings which;

(a) contain two or more sets of domestic premises; and

(b) contain common parts through which residents would need to evacuate in the case of an emergency.

- Buildings which are above 11m in height
- "High rise residential building" 18m measured in accordance with ADB or seven stories















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Residential buildings between 11m and 17.9m in height

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Residential buildings 18m (or 7 storeys) and above in height

1 Fire Risk Assessment Prioritisation Tool









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Secure information box



Design and materials of external walls



Floor plans and building plan



Lifts and firefighting equipment

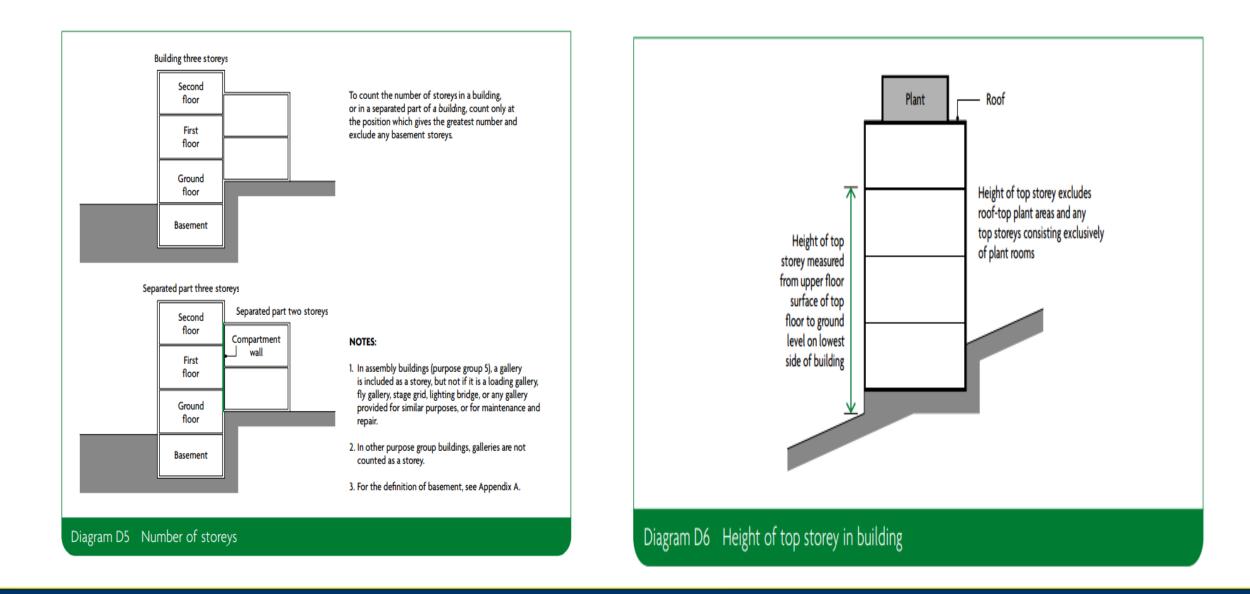


Wayfinding signage

* Please note: fire door requirements differ for buildings above and below 11m in height.

This diagram is illustrative only, and does not represent official guidance.

Please go to gov.uk for the full guidance from the Home Office on The Fire Safety Act 2021 and The Fire Safety (England) Regulations 2022.









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Who do the Regulations apply to?

The responsible person for the premises – Art 3 of the FSO

(a) in relation to a workplace, **the employer**, if the workplace is to any extent under his control;

(b) in relation to any premises not falling within paragraph (a)

(i) **the person who has control** of the premises (as occupier or otherwise) in connection with the carrying on by him of a trade, business or other undertaking (for profit or not); or

(ii) **the owner**, where the person in control of the premises does not have control in connection with the carrying on by that person of a trade, business or other undertaking.











Who do the Regulations apply to?

Every person who has to any extent control of those premises so far as the requirements relate to matters within his control - Art 5(3) of the FSO

Art 5 (4) Where a person has, by virtue of any contract or tenancy, an obligation of any extent in relation to—

(a) the maintenance or repair of any premises, including anything in or on premises; or

(b) the safety of any premises

that person is to be treated, for the purposes of paragraph (3), as being a person who has control of the premises to the extent that his obligation so extends.













Regulations

- Provision of Secure Information Boxes Regulation 4
- Information about external walls Regulation 5
- Floor Plans and Building Plans Regulation 6
- Lifts and essential firefighting equipment Regulation 7
- Wayfinding Signage Regulation 8
- Fire Safety Information to residents Regulation 9
- Fire door information to residents Regulation 10
 - Fire Door checks 10(4) 10(6)
- Provision of document to MFRS Regulation 11
- Duty to Review Regulation 12



SERVICE







MFRS Mapping Exercise

MFRS Protection dept have mapped each of the respective regulations to articles within the Regulatory Reform (Fire Safety) Order 2005 to support MFRS in the undertaking of their regulatory responsibilities.

This mapping exercise is currently undergoing consultation which will be completed prior to January 23rd 2023





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Secure Information Boxes – Reg 4

The responsible person in relation to a high-rise residential building must install and maintain a secure information box in or on the building.

The box must be;

- positioned at a location in or on the building which is readily accessible to the fire and rescue service;
- capable of containing the documents required to be placed in it by these Regulations;
- reasonably secure from unauthorised access and vandalism.





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Secure Information Boxes – Reg 4

- The responsible person must provide the FRS with anything required to enable it to access the secure information box (e.g keys or access codes)
- Where there is a change to what is required for access then this must be provided to the FRS as soon as reasonably practicable
- The responsible person must inspect the secure information box at least annually
- MFRS recommend the use of FIA Code of Practice for the Provision of Premises Information Boxes in Residential Buildings











Design & materials of external walls – Reg 5

- The responsible person must prepare a record of the design of the external walls of the building, including details of the materials from which they are constructed.
- The record must include details of the level of risk identified in the fire risk assessment **and** any mitigating steps that have been taken
- Where there is a significant change to the building then a revised record must be prepared
- **Regulation 11** requires this information to be provided to the Fire and Rescue Service electronically

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Floor Plans and Building Plans – Reg 6

- The responsible person must prepare a floor plan of each floor of the high-rise residential building.
- Where the layout of two or more floors is the same a single plan can be prepared for those floors which clearly indicates the floors to which it relates

e.g A 15 storey building with ground floor used as mixed commercial and lobby, floors 1-12 are identical, 13 and 14 are identical but different to 1-12 and 15 is different would require four floor plans









The floor plans must identify the location of all lifts and identify if the lift is one for use by firefighters or an evacuation lift, and the key fire-fighting equipment in the whole building.

The responsible person must also prepare a single-page plan providing MFRS with an overview of the building, access points and the area immediately surrounding it





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Floor Plans continued

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- The responsible person must place hard copies of the floor plans in the Secure Information Box required by Regulation 4
- **Regulation 11** requires this information to be provided to the Fire and Rescue Service electronically
- The responsible person must update the floor plans and building plan as soon as reasonably practicable following a change to the layout or key fire fighting equipment (riser inlets and outlets, smoke control systems and suppression systems)

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Lifts & essential fire-fighting equipment – Reg 7

- "Lifts" means;
 - lifts for use by Firefighters (fireman's lift, fire-fighting lift, firefighters lift, modernised lift for FRS use)
 - evacuation lifts
- "Essential fire-fighting equipment" means;

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- Riser inlets and outlets
- smoke control systems
- suppression systems
- Fire detection and alarm systems including equipment linked to smoke control

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- Automatic door release systems linked to fire alarms
- Evacuation alert systems



Checks and reporting

- The responsible person must carry out monthly routine checks of lifts for use by firefighters, evacuation lifts and essential fire-fighting equipment within the building.
- Where a fault is identified steps must be taken to rectify the fault
- Where the fault cannot be rectified within 24 hours the responsible person must as soon as reasonably practicable—
 - report the fault to the FRS by electronic means; and

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- report the rectification of the fault to the FRS by electronic means when it has been rectified.
- A record must be made of monthly checks and this must be accessible to residents of the building (note "resident" is not defined in the Regulations or the FSO)

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Wayfinding signage – Reg 8

- The responsible person must ensure that the building contains clear markings of floor identification and identification of domestic premises.
- Wayfinding signage means markings on each stairway landing and in lift lobbies indicating the floor level which is visible in low lighting conditions and when illuminated with a torch (see <u>Approved Document B Vol 1</u> p105)











Information to Residents - Reg 9

- Applies to all buildings containing two or more domestic premises with common escape routes
- The responsible person must display 'fire safety instructions' in a conspicuous part of the building
- Provide a copy of 'fire safety instructions' to;
 - All residents annually from when the Regulations come into force
 - To new residents as soon as reasonably practicable after they move in
 - After any material change to the instructions













Fire Safety Instructions

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- Must be in a comprehensible form that residents can reasonably be expected to understand and include;
 - instructions relating to the evacuation strategy for the building,
 - instructions on how to report a fire to the fire and rescue service
 - any other instruction that tells residents what they must do when a fire has occurred.
- After any change to the instructions the information displayed in the building and supplied to residents must be updated

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Fire Doors- Reg 10

- Applies differently to different types of buildings;
 - ✓ All buildings Provide information to residents about fire doors
 - ✓ Over 11m check fire doors in communal areas every 3 months
 - ✓ Over 11m check flat front doors every 12 months using 'best endeavours'

• Information to include;

- Fire doors should be kept shut when not in use
- Residents and guests should not tamper with self closing devices
- Residents to report faults or damage immediately
- Information to be provided;
 - All residents annually from when the Regulations come into force
 - To new residents as soon as reasonably practicable after they move in







Fire Door Checks

- Must include a check of the self-closing devices
- Must keep a record of attempts to check flat front doors including steps taken to gain access where access has not been granted
- NB The Regs do not specify that 3 monthly checks of communal doors are recorded but this would be expected as part of the fire safety arrangements (Article 11)











Provision of Documents to local Fire & Rescue Authority – Reg 11

The RP in relation to high rise must provide MFRA by electronic means the following:

(a) Regulation 5 (design and materials in external walls): and(b) Regulation 6 (floor plans and building plans)

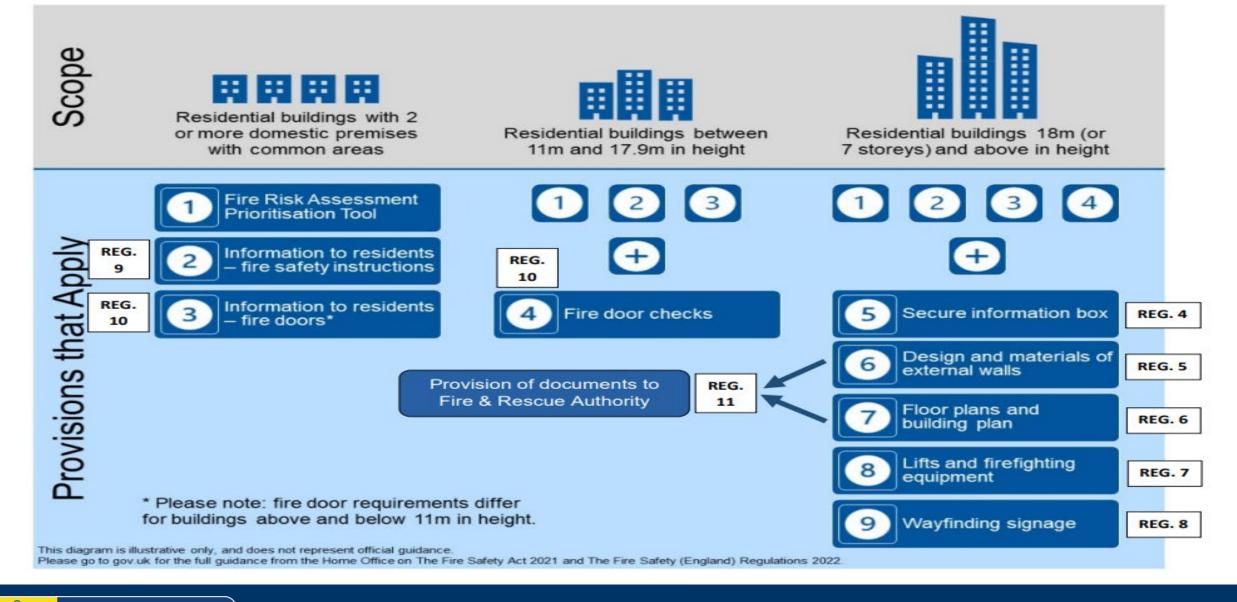


















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Questions









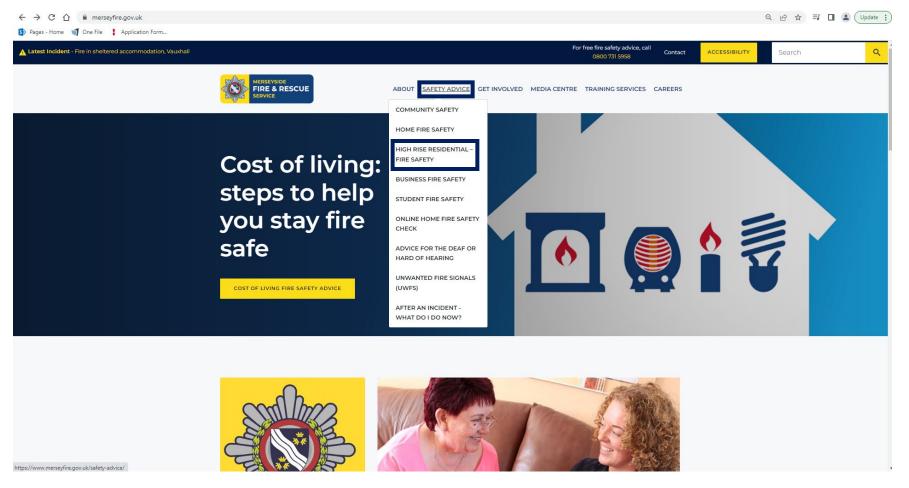
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Reporting Platform



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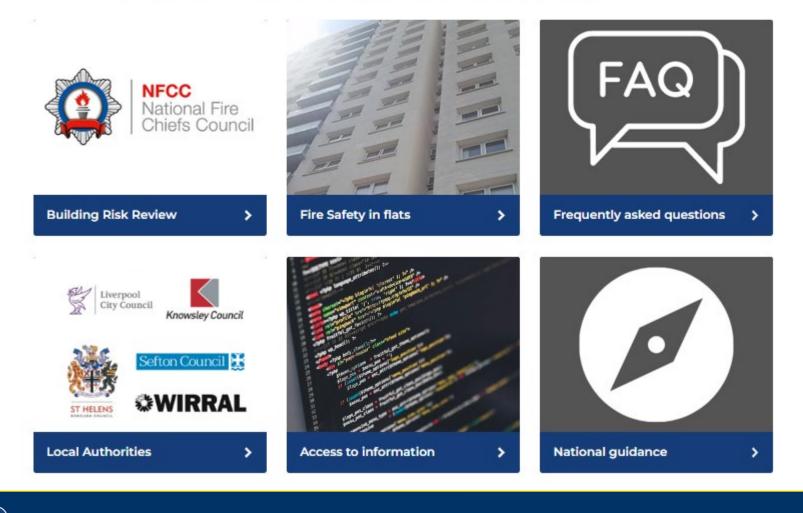




Merseyside Fire and Rescue Authority and partners will use all of their available resources and legal powers to ensure that those responsible for fire safety in high rise residential buildings meet their legal responsibility to keep residents safe from fire and address any safety issues concerning the external wall systems on their buildings.

Report of Merseyside Fire and Indexe of Uthority's commitment to fire safety in residential high rise buildings, a programme of work is onlying to ensure, as the resultatory book for enforcing the Regulatory Reform (Fire Safety) Order 2005, that the appropriate and propertionate fire safety management is undertaken to ensure the safety of residents, visitors and firefighters.

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Reporting Platform

Fire Safety (England) Regulations 2022 - Fault and Information Reporting

From 23rd January 2023, the Fire Safety (England) Regulations 2022 (the Regulations) make it a requirement for Responsible Persons of high-rise residential buildings to provide information to fire and rescue services to assist in planning for and responding to a fire in their building. A high-rise residential building is defined as a building containing two or more sets of domestic premises that is at least 18 metres tall or has at least seven storeys.

This page and the forms held within it are to only be used by those persons defined as the Responsible Person in the Regularity Reform (Fire Safety) Order 2005 to fulfil their duties under the Regulations. If you are not the Responsible Person and are not reporting/submitting



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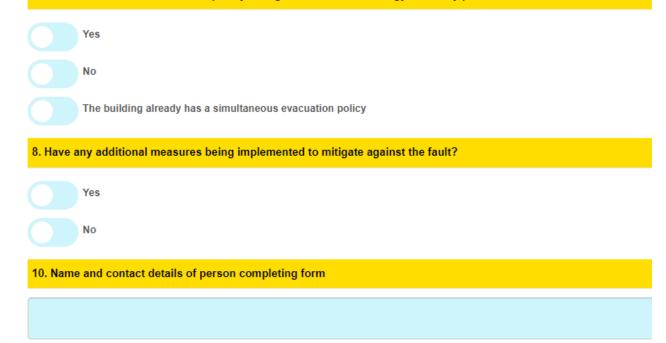
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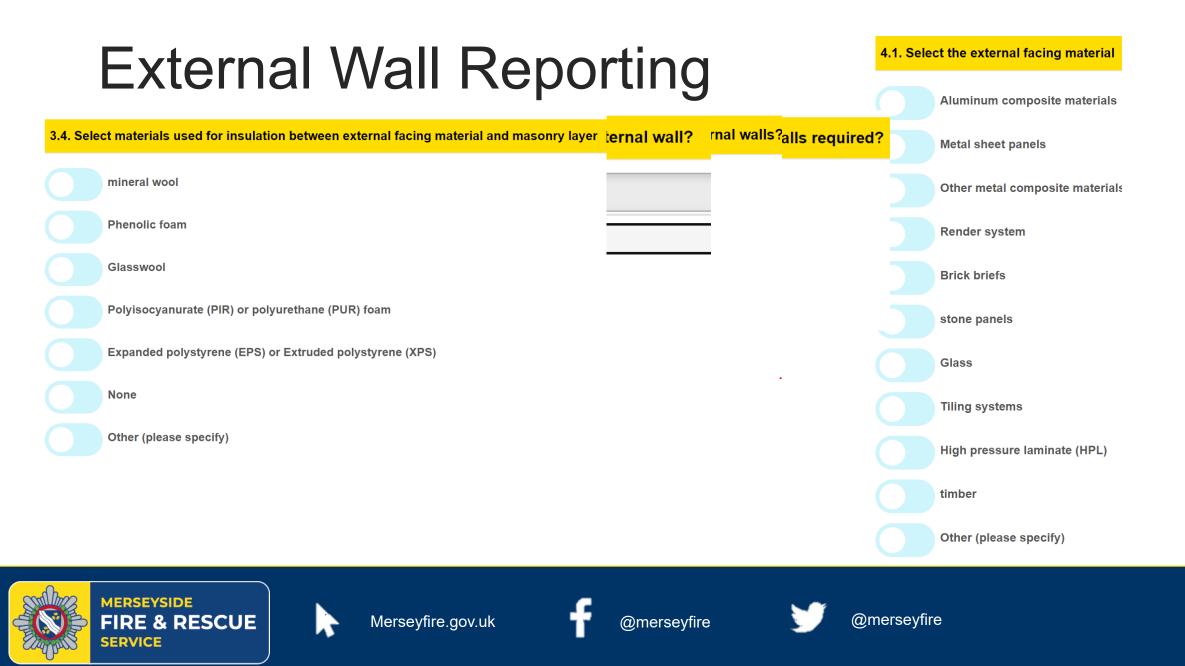
Fault Reporting

6. What is the estimated timescale for rectification of the fault?

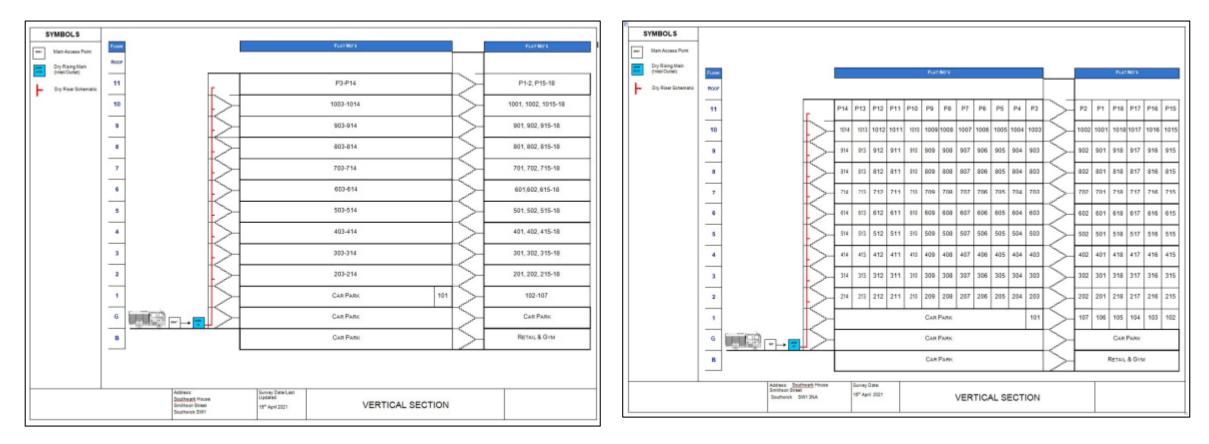
7. Has the fault necessitated a temporary change in evacuation strategy from stay put to simultaneous?







Building Plan



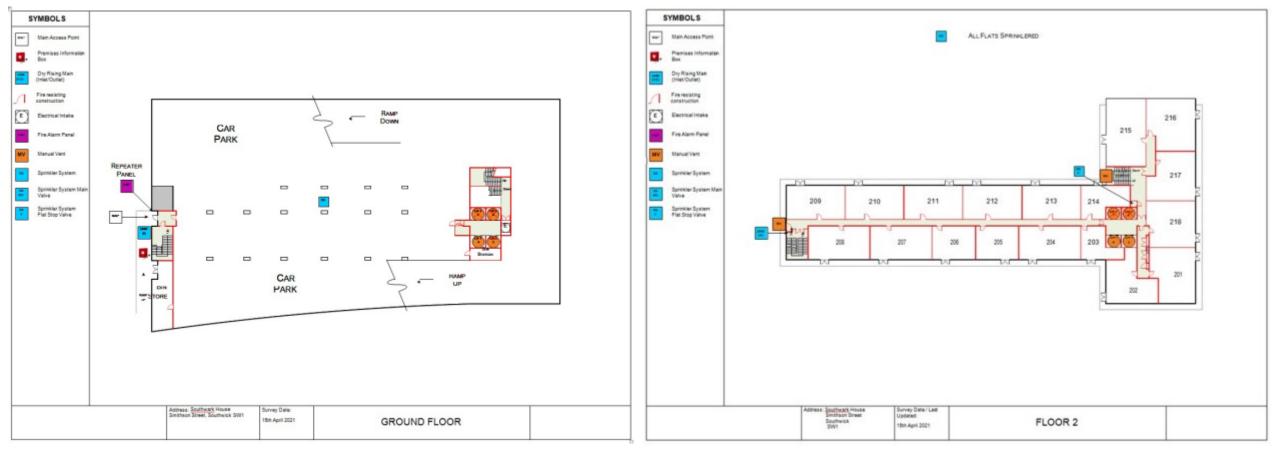




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Floor Plans







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Plan Symbols

RVP A	Rendezvous point A	Primary location where fire and rescue service and other emergency service vehicles will gather to deal with incident at premises	
RVP B	Rendezvous point B	Alternative rendezvous point if needed	
D Moe L	Disabled Means of Escape Lift	A lift that may be used to evacuate disabled persons in the event of fire. Consult fire and rescue service over suitability of any lift	
A1	Assembly Point 1	Location where people evacuating a premise, assemble for roll call	
A2	Assembly Point 1	Alternative assembly point if needed	
GSV	Marshalling Area	Location where fire and rescue service will assemble, reserve resources to deal with an incident	
E	Gas Stop Value	Location of valve to close gas supplies to premises	
A1	Fire Fighting Shaft 1	A specially protected staircase and lift to enable firefighters to fight fire on upper floors	
A2	Fire Fighting Shaft 2	Second firefighting shaft in building	
	Hard Standing	Paved area adjacent to building strong enough to support weight of fire appliance	

н	Hazard number 1 (2,3 etc)	Specific Hazard in the event of fire The symbol should be cross-referenced to a detailed inventory sheet included with the plans	
BC A1	Business Continuity Asset number 1 (2,3,etc)	Specific high value asset. Symbol should be dross-referenced to detailed inventory sheet included with plans	
F1	Foam inlet (serving oil tank room)	Pipe installation that enables fire and rescue service to inject foam directly into oil tank room in basement	
DFM	Dry Falling Main	Pipe installation that enables fire and rescue service to pump water into fire hoses to fight fire in a basement	
RFM	Rising Fire Main	Pipe installation that enables fire and rescue service to pump water to upper floors to feed fire hoses. (D) Denotes dry main, kept empty of water. (W) Denotes wet main kept filled with water	
55	Sprinkler System	Fixed pipe work that automatically detects outbreak of fire delivers water to suppress fire	
SS M V	Sprinkler System Main Valve	Main control valve for sprinkler system	
WMS	Water Mist System	Automatic fire suppression system that delivers fine mist of water under very high pressure	
WMS CP	Water Mist System Control Panel	Control Panel for water mist system	
DS	Drencher System	Automatic fire suppression system that delivers intense deluge of water to protect oil or petroleum installations	
DS CP	Drencher System Control Panel	Control systems for water drenchers	

ТР	Fire Telephone	Phone system that enables fire officers to report the status of any emergency within a building to a central control room	
MSE	Mechanical Smoke Extraction	System to extract smoke from part of a building	
MSE CP	Mechanical Smoke Extraction Control Panel	Control panel for smoke Extraction system	
PV	Pavement Vents	Covered openings in pavement that can be broken to enable smoke to escape from basement area	
FCR	Fire Control Room	Specially equipped room in large building/complex from which firefighting and emergency operations can be controlled	
FFL	Fire Fighting Lift	Specially equipped and protected lift used by fire fighters to carry personnel and equipment to upper floors to fight fire	
н	Fire Hydrant	Water outlet fitted to street water mains to supply water for fire fighting	
РІВ	Plans Box/Premises Information Box	Location of Premises Information Box (PIB)	
FSEA	Fire Alarm Panel	Fire service evacuation alarm	
МАР	Main Access Point	Main way into premises or complex site-accessible to fire engines	
	User defined safety or emergency feature	To mark feature not covered by other symbols above. Mark sequentially 1,2,3 or A,B,C and cross reference to plan	













Floor & Building Plans cont...

(a)the environs of the building;

(b)details of the use of the building, for example for commercial or residential purposes access for fire and rescue appliances;

(d)the dimensions of the building;

(e)information on the number of storeys of the building and the number of basement levels (if any);

(f)information regarding the presence of maisonettes or scissor section flats;

(g)inlets for dry-rising mains;

(h)inlets for wet-rising mains;

(i)the location of shut-off controls for any sprinklers;

(j)access points for the building;

(k)the location of the secure information box;

(I)the location of the controls for any smoke control system;

(m)the location of any firefighting shaft;

(n)the location of main stairways in the building;

(o)the location of the controls for any evacuation alert system.

(5) The responsible person must place a hard copy of the floor plans and building plan required by paragraphs (1) and (4) in the secure information box.

(6) The responsible person must update the floor plans and building plan as soon as reasonably practicable after any change to the layout of the building or location of key fire-fighting equipment.

(7) In this regulation "key fire-fighting equipment" includes-

(a)inlets for dry-rising mains;

(b)inlets for wet-rising mains;

(c)outlets for dry-rising mains;

(d)outlets for wet-rising mains;

(e)smoke control systems;

(f)suppression systems.

details of the use of the building, for example for commercial or residential purposes;	symbol	
access for fire and rescue appliances;	MAP	
inlets for dry-rising mains	Dry Riser Inlet	
outlets for dry-rising mains	Dry Riser Outlet	
inlets for wet-rising mains;	Wet liner Inlat	
outlats for wet-rising mains;	Wat Imer Cutlet	
the location of shut-off controls for any sprinklers;	55 M V	
access points for the building;	•	
the location of the secure information box;	×	
the location of the controls for any smoke control system;	MOLE CP	
the location of any firefighting shaft;	Al	
the location of main stairways in the building;	11	
the location of the controls for any evacuation alert system.	EAS	
suppression systems.	DS WHAT	











MFRS Regulatory Activities will be:

- Risk Based;
- Proportionate and targeted;
- To ensure compliance and only enforce where necessary and
- In line with the Regulators Code 2014
- Continue to work with RP's regarding ongoing remediation of external walls
- Guidance can be found via Govt fact sheets at:

Fire Safety (England) Regulations 2022 - GOV.UK (www.gov.uk)











Summary

Do not send Plans, Faults prior to 23rd January 2023

www.merseyfire.gov.uk

Fire Safety (England) Regulations - Fact Sheets https://www.gov.uk/government/publications/fire-safety-englandregulations-2022



























