

# Guidance Note

## Fire Safety Act 2021 and Fire Safety regulations 2022

### Getting Prepared

The Fire Safety Act 2021 was the first legislative change to Fire Safety law in the England and Wales since the since the Regulatory Reform (Fire Safety) Order 2005 was enacted in October 2006.

The new legislation is a direct result of the Grenfell Tower Fire in 2017 and the subsequent Inquiry (the Hackett Inquiry) which made several recommendations. The government accepted the recommendations immediately in principle and following scrutiny and formal consultation, changes in law were required hence the Fire Safety Act 2021 was developed which received Royal Assent in April 2021 and commenced in May 2022.

Although the changes are primarily focussed on life safety, the changes also bring obvious benefits from a property protection perspective. With a focus on provision of information for residents, checks of key equipment and provision of information for firefighters to enable optimum effectiveness and the conducting of regular checks of important features such as fire doors; all of which enhance building resilience.

#### Fire Safety Act 2021

The Act essentially clarifies that the Fire Safety Order 2005 applies to a buildings structure, external walls and any common parts of premises including all flat entrance doors for buildings containing two or more sets of domestic premises and applies to England and Wales.

#### Fire Safety Regulations 2022

The Fire Safety Regulations 2022 have been implemented and introduce new duties on Responsible Persons and essentially outline the requirements to meet the intent of the Fire Safety Act 2021 and Fire Safety Order 2005. The Regulations outline additional fire safety requirements over and above existing legislation for residential premises with two or more sets of domestic premises. The new requirements came in to force of 23 January 2023.

Although the Fire Safety Act 2021 applies to both England and Wales, it is important to note that the Fire Safety (England) Regulations 2022 only apply to England.

Information on how the act applies within Wales can be found on the [Welsh Government Website](#).

Neither the Fire Safety Act 2021 or the Fire Safety (England) Regulations 2022 apply in [Scotland](#) or [Northern Ireland](#) however latest Fire Safety Guidance is available on their respective websites.

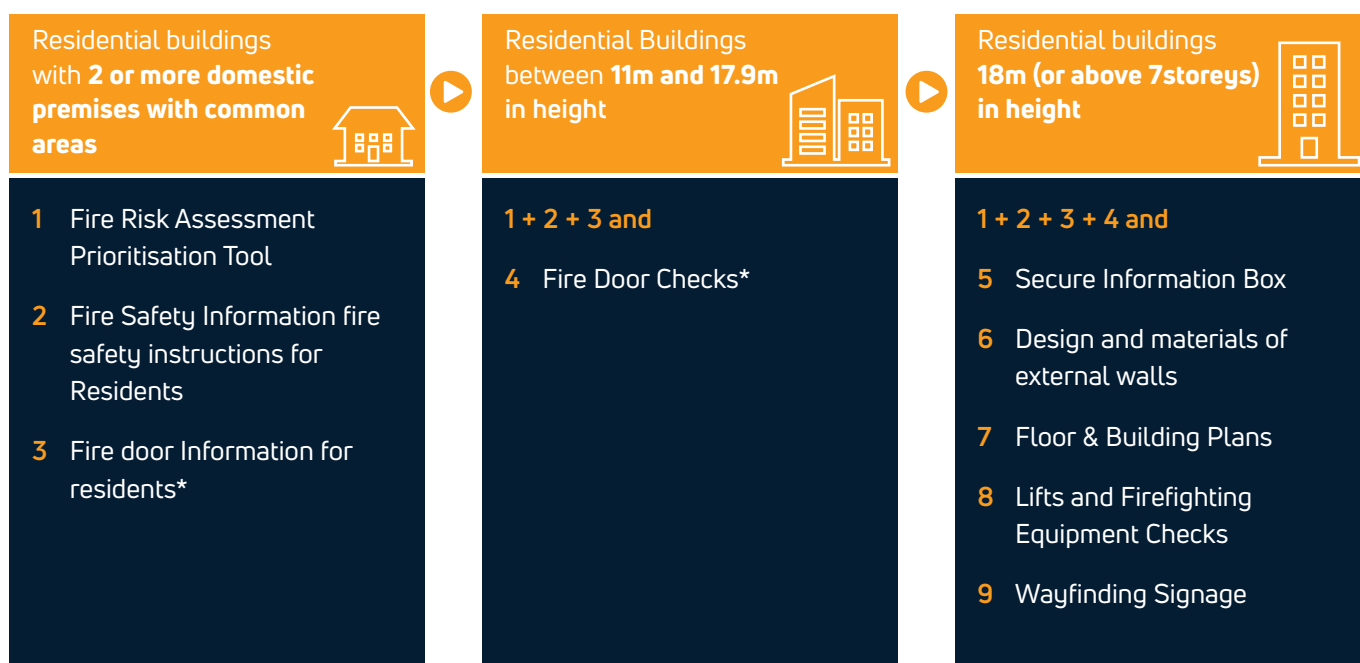
## What is required from Responsible Persons?

There is a stepwise risk-based approach to the application of the regulations falling into 3 distinct categories:

- Residential Buildings with 2 or more domestic premises with common areas,
- Residential buildings between 11m and 17.9m in height,
- Residential buildings 18m (or 7 storeys) and above in height.

Under the new regulations, there are essentially 8 key additional duties placed on Responsible Persons as well as a duty to review Fire Risk Assessments over and above the duties already imposed under the Fire Safety Order and Fire Safety Act. Depending on which of the above categories the building in question falls into some or all are required to be acted upon.

The graphic below indicates which duties are applicable for each of the 3 categories outlined:



\* It should be noted that the Fire Safety Act 2021 has clarified that flat front doors and fire doors in shared common areas are in scope of a Fire Risk Assessment. Responsible Persons already have a duty under Article 8 (General Fire Precautions) & Article 17 (Maintenance) of the Fire Safety Order 2005 to ensure fire doors, including flat front doors can provide adequate protection of common areas/escape routes. Therefore, Responsible Persons of buildings under 11m with two or more domestic premises with common areas should also undertake suitable checks of all fire doors including flat front doors.

## Further Details regarding the Fire Safety Regulations

A summary of what each duty under the Regulations involves can be found below with links to the relevant Government guidance fact sheet on each regulation:

### 1. Fire Risk Assessment Prioritisation Tool (Regulation 5)

The Fire Safety Act and Regulations have now clarified that external walls, elements of building structure (such as external balconies) and flat doors that lead onto common areas should be captured under a Fire Risk Assessment and in some cases, this may not have been captured in previous Fire Risk Assessments that have been undertaken.

Responsible Persons are encouraged to review and update Fire Risk Assessments as quickly as possible and, in some cases, a more detailed Fire Risk Appraisal of external walls (under the PAS 9800 approach) will be required.

Responsible Persons should use the Fire Risk Assessment Prioritisation tool to start forming their Fire Risk Assessment review prioritisation strategies. The tool will gather information from Responsible Persons and provides a tiered rating in which to prioritise the review of Fire Risk Assessments.

**The prioritisation tool is not designed to be a risk rating tool or to determine whether a building is safe or unsafe. It is not a replacement for a fire risk assessment.**

The Government Fact Sheet for the Fire Risk Assessment Prioritisation Tool can be found [here](#) which contains more detail and the link to the Prioritisation Tool itself can be found [here](#).

### 2. Provision of Fire Safety Information and Instructions to Residents (Regulation 9)

Responsible Persons are to provide residents with instructions on:

- How to Report a Fire
- Details of what the Evacuation Strategy is for the building, and;
- Provide any other instructions to inform residents what they must do once a fire has occurred (based on the buildings evacuation strategy).

The Instructions should be displayed in prominent positions in the building's communal areas (such as the building lobby) and provided directly to residents when they move into the building. The information will need to be re-provided in both communal areas and directly to residents both when updated and/or annually.

Responsible Persons should consider how best to ensure that instructions are understood by residents.

**The Government Fact Sheet for the Information to Residents can be found [here](#).**

Links to some useful leaflets for residents to supplement bespoke advice for a specific premises can be found below:

[Fire Safety in the Home](#)

[Fire Safety in Flats](#)



### 3. Provision of Information to residents regarding Fire Doors (Regulation 10)

Responsible Persons must provide Information regarding Fire Doors to residents relating to as a minimum:

- The requirement for Fire doors to be kept shut when not in use,
- The requirement for residents or their guests to not tamper with fire doors or self-closing devices; and
- The requirement for residents to report and faults or damage to doors immediately to the Responsible Person

The information must be provided to new residents as soon as practicable after they move in and at least annually.

**The Government Fact Sheet for Fire Doors can be found [here](#).**

### 4. Fire Door Checks (Regulation 10)

The Regulations will make it a legal requirement for all multi-occupied residential buildings over 11 metres in height to:

- Undertake quarterly checks of all fire doors (including self-closing devices) in the common parts; and
- 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.

Buildings below 11m in height

The regulations do not replace the existing duty for a responsible person to put in place general fire precautions in any premises covered by the Fire Safety Order, regardless of the building's height.

The Fire Safety Act 2021 has clarified that in any residential building which contains two or more sets of domestic premises are within the scope of the Fire Safety Order.

Responsible persons for residential buildings below 11 metres in height have a duty to put in place general fire precautions in these buildings, this duty includes making sure that all fire doors – including flat entrance doors – can provide adequate protection, so we strongly recommend a regime for checking fire doors for all buildings regardless of height.

**Details regarding the minimum requirements for inspections of fire doors and further information regarding fire doors can be found in the Government Factsheet [here](#).**

### 5. Provision of Secure Information box (Regulation 4)

Responsible Persons shall Install a secure information box on the premises with details within pertaining to:

- Responsible Person contact details and other relevant persons contact details,
- Copies of the building floor plans which identify specified key firefighting equipment, and
- A single page block plan – which identifies specified key firefighting equipment

Access should be given to the fire and rescue service. Boxes should be maintained, and their contents kept up to date in line with the duties imposed by the regulations and the Fire Safety Order.

The regulations require the box to be suitable for the purpose for which it is intended and should be reasonably secure from vandalism and unauthorised access.

As a minimum, the regulations require a responsible person to inspect the secure information box annually and ensure that its contents are up to date.

**The Government Fact Sheet on Secure Information Boxes can be found [here](#) and the code of practice for the Provision of Premises Information Boxes in Residential Buildings developed by the Fire Industry Association can be found [here](#).**



## 6. Provision of Design/Materials used in external walls to Fire & Rescue Service ([Regulation 5 & Regulation 11](#))

Responsible persons of existing high-rise residential buildings in England must provide their local fire and rescue service with information about the design and materials of the building's external walls and to inform their local fire and rescue service of any material changes made to them. Supporting guidance will specify the type of information required by fire and rescue service to support their operational response and how this should be shared.

Responsible persons who do not currently have all the information specified in guidance regarding their external walls should provide the information they do hold whilst they update their fire risk assessment to include an appropriate assessment of the external walls. Once their fire risk assessment is updated, they should provide this updated information to their local fire and rescue service as soon as possible.

It should be noted that further guidance which is not yet available will provide details relating to how to share the information including a template. Responsible Persons are encouraged to liaise with their Local Fire & Rescue Service regarding this.

**The Government Fact Sheet on the design and materials used in external walls can be found [here](#).**



## 7. Provision of Floor & Building Plans to Fire & Rescue Service ([Regulation 6 & Regulation 11](#))

Responsible Persons of high-rise residential buildings in England to draw up and share electronically up-to-date floor plans identifying the location of key fire-fighting equipment with their local fire and rescue services. A plan will need to be prepared for each floor, but where floors are identical only one plan needs to be produced.

The responsible person will also be required to provide their local fire and rescue services with an additional single page building plan which should include the location of all key fire-fighting equipment. The plans should be simple, to assist quick and critical decisions taken by operational fire-fighters during an incident.

Hard copies of these plans should be kept in the secure information box on the premises. This is to provide fire-fighters with readily accessible information about the building. The hard copies can supplement the electronic copies of plans sent by responsible persons to the local fire and rescue services.

There is no requirement or intent for responsible persons to send a hard copy to their local fire and rescue service.

Plans should be reviewed regularly and should be updated if the layout of the building or the location of the equipment identified on them changes.

**The Government Fact Sheet on Floor and Building Plans can be found [here](#).**

## 8. Checks of Lifts and Other Firefighting Equipment and reporting of issues ([Regulation 7](#))

Responsible Persons in high-rise residential buildings shall undertake additional monthly checks of any lifts within the building that are designed, installed and maintained to be used by fire-fighters including firefighter controls. Monthly checks of other key firefighting equipment defined in the Regulations as:

- inlets and outlet for dry and wet rising mains
- smoke control systems
- suppression systems
- fire detection and fire alarm systems including any detectors linked to ancillary equipment such as smoke control systems (in the common parts),
- evacuation alert systems
- automatic door release mechanisms linked to fire alarm systems

Responsible persons will not have to inform their local fire and rescue service immediately regarding a relevant fault if they believe it can be resolved within the 24-hour exception reporting timeframe.

If the issue cannot be resolved in 24 hours, they must report it to the fire and rescue service as soon as practicable. The responsible person is required to arrange for the issue to be fixed and report back to the fire and rescue service once resolved.

The Government Fact Sheet on these checks can be found [here](#).



## 9. Provision of Wayfinding Signage (Regulation 8)

Responsible Persons in England must install Wayfinding Signage in all existing high-rise residential buildings. This includes clear markings identifying floor and individual flat numbers.

The Inquiry stated that “floor numbers be clearly marked on each landing within the stairways and in a prominent place in all lobbies in such a way as to be visible both in normal conditions and in low lighting or smoky conditions.”

Installing signage in existing high-rise residential buildings can, in the event of a fire, assist the Fire and Rescue Service in navigating their way round a building; even when visibility is low.

Signage should conform to the specifications and location set out in paragraph 15.13 to 15.16 of Approved Document B Volume 1 2019 edition incorporating 2020 & 2022 amendments.

Responsible persons may wish to consider installing such signage in any other existing multi-occupied residential building.

It is, however, already a legal requirement for all new multi-occupied residential buildings above 11 metres (including those existing buildings undergoing relevant material alterations), to have signage installed.

Existing duties under the Fire Safety Order will make sure that this signage is maintained throughout the life of the building.

**The Government Fact Sheet on these checks can be found [here](#).**

### What is required from Responsible Persons now?

Responsible Persons should ensure they are fully aware of the requirements relating to their building, given the recent regulatory changes, effective from 23 January 2023.

The requirement to review Fire Risk Assessments is already existing under current Legislation so Responsible Persons, if they haven't done so already, should look to review their Fire Risk Assessments to ensure they consider risks from any external walls or structural elements previously not taken into consideration.

Consider what information is required by Local Fire & Rescue Services and be ready to share it when required. Liaise with your Local Fire & Rescue Service regarding submitting information and the format that it should be presented.

The template for sharing external wall information can be found [here](#).

Also contemplate what information is required for residents and develop a communication strategy considering the new requirements.

If you are affected by the regulations, we recommend that you contact your local Fire & Rescue Service to establish communication, so that when details regarding the preferred format and method for sharing the information is made available it can be shared with minimum delay. If you need further specific advice it is recommended you seek advice from a competent fire safety advisor or Local Fire & Rescue Service.

**Further Information from the Government on the Fire Safety Regulations can be found [here](#).**



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