Fire Safety Management in Flats

A good practice Guidance Note for professional Fire Safety personnel involved in the residential long leasehold sector, including managing agents, developers and landlords.

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Introduction

This Guidance Note is for professional Fire Safety personnel involved in the residential long leasehold sector, including managing agents, developers and landlords.

It represents the core of good practice for managing agents who manage fire safety in residential long leasehold properties and the clients/responsible persons who they act for. It has been written to apply to residential long leasehold properties (a lease of a term in excess of 21 years when originally granted) in England and Wales where a service charge, which varies according to expenditure, is payable.

This Guidance Note has been produced by the ASSOCIATION OF RESIDENTIAL MANAGING AGENTS (ARMA) in line with statutory guidance and industry best practice and independently reviewed by Hampshire Fire and Rescue Service who are ARMA's Primary Authority Partner.

While every effort has been made to ensure the accuracy of the information contained in this Guidance Note, it must be emphasised that because the Association has no control over the precise circumstances in which it will be used, the Association, its officers, employees and members can accept no liability arising out of its use, whether by members of the Association or otherwise. The Guidance Note is of a general nature only and makes no attempt to state or conform to legal requirements; compliance with these must be the individual user's own responsibility and therefore should seek independent advice.

ARMA members have access to over 100 Guidance Notes – this is the only one that has been made available to non-ARMA members as we wish to promote Fire Safety industry wide.

If you wish to find out more about ARMA and the help and guidance it offers its members, please contact info@arma.org.uk

Overview

This guidance note summarises some of the key points about managing fire safety in residential long leasehold properties.

It is not in any way a full statement of what a residential managing agent should be aware of in respect of fire safety.

It signposts where guidance on best practice is available.

Guidance Note contents

Sources of fire safety guidance for blocks of flats

There are two principal sources of national guidance for fire safety management in flats.

The most relevant is 'Fire safety in purpose-built blocks of flats'[5] issued by the Local Government Group in 2011 which has the support of the Department for Communities and Local Government. This guidance applies to all existing purpose-built flats, whatever the date they were built. The guidance is also appropriate to conversions, provided that at the time of conversion the work was carried out in accordance with the Building Regulations that were current at the time. This guidance is relevant to conversions where the fire safety arrangements are such that they can fully support a Stay Put policy in the event of a fire incident occurring.

There is also the LACORS guidance: Housing – Fire safety: Guidance on fire safety provisions for certain types of existing housing[7] (where LACORS stands for Local Authorities Coordinators of Regulatory Services) which is relevant to rented property and to older conversions that may not meet all of the standards required for a Stay Put policy.

Guidance for modifications to existing residential flats, and for the construction of new flats, may be found in the Building Regulations 'Approved Document B Volume 2: Buildings other than dwelling houses'[9], and in 'British Standard (BS) 9991:2015 Fire safety in the design, management and use of residential buildings'[10].

Legislation

There are four pieces of legislation that impose duties in relation to fire safety in blocks of flats:

- The Regulatory Reform (Fire Safety) Order 2005[1];
- Fire Safety (Employees' Capabilities) (England) Regulations 2010[15];
- The Building Regulations 2010 [the Building Regulations][2]; and
- The Housing Act 2004[4].

The most significant of these is perhaps the Fire Safety Order.

The Regulatory Reform (Fire Safety) Order 2005

Application of the Order

The Regulatory Reform (Fire Safety) Order 2005 (hereafter referred to as the Fire Safety Order) applies to premises which are defined as 'any place' and in particular includes any workplace. It does not apply to domestic premises, except for a provision allowing the enforcing authority to prohibit the use of a property in certain circumstances.

The Court of Appeal has upheld that the common parts of residential premises are considered non-domestic premises because they are available for use by others as a place of work.

The Order defines domestic premises as 'premises occupied as a private dwelling (including any garden, yard, garage, outhouse, or other appurtenance of such premises which is not used in common by the occupants of more than one such dwelling)' .

Although it has not yet been tested in the courts, the Chief Fire Officers' Association (CFOA) states that:

'For the purposes of clarity, the front doors to flats are considered to be a common protective measure, typically under the control of the occupier as an article 5(4) duty holder, because an early failure of the door can pose a serious risk to the safety of other relevant persons on the premises.'

Duties imposed by the Order

The Fire Safety Order requires the responsible person to:

- make a suitable and sufficient assessment of the risks to which any persons are exposed (i.e. any person who is or may be lawfully on the premises and any person in the immediate vicinity of the premises who is at risk from a fire on the premises),
- for the purpose of identifying the general fire precautions which include the measures required:
- to reduce the risk of fire and the risk of the spread of fire on the premises;
- to provide the means of escape from the premises;
- to ensure that the means of escape can be safely and effectively used at all times;
- for fighting fires on the premises;
- for detecting fire on the premises and giving warning in case of fire on the premises; and
- for action to be taken in the event of fire on the premises, including the instruction and training of employees and the mitigation of the effects of the fire.
- take such general fire precautions as will ensure, so far as is reasonably practicable, the safety of any employees and that the premises are safe for relevant persons;
- make and give effect to such arrangements as are appropriate, for the effective planning, organisation, control, monitoring and review of the measures which have been identified in the risk assessment as the general fire precautions needed to be taken to comply with the Order (the preventive and protective measures);
- record the arrangements if they employ five or more employees;
- where necessary in order to safeguard the safety of relevant persons:
- ensure that the premises are, to the extent that it is appropriate, equipped with appropriate firefighting equipment and with fire detectors and alarms; and
- ensure that routes to emergency exits from premises and the exits themselves are kept clear at all times.
- establish and, where necessary, give effect to appropriate procedures, including safety drills, to be followed in the event of serious and imminent danger to relevant persons;
- appoint one or more competent persons to assist in undertaking preventive and protective measures;
- ensure that the premises and any facilities, equipment and devices provided in respect of the premises under this Order are subject to a suitable system of maintenance and are maintained in an efficient state, in efficient working order and in good repair; and
- provide their employees with comprehensible and relevant information on the risks to them identified by the risk assessment and the preventive and protective measures and adequate training.

The responsible person is defined in the Fire Safety Order as:

- in relation to a workplace, the employer, if the workplace is to any extent under his/her control;
- in relation to any other premises:
- the person who has control of the premises (as occupier or otherwise) in connection with the carrying on by him/her of a trade, business or other undertaking (for profit or not); or
- 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.

Typically, the responsible person is the freeholder or landlord, but may be a residential management company (RMC).

Other people and organisations also have duties under the Order. Article 5(3) states that:

'Any duty imposed by articles 8 to 22... on the responsible person in respect of premises shall also be imposed on every person, other than the responsible person... who has, to any extent, control of those premises so far as the requirements relate to matters within his/her control.'

Article 5(4) states that:

'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 as being a person who has control of the premises to the extent that his/her obligation so extends.'

Article 2 defines premises as *'any place'* .

Article 5(3) and 5(4) can impose duties on a wide variety of people, including the residential managing agents (hereafter referred to as managing agents), fire risk assessors, fire alarm maintenance contractors and in the case of flat front doors, the leaseholder.

Managing agents will be presumed to have some responsibility because they will have greater knowledge of the requirements of the Fire Safety Order and other fire safety legislation than the landlord or RMC directors. It is very important to clarify the boundaries of responsibility for appointed persons with regard to fire safety, and it is advised that this is clearly written in the service level agreement for the managing agents.

Where a managing agents has a right to go ahead with works up to an agreed expenditure limit without reference to the responsible person, the managing agent will be deemed to be the responsible person where the action required could be executed within the limit of their authority.

Fire safety assistance

Article 18 of the Fire Safety Order requires the responsible person to appoint one or more competent persons to assist them in undertaking the preventive and protective measures.

Where a managing agent is undertaking the duties of the responsible person on behalf of their client, there is an expectation that they have received appropriate advice.

Managing agents should always make their client (the responsible person) aware of their need for competent advice and where they are not in a position to provide that advice, provide the necessary advice and assistance on the appointment of a suitable person or organisation.

A fire safety adviser should be able to provide:

- advice on the systems that need to be put in place to effectively manage fire safety within company offices and the properties they manage;
- property managers with expert advice on fire safety management issues in the properties they manage; and
- a second opinion on the findings of a fire risk assessment where either the property manager has concerns or the findings are disputed by the responsible person.

A person is to be regarded as competent for the purposes of article 18 where they have sufficient training and experience or knowledge and other qualities to enable him/her to assist in undertaking the preventive and protective measures.

Members or Fellows of the following organisations would all make suitable fire advisers:

- The Institute of Fire Safety Managers: www.ifsm.org.uk/
- The Institute of Fire Prevention Officers: www.ifpo.org.uk/
- The Institution of Fire Engineers: www.ife.org.uk/

Members of these organisations will all have passed the Advanced CFPA (The Confederation of Fire Protection Associations) Europe Diploma in Fire Prevention or will have passed examinations to a similar standard.

There is no legal requirement for an organisations fire safety adviser to come from a different company to the company that undertakes fire risk assessments for or on behalf of the company.

However, a degree of independence between the risk assessor and the person who verifies the suitability of the risk assessment is likely to provide managing agents with some assurance that the risk assessments undertaken are to the appropriate standards.

Risk assessment assurance can also come in the form of third-party accreditation of the risk assessment process.

Where a managing agent entrusts fire safety tasks to employees, the Fire Safety (Employees' Capabilities) (England) Regulations 2010 requires that they take into account their capabilities as regards health and safety.

Fire risk assessments

It has been a legal requirement for all blocks of flats (including houses converted into two flats or into houses in multiple occupation) to have a fire risk assessment (FRA) since 2006. The FRA encompasses the common parts only, but it must also include the front doors of flats irrespective of who they are demised to. (The demised premises are the parts of the premises that the leaseholder is permitted to occupy and is also responsible for maintaining.)

The responsibility to arrange for the FRA to be undertaken, and to action its findings where required, lies with the responsible person (i.e. the landlord, which may be a Residents' Management Company (RMC) or a Right to Manage (RTM) company).

If the blocks of flats have no FRA, or where the FRA is out of date or otherwise deemed to be unsuitable, a managing agent should get their client's/the responsible person's agreement to have an FRA carried out at once. If this request is refused, then the managing agent should consider resigning.

Completion and review of the FRA is a statutory duty under the Fire Safety Order, and advising the responsible person that one is needed may not alone provide a managing agent with sufficient defence if the matter is investigated by the fire service and goes to the courts for jurisdiction.

Resignation should of course be a last resort and then only once a managing agent has exhausted all avenues to persuade the responsible person to take the appropriate action.

The scope of a fire risk assessment

The scope of a fire risk assessment (FRA) needs to be relevant to the nature of the premises and the amount known in respect of the structural protection.

Although the Regulatory Reform (Fire Safety) Order 2005 (Fire Safety Order) does not apply in relation to domestic premises, except to the extent mentioned in article 31(10) Prohibition notices, the common parts of shared buildings are a workplace to which the Fire Safety Order applies.

The FRA must consider the common parts and all elements of the structure which protect the common parts and their use as a means of escape and for fighting fire.

It must therefore include the front doors of flats irrespective of who they are demised to. Further guidance on this requirements is given in the Ministry of Housing, Communities & Local Government Advice Note 16 – Advice for building owners on assurance and replacing of flat entrance fire doors' [5].

There are, in principle, four different types of FRA that can be carried out for a purpose-built block of flats. They differ in the extent to which the building is inspected.

Type 1 – Common parts only (non-destructive) – A Type 1 FRA is the basic FRA required for the purpose of satisfying the Fire Safety Order.

Type 2 – Common parts only (destructive) – The scope and objectives of a Type 2 FRA are generally similar to those of a Type 1 FRA, except that there is a degree of destructive inspection, carried out on a sampling basis.

Type 3 – Common parts and flats (non-destructive) – A Type 3 FRA includes the work involved in a Type 1 FRA, but goes beyond the scope of the Fire Safety Order (though not the scope of the Housing Act). This FRA considers the arrangements for means of escape and fire detection (i.e. smoke alarms) within at least a sample of the flats. Within the flats, the inspection is non-destructive, but the fire resistance of doors to rooms is considered.

Type 4 – Common parts and flats (destructive) – A Type 4 FRA has the same scope of work as a Type 3 FRA, except that there is a degree of destructive inspection, in both the common parts and the flats, carried out on a sampling basis. This is the most comprehensive FRA, but will only be appropriate in limited circumstances, such as when a new landlord takes over a block of flats in which the history of works carried out is unknown and there is reason to suspect serious risk to residents from both a fire in their own flats and a fire in neighbours' flats.

N.B. Before destructive inspection is to be carried out, the risk of disturbing asbestos must be considered and procedures implemented in accordance with the requirements of the Control of Asbestos Regulations 2012. Further guidance on the requirements can be found in L143 Managing and working with asbestos: Control of Asbestos Regulations 2012. Approved Code of Practice and guidance [20].

The Local Government Association's guidance, 'Fire safety in purpose-built flats' [5] provides more detailed descriptions of the varying degrees of invasiveness and detail required for FRAs.

This will usually necessitate the presence of a contractor for the purpose of opening up constructions and making good after the inspection. However, the nature of the work is such that, often, destructive inspection within flats can only be carried out in those that are vacant.

Review of fire risk assessments

The FRAs will require review periodically or if there are any alterations to the structure, layout or use of the building. The frequency of review should be specified as part of the FRA process.

Ministry of Housing, Communities and Local Government (MHCLG) guidance [5] indicates that the frequency of review should take into account the rate with which changes, including those arising from the need for maintenance work, are likely to occur, and the risk to people that might arise from changes. This means that a less frequent review may be acceptable if there is close management control of the common parts, including frequent routine inspections.

On low-risk, modern, low-rise blocks (e.g. a block of no more than three storeys above ground, built within the last 20 years), a review every two years may be sufficient, with a new FRA completed every four years.

For blocks with higher risks – arising, for example, from social factors or the age of the building – and blocks over four storeys in height, an annual review might be more appropriate, with a new FRA every three years.

The Hackitt Review recommended that:

- FRAs in multi-occupancy higher-risk residential buildings that are ten storeys or more in height should be reviewed at least annually until the first safety case review has been completed; and
- the government should consider applying this requirement to other multi-occupancy residential buildings.

The government would appear to be in agreement with the findings of the report. Managing agents are advised to take into account the recommendations of the Hackitt Review when agreeing risk assessment frequencies.

Inspecting flat front doors

It should be noted that the MHCLG Guide [5] indicates that it is good practice to inspect timber fire-resisting doorsets on a six-monthly basis as part of a programme of planned preventive maintenance to identify defects such as:

- missing or ineffective self-closing devices;
- damaged doors or frames;
- removal of locks without suitable repairs to the integrity of the doors;
- poorly fitting doors caused by distortion or shrinkage, or as a result of wear and tear;
- newly fitted, but inappropriate, door furniture; and
- doors which have been replaced using non-fire-resisting types.

The MHCLG Guide also indicates that:

- flat entrance doors should be included within any risk assessment programme; and
- where defects are reported, it is important that action is taken within an appropriate timescale and that they are not simply left to the next six-monthly inspection.

The MHCLG Advice Note 16 – Advice for building owners on assurance and replacing of flat entrance fire doors [6] makes it clear that:

- all fire doors, including their closers, should be routinely checked or inspected by a competent person;
- residents should be made aware of the importance of a working self-closer on all fire doors;
- flat entrance fire doorsets should have test evidence demonstrating they meet the performance requirements in Building Regulations guidance for fire resistance and smoke control from both sides;
- test evidence used should be carefully checked to ensure it is to the same specifications as the doorsets being installed;
- landlords or building owners should replace flat entrance doorsets if they suspect they do not meet the fire or smoke resistance performance in the Building Regulations guidance; and
- FRA processes should be used to determine how urgently such doorsets should be replaced.

The Government's Expert Panel in MHCLG Advice Note 16 advises that third-party certification by a body accredited by UKAS (United Kingdom Accreditation Service) can provide landlords and building owners with greater assurance on the performance of doors.

It is noted that where leasehold flats are involved, this will only be possible if there is legal right of access, by means of a condition within the lease to carry this out.

Managing agents should, where the risk demands, seek to obtain permission to inspect the front door even when it is not specifically allowed by the lease.

Provision of information to assessors

It is essential that the responsible person, or the managing agent when their management agreement includes the commissioning of FRAs, provides a risk assessor with any information they may require to undertake the assessment. Information will include:

- a copy of the previous FRA;
- details of any fires that have occurred since the last assessment;
- fire safety information provided in accordance with Regulation 38 of the Building Regulations, including the fire strategy; and
- evidence of inspection, testing and maintenance of installed fire safety systems.

Increasingly, new property is being designed by fire engineers following the standards set out in BS 9991:2015. The design will be set out in the fire strategy for the building. It is therefore essential that the person employed to undertake an FRA is in possession of the fire strategy for the building.

Where a managing agent does not have relevant information, it is essential that they try to obtain this.

Where the information cannot be found or does not exist, it may be necessary to commission a fire safety specialist such as a Member or Fellow of the Institution of Fire Engineers [16] or Institute of Fire Safety Managers [17].

Fire risk assessors

No matter who carries out an FRA, duty holders retain responsibility for ensuring that the assessment fulfils the requirements of the law.

To demonstrate that both they and the responsible person have taken reasonable steps to comply with their duties, managing agents must make reasonable checks to ensure that those who undertake the assessment are competent to properly do the work.

When engaging a fire risk assessor, managing agents should consider asking for confirmation of the assessor's experience and qualifications in order for them to demonstrate their competency and therefore their suitability to undertake the FRA.

A risk assessment is a subjective process, and its findings will be based on the opinion and the information available to the assessor at the time it is made. It is important that any actions and recommendations made in the assessment are fully understood by the responsible person/s. There is no reason why the views of a fire risk assessor should not be challenged, and issues should in all cases be discussed, where required, in order to ensure that all interested parties have a full understanding of what is required or being recommended.

Selection of risk assessors

The National Fire Chiefs Council (NFCC) has issued fire safety risk assessment guidance [12]. The guidance endorses and provides a link to the Fire Risk Assessment Competency Council (FRACC) Guide to Choosing a Competent Fire Risk Assessor.

No matter who carries out the fire risk assessment, the duty holder retains the responsibility for ensuring the adequacy of that assessment.

If you have duties under the Regulatory Reform (Fire Safety) Order 2005 (Fire Safety Order), you are not expected to be an expert in assessing and controlling fire safety risks, but even when employing a contractor to help with an assessment or additional safety measures, reasonable checks should be made to ensure that the contractor is competent to properly undertake the work.

There are some simple steps and precautions that can be taken to help verify the competence and suitability of a prospective contractor.

The NFCC guidance on selection recommend that Duty Holders:

- verify that the fire risk assessor who carries out the work is competent by asking them to provide evidence of compliance with the competency criteria (www.cfoa.org.uk/download/21194) set down by the FRACC.
- check that the fire risk assessor has experience of working for their kind of business and premises;
- ensure that the fire risk assessor is clear about the scope of the assessment required; and
- ensure that the assessor is provided with access to all areas of the premises and with relevant information.

The FRACC competency criteria require an assessor to have appropriate knowledge and understanding of:

- the assessment of risk from fire;
- applicable legislation;
- appropriate guidance;
- behaviour of fire in buildings;
- effects of fire on people and behaviour of people in fire situations;
- means of escape;
- fire prevention;
- fire protection;
- passive fire protection;
- active fire protection; and
- management of fire safety.

It is advisable to:

- request references from previous clients in similar premises types: ask them if they were satisfied and if any problems were later identified by the Fire Authority;
- ask for proof that they have sufficient professional indemnity insurance and to seek assurance that the contractor is impartial and has a complaints procedure; and
- keep and maintain records of the steps you took in selecting your fire risk assessor.

Fire action plans/arrangements

As part of the FRA, a fire action plan should be produced that advises about the necessary changes to the fire safety arrangements for the block, should any be required. This should include the priority rating and timescales for completion of any recommended actions by the responsible person.

Those persons that are affected by the FRA should be made aware of its significant findings. In the simplest of blocks of flats, a standard fire safety notice may suffice, but otherwise a bespoke plan will be required that should be a working document.

Where managing agents manage a block where the fire risk assessor has recommended that reasonable and appropriate fire safety works are undertaken and the responsible person will not agree a timely plan to undertake the works, the managing agent should consider resigning, especially if failure to undertake the work will expose or prolong occupants' exposure to significant risk.

If the managing agent cannot demonstrate that they have taken all reasonable steps to ensure the requisite fire safety precautions and a fire incident occurs, or if pre-emptive legal action is taken by the fire service prior to an incident occurring, the managing agent may be partly liable for any safety deficiencies along with the landlord.

Resignation should of course be a last resort and then only once the managing agent has exhausted all avenues to persuade the client to take the appropriate action.

Fire strategy

Fire safety in a building cannot be managed without knowing the building's fire evacuation strategy and how the building was designed to support this strategy. There should be a fire strategy for every building.

A fire strategy will have been designed to:

- comply with the relevant requirements of the Building Regulations that were in place at the time the building was designed or modified;
- support a particular type of evacuation strategy;
- prevent the spread of fire; and
- allow fires to be fought safely.

A strategy should provide details of:

- all assumptions in the design of the fire safety systems such as fire load, any risk assessments or risk analysis;
- all assumptions in the design of the fire safety arrangements regarding the fire safety management of the building including emergency procedures;
- escape routes, escape strategy and fire assembly points;
- all passive fire safety measures e.g. compartmentation, cavity barriers, fire doors, duct dampers and fire shutters;
- any fire and smoke detection systems and how they interact with other systems;
- any emergency lighting installed;
- any dry or wet risers, and other firefighting equipment;
- exterior facilities for fire and rescue services;
- details of all active fire safety measures, such as sprinkler systems and smoke control systems;
- information about any elements of the fabric and services that may adversely affect the general fire precautions in a fire (e.g. cladding);
- information on the requirements of the fire safety equipment including operational details, manuals, software, routine testing, and inspection and maintenance schedules; and
- provisions incorporated into the building to facilitate the evacuation of people with disabilities and other potentially vulnerable people.

Principles of fire safety in purpose-built flats

Purpose-built blocks of flats are usually subject to the following common design principles:

- there is a high degree of compartmentation between each flat, and between flats and the common parts of the block;
- each flat is formed within its own fire-resisting enclosure;
- there is a low probability of fire and smoke spread beyond the flat of a fire's origin; and
- there is a low fire risk in common areas due to precautionary management.

Providing these design principles are in place, then the following fire safety principles may be appropriate, subject to the FRA of each block:

- residents in the flat that is originally affected by the fire should evacuate it and immediately call the fire service – other residents are safe to stay in their flats without the need for immediate evacuation;
- there is no requirement for fire alarms in common areas, or areas that are linked into or between flats;
- there is no requirement for fire extinguishers in common parts except for plant and service rooms; and
- emergency lighting in accordance with BS 5266 is required in common parts, stairs and corridors, and plant and service rooms.

Evacuation strategy

Providing compartmentation between flats is intact, it will prevent fire spread from one flat to another. This also enshrines the principle that a person's actions, while they may affect their own safety, should not endanger their neighbours.

To achieve this, compartmentation is required to be of a higher standard for fire and smoke containment than would be normally considered adequate to protect the escape routes. Accordingly, those in flats remote from the fire are safe to stay where they are and the means of escape is protected so that it will remain safe for eventual evacuation.

This is the essence of the Stay Put principle. It has underpinned fire safety design standards since before the 1960s, when national standards were first drafted. It is still the basis upon which blocks of flats are designed today.

Where the fire and rescue service does not believe they can contain the fire within the flat of origin or there is a risk that the means of escape could be compromised, they may decide to evacuate others in the building.

The Stay Put principle

The Stay Put principle has underpinned fire safety design standards since before the 1960s, when national standards were first drafted.

This principle is still used to design blocks of flats today; in the majority of existing blocks, it remains entirely valid.

A Stay Put policy will allow residents to remain in their own flat in relative safety in the event of a fire in another flat. There is usually no need for a full alarm to be sounded other than in the flat of the fire's origin.

The National Fire Chiefs Council (NFCC) supports the principle of a Stay Put strategy whenever possible. The NFCC states that the Stay Put strategy reflects the Building Regulations requirement that each flat should be its own fire-resisting compartment, and has proved over many years to be safe for residents of purpose-built blocks of flats.

A Stay Put policy involves the following approach:

- When a fire occurs within a flat, the occupants alert others in the flat, make their way out of the building and summon the fire and rescue service;
- If a fire starts in the common areas, all persons in these areas make their way out of the building and call the fire and rescue service;
- All residents who are in their flat and are not affected by the fire are expected to Stay Put until directed by the fire and rescue service.

Those not directly involved who wish to leave the building should not be prevented from doing so. This also does not preclude those evacuating a flat that is on fire from alerting their neighbours so that they can also escape if they feel threatened.

Simultaneous Evacuation strategy

Where compartmentation cannot be confirmed or designed into the building to support a Stay Put policy, Simultaneous Evacuation is adopted. In such a case, alarm and detection systems should be suitable to alert all residents of the building to allow them to evacuate in a timely manner.

Where a Stay Put policy was part of the original design but is no longer considered appropriate owing to significant risk issues such as combustible external facades, managing agents are advised to follow the guidance given by the NFCC in 'Guidance to support a temporary change to a Simultaneous Evacuation strategy in purpose-built blocks of flats' (01/05/2018)[11].

Phased Evacuation strategy

In tall or complex residential buildings where a Stay Put policy is deemed not to be appropriate and where there is a whole-building fire and smoke alarm system, the emergency evacuation arrangements can be designed to evacuate only those at immediate risk and allow people who are not at immediate risk to delay starting their evacuation.

In a Phased Evacuation, it is usual to immediately evacuate the floor of origin and sometimes the floors above and below. Those on other floors will be warned by the alarm system to standby. Where the fire cannot be brought under control, the alarm system will progressively alert those on other floors who are on standby to evacuate.

The fire alarm system will be designed to give two distinctly different signals (warning and evacuation) or give appropriate voice messages.

Changing the fire strategy

A strategy must only be changed by somebody who fully understands the implications of the new strategy and what changes will need to be made to the building to support the strategy. The managing agent will need to communicate the new strategy to all residents.

All changes to a building to support a strategy change, including the introduction of a fire alarm, will require Building Regulation approval. Building Control will almost certainly require justification for the change of strategy from a competent person such as a fire safety specialist who is for example a Member or Fellow of the Institution of Fire Engineers[16] or Institute of Fire Safety Managers[17].

Emergency routes and exits

In order to safeguard the safety of relevant persons, the responsible person must ensure that routes to emergency exits from premises and the exits themselves are kept clear at all times.

It must be possible for persons to evacuate the premises as quickly and as safely as possible.

The number, distribution and dimensions of emergency routes and exits provided during the design and construction are to be suitable for the occupation type of the building, the size of the premises and the maximum number of persons who may be present.

Emergency doors must not be locked or fastened in a way that means they cannot be easily and immediately operated using a single action by any person.

Emergency routes and exits must be indicated by signs.

Emergency routes and exits requiring illumination must be provided with emergency lighting of adequate intensity in the case of failure of normal lighting.

Fire detection and alarm systems

In 'general needs' blocks designed to support a Stay Put policy, it is unnecessary and undesirable for a communal fire alarm system to be provided. A communal fire detection and alarm system will inevitably lead to a proliferation of false alarms. This will impose a burden on fire and rescue services and lead to residents ignoring warnings of genuine fires

Although a fire may occur in the common parts of the building, the materials and construction used should prevent the spread beyond the immediate vicinity. However, it is essential that common parts remain free from combustible materials and ignition sources at all times.

There are some cases where communal spaces, such as residents' lounges or recreation rooms, exist and where additional measures, such as a communal fire alarm system, are required.

Depending on the engineering of the building, smoke detection may also be provided in order to operate automatically opening vents to clear smoke from common areas.

Flats constructed in accordance with the requirements of the 2006 edition of 'Approved Document B Volume 2' (hereafter referred to as the ADB) will have been fitted with a system incorporating one or more interlinked mains-powered smoke and heat alarms.

Each alarm will have its own integral standby supply and will be interlinked by wire or radio. Smoke alarms will normally be positioned in the circulation spaces between sleeping spaces and places where fires are most likely to start, such as kitchens and living rooms, to pick up smoke in the early stages.

Where the kitchen area is not separated from the circulation space by a door, there should be a compatible heat detector or heat alarm in the kitchen in addition to whatever smoke alarms are needed in the circulation space.

Smoke detectors should not be fixed in bathrooms, showers or cooking areas where steam, condensation or fumes could give rise to false alarms.

Leaseholders should ensure that the system is maintained and when required detector heads replaced in accordance with the manufacturer's instructions.

In flats constructed before the requirements of the 2006 edition of the ADB, leaseholders should be encouraged to install smoke and heat detectors within their flats to ensure that relevant persons can evacuate safely. Detectors and detection systems should:

- wherever possible be mains-powered and designed to the standards expected by the ADB; and
- be tested at least monthly.

Compartmentation and flat front doors

Compartmentation

Purpose-built blocks of flats are usually subject to the following common design principles:

- there is a high degree of compartmentation between each flat, and between flats and the common parts of the block;
- each flat is formed within its own fire-resisting enclosure;
- there is a low probability of fire and smoke spread beyond the flat of a fire's origin; and
- there is a low fire risk in common areas due to precautionary management.

Compartmentation around flats should ensure that a fire is contained within the flat of origin until extinguished by the fire service.

Front doors of flats

Whether the front doors of flats are demised to the leaseholder or the landlord, they are an essential part of the fire and smoke containment plan of a block of flats.

The CFOA, in their Guidance Document 'Collected perceived insights into and application of the Regulatory Reform (Fire Safety) Order 2005 for the benefit of enforcing authorities – 2015 revision' [18] otherwise known as the 'Enforcers' Guidance', states that:

'For the purposes of clarity, the front doors to flats are considered to be a common protective measure, typically under the control of the occupier as an article 5(4) duty holder, because an early failure of the door can pose a serious risk to the safety of other relevant persons on the premises.'

All FRAs must consider the suitability of the front doors to flats in the context of the common areas and the means of escape. Fire doors have at least one of two functions:

- to protect escape routes from the effects of fire so that occupants can reach a final exit; and/or
- to protect occupants, firefighters and the contents and/or structure of a building by limiting the spread of fire.

The FRA can also be used to determine whether it is the doorset (the door, door frame, ironmongery, fixings and fire stopping) or door leaf (the door) that needs to be changed. Such assessments must be undertaken by a competent person who has completed relevant UKAS accredited training.

The current version of ADB requires the doorset that separates a flat from a space in common use to be at least FD30S, meaning it gives fire resistance of not less than 30 minutes (FD30) and the same resistance to the passage of smoke at ambient temperature conditions (S).

In the case of a fire-engineered design solution, the fire doorset may be required to provide higher levels of fire and smoke resistance.

A fire doorset should be provided with self-closing devices that are manufactured and installed in accordance with BS EN 1154:1997 and fire-rated hinges in accordance with BS EN 1935:2002.

Most leases will include a clause requiring leaseholders to comply with statutory requirements in respect of their own premises and/or to maintain their property in a condition to prevent others being put at risk. This includes maintaining any fire doors in a suitable condition.

Managing agents should use the lease, where they can, to ensure that fire doors of flats that are demised to the leaseholder are maintained in a suitable condition.

Not all leases are the same so a managing agent should consult the building's leases before acting.

The MHCLG has issued advice for building owners on assurance and replacement of flat entrance fire doors [6]. The Advice Note has been written for anyone responsible for the fire safety of residential flats that are concerned about the fire and smoke resistance performance of flat entrance front doors.

The note was developed by MHCLG's Independent Expert Advisory Panel on Building Safety, drawing on the advice of industry experts. It was developed to support those who want to replace their fire doors or review their performance.

The guidance states the following:

- Flat entrance fire doors leading to a shared or communal area are required to provide fire and smoke protection and are critical to most fire strategies for buildings.
- All fire doors, including their closers, should be routinely checked or inspected by a competent person.
- Residents should be made aware of the importance of a working self-closer on all fire doors.
- Flat entrance fire doorsets should have test evidence demonstrating they meet the performance requirements in Building Regulations for fire resistance and smoke control from both sides.
- Test evidence used should be carefully checked to ensure it is to the same specifications of the doorsets being installed.
- Landlords or building owners should replace flat entrance doorsets if they suspect that the doorsets do not meet the fire or smoke resistance performance in the Building Regulations guidance. FRA processes should be used to determine how urgently such doors should be replaced.
- The Expert Panel advises that third-party certification by a UKAS accredited body can provide landlords and building owners with greater assurance on the performance of the doors.

Article 17 of the Fire Safety Order 2005 requires, where it is necessary in order to safeguard the safety of relevant persons, that the responsible person ensures that the premises and any facilities, equipment and devices provided in respect of the premises under this Order, **or under any other enactment**, are subject to a suitable system of maintenance and are kept in an efficient state, in working order and in good repair.

Flat front doors will generally have been installed to comply with the requirements of the Building Regulations in place at the time of construction. Since 1965, their purpose has been as part of the compartment wall required to separate the flat from other parts of the building. The doors are required to protect the common parts of the building from a fire in a flat and certainly since 1965 have been installed in accordance with the requirements of the relevant Building Regulations, all of which would be considered one of the 'any other enactments' referenced above.

Article 17(4) also states that where the premises form part of a building, the responsible person may make arrangements with the occupier of any other premises forming part of the building for the purpose of ensuring that the requirements are met and 'the occupier of the other premises must co-operate with the responsible person'.

This duty 'applies even if the other premises are not premises to which this Order applies'. This therefore includes the leaseholders of flats which fall outside the scope of the Fire Safety Order.

This view is again supported by the CFOA in the 'Enforcers' Guidance' [18]:

'It must be noted that the occupier is required to co-operate by virtue of article 17(4) therefore it is possible to enforce on a occupier of a domestic premises where that person's premises may impact upon the fire safety of the remainder of the premises. However, the extent to which that occupier may be considered to be a person on whom duties are imposed by virtue of article 5(3) will depend on the circumstances of the case. The article was intended to provide landlords with some backing that they could cite in the civil courts. Where the responsible person breaches article 17 because the occupier of parts of the premises to which the Order does not apply will not co-operate (for example over maintenance of a fire alarm system that extends into a private flat) then that occupier could be prosecuted by virtue of article 32(10) or may be held as a duty holder under article 5(4).'

Should a leaseholder wish to change or alter their front door, then managing agents must ensure that they do so only after obtaining Building Regulations approval. This is in order

to prevent the spread of fire outside the flat of origin for the relevant period of time and to protect the means of escape from the building, allowing safe access for the fire and rescue service to fight the fire and to allow escape from the building should the need arise.

Most leases will require leaseholders to apply for a licence to alter before they make changes to their property. The requirement usually includes any alterations to the fire door to a property.

Managing agents should take appropriate action where a licence has not been obtained.

Where a front door is replaced or altered and the work does not comply with the relevant requirements of the Building Regulations, a managing agent should first look to the lease when taking enforcement action. Where there is no provision in the lease, the local authority has a duty to enforce when they become aware of the breach. A local authority will seek to do so by informal means wherever possible. If informal enforcement does not achieve compliance with the regulations, the local authority may prosecute the person carrying out the work (the builder) in a magistrates' court where an unlimited fine may be imposed. Alternatively, or in addition, the local authority may serve an enforcement notice on the leaseholder, requiring alteration or removal of work which contravenes the regulations. If the owner does not comply with the notice, the local authority has the power to undertake the work itself and recover the costs of doing so from the owner.

When writing to leaseholders about any changes to the flat which do not comply with the relevant requirements of the Building Regulations, it is often useful to send a copy to the local authority for information.

Internal alterations to flats

For some blocks of flats, the internal layout of the flats is also designed to add to the compartmentation of the flats from common parts (e.g. protected lobbies). If leaseholders are making internal alterations to flats, then managing agents need to be aware and to prevent changes that add to the risk of fire and smoke spread.

Contractors working in flats may drill openings in fire-resisting walls without permission. It is essential that any new openings are made good to ensure the levels of fire containment are in no way reduced by such works.

Managing agents need to be vigilant against such possible changes to the fire risk in blocks and advise leaseholders carrying out internal alterations to let the managing agent know and to seek their advice before carrying out any internal alterations that could have an effect on fire safety in the block.

Leaseholders should, where possible, be suitably constrained from making detrimental changes by virtue of the conditions within their lease.

Examples of detrimental changes include:

- a leaseholder changing their flat entrance door, but not replacing it with a suitably fire-resisting and self-closing door;
- a resident installing a new bathroom suite, but not ensuring that breaches of riser walls created for new drains are fire-stopped afterwards to maintain fire separation to the common riser;
- a resident removing the doors and walls to the kitchen and lounge to create an open-plan living area, but in so doing making all the bedrooms inner rooms, and possibly impairing protection to the common parts;
- residents fitting non-condensing tumble dryers with holes through fire walls and doors for vent pipes;
- the installation of downlighters in the ceilings of flats that are not of a closed-back, 'fire-rated' design and which have not been fitted with intumescent fire hoods or covered by an insulation support box, therefore diminishing the fire separation provided by the ceiling; and

- a resident undertaking DIY to fit additional socket outlets and, in so doing, damaging the protection to the timber frame construction.

Housekeeping and common parts

The guidance on fire safety in purpose-built blocks of flats suggests two possible approaches to maintaining precautions in common parts: zero-tolerance or managed use.

A zero-tolerance approach is one in which residents are not permitted to use the common areas to store or dispose of their belongings or rubbish, with no exceptions. This may be the most straight-forward policy to apply, but it may also be viewed as onerous and restrictive by occupants.

A managed use approach allows for strictly defined use of common areas with certain low-risk items to be present (e.g. pot plants and door mats). This may encourage occupants to foster a sense of pride and value in the block, and it may in turn lower the risk of anti-social behaviour. It can, however, be more difficult to adopt as it requires a clearly defined policy and regular inspection to ensure the list of items present does not grow such that it creates a risk of fire spread or obstruction in the means of escape.

See section 44 on page 55 of the 'Fire safety in purpose-built blocks of flats' guidance for more information.

Testing and maintenance

Article 17 of the Regulatory Reform (Fire Safety) Order 2005, Maintenance, requires the following:

'Where necessary in order to safeguard the safety of relevant persons the responsible person must ensure that the premises and any facilities, equipment and devices provided in respect of the premises under this Order … are subject to a suitable system of maintenance and are maintained in an efficient state, in efficient working order and in good repair.'

It is essential for the safety of the occupants of a building that fire safety equipment and passive fire protection provisions are inspected, tested and maintained at appropriate intervals.

To comply with their legal duties, managing agents need to demonstrate that they have a structured and documented approach for meeting the functional requirements of the various articles of the Fire Safety Order (articles 8, 11, 13, 14 and 17 being the most relevant).

Although there are no legally specified frequencies for maintenance, inspection and testing, managing agents are advised to comply with the requirements of the relevant British Standards for the individual fire safety installations.

Although the British Standards are guidance only, they represent best practice. Managing agents should only deviate from requirements of the relevant British Standards where it is recommended or approved by the fire risk assessor and recorded in the property's FRA.

All standards require the system designer/installer to ensure that the required maintenance, inspection and test requirements and frequencies are set out in the log book and operation and maintenance manual for the system.

Managing agents should consult the log book and operation and maintenance manuals for all fire safety systems as these may include requirements for inspection and testing over and above the standards set out in the 'Testing and maintenance frequencies' table on page 20.

It is essential that both active and passive fire protection measures function in a fire.

Managing agents must ensure that fire protection measures are inspected on a regular schedule to ensure that they are available and functional at all times. Inspections should ensure:

- escape routes are kept clear at all times;
- door locks, panic bars and automatic door release mechanisms are maintained so that they are easily openable in an emergency;
- the integrity of fire compartment walls or floors is maintained; and
- fire safety systems and equipment remain in normal operation, that any fault is logged, and appropriate action is taken to remedy any defects. Remote monitoring of systems and equipment can, in many cases, be used to comply with this requirement.

To ensure that faults are logged and action taken, managing agents may consider providing residents with a number to call for faults to be reported, logged and actioned. All engineered fire safety solutions will be part of a cause-and-effect matrix which if operating correctly activates complementary systems. As such, these systems should be tested as a collective and not individually. By way of example, a weekly test of a fire alarm will also involve checking self-closing devices on fire doors, passenger lifts that should go to ground level with doors open, automatic opening vents that will open as required in the area of device activation, and other devices set to operate when the fire alarm sounds.

Fire doorsets should be examined for damage at regular intervals. The frequency of inspection should be determined as part of the FRA and be relative to the frequency of use of the doorway. For example, doors used infrequently might be programmed for monthly inspection; duct doors that are normally kept closed and might not be fitted with closers might be programmed for annual inspections; and high usage doors might be programmed for weekly inspections.

Although much of the inspection can be undertaken by suitably trained personnel, formal agreement should be made with suitably competent people or organisations to provide the regular inspection and testing described in the relevant British Standards for individual fire safety installations.

Records must be maintained of all inspections and tests; any defects must be logged along with details of any action taken. Certificates of testing must be obtained and maintained to provide evidence of action. Records should be maintained for at least five years.

All blocks will have some fire systems present in support of the fire safety plan for the building. The responsibility for ensuring the regular testing and maintenance of these systems will usually lie with the landlord or the managing agent.

Managing agents are advised to compile a fire safety manual for the fire systems in the building so these records are maintained in a central location for audit and inspection. Details of the recommended structure and contents of the fire safety manual can be found in 'BS 9999:2017 – Fire safety in the design, management and use of buildings. Code of practice[19] – Annex H'.

Records of testing and maintenance of fire systems will include the following examples:

- Where automatic fire detection is installed in common areas or working parts of the building (e.g. smoke detectors that activate automatic smoke vents in lobbies or protected staircases), then testing and maintenance is required in accordance with the relevant sections of BS 5839-1.
- In areas where emergency lighting is required, for example to illuminate escape routes in the event of a mains power failure, then the emergency lighting must be maintained and tested in accordance with BS 5266-1.
- If portable fire extinguishers are provided in working areas, then they should be serviced and maintained in accordance with BS 5306-3. Regular visual inspections should be undertaken in between service visits.

If fire suppression or smoke control systems are installed (e.g. sprinklers or mechanical lobby ventilation systems), then they must be maintained and tested in accordance with the manufacturer's instructions.

Testing and maintenance frequencies table

'BS 9991:2015 Fire safety in the design, management and use of residential buildings – Code of practice' [10] indicates that the British Standards listed in the table below should be used for routine maintenance, inspection and testing of particular systems.

The table below also summarises the inspection frequencies required by the various standards.

Equipment	Relevant standard	Inspection or testing					
		Daily	Weekly	Monthly	3 month	6 month	Annual
Fire detection and fire alarm systems (including smoke detectors that activate automatic smoke vents in lobbies or protected staircases)	BS 5839-1:2017 – Fire detection and fire alarm systems for buildings. Code of practice for design, installation, commissioning and maintenance of systems in non-domestic premises. BS 5839-6:2013 – Fire detection and fire alarm systems for buildings. Code of practice for the design, installation, commissioning and maintenance of fire detection and fire alarm systems in domestic premises.		✓	✓	✓	✓	✓
Emergency lighting	BS 5266-1:2016 – Emergency lighting. Code of practice for the emergency lighting of premises.			✓			✓
Wet firefighting mains	BS 9990:2015 – Non-automatic firefighting systems in buildings. Code of practice.					✓	✓
Dry firefighting mains	BS 9990:2015 – Non-automatic firefighting systems in buildings. Code of practice.					✓	✓
Fire sprinkler systems	BS 9251:2014 – Fire sprinkler systems for domestic and residential occupancies. Code of practice.						✓
Watermist systems	BS 8458:2015 – Fixed fire protection systems. Residential and domestic watermist systems. Code of practice for design and installation.						✓
Gaseous extinguishing systems	BS 5306-0:2011 – Fire protection installations and equipment on premises. Guide for selection of installed systems and other fire equipment. BS EN 15004-1:2019 – Fixed firefighting systems. Gas extinguishing systems. Design, installation and maintenance.		✓				✓

Equipment	Relevant standard	Inspection or testing					
		Daily	Weekly	Monthly	3 month	6 month	Annual
Foam extinguishing systems	BS 5306-0:2011 – Fire protection installations and equipment on premises. Guide for selection of installed systems and other fire equipment. BS EN 13565-2 – Fixed firefighting systems – Foam systems – Part 2: Design, construction and maintenance.			✓	✓	✓	✓
Powder extinguishing systems	BS 5306-0:2011 – Fire protection installations and equipment on premises. Guide for selection of installed systems and other fire equipment. BS EN 12416-2 – Fixed firefighting systems – Powder systems – Part 2: Design, construction and maintenance.		✓				✓
Smoke control systems including automatic opening vents	BS 7346-8:2013 – Components for smoke control systems. Code of practice for planning, design, installation, commissioning and maintenance. BS 9999:2017 – Fire safety in the design, management and use of buildings. Code of practice – Annex I.		✓		✓	✓	✓
Portable fire extinguishers	BS 5306-3:2017 – Fire extinguishing installations and equipment on premises. Commissioning and maintenance of portable fire extinguishers. Code of practice.			✓			✓
Hose reels	BS 5306-0:2011 – Fire protection installations and equipment on premises. Guide for selection of installed systems and other fire equipment. BS 5306-1:2006 – Code of practice for hose reels and foam inlet installations and fire equipment on premises. BS EN 671-3:2009 – Fixed firefighting systems. Hose systems. Maintenance of hose reels with semi-rigid hoses and hose systems with lay-flat hoses. Hose reels should be checked regularly to ensure that there are no leaks, the valves operate satisfactorily, the nozzle outlet is not choked and the nozzle can be moved from 'jet' to 'spray' position and vice versa without difficulty.						✓

Equipment	Relevant standard	Inspection or testing					
		Daily	Weekly	Monthly	3 month	6 month	Annual
Fire hydrants	BS 9990:2015 – Non-automatic firefighting systems in buildings. Code of practice. Periodic inspections of the vicinity of all hydrants should be made to ensure that there are no obstructions impeding accessibility and that hydrant indicator plates are in position. Periodic inspections should be made to ensure that all isolating valves for systems are kept locked in an open position. Also flow and pressure should be checked to ensure that supplies have not deteriorated.						✓
Firefighting lifts	Lifting Operations and Lifting Equipment Regulations 1998 (LOLER). BS EN 81-72:2015 – Safety rules for the construction and installation of lifts. Particular applications for passenger and goods passenger lifts. Firefighters lifts – Annex J Maintenance requirements.		✓	✓		✓	✓
Fire evacuation lifts	Lifting Operations and Lifting Equipment Regulations 1998 (LOLER). BS 9999:2017 – Fire safety in the design, management and use of buildings. Code of practice – Annex I.		✓	✓		✓	✓
Fire doors including automatic opening doors, emergency doors and panic escape doors.	BS 8214:2016 – Timber-based fire door assemblies. Code of practice. BS 9999:2017 – Fire safety in the design, management and use of buildings. Code of practice – Annex I.		✓	✓		✓	✓
Fire door automatic release mechanisms	BS 7273-4:2015 – Code of practice for the operation of fire protection measures. Actuation of release mechanisms for doors. This includes for acoustically actuated release mechanisms.		✓		✓	✓	
Active fire curtain/barrier assemblies	BS 8524-2:2013 – Active fire curtain barrier assemblies. Code of practice for application, installation and maintenance. * Where no sensory equipment is installed, check for obstructions to operational area.	✓	✓	✓	✓	✓	

Primary Authority Scheme

If a managing agent has premises in different fire authority areas, they can request a Primary Authority Scheme (PAS) partnership with a single fire authority in relation to regulatory compliance.

The aim of the PAS is for fire and rescue services to develop effective partnerships with businesses that achieve national consistency in delivering fire safety enforcement advice.

Once a managing agent is in a partnership with a fire authority, the authority becomes the single point of contact for fire safety regulation advice. The regulatory advice will therefore be consistent across a managing agent's portfolio.

A Primary Authority is entitled to recover its costs for developing and providing Primary Authority advice, and for other work that it does to support a partnership under the scheme. However, it is not able to make a profit from these activities. This means that the cost of joining the scheme is completely dependent on how much work is done within the partnership. It can be helpful for a managing agent and authority to get together and map out what work might be needed and to ask the local authority for an estimate of likely costs.

If a fire and rescue service has concerns about how a business that has a PAS with a different fire and rescue service is complying with fire safety regulations, it will discuss the issue with the Primary Authority at an early stage.

If a fire and rescue service believes that there is a statutory requirement for taking enforcement action, it will notify the Primary Authority of the action it proposes to take. However, in some cases there will be a need for enforcement action to proceed immediately, for example where action is needed urgently to ensure the safety of employees or members of the public.

Where actions of a business are potentially subject to enforcement action by a fire and rescue service, the business's Primary Authority will advise the fire and rescue service on whether it has given the relevant fire safety advice to the business and whether the enforcement action being proposed is consistent with that advice.

If there is disagreement over whether proposed enforcement action is consistent with the advice given by the Primary Authority, the Better Regulation Delivery Office is empowered to determine what, if any, action should be taken.

The PAS is open to any business, charity or other organisation that is regulated by two or more fire and rescue services under the Regulatory Reform (Fire Safety) Order 2005.

The managing agent can choose which fire and rescue service to enter into a PAS with; it does not have to be the one nearest to the head office or in the county where the managing agent has the greatest number of outlets.

A PAS is a partnership arrangement; the managing agent should therefore take time to ensure that the fire and rescue service they choose to partner with is right for their business. It might be worth the managing agent considering whether they already have a close relationship with a particular fire authority that is working well. Location might be important too: some partnerships find that regular face-to-face meetings or site visits are important, while for others this is not a significant issue.

A partnership is legally recognised under the Primary Authority once a local authority is nominated by the Secretary of State as the Primary Authority for a managing agent's business.

An application for nomination is initiated by the fire authority that is going to partner with the business via the secure Primary Authority Register. The managing agent then receives a link to the application and completes it, submitting it to Regulatory Delivery.

Both the local authority and the business are required to accept the Primary Authority Terms and Conditions.

Advice to leaseholders

The responsible person and managing agents, when their management agreement requires them to manage fire safety on the responsible person's behalf, have a duty to communicate important fire safety messages to leaseholders.

It is important that leaseholders understand their legal duties in relation to fire safety and in particular their duties in relation to:

- their legal duties in relation to fire safety and in particularly their duties in relation to the:
  - maintenance or replacement of flat front doors where they form part of the buildings fire compartmentation;
  - replacement or removal of internal flat doors and any internal layout alterations;
  - replacement of windows or the installation of security grilles or shutters; and
  - installation of smoke detection devices.

Managing agents may use the 'ARMA leasehold advisory note – Fire safety in flats' which is available from the ARMA website as a template for the provision of advice to leaseholders.

Managing agents may also wish to provide details of the fire strategy for the building in any guidance document they create, including, in particular, information on:

- the fire safety and emergency action plan for the block including an explanation of the Stay Put policy (where relevant), examples of which are included in Annex A;
- the required standard of housekeeping in common parts;
- security measures and requirements to prevent arson; and
- the absence or presence of:
  - fire detection and/or alarm systems;
  - firefighting equipment;
  - fire suppression systems; and
  - smoke ventilation systems.

Advice to leaseholders should be provided:

- at least annually;
- each time the FRA is updated and includes new information that may affect residents; and
- each time the ownership of the flat changes.

Managing agents should also consider communicating with leaseholders periodically to warn them of the fire safety risks and lease conditions connected with seasonal issues, such as the use of barbeques on balconies and Christmas lights.

Further information

1. The Regulatory Reform (Fire Safety) Order 2005: www.legislation.gov.uk/uksi/2005/1541/contents/made
2. The Building Regulations 2010: www.legislation.gov.uk/uksi/2010/2214/regulation/38/made
3. Fire Safety (Employees' Capabilities) (England) Regulations 2010: www.legislation.gov.uk/uksi/2010/471/contents/made
4. The Housing Act 2004: https://www.legislation.gov.uk/ukpga/2004/34/contents
5. LGA Fire safety in purpose-built blocks of flats: https://www.local.gov.uk/sites/default/files/documents/fire-safety-purpose-built-04b.pdf
6. Ministry of Housing, Communities & Local Government Guidance: Advice for building

owners on assurance and replacing of flat entrance fire doors: https://www.gov.uk/government/publications/advice-for-building-owners-on-assurance-and-replacing-of-flat-entrance-fire-doors
7. LACORS guidance: Housing – Fire safety: Guidance on fire safety provisions for certain types of existing housing: https://www.cieh.org/media/1244/guidance-on-fire-safety-provisions-for-certain-types-of-existing-housing.pdf
8. Electrical safety in common parts of flats: https://arma.org.uk/leaseholders/leaseholders-advice/electrical-safety-in-communal-areas-of-residential-properties
9. Building Regulations Approved Document B Volume 2: Buildings other than dwelling houses: https://www.gov.uk/government/publications/fire-safety-approved-document-b
10. British Standard 9991:2015 – Fire safety in the design, management and use of residential buildings: https://shop.bsigroup.com/ProductDetail?pid=000000000030351309
11. National Fire Chiefs Council Guidance to support a temporary change to a Simultaneous Evacuation strategy in purpose-built blocks of flats: https://www.nationalfirechiefs.org.uk/Simultaneous-evacuation-guidance
12. NFCC fire safety risk assessment guidance: www.cfoa.org.uk/19532
13. NFCC Stay Put position statement: https://www.nationalfirechiefs.org.uk/Stay-Put-position
14. NFCC high-rise safety for residents: https://www.nationalfirechiefs.org.uk/High--Rise-Safety-for-Residents
15. Fire Safety (Employees' Capabilities) (England) Regulations 2010: www.legislation.gov.uk/uksi/2010/471/contents/made
16. Institution of Fire Engineers: https://www.ife.org.uk/
17. Institute of Fire Safety Managers: https://www.ifsm.org.uk
18. CFOA 'Collected perceived insights into and application of the Regulatory Reform (Fire Safety) Order 2005 for the benefit of enforcing authorities – 2015 revision' [the Enforcers Guide]: www.cfoa.org.uk/download/19059
19. BS 9999:2017 – Fire safety in the design, management and use of buildings. Code of practice: https://shop.bsigroup.com/ProductDetail?pid=000000000030357099
20. L143 Managing and working with asbestos: Control of Asbestos Regulations 2012. Approved Code of Practice and guidance: www.hse.gov.uk/pubns/books/l143.htm

Table of abbreviations

CFOA	Chief Fire Officers' Association
CFPA	Confederation of Fire Protection Associations
FRA	Fire Risk Assessment
FRACC	Fire Risk Assessment Competency Council
GN	Guidance Note
MHCLG	Ministry of Housing, Communities and Local Government
NFCC	National Fire Chiefs Council
PAS	Primary Authority Scheme
RMA	Residential Managing Agent
RMC	Residents' Management Company
RTM	Right to Manage Company
UKAS	United Kingdom Accreditation Service

Annex A – Example of notice for use in blocks with a Stay Put policy

N.B. The following guidance needs to be modified to suit the fire safety arrangements in individual properties.

Your block of flats has been designed to support a Stay Put strategy.

The Stay Put principle has underpinned fire safety design standards since before the 1960s, when national standards were first drafted. It is still the basis upon which blocks of flats are designed today.

The National Fire Chiefs Council (NFCC) 'supports the principle of a Stay Put strategy whenever possible. The Stay Put strategy has been proved over many years to be safe for residents of purpose-built blocks of flats. The NFCC believes that a Stay Put strategy is the correct advice in a purpose-built block of flats that is built and maintained correctly.'

Chair of the NFCC, Roy Wilsher, has stated:

'If you leave your flat you could be rushing into choking smoke, the fire itself or firefighters using equipment to bring the fire under control. If the fire, heat or smoke is affecting you directly or you are in the communal areas of the building, get out, stay out and call 999. The most important thing you can do is to know your plan in the event of a fire. Make sure you have working smoke alarms, test them regularly, and ask your landlord what strategy is in place in your building.'

If fire breaks out in your home

- When a fire occurs within your flat, you should alert others in the flat and make your way out of the building and call the fire and rescue service.
- If it is safe to do so, close windows and internal doors.
- Always close the front door of your flat behind you.
- All other residents not directly affected by the fire would be expected to Stay Put and remain in their flat unless directed to leave by the fire and rescue service.
- This does not preclude those evacuating a flat that is on fire from alerting their neighbours so that they can also escape if they feel threatened.
- Wait outside, away from the building, until instructed to return by the fire and rescue service.

If you see or hear of a fire in another part of the building

If you become aware of a fire in the common parts or another flat, you should make your way out of the building and call the fire and rescue service.

This does not preclude you from alerting others in the vicinity of the fire so that they can also escape if they feel threatened. If it is safe to do so, you should leave your home if smoke or heat affects it.

To call the fire service:

- Dial 999.
- When the operator answers, give your telephone number and ask for FIRE.
- When the fire service replies, give the address where the fire is.
- Do not end the call until the fire service has repeated the address correctly.

Annex B – Example of notice for use in blocks with a Simultaneous Evacuation policy

This building operates a Simultaneous Evacuation policy.

If fire breaks out in your home

- Leave the room where the fire is straight away, then close the door.
- Tell everyone in your home and get them to leave.
- Close windows, doors and the front door of your flat behind you.
- Do not stay behind to put the fire out.
- Raise the alarm by using a 'break glass' call point (if installed as part of the alarm system).
- Call the fire service.
- Wait outside, away from the building.

If you see or hear of a fire in another part of the building

- The evacuation plan for this building requires all residents to proceed to the assembly point when the communal fire detection and alarm system sounds.
- You must also leave IMMEDIATELY if smoke or heat affects your home, or if you are told to do so by the fire service.
- If you are in any doubt, and it is safe to do so, get out.

To call the fire service

- Dial 999.
- When the operator answers, give your telephone number and ask for FIRE.
- When the fire service replies, give the address where the fire is.
- Do not end the call until the fire service has repeated the address correctly.

Notes

PRIMARY AUTHORITY

Important note to reader:
This document has been produced by the ASSOCIATION OF RESIDENTIAL MANAGING AGENTS [ARMA] in line with statutory guidance and industry best practice and independently reviewed and endorsed by Hampshire Fire and Rescue Service who are ARMA's Primary Authority Partner.

Whilst every effort has been made to ensure the accuracy of the information contained in this GN, it must be emphasised that because the Association has no control over the precise circumstances in which it will be used, the Association, its officers, employees and members can accept no liability arising out of its use, whether by members of the Association or otherwise. The GN is of a general nature only and makes no attempt to state or conform to legal requirements; compliance with these must be the individual user's own responsibility and therefore should seek independent advice.

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