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FIRE RISK MANAGEMENT

APRIL 2023
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THE REMEDIATION ISSUE

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WAKING WATCHES

JONATHAN O'NEILL
- IN MEMORIAM -

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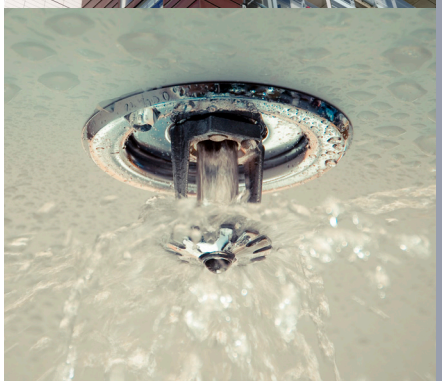


IN MEMORIAM

Jonathan O'Neill OBE

JONATHAN O'NEILL graduated in economics and history from Anglia Ruskin University in 1985, and after initial employment in the insurance sector, he joined the Loss Prevention Council (LPC) in the early 1990s. Here he held roles including marketing manager and latterly manager for education and training. But it was in 1999 that he took over as Managing Director, where his first task was to oversee the separation and relocation of the Fire Protection Association from the LPC. The FPA name and reputation had suffered prior to this, and it had become a small, loss-making part of LPC that lacked focus and direction. He began to rebuild relationships with key stakeholders and restructured the business, employing a young but well-qualified, strong management team who remained together throughout the majority of his tenure. Jon was a dynamic leader and a quick decision maker, and he remained the very heart of the organisation for the rest of his life, completing three decades of its leadership in 2022.

Jon's mission throughout his time at the helm was to give the FPA a clear focus, with an aim to improve fire safety and protection throughout the country. He oversaw its evolution from an organisation which was financially dependent on the insurance sector to one which was a self-sufficient not-for-profit business. With the support of colleagues, he developed it from a small entity of about twenty people to the organisation that it is today - with over 100 staff, a profitable turnover, and an international reputation for provision of vocational training, consultancy, and innovative research. Throughout this time, he ensured it retained its cultural integrity and ethos. Jon recognised that the heart of the FPA was its people and he was unstinting in his support for staff at all levels, who hold the same values as he did.

In the process of building the FPA, Jon twice oversaw its relocation, and since 2004 it has been based at the Fire Service College campus, Moreton-in-Marsh. As the FPA continued to thrive and grow, he led the creation of a fire test facility at nearby Blockley that opened in 2013, enabling the FPA to remain at the forefront of technological advances in fire protection methods and

"Jon's mission throughout his time at the helm was to give the FPA a clear focus, with an aim to improve fire safety and protection throughout the country.... he was at the forefront of trying to knit together the efforts of individual parts of the fire sector."

techniques. Jon also drove the expansion of the FPA in 2001 to include RISCAuthority, an annually funded research scheme which conducts research on behalf of the insurance sector.

Under his leadership, the FPA was at the forefront of driving for change in the sector, with successful campaigns, such as Safer Futures and Know Your Building, launched to raise awareness of fire safety issues amongst government and the general public.

His talents also drew him into a range of outside activities. He first rose to prominence as a leading member of a strong team who wrote the influential 'Safe as Houses' safety report for the Home Office in 1999. This report started the transformation of the Fire and Rescue Services to focus on preventing fires and reducing their impact by fitting smoke alarms and advocating home safety visits. He served with distinction on the government's Building Regulations Advisory Committee.

No stranger to Westminster and the wider political world, he had frequent contact with ministers and had a hand in steering All-party Parliamentary Groups as well as local politicians, particularly those who served on fire authorities. He served on numerous government, ministerial, and sector advisory bodies and was one of the industry experts to be appointed to the coalition government's Fire Future Review. He represented UK insurers on the Prevention Forum of Insurance Europe; was on the Executive of the Fire Sector Federation and the Operational Guidance Group; and he was a member of the Boards of British Approvals Service for Cables (BASEC), Security Systems and Alarms Inspection Board (SSAIB), and BAFE.

He was at the forefront of trying to knit together the efforts of individual parts of the fire sector. Firstly, bridging the Fire and Rescue Service - insurance industry divide, and then concentrating on creating the fire professional network between institutions, such as the Institute of Fire Engineers, and the Confederation of Fire Protection Associations (CFPA). A focus on conferencing led to the re-establishment of the FIRE conference, also aimed at bringing the sector together. From this endeavour developed the recent sequence of fire summits and conferences, which provided a valuable platform for the sector to present its thinking on its development to both political and international interests.

One key part of Jon's ongoing legacy to fire safety in the UK, and one he was very proud to be instrumental in creating, is the Fire Sector Federation's white paper, *Developing a National Strategy for Fire Safety*, launched at last year's FIRE Conference.

Jon saw education and training as key to improving the fire safety sector, and championed the cause of structured training, development, and third-party accreditation. Leading by example, during his tenure, the FPA established itself as the premier fire safety training provider in the UK.

As a testament to Jon's vast contribution to the fire safety sector, he was awarded an OBE by HM Queen Elizabeth II in 2017.

Tribute by Michael Harper

JON OPERATED for over 30 years in the fire sector, and I first came to know him from his work in its more scientific and political spheres. Throughout this time Jon constantly chased government officials, ministers, and anybody who could improve fire safety. He continually put forward arguments for building safety, for improved and updated regulations, better use of fire protection, growing resilience in not just life but also property protection, and highlighted unacceptable delays and missed opportunities to act rather than accept the status quo.

He was always forging, coercing, and leading the agenda of public and property safety. This took time and energy and commitment additional to being an MD and required the willing approval of the FPA board and colleagues to progress what the board regarded as the 'good works' activity, something that Jon championed, and which has benefited many in the fire sector over the years. The consequence of this was, and remains, the FPA's influence, membership, and support across many committees, organisations, and activities, from the original National Fire Safety Advisory Board to today's Fire Sector Federation.

That sort of progress was not always achieved in an aura of sweetness and light. Jon's reputation for speaking truth to power and saying things as he saw them was well deserved. He was to the fore in criticising gaps in government policy and missed opportunities and could be really quite sharp and clear in his words. He was always willing to talk straightforward common sense. But disagreements can also lead to progress, and he pushed on, not least in support of the Fire Sector Federation. He was fully supportive of the Federation's aims in presenting a clear voice for the fire sector and played an important part in policy and strategy development within the construction and property sectors. It was Jon's dismay in the gaps and speed of progress in post-Grenfell fire strategy that led to the proposals for a National Fire Strategy that went on to be launched last October.

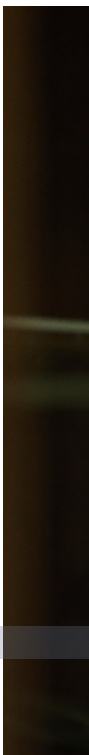
He was admitted as a Freeman of the Worshipful Company of Firefighters in 2014, and was a frequent contributor to their events, such as the annual lecture, as well as to its charitable work which was greatly appreciated.

Over the last ten years, I developed a personal relationship with Jon through international rugby, a lifelong interest of his formed from his early school days at King Edward VI College, Stourbridge, and by his patriotic and enthusiastic Welsh father.

Speaking of important things in Jon's life, I should pay tribute to his wife, Karen, and their three children, Sophie, Annabel, and Tristan. The last years have not been easy and have been very focused on a happy family life, with good holidays, happy parties, and the like. They are a strong and resourceful family, and they will draw comfort from Jon's successful career and the happy union which he and Karen created.

To close on an entirely personal note, I remember that when Jon told me of his cancer diagnosis all those years ago, I instinctively told him of a talk which I had heard on BBC Radio by a rock climber, who explained the rock climber's motto. It was three words "*Don't look down*". I have no idea if Jon remembered this, but over the last eight years, he has practised it.

For a very last word may I revert to a famous scientist. In 1687, Isaac Newton said "*If I have seen further it is by standing on the shoulders of great men*". To me, Jonathan O'Neill was one of them and I sincerely hope that we can achieve many of the objectives which he tirelessly worked towards.



Tribute by John Smeaton

JON O'NEILL was a force of nature. I first met Jon over 20 years ago when I became the Head of Commercial Property Underwriting at Aviva. He welcomed me to the FPA Board as a non-executive director and embraced me as part of his 'second family'. I immediately felt his passion for fire prevention and protection and his determined quest to significantly improve the safety within our built environment. Jon loved the FPA and lived it every day. I saw no change to that in 20 years, including during my final telephone call with him.

Jon was a great ally to the insurance industry and, along with Professor Jim Glockling and many other great colleagues, created RISCAuthority which is a fantastic research engine for insurers and greatly benefits their customers. Jon was a leading advocate for property protection as he understood the economic turmoil caused by a total loss of property, including business closures, job losses, and financial hardship for the public.

To quote John Quincy Adams, "*if your actions inspire others to dream more, learn more, do more, and become more, you are a leader*". Jon was that leader. He was a great ambassador for the FPA, and he invested heavily in people who had the desire to learn, grow their knowledge, and be the best that they could be. He encouraged numerous staff to enter or continue education and was always able to find funds to sponsor them. I am personally extremely grateful to Jon for greatly enhancing my knowledge of fire safety and protection. I can readily say that I looked up to him, was in awe of his breadth and depth of knowledge, and was inspired by some of the speeches he delivered.

I was privileged to attend Jon's service at St James' Church and listen to Karen's eloquent speech, telling us how the family always went to Jon for advice and guidance because "*Jon knows*". This resonated with me as Jon was the father figure of the FPA. Like any good father he was the person to go to for advice and guidance in the FPA too. Perhaps enhanced by coping with his own illness, Jon was very caring of the health of others and encouraged staff to seek medical advice whenever they were poorly. He purchased an excellent private medical scheme which many took advantage of.

Jon's ambition, drive, and enthusiasm helped turn the FPA from a small family business into a thriving medium-sized enterprise, with him and Howard Passey still leading it many years later.

His intervention, knowledge, and wisdom were sought in many arenas, mentioned earlier in the tribute, hence why he carried out so many roles. For most people, the Managing Director role at the FPA would be challenging enough to occupy their time, but not Jon. He had an insatiable appetite for work in the extensive field of fire and certainly led by example with his ethic of hard work.

At Arrow Mill, the lovely venue that Karen and the family invited us to after the church service, I circulated and talked to many of Jon's friends and colleagues. Too many to name them all, but in speaking to Michael Harper, Dennis Davis, Ian Moore, Tom Roche, Peter Holland, John Spencer, Colin Todd, David Pickavance, Don Oakley, Jim Glockling, Peter Udale, and our own Executive and Non-Executive Directors it was clear that everyone felt that not only had Jon left a hole in the FPA, but he had also left a hole in the fire industry.

In the words of General Herbert Norman Schwarzkopf, "*leadership is a combination of strategy and character. If you must be without one, be without the strategy*". Jon was one of the great characters of our industry.

We will all miss him. Rest in peace, my friend.

"His intervention, knowledge, and wisdom were sought in many arenas..."

IN THE NEWS...

FOR APRIL, we've covered some of the biggest news stories around fire safety, prosecutions, enforcement, legislation, and incident reports, including:

- new research indicating that firefighter instructors face elevated risk of cardiovascular disease
- an inquest into a nightclub fire that results in a coroner warning over fire safety
- a series of waste fires that have hit industrial sites in Hampshire and Preston
- highlights from the Building Safety Regulator's first national conference
- a new study highlighting that 85% of tradespeople "*wouldn't know what to do*" in the event of a fire

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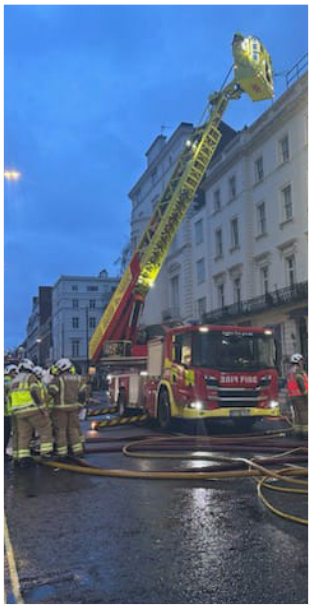
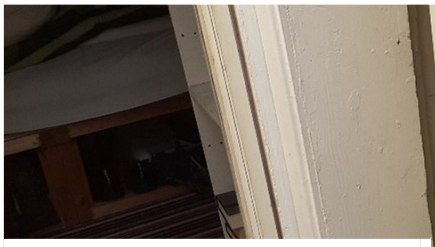
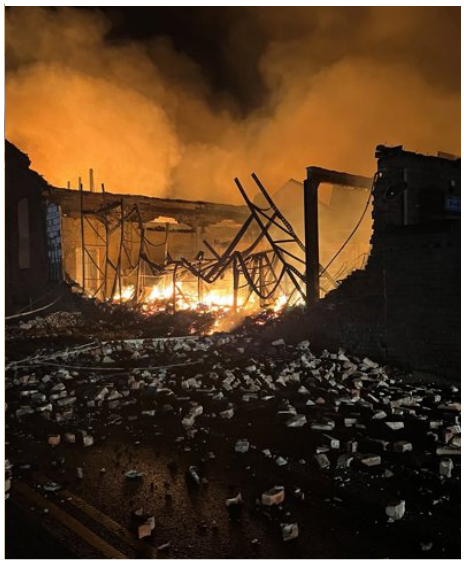






FPA responds to DLUHC consultation

ON 17 March, the FPA submitted its response to the DLUHC consultation on sprinklers in care homes, the removal of national classes, and staircases in residential buildings.

Sprinklers in care homes

In relation to sprinklers in care homes, the FPA once again reiterated its position that health and life safety should be realised alongside the consideration of property protection. Its response calls on those responsible not to design and build solely to the 'life safety before collapse' objective, and for the application of the LPC Sprinkler Rules.

One of the key points raised around the protection of the property of care homes related to the vital service to residents and their families in the wider community that they provide.

"We encourage DLUHC to recognise that the protection of care home buildings as an asset and place of healthcare that provides a vital service to residents and their families in the wider community warrants a commitment to the LPC Sprinkler Rules. Other systems providing suppression or extinguishment for health and life safety only are not sufficient to protect the asset."

The FPA made clear its opposition to both a 10-bed threshold, noting that an arbitrary threshold will simply encourage nine bed facilities, and the proposal to limit the sprinkler requirement to new care homes only, stating:

"Most care homes already exist, and this DLUHC proposal limited to new care homes does not retrofit the existing stock as it should."

Removal of national classes

Regarding the removal of national classifications, the FPA broadly agrees with the DLUHC proposal, but notes the issues surrounding the historic problems arising from the Class 0/B transposition in Approved Document B. Another issue raised includes the fact that nowhere in the BS EN 13501 series is smoke quality in the form of toxicity addressed, also an oversight of the BS 476 series.

The FPA also accepts that, for most products, the European Fire Resistance tests are more onerous and that the European Fire Resistance standards do generally provide a more onerous test condition, particularly in higher furnace temperature and pressure.

It notes that the UK fire door sector may want a longer transition period, but in wanting that, the sector risks losing business to manufacturers who have already made the transition to BS EN 13501-2 classes. However, full adoption of European standards, if forced quickly, will immediately invalidate accumulated test data generated against BS 476 20 series of standards. This may reduce the availability of fire resistance products and overtly pressurise some smaller UK businesses financially which may increase imports.

Staircases in residential buildings

The FPA believes that the question of evacuation and intervention should be addressed for all buildings regardless of height or occupancy, rather than there being a maximum threshold for the provision of a single staircase in multi-occupancy residential buildings. It does note, however, that the "*call for two stairs is simplistic. It ignores the combination of measures that may be considered to provide for evacuation and intervention*", as even in lower rise buildings that have other fire safety inadequacies, single stairs can become impassable. The provision of stairs is just one factor, and the FPA believes it is important not to leap to the conclusion that all single stair buildings are dangerous.

However, the FPA does believe that there will be no shift to a new understanding of residential typology without published research on evacuation.

You can access the FPA's full submitted response to the consultation here:

New fire safety guidance for small premises

THE HOME Office has published three new fire safety documents to support responsible persons and building owners in understanding legal compliance for small non-domestic premises and blocks of flats.

The documents, which offer "*simple and practical advice*", seek to assist responsible persons in meeting their legal duties under Article 50 of the Regulatory Reform (Fire Safety) Order 2005 (FSO).

The new guides include information on understanding what a responsible person needs to do to comply with fire safety law, how to carry out and review a fire risk assessment, and how to identify and maintain general fire precautions:

- **A guide to making your small block of flats safe from fire**: This considers the common parts of small blocks of flats (limited to three storeys). It includes fire safety recommendations on the building's structure, external walls, and the doors between the flats and common parts.
- **A guide to making your small non-domestic premises safe from fire:** This offers recommendations on small non-domestic premises that have simple layouts and low levels of fire risk. It refers to small premises with limited fire hazards and a small number of employees, customers, and visitors.
- **A guide to making your small paying guest accommodation safe from fire:** This document assists those persons who are responsible for fire safety in paying guest accommodation that have simple layouts, limited fire risk, and a small number of bedrooms. This includes guest sleeping accommodation for short-term lets, such as small bed and breakfasts, guest houses, and self-catering accommodation.

These documents relate to Phase 3 of the Home Office's fire safety reform programme, which is expected to come into force on 1 October 2023. Phase 3 will see new regulations and legal provisions within Section 156 of the Building Safety Act 2022, building on Phase 1 (the Fire Safety Act 2021) and Phase 2 (the Fire Safety (England) Regulations 2022). It aims to "*improve cooperation and coordination between responsible persons*" and make it easier for enforcement authorities to take action against non-compliance. The changes will ensure residents have access to "*comprehensive information about fire safety*" in the building, while also requiring fire safety information to be recorded and shared throughout a building's lifespan.

Fire engulfs historic hotel

Image: Sussex News and Pictures

UKRAINIAN REFUGEES were among 30 people forced to evacuate a historic hotel following a huge fire. The 400-year-old Angel Inn on Main Street in Midhurst, West Sussex, was reported ablaze in the early hours of 16 March, as a fire that had broken out in a neighbouring building spread to the roof of the historic coaching inn.

A spokesperson for West Sussex Fire and Rescue Service (WSFRS) said: *"Relief crews have been brought in throughout the day and firefighters have worked hard to bring the fire under control and are continuing to extinguish the fire to ensure there are no further pockets of fire.*

"We are obviously saddened at the loss of such a familiar landmark within the town and what this loss will mean to the local community ... Preliminary investigations suggest that there are no suspicious circumstances surrounding this fire, but our investigations are ongoing."

Pictures of the scene show the large extent of the blaze, which has gutted the building. All residents and guests were accounted for at the time and no casualties reported. WSFRS confirmed that:

"Alternative accommodation has been provided for all of those impacted by the fire, and they are being provided with the necessary support by West Sussex County Council and its partners."

Donations from the local community for those affected by the fire flooded in, with the collection point reporting that it no longer needed any further items.

Cllr Eileen Lintill, Leader of Chichester District Council said: "*This must have been a terrible ordeal for those affected and our thoughts are with them.*

"I would like to thank the fire crews for their exceptional work in safely evacuating the residents from the building, and our staff who quickly organised the rest centre for those who are affected." ◀

E-bike believed responsible for fatal fire in overcrowded flat

A CRIMINAL investigation has been launched after upwards of 23 people had been thought to be sleeping in a three-bedroom flat that caught fire.

The blaze at Maddocks House, on the Tarling West estate in Shadwell, East London, broke out early on 5 March as 16 people slept in the property, with London Fire Brigade (LFB) responding to an emergency call at 02:52. Whilst the majority of residents had vacated the building before the emergency services arrived, 41-year-old Mizanur Rahman had to be rescued from a bedroom. He later died at hospital.

The fire is not being treated as suspicious, with a council spokesperson saying they were "*profoundly saddened*" at the death, and are working with the LFB and Metropolitan Police to investigate both the cause of the fire and the living conditions of the flat. Initial reports from LFB believe the cause to be a lithium-ion battery from an e-bike.

One of the occupiers of the flat, Zubayer Khan, 34, said the students and food delivery drivers living there were each charged £100 a week, with the private leaseholder alleged to be earning around £8,000 a month.

Tower Hamlets Council had been repeatedly notified by residents of the block of the overcrowding since it became a serious issue in 2021. Council investigations in 2022 led to the property being awarded a house of multiple occupation licence in August of that year, under which overcrowding is an offence. However, as reported in *The Guardian*, neighbours continue to lodge complaints with the council's landlord body, with one resident telling the newspaper that they feared for their safety.

"There were so many guys living there. If there was a fire we were worried, and we mentioned that to the council."

The council's failure to stop the overcrowding prompted the Tarling West Residents' Association to release a statement on Twitter, saying:

"The fact that this tragedy was linked to a neglectful council and a rogue landlord only serves to amplify our anger and frustration ... It is unacceptable that people continue to lose their lives due to the negligence of those responsible for providing safe and adequate housing."

Hussain Ismail, a spokesperson for Maddocks House Support Group, reinforced this position, telling *East London Lines*:

"We're concerned about the council investigating itself... The blame really, I think, lies with Tower Hamlets Council and Tower Hamlets Homes for not doing anything when people had been complaining for over two years, formally and informally, and we have a paper trail."

He also reported that the group are considering suing the manufacturer of the e-bike battery, as they campaign for justice for the victim's family.

In a statement, a council spokesperson said it was "*supporting those who have been affected with a weekly allowance and signposting to advice, and have provided emergency hotel accommodation which we have now extended for a further week*".

The council went on to say the "*illegal subletting of properties is abhorrent and dangerous because the welfare of tenants is being put in jeopardy for financial gain*", and confirmed that they are now carrying out a criminal investigation under the Housing Act. ◀

Grenfell claimants settle civil case against 22 parties

HUNDREDS OF bereaved family members, survivors, and local residents (BSRs) have reached a settlement of civil claims following the tragic Grenfell Tower fire in 2017.

The group of more than 900 people, represented by 14 legal firms, will receive compensation for the impact that the fire and its aftermath have had on their lives. The fire saw 72 fatalities, including 18 children, but also led to residents of all 129 flats in the tower block ending up homeless.

Hearings for the civil case began at the High Court in July 2021. The BSRs took action against 22 parties, including Arconic (cladding manufacturer), Saint Gobain (parent company of Celotex, an insulation manufacturer), Kingspan (another insulation manufacturer), Rydon (the main contractor), Harley Facades (the cladding sub-contractor), Exova (the fire engineering consultancy), Studio E (the architects), CS Stokes and Associates (the fire risk assessor), and Whirlpool (the manufacturer of the fridge freezer starting the fire), the Royal Borough of Kensington and Chelsea (the council landlord for Grenfell Tower), and the Kensington and Chelsea Tenant Management Organisation (KCTMO - the building's management company). The Home Office and the Department for Levelling Up, Housing, and Communities were also included.

It is expected that the undisclosed compensation will be shared out amongst the group "*according to their own specific circumstances*". The legal firms representing the group also confirmed that the settlement did not include all victims of the fire.

KCTMO, which was responsible for managing the tower block, said in a statement that it was "*pleased to see that a settlement has been reached for the majority of the bereaved survivors and residents*".

"*We recognise that a monetary settlement won't mitigate for the loss and trauma, but both the settlement and the restorative justice process is a welcome step forward. Our deepest sympathies remain with all those impacted by this tragedy*," the management company added.

A spokesperson for Arconic told *Inside Housing*: "*Arconic confirms that it is a party to the full and final settlement in connection with a large majority of the claims relating to the Grenfell Tower fire in the High Court brought by survivors and estates of decedents.*

"*Arconic also agreed to contribute to a restorative justice project to benefit the community affected by the fire. Arconic continues to express its deepest sympathy to the Grenfell residents and their families, and appreciates the importance of this milestone for providing a resolution that lessens the delay and stress to claimants that would result from protracted legal proceedings.*"

A spokesperson for Rydon added: "*Rydon, along with other companies and public sector bodies, has participated in an alternative dispute resolution process which related to a large number of civil claims brought by bereaved, survivors, and local residents of the Grenfell Tower disaster. Following productive and co-operative engagement between the parties, settlement terms have been agreed with the vast majority of those affected without the need for a prolonged legal process. Rydon continues to express its deepest sympathy to the Grenfell residents and their families.*"

The civil claims case is separate from the public inquiry, which finished in November 2022 and was chaired by Sir Martin Moore-Bick. In a statement, the lawyers for the BSRs said:

"*The settlement is completely independent of, and has no impact upon, the ongoing public inquiry into the Grenfell Tower fire, which is due to publish its report in 2023, or the ongoing criminal investigation where it is anticipated that the Crown Prosecution Service will make a decision on whether to pursue criminal charges against those responsible for the fire after publication of the final Grenfell Tower Inquiry report.*

"*In those respects, the BSRs fight for justice continues.*

"*Finally, it should be recognised that no amount of damages could ever be sufficient to properly compensate those affected by the fire.*" ◀

FSF publishes new standard for fire risk assessors

A NEW industry standard for fire risk assessments has been published by the Fire Sector Federation (FSF) and Fire Risk Assessors Working Group to help improve assessor competency and understanding.

Titled *Industry Benchmark Standard for Fire Risk Assessors*, the FSF document offers practical guidance for assessors who want to better understand the application of fire risk assessments across a wide range of buildings. While it does not signify a qualification or certification for assessors, its intent is to establish a set of quality standards and practices and "*support a professional discipline of fire risk assessment that can be applied across the whole of the United Kingdom*".

The purpose of the benchmark standard is to "*(a) define fire risk assessment competence at three levels and (b) support delivery of comparable standards across the sector*". The guidance given within the standard is split across three distinct risk levels, as follows:

- **Foundation** – Fire risk assessments within low-risk premises
- **Intermediate** – Fire risk assessments within medium-risk premises
- **Advanced** – Fire risk assessments within high-risk premises

By covering a wide range of building types and scenarios, it is hoped that the public can be confident of the competency of the assessments carried out, including building owners and responsible or accountable persons. ◀

Read the full story here:

Inspectorate's report uncovers problematic culture in fire and rescue services

A NEW report has uncovered allegations of bullying, harassment, and discrimination in every fire and rescue service (FRS) in England.

Published on 30 March by His Majesty's Inspectorate of Constabulary and Fire and Rescue Services (HMICFRS), inspectors found numerous examples of bullying and harassment in all services, with some "*significantly worse*" than others. A quarter of England's FRSs showed instances of racist, homophobic, and misogynistic behaviour that was "*often excused as banter*". The sector was also referred to as a "*boys' club*" with fearmongering preventing people from reporting bad behaviour. One staff member described how raising a complaint about offensive behaviour would be "*career suicide*".

His Majesty's Inspector of Fire and Rescue Services, Roy Wilsher said: "*Services told us about misconduct cases over the past 12 months. More than half of these concerned inappropriate behaviour, such as bullying and harassment, associated with a protected characteristic. This is shocking enough, but I am not confident that this is even the whole picture.*"

He added: "*Our findings shine a light on deeply troubling bullying and harassment in fire and rescue services across the country – and I fear this could be just the tip of the iceberg.*

"*The sector needs to get a grip on how it handles misconduct matters – staff should feel able to report allegations without fear of reprisals, and any fire and rescue staff found to have committed gross misconduct should be placed on a national barred list to protect other services and the public.*

"*Despite the fact that fire and rescue staff often have contact with the most vulnerable members of society, there is no legal obligation for services to run background checks and we found an inconsistent approach to this across the country. We're calling for appropriate background checks on existing and new staff as a bare minimum.*

"*The majority of fire and rescue staff act with integrity, and we are in no doubt of their dedication to the public. However, the shocking behaviour we uncovered makes it clear the sector cannot wait another day before it acts. We have made 35 recommendations and would urge chief fire officers, the government, and national fire bodies to implement them as a matter of urgency.*"

HMICFRS recommendations

The recommendations listed in the HMICFRS report have been attached to specific deadlines and range from the inclusion of background checks on all firefighters and staff, better procedures in which to raise concerns, improved systems for misconduct handling, management and leadership training and development, diversity improvements, and review of the Core Code of Ethics.

In response to the report findings and recommendations made, General Secretary of the Fire Brigades Union (FBU), Matt Wrack said:

"*Firefighters have the right to work without fear of being mistreated because of their gender, ethnicity, sexuality, disability, or neurodiversity – or bullied or abused while doing their job.*

"*Just as much as fire contaminants and unsafe working practices, this kind of behaviour is a matter of health and safety in the workplace.*

"*It is welcome that His Majesty's Inspectorate is beginning to address these issues, and to acknowledge the scale of the problem. Our Equalities Sections have also raised concerns about these issues for many years.*

"*It is clear, both from our experience and from the contents of this report, that the failure to address discrimination and harassment in the service goes right to the top. Some fire service leaders are part of the problem, and have systematically failed to address discrimination, harassment, and bullying. This report corroborates those experiences. It details how racism, homophobia, and misogyny are routinely ignored, or even instigated, by people at the very top, and that firefighters are scared to speak out. Complainants have found themselves under investigation or subject to disciplinary proceedings.*

"*As the only democratic and representative body for firefighters and control room staff, the Fire Brigades Union will take a leading role in transforming the culture of the Fire and Rescue Service, putting women, LGBT, and black and ethnic minority firefighters in the driving seat of our campaign.*"

Renewed 'call to action'

Concerns over unacceptable behaviour were first uncovered in the damning workplace culture report on the London Fire Brigade (LFB) in November 2022.

Led by Nazir Afzal OBE, the findings drew considerable reaction from both within and outside the sector, alongside calls for similar investigations into other FRSs across the country.

Just a day prior to the release of the HMICFRS report, the National Fire Chiefs Council (NFCC) announced that a "*renewed 'call to action'*" was needed to "*improve culture*" across FRSs in the UK. It came after a two-day event on culture and inclusion, where a unanimous commitment was made to produce and publish a "*clear and renewed action plan within a month*".

In direct response to the HMICFRS spotlight report on culture, NFCC Chair, Mark Hardingham said:

"*This report makes for difficult reading; I am clear that now is the time to act together to deliver transformation and culture change across the fire and rescue service. We need to move forward with pace; there is no time to wait. To read about the allegations of bullying, harassment, and discrimination paints a stark and damning picture of the cultural issues fire and rescue services face.*

"*I fully support the report's recommendations, and I am committed to working with fire and rescue services, government, HMICFRS, and wider partners to ensure we see tangible improvements – and provide challenge and support where we do not. Strong action must be taken to ensure everyone feels safe and supported, staff are treated fairly, and have the confidence to challenge poor behaviour.*

"*A great deal of NFCC work is already underway, including against many of the recommendation areas. This will ensure that further progress is made at pace. One such piece of work involves work on-going to ensure an independent, confidential reporting line is available in every fire and rescue service.*

"*There is still a huge amount of work to ensure an inclusive culture is consistent and embedded. However, it is also important to note that HMICFRS recognised there are areas of good practice to learn from and that most staff already act with inclusion and integrity. We must harness the learning from those fire and rescue services who have made substantial progress establishing an inclusive workplace. By addressing these difficult issues together, we will ensure we continue to have a fire and rescue service that we can all be proud to be part of.*" ◀

Government unit targets building owners over fire safety inaction

FOLLOWING THE launch of the Recovery Strategy Unit (RSU) by the Department for Levelling Up, Housing, and Communities (DLUHC) in June 2022, the Building Safety Minister has confirmed that 19 inquiries have been opened into companies who have allegedly refused to carry out essential fire safety work.

Speaking to MPs on 20 March 2023, Lee Rowley confirmed the progress of the government unit and set out its goal to rectify fire safety failings in England's high-rise buildings by bringing non-compliant building owners to account:

"[At] the highest level, it seeks to identify and pursue the most egregious examples of issues and problems of bad faith acting within the [building] sectors. There are many different leads at the moment; they have to be triaged. Then there are a series of individual cases which are chosen and there are 19 live inquiries or activities underway," Mr Rowley said.

He noted that the RSU was not a "*casework team*" and was in the process of "*building up*" its capacity, knowledge, and experience. Additionally, while it might not be possible for the unit to pursue every case, it could "*find specific examples to pursue*", demonstrating to the industry the extent to which the unit was willing to go, and help "*change behaviour on a broader scale for those who haven't done the right thing*".

Rowley added: "*There is an element of the developer population who have not yet stepped up, [and] there is an element of freeholders who are clearly doing unacceptable things in my view.*

"There is an element of managing agents who are advising their freeholders things which in some cases are completely contrary to the Building Safety Act."

RSU is a key element of the Building Safety Act and will be working alongside other enforcement agencies to pursue those firms that have repeatedly refused to pay for remedial works in buildings with fire safety defects.

It is also part of the DLUHC's ongoing attempts to compel developers and contractors to "*bear responsibility*" for the fire safety failings on high-rise residential buildings across England. In his House of Commons address earlier in March, Secretary of State for Levelling Up Housing, and Communities, Michael Gove reiterated that those developers who refused to sign the government's remediation contract that obligated them to fix fire safety defects would be frozen out of the "*housebuilding business in England*" until they had agreed to "*change their course*".

The RSU's first enforcement act was in October 2022, when the unit gave Grey GR (owned by RailPen), owners of a 15-storey tower block in Stevenage, a deadline of 21 days "*to commit to remediating the tower's fire safety defects or an application will be made to the courts*".

Building Safety Act 'issues' holding back conveyancing work

RESEARCH CARRIED out by news publication *Today's Conveyancer* has found that over half of conveyancers have halted leaseholder transactions over complications arising from the Building Safety Act 2022 (BSA).

The poll surveyed 196 surveyors in total, with 52% responding that they were "*not currently acting on sales or purchases of leasehold properties affected by the BSA*". An additional 15% of responders admitted that they were only acting on transactions with "*certain lenders*".

The publication cites that a "*myriad of issues*" relating to the BSA is the cause of inaction by conveyancers. This includes "*onerous*" Part 2s within the UK Finance Mortgage Lenders' Handbook. One of these questions, "*Does the lender have any specific instructions about building safety?*", sees some lenders specify strict requirements such as an "*appropriately and accurately executed and populated*" Landlord Certificate.

As Zahrah Aullybocus, a Consultant Solicitor at Nexa Law, explains: "*Part 2s are onerous and seem to be implying that conveyancers should be verifying the information given in the Landlord's Certificate. We are not qualified to do this.*"

Other issues that conveyancers have highlighted stem around leaseholder protection and extensions, and "*inconsistencies*" in the LPE1 (leasehold property enquiries) form, including variations in questions about buildings that are 18 metres in height and those that are 11 metres in height. Furthermore, there is no space for a responsible person to be named on the form.

Another key concern is around fire safety and the identification of enforcement notices. This can prove challenging when filling out the LPE1 form, which has limited search facilities. Additionally, "*systemic issues in the planning process*" have also been identified, with Aullybocus adding: "*Councils are allowing blocks [of flats] to be put up without leaving space for fire brigades to pull up close to the building to put the fires out.*

"I understand that there is also a lack of hydrants close by for the fire brigades to plug into and even then, the fire authority has to call the water authority to turn the pressure up."

It is believed that the majority of insurers are awaiting more clarification regarding the BSA before they continue with leaseholder work.

Gareth Milner, Managing Director of Professional Risks at J M Glendinning brokerage, said that firms are currently concerned that the BSA could expose them to "*greater risk*", leading them to take a "*precautionary approach*".

"Firms should remain prudent in documenting all advice given to the client. The old adage of 'if it's not written down, it didn't happen' very much applies in these scenarios," he said.

Welsh government unveils fire safety remediation plans

THE WELSH government has announced its plans for an "*ambitious*" building safety programme to help residents feel safer and more secure in their homes.

As part of its cooperation agreement with Plaid Cymru promising to "*significantly reform*" building safety in Wales, the programme sees major developers agree to sign a "*legally binding pact*" to improve fire safety in medium and high-rise buildings (that is, buildings over 11 metres) across Wales.

On 21 March, Climate Change Minister Julie James confirmed that a number of major developers had already signed the pact, including Redrow, McCarthy Stone, Lovell, Vistry, Persimmon, and Countryside. Taylor Wimpey, Crest Nicholson, and Barrett have also expressed their intentions to sign the pact.

In a bid to prevent any delays in remediation work by these developers, the government also unveiled a £20 million Welsh Building Safety Developer Loan Scheme. The scheme will offer interest-free loans over five years and is only available to those developers who have signed the Developers' Pact.

Climate Change Minister Julie James said: "*Our ambitious programme will ensure residents can feel safe and secure in their homes. I have always maintained the position that the industry should step up to their responsibilities in matters of fire safety.*

"*Developers should put right fire safety faults at their own cost or risk their professional reputation and their ability to operate in Wales in future.*

"*I am pleased that, today, developers have done the right thing and committed to remediate fire safety works on medium and high-rise buildings across Wales.*

"*Our approach in Wales has, and will continue to be, to work in collaboration with developers and I look forward to seeing work undertaken at pace.*"

Following in the footsteps of Michael Gove's plans for fire safety remediation in England, the Welsh Minister added that the work carried out in Wales will also include 28 "*orphan buildings*", referring to privately owned buildings where the developer is unknown or has ceased trading.

Over £40 million has been set aside to pay for fire safety fixes at another 38 buildings within the social sector, which is in addition to 26 social sector buildings that have been remediated and 46 buildings where remediation work has already started.

Designated Member Sian Gwenllian said: "*Through our Co-operation Agreement, we are committed to introducing a Second Phase of Welsh Building Safety Fund and reforming the system of building safety. I would like to recognise the efforts of those who have campaigned to highlight these issues.*

"*While recognising that there is still more to be done, I welcome today's progress update and I am glad that the £375m of funding put in place as part of Plaid Cymru's Co-operation Agreement with the Government will be used to address fire safety issues, including the remediation of orphan building from this summer onwards.*"

The Welsh government adds that the Royal Institution of Chartered Surveyors, which offers guidance to valuers in England, has now been extended to Wales. It is hoped this guidance will "*provide consistency in the valuation approach*" and "*help support the removal of barriers and allow leaseholders to access mortgages and other financial products, providing consistency and clarity for all stakeholders*".

Luay Al-Khatib, RICS Director of Standards and Professional Development added:

"*We are pleased to be able to extend our guidance to include Wales, following the establishment of the Welsh Building Safety Fund. This brings much-needed confidence to buyers, sellers, and the market, and ensures a consistent approach.*

"*We look forward to working with the Welsh Government to implement an orderly and swift update with the support of stakeholders, to help those impacted by the building safety crisis.*"

While the government plans to minimise fire safety risks "*as quickly as possible*", Minister James added in her Senedd address that it was also in the interest of developers to ensure the necessary works are carried out, stating "*actually they're quite anxious to get their reputations backs*".

Gove calls on Arconic and Kingspan to enter remediation talks

THE SECRETARY of State for Levelling Up, Housing, and Communities, Michael Gove is urging Kingspan and Arconic, whose insulation and cladding products were used on the Grenfell Tower, to partake in remediation discussions.

Kingspan, the manufacturer of Kooltherm K15 insulation, told T*he Observer* in February 2023 it would be willing to "*pay for remediation where its product K15 had been used inappropriately in a high-rise building and was ready to contribute to a joint government and industry funding mechanism*".

According to reports, a small amount (5.2%) of the K15 product was used as part of the insulation of the high-rise Grenfell building in which 72 people died. During a 2007 fire test, K15 had allegedly been described as a "*raging inferno*". Lawyers for the firm later stated that while there were "*shortcomings*" in terms of the product's testing and certification, it could be used safely if installed correctly. The firm added that "*it was used incorrectly on the tower without its knowledge*".

Now Mr Gove has written directly to the chairman of the Kingspan Group, Gene Murtagh, inviting him for talks with government officials:

"*I have written to cladding firm Kingspan following their claim that they are willing to take financial responsibility for their role in the Grenfell tragedy and building safety crisis. I hope they will urgently meet with my officials to discuss this following their record profits*," he confirmed on Twitter.

Dated 23 March, the letter said: "*I have long argued that those who manufactured flammable products and sold them have a moral and financial imperative to recognise their role in the proliferation of unsafe buildings.*"

Mr Gove stated that the testimony of the Grenfell Tower Inquiry uncovered "*shameful practices and an abhorrent culture of disregard for the safety of residents in their homes*".

The business practices of the firm had been heavily criticised during the Inquiry, with claims that the company's advertising was misleading and that fire test results had been kept secret.

Referring to *The Observer's* article in which Kingspan said it would be willing to pay where its products had been used "*inappropriately*," Mr Gove continued, "*If the report was accurate, this acknowledgement is a positive step.*"

"*I sincerely hope it is a first step only, in what should be a comprehensive package of financial support from Kingspan and other construction product manufacturers. Your record trading profit of £382.8m will, I presume, help to fund this commitment.*

"*I invite you to meet my officials to discuss how you propose to scope, identify, and pay for remediation works. This would go some way to restoring confidence in the sector in the way that we have recently seen from developers.*"

The Secretary of State also wrote a similar letter to Arconic a few days later. The manufacturer was responsible for supplying the aluminium composite material (ACM) cladding panels during the refurbishment of the tower. It is believed that the same combustible cladding material has also been used on many other buildings across the UK.

During the Inquiry, Arconic also faced much criticism, with the Counsel hearing that the firm had allegedly misled the market about the fire performance of its products. The firm's lawyers countered these accusations by saying that the sale of ACM in the UK had been "*entirely lawful*" at the time of use and that the firm had been turned into a victim of "*an agenda*" to blame Arconic for the fire spread at Grenfell.

In his letter directed at Arconic's chief executive, Timothy Myers, Mr Gove condemned the cladding firm's lack of "*meaningful*" engagement with the remediation plans for dangerous high-rises:

"*I have written to Arconic who have not taken any responsibility – moral or financial – for their role in the Grenfell tragedy and building safety crisis. They've instead spent around £9m per year on lawyers to defend themselves. I will use all tools at my disposal to make them pay*," he tweeted.

In the letter, Gove gave Myers a strict deadline – 12 April – in which to respond and arrange a meeting with government officials to explain how the company intends to "*scope, identify, and pay for remediation work*".

He stated: "*The testimony at the Grenfell Tower Inquiry uncovered shameful practices and an abhorrent culture of disregard for the safety of residents in their homes. I was appalled by the evidence heard by the Inquiry about the extent that your employees went to so as to conceal the flammable nature of your products, and to avoid promoting fire-retardant products to customers – because doing so would reduce your profits.*

"*I note with interest your annual reports, which reveal that Arconic spent an average of $11m USD (£8.9m) per year on legal advice and representation on Grenfell-related matters between 2017 and 2022. In stark contrast, you have not contributed any funding – not a single dollar or cent – towards the cost of fixing dangerous buildings, despite the fact that your flammable products continue to put lives at risk in the United Kingdom today.*"

Offering the company an opportunity to rectify its failings, he added: "*I invite you to meet my officials to explain how you intend to scope, identify, and pay for remediation works. This would go some way to restoring confidence in the sector.*"

The Secretary of State has been keen to hold those responsible for fire safety defects in high-rise buildings to account and pay remediation costs – including developers and supply chain firms. Following the government's recent developer remediation contract deadline, Mr Gove insisted that those developers who failed to sign the contract would be "*out of the housebuilding business in England entirely unless and until they change their course*".

"*Others in the industry, including Kingspan, and to some extent Saint-Gobain, have made tentative steps to acknowledge their responsibility and role in paying for remediation. Whilst this change in position is a positive step, I have made clear what is required: a comprehensive package of financial support from construction product manufacturers*," he added.

Closing the letter, Mr Gove reiterated: "*My department will continue to be driven solely by our commitment to protect people in their homes: people who bought or rented homes in good faith, whose safety continues to be threatened by your products, and who deserve better from the companies who have exploited their basic need for a home. Those companies that do not share our commitment to righting wrongs of the past must expect to face commercial consequences.*" ◀

PROSECUTIONS & ENFORCEMENTS

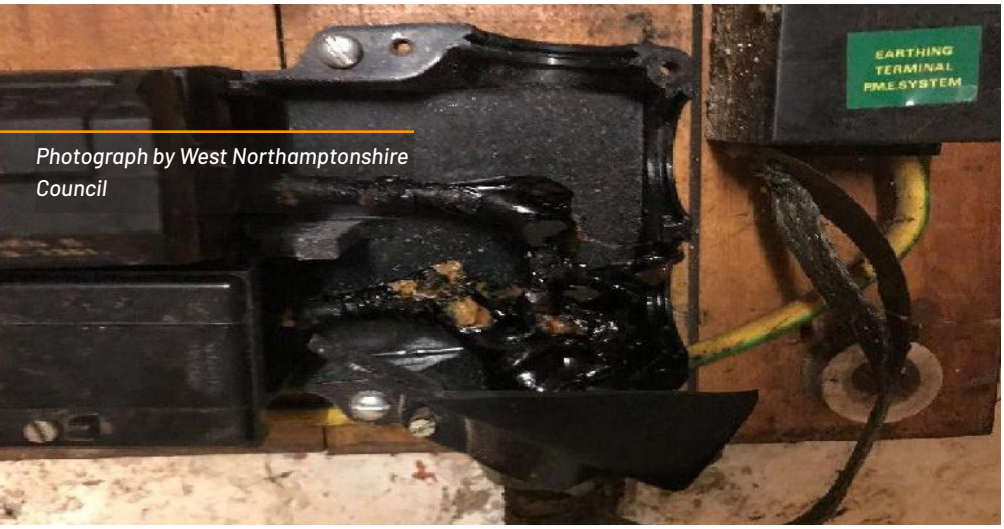
Council fines HMO owner over 'poorly maintained' fire safety

A property licence holder has been fined more than £25,000 by the local council for fire safety breaches at a shared property

ZIVILE AKSINAVICIENE of J&KO Property Ltd was fined by West Northamptonshire Council following an inspection at the house in multiple occupation (HMO) last year.

In May, the council issued a warrant after it identified serious fire safety failings. It was found that the electrical meter had been tampered with, "*seriously endangering the safety of the four people living there*". At the time, the council arranged for an electrician to carry out emergency work to make the property safe for tenants, but various fire safety failings were also discovered, such as "*poorly maintained*" fire doors and missing smoke alarms.

In December, Ms Aksinaviciene was fined £25,000 for "*breaching the license conditions*" for an HMO. She was also fined an additional £800 for not being part of a "*property redress scheme*". The council has made clear that those who are involved with lettings or property management should be part of such a scheme as it allows tenants to escalate their concerns to an independent party if their landlord is not cooperating with them. It is believed that she was given three months to appeal, but this has since passed.



Photograph by West Northamptonshire Council

As reported by the *Northampton Chronicle & Echo*, the owner has since taken back responsibility for the property and carried out the necessary safety fixes. It is believed that the HMO licence has been surrendered and the property has now been converted into a single-property house.

The council reiterated that the case "*highlights the importance of not only licensing an HMO property but the requirement to maintain the property to ensure the occupants are not put at risk*".

Councillor Adam Brown, the council's Cabinet Member for Housing, Culture, and Leisure, said: "*From some of the images captured at this address, it is clear the licensee had little regard for the safety of their tenants.*

"*The Housing Team cannot visit every property, but this case demonstrates that we will take action when people contact us with their concerns.*"

Landlord fined for fire safety faults

The landlord of two flats in Cardiff has been fined over £4,500 for failing to fix fire safety defects after he was served with a legal notice

AT A hearing on 24 February 2023, Cardiff Magistrates' Court heard that landlord Christopher Harper had failed to rectify fire safety defects at two of his rented flats in Cardiff.

Following an earlier prosecution in September 2022, it was found that Harper had failed to comply with the legal notices that he had been served with. The notices ordered him to fix a number of faults, including a defective fire alarm, an insecure front door, and "*inadequate structural fire protection*". The court also heard that Harper had failed to submit gas and electricity certificates "*in line with the licensing requirements*". Harper did not appear for the court hearing and was convicted in his absence.

He was charged with "*failing to comply with operative improvement notices under the Housing Act 2004*" and was fined a total of £3,000 and ordered to pay £360 in costs. Additionally, he was ordered to pay a victim surcharge of £1,200. The Cabinet Member for Communities at Cardiff Council, Councillor Lynda Thorne, said:

"*The majority of private sector landlords provide a very good service for their residents, but unfortunately there is a minority that do not.*

"*When we take these matters to court, we do this to benefit the residents living at these properties, so that the faults identified are fixed and the properties are safe to live in. Our officers will continue to act on intelligence that we receive, and in this case we will continue to pursue the landlord until the faults have been rectified.*"

"*This case shows that when we successfully prosecute a private sector landlord, we do follow up these cases to ensure the issues are resolved. In this case, it became clear that Mr Harper wasn't willing to rectify the faults, so legal notices were served on him. Failure to respond and action these legal notices have resulted him being brought court again and ordered to pay a further £4,500,*" added Councillor Thorne.

Photograph by Cardiff Council

Bar owner given suspended sentence for fire safety failings

Following a series of fire safety defects, a bar owner in Crewe has been given a six-month prison sentence, suspended for 18 months

ON 23 March 2023, at Chester Crown Court, Christopher Colebourne pleaded guilty to seven counts of "*failing to comply with the Fire Safety (Regulatory Reform) Order 2005*".

Mr Colebourne is the sole director and owner of Oddies Bar Crew Ltd, which includes flats above the bar and an adjacent takeaway.

Inspectors at Chester Fire and Rescue Service (CFRS) discovered serious failings at the premises after a fire broke out in a kitchen that was being shared by the two flats above the bar in 2019. Firefighters who attended the incident later raised "*concerns about the ease with which smoke had spread throughout the escape routes serving the flats*".

As detailed by CFRS, a fire safety officer identified the following issues:

- A failure to take measures to reduce the risk of the spread of fire on the premises.
- A failure to ensure that the premises was equipped with appropriate fire detectors and alarms.
- A failure to ensure that people could evacuate the premises as quickly and safely as possible.
- A failure to ensure that the fire alarm and emergency lighting systems had been serviced by a competent contractor and tested locally.

After pleading guilty to the deficiencies in fire safety, Mr Colebourne was given a six-month prison sentence, suspended for 18 months. In addition to this, he was given a 35-day rehabilitation order and 150 hours of unpaid work. He was also ordered to pay a £700 fine and £7,000 in costs to CFRS.

Judge Simon Berkson, who delivered the sentence, said: "*This was a very dangerous premises that you were responsible for, and a number of people were clearly put at risk. If that fire had taken hold, it would have caused serious problems.*"

Lee Shears, Assistant Chief Fire Officer for CFRS, later commented: "*This case shows how our firefighters and fire safety teams work together to keep our communities safe. Had the fire spread that day, it could easily have put the occupants at risk of death or serious injury.*

"*We work hard to help business owners to understand their responsibilities when it comes to fire safety, but as this case highlights, we will not hesitate to pursue prosecution if they fail to comply. Fire safety must be taken seriously.*"

Living through remediation

MY NAME is Deepa Mistry. I am an accountant, leaseholder, shared owner, and a resident campaigner for Building Safety. However, my most important role is as a mother to three beautiful children, and for the last few years, our lives have been filled with stress and uncertainty (pandemic aside). In 2010, I was living and working in London with no idea of the journey that lay in store for me. Not a clue that I would have to fight for the right to basic safety whilst we slept at night!

It was during this time I was looking for a home to make my own. There were not many affordable options and Shared Ownership caught my eye. I was able to purchase a share of a two-bedroom, sixth-floor apartment within walking distance of work, and it sounded like a dream opportunity.

By the time the Grenfell tragedy occurred in 2017, I was married with two young children and although we were outgrowing our small home, I couldn't face the upheaval of moving with very small babies. I hadn't fully digested the extent of the tragedy until weeks later when scaffolding was erected on my block. The Housing Association wanted to inspect our building, and when they reported that the cladding was similar to the ACM on Grenfell, I panicked. It's a pit-of-your-stomach fear where you picture at any point running with the babies down six flights of stairs. This panic lasted weeks, months, and years, and still causes anxiety if we visit high-rise locations.

The Housing Association arranged for the block to be remediated and this was all completed by mid-2018. Living through remediation was not plain sailing as the key issues we encountered demonstrate.

Communication

There was a lack of useful communication with the Housing Association, letters informing of works to be carried out were received post contractors being on site, there were no consistent points of contact, we were referred to our Neighbourhood Manager after logging calls at the helpdesk, and there was no dedicated team to assist in this unusual situation. There was no schedule of works or timescales shared, no explanation of what works would be carried out and no introduction to the workers on site. This was all until residents complained after living through remediation for a few weeks, and the answer was left to the contractor on site to arrange a meeting to explain the works, introduce themselves, all with very little input from the Housing Association. The Housing Association should have been the leaders at the forefront delivering information, allaying the residents' anxieties, and preparing for the needs of the vulnerable.

"I will never forget the grating, screeching sound of metal cladding being torn from the building..."

Instalment of a waking watch

The role of a waking watch is to patrol and monitor the relevant areas and watch for fire. Often we found the watch asleep, with headphones in, on the top floor of the block. Without the patrol doing their job correctly, it was impossible to trust in our safety. They were only around at night time, so calling the Housing Association to log an ineffective watch seemed a pointless exercise as it wouldn't be reviewed until the following day which may be too late.

Intrusion

Contractors were on site throughout the day, from early morning till the evening. They appeared without warning at my sixth-floor windows. I couldn't escape and get any privacy, even with the blinds shut it felt intrusive. It was uncomfortable nursing my six-month old, or changing my 18-month old. In the middle of summer, it got excruciatingly hot but I couldn't open the windows because the fine, dust-like, metallic particles from the cladding were blowing in, a certain health risk for my children's lungs. My balcony was covered in rubbish and cigarette ash and butts, nothing was swept down. We lived trapped in a greenhouse.

Noise

I will never forget the grating, screeching sound of metal cladding being torn from the building, the clanking of tools, the loud voices, shouting, not-safe-for-kids rude jokes, and inappropriate language. This was horrific at most times, and my breaking point came after three weeks of sleepless nights with the children and then contractors working in the morning. There was a great deal of stress, frustration, and anger. I requested countless times that work on my floor was scheduled to allow for some downtime, but there was no room in the schedule for consideration to new parents. >>>

***Deepa Mistry** shares her real-life experience as a resident living through remediation*

Deepa Mistry, FCCA, CEO of Building Safety Crisis Ltd

Deepa is a Senior Financial professional and NED, STEM role model, mother of three, and leaseholder affected by dangerous building cladding. Deepa is heavily involved in the Polluter Pays legislation and was a winner of the 2022 Women in Fire Safety award for Education. Her aim is to make the residential environment safer for all, regardless of race, gender, and social background.

linkedin.com/in/deepa-mistry-fcca/

Temperature

It was either too hot or too cold. Those who live in blocks in London during summer will know exactly what I mean. In the UK, it is not the standard to build homes with an AC, however in the summer my apartment often reached 43°C. The heat rose from the street and opening windows and balconies would only let in more heat. There was no escape. During the winter our block had been left stripped of all cladding. The block was effectively naked, covered with membrane that was a thin sheet of plastic to 'exclude' the weather. The winds tore or noisily flapped the plastic and the outside sounds were much louder. It was much colder as the block didn't retain any heat and residents used far more heating than is usual for a high rise in winter. The block was also in permanent darkness once the membrane went up.

Use of essential facilities

Our only lift was regularly unavailable as it was utilised for contractors or out of order whilst works were carried out. Without notice or warning, I would be forced to use the stairs (six flights) with a pushchair and two children. Following calls to the Housing Association, I found an empathetic ear who suggested I ask the contractors to help me carry my bags and pushchair up the six flights. A more considered approach would be to understand the vulnerability of residents and take this into account when planning works. Being watched regularly struggling with two children, a pushchair, and shopping in the stairwell was intimidating, and could have been an unsafe situation.

Housing Associations and building owners need to make sure leaseholders are not forgotten when remediation work is taking place. They are the ones in the eye of the storm, caught up in the centre of a mess over which they have no influence or control. Simple solutions such as security helplines, extra cleaning, and help maintaining a liveable temperature all year round would have made a huge difference to our experience.

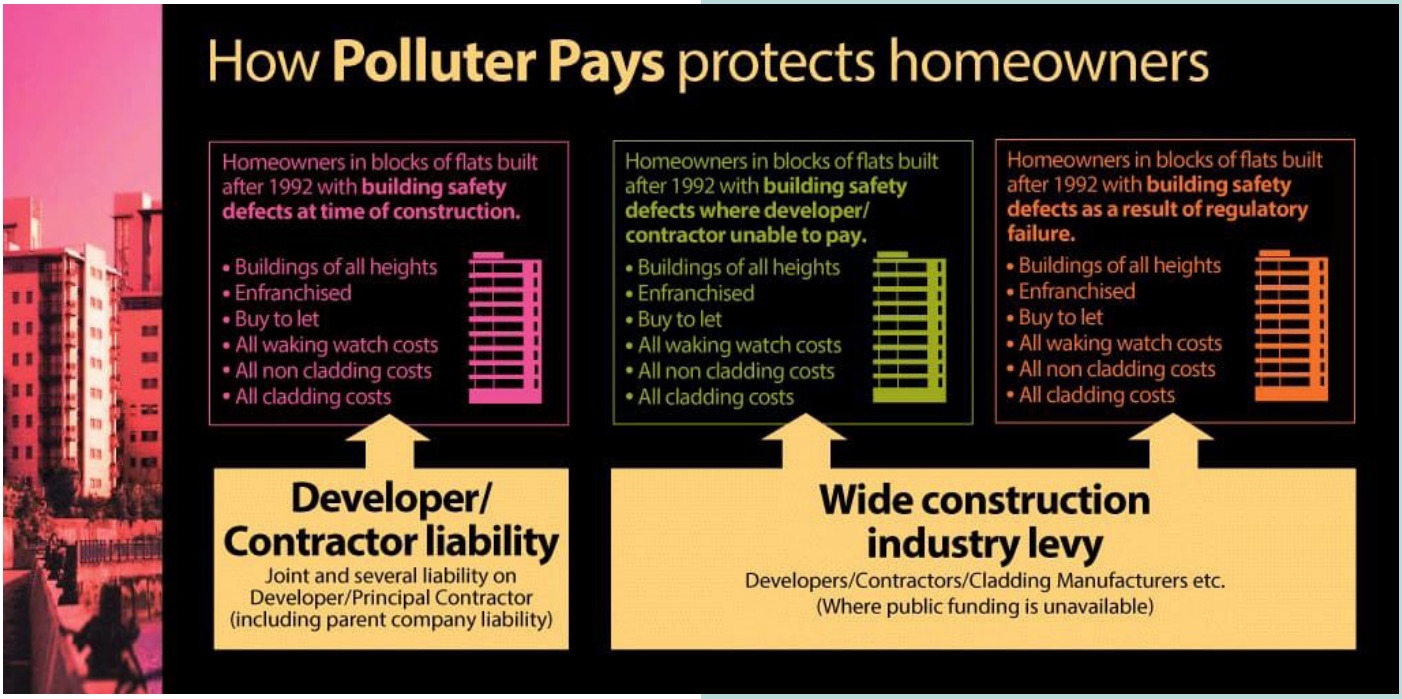
Post-remediation problems

By mid-2018, the Housing Association had completed the works, and the joy my husband and I felt watching the scaffolding coming down was immense. We were expecting our third child and things felt much brighter. I wanted to experience some normality and enjoyment in having my beloved home back before we looked to move. I felt stronger, confident, and excited to begin a new chapter, so started the sales process shortly after my son turned one. The Housing Association was only too happy to get the ball rolling, and then proceeded to let my block know that it didn't have the new EWS certification that a lender required to issue a mortgage to a buyer.

At first I couldn't believe my eyes, thinking '*this can't be happening to us*'. I thought it must be a generic letter sent to all estates with the Housing Association, but it was not. I was in shock and lived in denial for a few days. We had had the remediation works done, the block had been passed as safe by the inspecting team in 2018 - none of this made any sense. The Housing Association made no direct contact to explain why this was a problem for our block, and it required my reaching out, and several conversations, to try and understand why this issue applied to us.

My heart sunk when I heard the likelihood of obtaining an EWS was estimated around 5-10 years. The thought of being

"The thought of being trapped, being unable to move, with potential leaseholder loans of £100k+, the risk of bankruptcy, and losing my investment in my first and only home was unbearable."



trapped, being unable to move, with potential leaseholder loans of £100k+, the risk of bankruptcy, and losing my investment in my first and only home was unbearable. On top of these were worries about the actual safety of my apartment for my three children. A go-bag with essentials was permanently at the door in case we had to run, and I practised evacuations in my head when I couldn't sleep, which led to the inevitable cycle of being unable to sleep. I no longer felt safe in the home I thought to be safe, was later found to be unsafe, was made safe again, and then potentially unsafe. Just imagine the pain, anxiety, and unsettling feelings this causes.

My GP wrote to the Housing Association to explain my experience in medical terms and the school wrote about the nervous impact it was having on the children. We were eventually given permission to sub-let the apartment, which allowed us to move closer to my parents to get the support we so desperately needed. I immediately felt safer not living in the block, was able to sleep without panic attacks, and could function without obsessing about evacuation.

I had built a community with many leaseholders trapped like myself. I found their stories equally heartbreaking and I felt I needed to do something. Peter Mengerink, a fellow leaseholder, and I set up Building Safety Crisis Ltd as a platform to bring the community together and provide a one-stop shop for planned developer protests. We kept the community up to date with any relevant changes and began our biggest campaign to date – working with Steve Day on the 'Polluter Pays' legislation.

In 2022, Polluter Pays was debated extensively in the House of Commons and House of Lords, and elements of our work have made significant improvements to the Building Safety Act, such as the way Special Purpose Vehicles (SPVs) are dealt with. It made the government take a long hard look and remove the proposed bankrupting Leaseholder Loans. These actions are welcomed but do not go far enough as there are many leaseholders excluded from any protection.

In 2023, the Polluter Pays legislation is being tabled by the Earl of Lytton as an amendment to the Levelling Up and Regeneration Bill. This can protect all leaseholder groups that are excluded from current legislation (those in buildings of all heights; reimbursing waking watch, cladding, and non-cladding costs; blocks where the developer no longer exists; and leaseholders with more than three properties). In an ideal world, the best solution would be for the government to forward fund works and get things moving, however HM Treasury has made it clear it will not release any further funding. If it did, it would still exclude many leaseholders and take a considerable amount of time. We have been waiting for over six years, and face an urgent situation as people are living in dangerous buildings. During this time, there have been over 25 fire safety-related full building evacuations.

Polluter Pays ensures all buildings are checked, liability is correctly assigned, and dangerous building work is no longer able to continue. Liability through individual building determinations outside of using the courts is a fairer and quicker way to bring in more money, whilst the expanded levy will hold the cladding manufacturers accountable for their part in the building safety crisis.

Without the Polluter Pays protections, blocks will continue to be un-remediated, cause untold stress, a mental health crisis, and delay lives further. My final message is to the CEOs of all Housing Associations, developers, and builders: In order to improve the resident experience, you must first live through it. I implore you to see life in an unsafe building through my eyes and use that to ensure that what you are doing is good enough. ◀

Making things clear

GLASS HAS been used for fire resistance in buildings since the introduction of wired glasses in the late 1920s. Knowledge and materials have evolved significantly over the years and the specific requirements for providing passive fire protection, together with natural light, to the myriad of new and existing building types means that offering a piece of safety glass held in with a timber bead will no longer suffice. This often misunderstood area of passive fire protection plays an important part in the safety of buildings, but has developed out of the fenestration industry, where the expertise lies in other areas, such as energy performance, security, and ventilation.

Whilst there are several systems on the market, much of the construction industry has made little effort to understand the specifics of fire rated glazing systems, perceiving them to be much the same as 'traditional' windows. Consequently, there has been little control over the supply and installation of these products historically, and as a result, there will undoubtedly be undiscovered issues hidden in plain sight, which can lead to problems identifying glazing systems in need of remediation.

Compliant glazing

The use of glazing within Approved Document B (ADB) is potentially complex to understand, but in simple terms tables B3 and B4 define the level of fire resistance required in specific locations within differing building types. Unless the scheme designer is adopting an alternative approach, it would follow that glazed elements would need to satisfy these requirements. Table B5 then further identifies allowable locations for the use of uninsulated glazed elements on escape routes.

As the culture and legislation around the safety of buildings evolves, there will be many responsible persons keen to ensure they have things up to date and correct. In practical terms, this will include making sure that fire risk assessments are routinely undertaken and that the information pertaining to building safety is held as we work towards the Golden Thread.

Based on the requirements of ADB it should be possible to understand the application – be it for compartmentation, protecting a means of escape, or protecting a boundary – and the level of protection required in a given situation.

For new buildings, where the focus is on design and specification, the expectation is that there should be a reasonable level of understanding to deliver a building that is compliant. However, given the generally poor knowledge surrounding these products, it may be difficult for a fire risk assessor to determine if what is in place will meet this.

ADB offers a *Guide to Best Practice in the Specification and Use of Fire-resistant Glazed Systems*, published by the Glass and Glazing Federation, as a source for further information. Whilst not fully comprehensive and long overdue for an update, it provides a good place to start.

Identification of fire rated glazing

There are very few specialist companies on the market for these products, but it is worth bearing in mind that the levels of understanding and competence within these organisations are greater than those of general glazing companies. These experts are often approached to help inspectors and fire risk assessors understand what glazing products they are being asked to look at.

Whilst it is not always possible to identify the system used, there a number of basic factors that help understand what is in place.

Firstly, is the glass marked? On the most basic level, fire resisting glass should be marked with the name of the manufacturer and the name of the product. Ideally, it would also contain the product standard the glass meets and the impact safety rating. If the glass is clear and carries no mark, then it should be assumed that this glass will provide no fire resistance. >>>

Example of a glass mark label, courtesy of Pyroguard UK Ltd

***Andy Vooght** looks at the use of fire rated glazing for passive fire protection in residential buildings*

Andy Vooght, Sales Director, OWS Fire Rated Ltd

Having worked in the construction industry for over 20 years, Andy entered the world of fire protection in 2016, when he joined Coopers Fire Ltd. Moving to OWS Fire Rated in 2019, Andy has assisted their transformation from a glazing contractor that also made fire rated products, to become a highly regarded, specialist partner for a growing portfolio of clients and contractors.

As these are glazing systems rather than just glass, to understand if the installed product is fit for purpose it is necessary to also identify the framing system and wall construction. This begins with examining how the glass is fixed. Typically this would be into a timber, steel, or aluminium framing, which is then fixed into the structure. It is also vitally important to understand if there is appropriate test evidence for the size and configuration used at the level of protection required.

It is also necessary to identify and understand the substrate into which the frames are being fixed to determine if the frames are correctly specified and fixed. Typically there will be limitations due to testing rigid or flexible constructions. It is also important to establish that an appropriate perimeter condition has been used.

Evidence should exist for product classification against EN 13501-2, or ideally the scope would be covered by third-party certification (e.g. Certifire). We must remain mindful that much evidence for such systems would have been provided on the basis of technical assessments. The Passive Fire Protection Forum (PFPF) released its updated *Guide to Undertaking Technical Assessments of Fire Performance of Construction Products Based on Fire Test Evidence* in 2021 and the basis for opinion has evolved. As a consequence many previously allowable options are no longer permissible due to lack of primary test evidence.

Finally, an expert will want to see evidence of how the installer of the system can evidence competence. As these installations differ greatly from traditional glazing installations, specialist knowledge is required to ensure that elements are fixed and finished in the appropriate manner. Simply having done this for a long time will not suffice and third-party certification exists for installers – e.g. FIRAS, which audits an installation company's knowledge and capability on site, as well as the record keeping of installations.

For current installations, requirements under Regulation 38 exist for the installer to provide the fire safety information to the responsible person. If such records do not exist, there will be doubt that the intended protection is fit for purpose.

Understanding the requirements

Where the requirement exists to introduce or replace such products, how should this be approached? For this, OWS have developed the following check list:

- What glazing is required? Windows, doors, sizes, and configurations
- Why is fire rated glazing required? To protect means of escape/compartmentation/boundary protection
- Is the glazing internal or external?
- Direction of fire

Protecting means of escape

- What structure is the glazing being installed into? Rigid or flexible, and what substrate?
- What fire rating is required to provide the correct fire protection? EI (Integrity and Insulation) at 30/60/90/120 minutes
- Is it a new building or refurbishment project? i.e. any potential removal of existing glazing
- Are there any specific access requirements?
- Are there any other glazing performance requirements?

Armed with such a brief, it will be possible to understand what is required and more importantly what can be offered. As historic certification or classification reports lapse, and as certification bodies update their basis for opinion in line with the latest guidelines proposed by the PFPF, there may be changes to the scope of manufacture. It is important that manufacturers have access to these latest details, rather than assume products are still compliant simply because it was permissible in the past.

Glazed curtain walling/rainscreens are even more complicated and should only be fitted by suitably competent companies. The complex requirement to maintain slab edge and fixing bracket protection requires a very detailed level of understanding.

"Fire rated glazing for passive fire protection in residential properties is a complex subject and is poorly understood by most within the world of construction....."

Specialist suppliers – what does good look like?

With the impending arrival of secondary legislation around the Building Safety Act, those responsible for procuring such work will be highly sensitive to the supplier in terms of compliance of the products used and competence of the organisation offering this. Clearly there are a range of suppliers offering these products, so how can one distinguish between suppliers? There are four key areas that highlight differences:

1. **How specialist are they?**
   As fire rated glazing products account for a single figure percentage proportion of the fenestration industry, there are a number of companies offering these products where it might be only 10% of their business. You're far more likely to get a compliant solution if all the individuals within the organisation are used to dealing with these products.
2. **Do they understand fire protection?**
   How can the supplier demonstrate appropriate understanding of passive fire protection? Membership of nationally recognised bodies, such as the ASFP ensure the company meets the stringent requirements for entry, and have made a commitment to submit to additional, ongoing training. This includes a requirement to attend live and virtual events to keep abreast of the evolving landscape around the world of fire protection. Additionally, individual experts can study for level 1, 2, and 3 qualifications in PFP awarded by the Institute of Fire Engineers.
3. **How good is their record keeping?**
   A high-quality fabricator of glazing system products will include manufacturing audits as required either under the companies ISO 9001 responsibilities, or in line with third-party certification. This will provide a permanent record of what has been made, who has done what, and their suitability for doing so – a critical component of the Golden Thread.
4. **How can they evidence installer competence?**
   As there no mandatory qualifications or certification for the installation of these products, there is a risk that (even with fitting instructions supplied) they could be incorrectly fitted and the performance seriously compromised. As these systems are much broader than fire doorsets, there is little formal training available to evidence competence. The FIRAS installers scheme is widely acknowledged to offer the most comprehensive third-party certification for the understanding and record keeping of passive fire protection installation. Member organisations are required to undertake detailed audits of installations and submit details of all jobs undertaken for random inspection to ensure expected standards in fitting quality and record keeping are being maintained. Many clients now insist on this as a demonstration of good practice.

Fire rated glazing for passive fire protection in residential properties is a complex subject and is poorly understood by most within the world of construction.

Supplying organisations must invest in the development of resources to provide better products and competent people to ensure buildings are built, made, and remain safe.

Fire rated glazing in swimming pool

Sprinklers save schools

Ralph de Mesquita, Technical Team Leader, Zurich Resilience Solutions

Ralph de Mesquita is the Property Technical Manager for Zurich Resilience Solutions. Ralph joined Zurich Insurance in 2007 as a risk engineer, completing many property surveys of school buildings during this time, including post-loss surveys.

***Ralph de Mesquita** examines the vital role sprinklers play in combating the risk of arson and fire spread in school buildings*

SCHOOL FIRES are a serious issue that can have devastating consequences for students, teachers, and communities. In England, Home Office figures show 219 primary and secondary schools were damaged by blazes in 2021/22, compared to 162 the year before – an increase of 35%. Six schools suffered damage to the "*whole building*" or "*more than two entire floors*", and according to claims data from Zurich Municipal, major school blazes can cost up to £20 million.

Many schools do have combustible construction, and we are seeing new school buildings constructed with highly combustible and lightweight materials. As insurers we would always advocate non-combustible construction especially in higher risk areas, but unfortunately, we are still seeing decisions being made to include combustible construction. These include:

- timber cladding on timber battens with combustible vapour membranes
- high pressure laminate panels which do not even have the fire retardant properties that higher performing, but still combustible, panels have
- lightweight render systems with highly combustible expanded polystyrene insulation
- combustible insulation behind lightweight cladding systems.

To combat a fire spreading into a building a suitable sprinkler system that is designed, installed, and maintained to BS EN 12845 incorporating Technical Bulletin 221 (TB 221), Sprinkler Protection of Schools, should be installed. Even with a sprinkler system installed, external combustible materials must be controlled or the sprinkler system may need to be extended (e.g. underneath canopies that meet the requirements stated in TB 221).

To protect school pupils and buildings, the government in Scotland and Wales mandate the installation of sprinklers in all new and majorly refurbished schools. However, in England, these rules are not in place – creating an inequality in fire safety standards. Zurich Municipal is campaigning for the government to make sprinklers mandatory in all new-build and majorly revamped schools.

The current wording of Building Bulletin 100 (BB100), the design guide for fire safety in schools, states that there is an expectation that sprinklers will be installed in new schools in England. However, just 8.5% of new schools built between 2015 and 2021 were sprinklered (21 of 248 schools), and 14.7% of majorly refurbished schools between 2015 and 2021 were sprinklered (69 of 468).

In 2021, the Government consulted on changes to BB100, yet, disappointingly, it only recommended mandating sprinklers in new SEN schools, new school buildings over 11m in height, and new boarding accommodation.

Sprinklers in schools are arguably becoming even more important. Sprinklers can mitigate the emerging fire risks associated with buildings constructed using modern methods of construction, which is rapidly changing the way we build schools, including the increasing use of combustible materials.

Timber frame and modular construction might have a lower carbon impact than some more traditional building methods, but it is also clear that such contemporary construction methods can be less resilient to fire, underlining the urgent need for mandatory sprinkler protection in all new-build schools.

Arson threat

Arson, or wilful fire raising as it is known in Scotland, also remains a major problem for schools. While losses can strike at any time, there is an increased risk of arson at certain periods of the year. Analysis by Zurich Municipal found that between 2015 and 2020, the number of school fires in August was 44% higher compared to the average across this period. With many school buildings empty over the summer break, fires can potentially take longer to discover, resulting in more severe damage.

There are many motives behind arson losses in the school built environment. The following examples are based on a sample of actual losses:

- Deliberate ignition of combustible materials with a view to damaging school buildings, although there is evidence to show that the consequences of fire setting and the level of damage caused are not necessarily expected or planned by the individual(s).
- Starting fires when under the influence of alcohol or drugs. The degree of recklessness in the fire setting as well as the perceived excitement or riskiness in the fire setting can have an impact.
- At the other end of the spectrum, rather than arson, fires may be started for other reasons but then spread to the building e.g. in one case a tealight was used to provide light but it then started a fire, which spread to the classroom via plastic materials
- We have also seen, although rare, arson to cover up break-ins.

To reduce the risk of an arson loss, schools should take a combination of measures:

1. Restrict or deter access onto the site e.g. good quality fencing and gates to restrict access with CCTV to deter access.
2. Limiting access to combustible materials is extremely important e.g. keeping bins in a secure compound 8-10 metres from the building, ensuring litter bins are fixed, emptied at night, and are 3 metres from buildings.
3. Assess specific site features that may increase the arson risk e.g. providing easy access onto roofs that lead into secluded areas of the school where detection is likely to go unnoticed.

Many school arson attacks are unplanned and opportunistic in nature. Therefore, the decision-making of individuals before the arson loss takes place will be very heavily influenced by what they know or see on-site. For example, a contractor's waste skip that is placed against a building on a route through the school grounds will be considered an extremely high arson risk – and is one we continue to see.

The need to separate out waste in schools has created an increased need for waste bins, many of which are of combustible plastic construction. For convenience purposes, these are often located close to buildings, especially in the school kitchen area, even if there is a main bin compound that is an appropriate distance from the main building.

External combustible materials at schools can often be considered in the following categories:

- Main bin compounds

- School kitchen compounds
- External litter bins
- External canopies with combustible learning and play items underneath, particularly at primary schools
- Ad hoc external combustible storage e.g. timber pallets following a delivery
- Contractors waste skips and combustible construction products
- School transport vehicles.

As can be seen from this list, there are often numerous opportunities for potential arsonists to be provided with a ready source of combustible materials.

The controls that are needed to mitigate these risks are often relatively inexpensive but are not always implemented due to the convenience of having bins close to the building and the perception that risk is low. The additional work involved having to move combustible materials back inside the classroom at the end of the day, or the cost/inconvenience of setting inside locked metal containers, can be another reason for non-implementation.

In terms of additional fire controls for schools, making sure any intruder alarms and other security measures are activated, with adequate coverage, and are operating correctly will provide some additional benefit for those times when the building has been broken into. Any staff on the premises should be reminded to keep all external doors and windows to unattended areas secured whilst inside to avoid intruders getting in.

The site security should include a 360-degree view of the security from the perspective of the would-be arsonist and those trespassing on the school grounds including:

- railings, low rise walls, and other climbing aids that give easy access onto flat roofs
- the presence of secluded courtyard areas and not assuming that combustible materials in these areas are out of reach
- canopy areas will be particularly attractive as they offer shelter and seclusion
- proximity of buildings from residential areas and whether they are overlooked
- whether inner fencing/gates may be appropriate
- early warning signs – graffiti, damage to fencing, fires in bins away from buildings, evidence of trespassing.

Schools expecting deliveries for computers or other valuable equipment should be careful how they dispose of the packing. Not only can this provide a means for starting a fire, but can also be an obvious advertisement of new, valuable, and desirable contents.

When a CCTV system in place, it should be ensured that it is functioning correctly and, where possible, arrangements should be made for remote monitoring that will summon an immediate response should an incident occur.

Regular monitoring of contractors on site should ensure they are following arrangements in respect of security. The management of waste must be agreed with contractors and designated areas provided. If this is not possible then consider daily waste removals or locked metal skips. Fire alarms and sprinklers can often get disabled by contractors or visitors during breaks – checks that these are fully functioning should be made as part of any permit to work system.

The risk assessments involved in determining these threats are often based on life safety and we would always support this. Assessments, however, should go beyond this and extend to property protection goals. Once combustible materials are set alight then the risk of fire spreading into the building will depend on a number of factors, but clearly combustible construction will aid fire development and spread.

By carefully assessing the arson risk on a site-specific basis many controls can be introduced that will significantly reduce the risk of arson, or wilful fire raising, occurring.

Whilst the short-term costs of a fire such as the loss of facilities/equipment and the need to rent temporary accommodation can be calculated, the longer-term effects such as disruption to the education of children are much harder to quantify. The installation of sprinklers can go a long way to preventing such a loss. ◀

Wise up to waking watches

THE TERM waking watch has become common parlance in the aftermath of the Grenfell Tower tragedy, but records of this type of fire safety initiative date back as far as 1910, when the early detection of fires by the US Forest Service became a priority. 'Fire watches', as they were then termed, were manned from lookout towers to detect smoke across the forest canopy.

In the UK, fire watches were implemented during World War II. In 1940 fire authorities selected and trained 'Supplementary Fire Parties', and it became compulsory for the occupiers of commercial and business premises to always have 'fire watchers' on duty.

Historically used as a form of defence against wildfires or fires triggered by bombing during the war, waking watches may now be rolled out for a variety of reasons:

- ***Failure or disruption to a fire alarm system or active fire system:*** A waking watch response is a short-term solution before a repair of the system is carried out or building works completed. A suitable procedure is required so that the fire warden is fully aware of how to raise the alarm in case of fire and whether they need to initiate an evacuation or not.
- ***Hot works:*** Works which involve the application or generation of heat, e.g. cutting, brazing, welding, or soldering, may be subject to a 'Permit to Work'. This could require a fire watch to be in place, both during and after the activity.
- ***Combustible cladding:*** Since the disastrous fire at Grenfell in 2017, which claimed the lives of 72 people, waking watch frequently alludes to a temporary measure to mitigate the risk associated with combustible external walls in high-rise residential buildings, where a Stay Put evacuation strategy is deemed to be unsafe.

Pros and cons

The use of waking watches has been a necessary response to the building fire safety issues raised as a result of the cladding scandal. It can be initiated quickly to avoid resident upheaval, stress, and prevent occupants being forced to vacate homes and be rehoused, with all the associated costs. For certain tenure of property, staff can also easily be utilised for waking watch duties, provided they receive the correct training.

However, waking watch systems have a considerable number of issues and disadvantages, making them suitable only for short-period use.

Leaseholder relations

The implementing of a waking watch can add anxiety and stress for both leaseholders and social landlords, especially since it is frequently unknown when the safety issues for a building will be remediated and consequently, when the waking watch will be removed or downgraded.

Having a waking watch in place for an extended length of time can initiate apathy amongst residents. Persons are often reluctant to evacuate a commercial building, for a fire drill or otherwise, and this is greatly magnified in a residential location, especially at night. Coupled with this issue there is also diminishing public confidence in the Stay Put policy. While there are clearly issues with the materials used within some building construction, the general principles of a Stay Put policy remain relevant but much is needed to instil renewed confidence in the guidance.

One reported criticism of waking watch wardens is that they often fail to communicate with residents. Regularly assessing the changing needs of residents, or just offering peace of mind and a caring word, can go a long way to alleviating concerns. The NFCC document, *Guidance to support a temporary change to a simultaneous evacuation strategy in purpose-built blocks of flats*, 4th Edition, published August 2022, lays out suitable guidance.

Role of fire risk assessments

Another problem that has arisen relates to insufficient fire safety management/risk assessments being carried out. At Clear, we are regularly asked to inspect buildings where the evacuation strategy has been temporarily changed, but we see that Fire Action Notices will still state Stay Put, or where Stay Put and Simultaneous Evacuation notices are both in place, sometimes next to each other. Also, the management of balconies, in particular the use of BBQs on them, is also >>>

Vince Payne examines the pros and cons of implementing a waking watch in dangerous high-rise residential buildings

Vince Payne, Head of Fire Safety, Clear Safety & Compliance

Vince is Head of Fire Safety at Clear Safety, who specialise in safety, compliance, and risk management. Prior to joining Clear, Vince spent nearly 27 years with Essex County Fire & Rescue Service, and 20 as Watch Manager.

info@clearsafety.co.uk
www.clearsafety.co.uk

frequently missed within the fire risk assessment.

Fire risk assessors play a significant role in terms of their responsibility in delivering recommendations. Unsurprisingly, post-Grenfell there has been a huge shift to a risk-averse culture. Consequently, a fire risk assessment will often be prescriptive in nature and lose track of the reason for the assessment in the first place - a means to identify hazards that create a life safety fire risk. This can often lead to expensive recommendations and remediation projects that are not required, which in turn impact on budgetary planning and resourcing.

In one instance, an FRA incorrectly proposed a waking watch, costing a council over £1 million. Fire risk assessments can be overly pessimistic on the deemed requirements, resulting in excessive expenditure on an unnecessary or excessive waking watch. The combination of a poor risk assessment together with a lack of communication between council departments can, therefore, have major budgetary ramifications.

A lack of experience, or a 'cut and paste' approach to reporting is also on the increase. Increasingly, risks are flagged without providing reasoning or rationale, nor include a possible alternative action to mitigate that risk or any practical remedial solution. A more proportionate and risk-based approach to fire risk assessing is needed.

Competence and training

Although the training of operatives has largely improved, there are still situations where waking watch personnel with inadequate or no training are employed. Clear believes that a standard fire warden course, undertaken every three years, is wholly inadequate as a provision for waking watch and training should be more site specific. The correct level of patrol and pre-requisite information is also not always obtained and disseminated. Assuming that a suitable appraisal of the external wall system/cladding has been conducted (as per PAS9980), the following should be considered:

- Review existing fire risk assessment/carry out a site-specific risk assessment and establish a risk matrix.
- Consider all persons requiring additional evacuation assistance i.e. PEEPS and effectively engage and communicate with residents.
- An appropriately trained person should develop the new fire evacuation policy.
- A rendezvous point should take into consideration suitability of location and the numbers of people expected to converge there.
- Advice from the local fire service should be sought at an early stage.
- Plan for and implement regular reporting and reviews of risks/communicating with residents.

Another issue that impacts waking watches is the lack of fully qualified fire safety trades to complete the remediation work required to end the need for them. Together with an uplift in actions, and the subsequent pressure for these to be closed, this can lead to inappropriate and often excessive works being carried out. Contractors are often left to provide their own interpretation of required works, hindered by unclear or vague commentary within the fire risk assessment.

All too often, although work is issued to contractors who carry the relevant third-party certification which demonstrates competence to undertake the project, the sub-contractors they employ to complete the work do not possess the relevant accreditations or knowledge. Similarly, there are regular instances where electricians are called upon to fit fire alarms when this type of work should only be awarded to a qualified fire alarm engineer.

While Clear welcomes the new legislation regarding regular inspections of fire doors in the residential sector, there are questions over who will actually carry out these checks. We have already seen both ends of the spectrum, with some overzealous reporting on doors not even required to be fire doors on one hand, and at the other end of the scale, ignorance or omissions of serious fire door issues. In addition to this new legislation regarding periodic checks of passive fire protection, as in fire doors, Clear believes that a better understanding from maintenance and installation contractors is required. This is due to the fitting of alarms, satellite installations etc., which can cause breaches within the building's otherwise compliant compartmentation.

To enable waking watches to be ended, it is vital that competent and fire safe remediation work is able to be carried out.

Who pays?

Waking watches can be extremely expensive. As well as the obvious employment costs, there may be additional expenditure, such as temporary office units and toilets, radio/telephone systems, and on-going training expenses.

Costs for this type of activity will be determined by the size of building(s) and the number of waking watch wardens

"One reported criticism of waking watch wardens is that they often fail to communicate with residents. Regularly assessing the changing needs of residents, or just offering peace of mind and a caring word, can go a long way to alleviating concerns."

required. Location is also a factor. According to government figures*, the price of a waking watch in London is a third higher than elsewhere and the median monthly cost for a waking watch is over £11,000 per building and £137 per dwelling.

There have been several legal cases where leaseholder groups have questioned the cost of a waking watch and even challenged the findings of the external wall cladding assessment which triggered the temporary requirement in the first place.

In addition, there are numerous ongoing cases which relate to who should be liable for the payment of any waking watch activity, with leaseholders keen to invoke the NHBC Buildmark warranty or their building insurance cover as a means of covering the costs.

Two funds exist to cover leaseholder costs to remove the requirement for a waking watch by fitting a suitable fire alarm system - the Waking Watch Relief Fund and the Waking Watch Replacement Fund.

Alternatives to a waking watch

The preferred course of action is to provide an immediate remediation of hazards to reduce the risk of external fire spread. Where this is not achievable an alternative to a waking watch is to consider the installation of a temporary alarm system which represents a cost-effective interim solution. The latest version of the Simultaneous Evacuation Guidance (SEG) states a timescale of six months for the implementation of a planned transition away from a waking watch.

Any such fire alarm system should be designed in accordance with BS 5839-1 for a Category L5 system, except that the sound pressure level of the fire alarm signal within flats need only be 85dB(A).

Correctly fitting an alarm can be a difficult exercise due to correctly specifying a system where parts are freely available, and to issues relating to obtaining access to flats to fit detector heads. Difficult access can also hinder carrying out the correct servicing regime.

Latest government studies suggest that the fitting of a suitable fire alarm system meets the cost of a waking watch within three to seven months, and one case study indicated that the cost of the waking watch exceeded the cost of a fire alarm system within six to eight weeks, dependent on the type of system installed**.

It should also be mentioned that while the fitting of an alarm system may allow for the removal of a waking watch presence entirely, this should be based on a review of the fire risk assessment and a recommended 'sign off' by the local fire authority.

Another course of action to avoid a waking watch would be to make permanent changes to the evacuation strategy, but this does not represent a relevant and safe response in the case of a purpose-built block of flats, where the Stay Put policy should be adhered to.

**Building Safety Programme: Waking Watch Costs*
*** Building Safety Programme: Waking Watch Costs (January 2021)*

RISCAuthority guidance

Adrian Butler discusses rooftop-mounted PV Solar Systems in this Need to Know Guide RE3

GLOBALLY, PV (photovoltaic) solar is one of the fastest growing, most reliable, and most adaptable forms of electricity-generating technology available. The incidence of fires involving PV systems is very low, however, the addition to a building of a PV system which is not correctly designed, installed, or maintained could, like any electrical service, add to the overall risk of fire.

There are two principal types of PV system: rooftop and ground mount systems. Rooftop systems range in size from a few PV modules (1 kilowatt-peak (kWp)) on a single dwelling, up to several thousand PV modules (5 megawatts-peak (MWp)) on larger warehouse-type applications. Ground mount systems can range from a few kW up to several hundred MW and can cover huge expanses of land.

This concise guide supports RISCAuthority RC62: *Recommendations for fire safety with PV panel installations*, 2023, which covers a range of PV solar equipment and arrangements. The recommendations presented focus on commercial and industrial rooftop PV installations but have relevance to PV systems in general.

RC62 (2023) was developed as a Joint Code of Practice by RISCAuthority and the Microgeneration Certification Scheme (MCS), with the support of Solar Energy UK.

The main elements of a typical rooftop battery hybrid PV solar system are shown in *Figure 1*.

PV modules are typically made of a thin layer of semi-conducting material between a sheet of glass and a polymer resin/glass backing, fitted in an aluminium frame. They are then clamped to a metal frame, typically made of aluminium. That frame is, in turn, attached to the roof either with mechanical fixings, or secured with ballast. Ballast avoids issues around roof weather-tightness, especially for retrofit systems, but can be problematic if the roof structure deflects under the weight.

Battery energy storage systems (BESS) provide a constant energy supply from variable sources of energy such as solar power. Fire safety advice for these systems can be found in the RISCAuthority Need to Know Guide RE1: *Battery Energy Storage Systems (BESS) – Commercial Lithium-ion Battery Installations*.

Hazards

PV installations are essentially 'solid state' systems, with a low frequency of failure and are consequently less vulnerable to wear than rotating machine generators as they have no moving parts. However, they may comprise hundreds or thousands of electronic sub-components which, despite having a high individual reliability and low failure rate, in combination present a significant potential for system faults which could result in fires.

Good design, equipment-selection, installation, operation, and maintenance are essential to minimising the incidence of component and system failures.

Adrian Butler, Principal Consultant at the FPA

Adrian, a Chartered Engineer, joined the FPA having previously worked in risk engineering in the global and risk-managed insurance sector.

He has developed technical guidance, fire and explosion models, and risk engineering-related software tools. He is Convenor of the RISCAuthority Risk Control Working Group.

Circumstances that have led to fire losses include:

- Moisture and water ingress into PV system components, such as DC and AC isolators, and combiner boxes, leading to short-circuits and consequent failure.
- A build-up of dirt and in particular bird droppings on PV panels, causing partial shading, leading to hot spots developing into faults.
- Failure of poor quality or incompatible components that were part of the initial installation, or subsequently fitted as spare parts.

When fires do occur in PV panels that support spreading combustion, these may spread between inadequately separated PV panel arrays, or via cabling that is not properly sealed within fire resisting cable ducts.

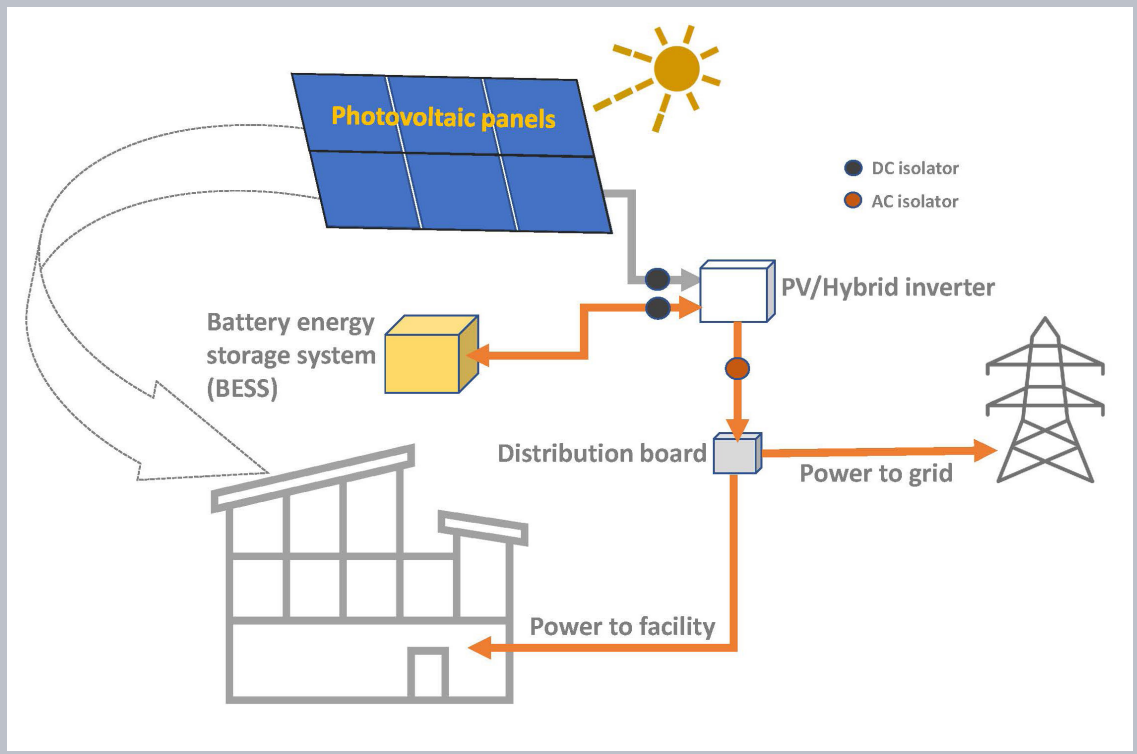
Where PV installations are secured using ballast weights, careful consideration of the roof structure and strength is required. Excess loading may lead to deflection of the roof and consequently to pooling of rainwater. The combined weight of ballast and rainwater could exceed the roof's design capacity, which in the worst case, can lead to a collapse. The basis of roof structural design should also account for potential loadings from snow and ice build-up.

Wind and storms can lead to damage to PV systems that have not been designed to resist peak wind speeds or other severe weather exposures. Suitable design references include BS EN 1990:2002+A1 *Eurocode: Basis of structural design* and BRE DG 489 *Wind loads on roof-mounted photovoltaic and solar thermal systems*.

Theft of equipment from rooftop systems, though achievable, is made difficult due to the height of the equipment and the fact that most buildings with this type of system are occupied; unlike ground mounted solar systems that are often located in unmanned, remote sites, making these sites more vulnerable to theft. RISCAuthority S33: *Solar farm security* is largely focused on ground mounted systems but remains a useful general reference for PV installation theft-security.

Fire and Rescue Service personnel should be aware that, even in absence of direct sunlight, PV panels produce a DC voltage from daylight and other light sources, including any floodlights used to illuminate a fire incident, even if the AC side of the circuit is isolated from the mains electrical supply. This continuing production of DC voltage may have to be addressed in the risk assessment undertaken before firefighting commences. In many existing installations, a DC disconnector for the DC cables on the roof is not provided. To help ensure the safety of firefighting personnel and facilitate fire fighting it is good practice, and may be mandatory, to install suitably located DC disconnection switches, aka fire service switches, to remotely isolate the DC side of the PV system. >>>

Figure 1: The main elements of a typical solar installation



Essential risk control recommendations for PV solar installations

These recommendations focus largely on commercial and industrial rooftop PV systems, but generally apply in principle to other types of conventional PV solar installations. Full risk control specification details for roof mounted PV solar systems are provided in RC62: *Recommendations for fire safety with PV panel installations*, 2023.

1. Carry out a suitable fire risk assessment.
2. Undertake a full consultation with the building owner and insurer.
3. Ensure there is a structural engineer's report to approve the PV installation for the building, taking into account the age of the building, the method of PV system mounting, and the avoidance of leaking roof penetrations and weather-related roof loads. Particular attention is required for ballast-based PV panel mounting systems, to avoid increased water-pooling on the roof due to flexing of the roof structure. It is also essential, for all roof mounted systems, that loadings from snow and ice build-up are fully assessed.
4. Ensure roofing materials are non-combustible* OR if installation on a combustible or partly-combustible roof is unavoidable, then apply a fire resistant covering.
   ** Class A1/A2 s1, d0 to BS EN 13501-1*
5. Aim to select PV panels made from materials with low propensity for spreading fire or producing burning droplets, following ignition.
6. System design and installation to be undertaken in accordance with the IET PV Code of Practice, MCS requirements, and industry good practice guidelines, using installers, engineers, and technicians holding relevant qualifications and certifications (ref. 1, 2, 3).
7. Where mandatory for compliance with BS EN 7671, OR to meet 'good practice' requirements specified by the client or insurer, provide a DC disconnection switch (aka fire service switch) to remotely isolate the DC side of the PV system. Locate the fire service switch in a prominent position that is readily accessible to firefighters (ref. 4). Section 5.5.6 of RC62 outlines when a fire service switch is mandatory.
8. Where a DC disconnection switch (fire service switch) is installed, implement switch-testing as part of planned maintenance.
9. Implement suitable operating procedures, and planned and preventive maintenance arrangements, for PV panels and associated power distribution equipment and cables; to include annual inspection of commercial systems by a competent person (ref. 5). Infrared (IR) thermography is an effective method to determine PV system health, and good practice to include in preventive maintenance arrangements.
10. Use only OEM appropriate spare parts for maintaining and repairing PV systems.
11. Install mains-powered automatic smoke detection, linked to the existing building fire detection system, in all areas inside the building in which electrical control equipment for PV installations is located.
12. Consider installation of water sprinkler protection in buildings on which roof-mounted PV systems are installed. Sprinkler protection is highly beneficial for the protection of property and should be considered for areas inside buildings where equipment associated with PV systems is installed, as well as for adjacent areas that are exposed by, or expose these areas to, fire.
13. Ensure that sections of PV panels mounted either side of a compartment wall (within the building on which the panels are mounted) are arranged with adequate fire separation, including (ref. 6):
    a. Avoidance of cables passing over the compartment/fire wall. If this cannot be avoided, install cables in fire-resistant cable ducts and shafts.
    b. Provision of a minimum distance of 2.5m between the PV modules on each side of the compartment/fire walls.
    i. A reduced distance is permitted if the

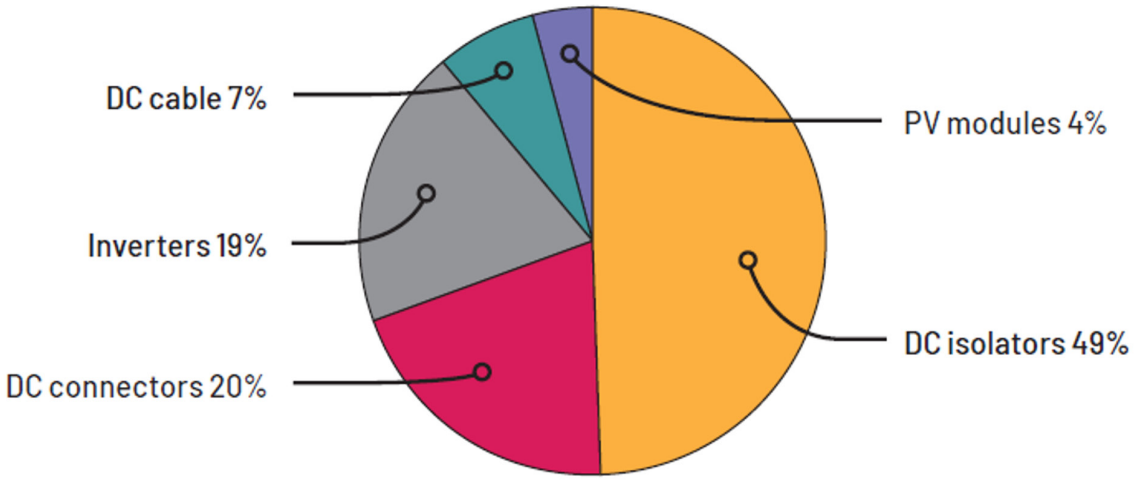
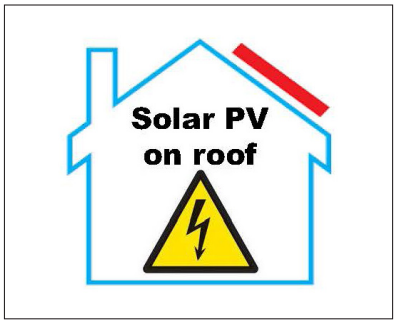


Figure 2: A study by BRE (2017), based on investigation of 46 incidents, identified the PV system components most likely to develop faults leading to fire incidents

potential for fire spread across the compartment boundary is considered low, based on a suitable risk assessment.
ii. For PV installations where the potential for a fire to spread across a compartment boundary is considered low, provide a minimum 1.2m separation between the PV modules on each side of the compartment/fire wall.

14. Suitably support cable runs to avoid sagging, flapping, or lying in areas where there may be a risk of pooling water, with cable connectors orientated to minimise the chance of water ingress. Also check cable routes for sharp edges and other aspects that may damage cables over time.
15. Ensure that the location of inverters is given careful consideration, with particular attention to providing adequate levels of ventilation as inverters can produce significant heat during normal operation.
16. Provide specific clear routes to facilitate safe access to the roof for servicing, maintenance, cleaning, and firefighting operations.
17. Prepare an emergency plan, including actions to be taken in the event of PV system fires, also ensuring:
a. there is adequate access for firefighters, including good site access for fire service vehicles
b. fire information grab packs are provided for the fire and rescue service at a prominent location.
18. Implement systems to avoid accumulation of windblown litter and leaves, around or beneath PV panels. Also, implement appropriate mitigation measures to control the potential impact of rodents, nesting birds, and other animals that can cause harm and alter the fire safety properties of a PV system.
19. Provide adequate protection measures for prevention of theft and vandalism (ref. 7).
20. Ensure that adequacy of lightning protection has been considered (ref. 8, 9).
21. Implement scheduled cleaning regimes for PV systems, the frequency of which should be based on a risk assessment. A major issue for PV modules is bird droppings, which will adhere to the modules irrespective of angle. Cleaning to be undertaken by suitably trained personnel, who follow a detailed risk assessment method statement (RAMS) for this work.
22. Provide adequate ground-level signage where PV systems on a building are not obvious from ground level, clearly visible for the fire and rescue service on arrival - see example below.



Solar panel fire on roof of Bristol science museum, April 2022

References

IET *Code of Practice for Grid-connected Solar Photovoltaic Systems* (referred to within this guide as the IET PV Code of Practice)
MCS001-1 *The MCS Contractor Standard – Part 1: Requirements for MCS Contractors*, Issue 4.1, 2020
MCS001-2 *The MCS Contractors Standard – Part 2: The Certification Process*, Issue 4.2, 2020
BS EN 7671:2018+A2:2022 Requirements for Electrical Installations. *IET Wiring Regulations*, 2022, BSI
Solar Energy UK, *Industry best practice manual 2.0: Guidelines for the operation and maintenance of rooftop solar photovoltaic systems*
CFPA-E Guideline No 37:2018 F *Photovoltaic systems: Recommendations on loss prevention*, 2018, The Confederation of Fire Protection Associations Europe
RISCAuthority S33 *Solar farm security*
RISCAuthority RC35 *Protection of buildings against lightning strike*
DTI *Photovoltaics in Buildings: Guide to the installation of PV systems* (2nd edition)

RISCAuthority

CROSS
COLLABORATIVE REPORTING FOR SAFER STRUCTURES

Overview

An issue has been raised with CROSS regarding the risk assessment process when scaffolding is present around an in-use building.

It is considered that combustible scaffolding elements can potentially facilitate external fire spread, and additionally impact the performance of some of the building's fire safety measures.

Key learning outcomes

Scaffold specifiers, building owners, contractors:

- Establish a matrix of design responsibilities to avoid confusion.
- Ensure communication between the teams so that all aspects of the design are fully addressed.
- Building control approval does not absolve designers from their responsibilities.

Report extracts

THE REPORTER is alarmed by the existence of *"numerous residential buildings operating 'stay put' procedures undergoing works that have scaffolding, formed of timber boards with plastic wrapping, which could present a medium for fire spread"*.

This introduction of combustible structures and elements around the external wall of in-use buildings presents a potential medium for fire spread which needs to be considered appropriately. It is also noted that other buildings with sleeping occupants or places of assembly may be affected by the same issue.

An additional complication that arises from the existence of scaffolding wraps, apart from their contribution to the heat release rate, is that it if the wrapping completely envelopes the building, then it can affect the capacity of ventilation outlets. The reporter thinks that the wrapping can trap the smoke within the scaffold structure and spread it to other parts of the building if the scaffold structure is not adequately ventilated. This situation may inhibit smoke ventilation, not just from designated ventilators, but also through the windows and other openings.

The reporter is of the mind that this fire scenario will change the Required Safe Egress Time (RSET), lowering it due to the increased rate of external fire spread. At the same time, the implication of the smoke control system's performance being affected by enveloped outlets will probably reduce the Available Safe Egress Time (ASET). If the RSET extends beyond the ASET, then that creates a potential risk for the safety of the occupants.

The reporter is concerned that the construction industry is not appropriately fire risk assessing this issue or taking reasonable steps to reduce the risk associated with scaffolding on in-use buildings. They go on to say that the risk from fire tends to be considered only in relation to fires starting on the scaffold, ignoring fires starting in the building and spreading through the windows to the scaffold. This arguably ignores the most likely risk, which builds a false sense of security in the construction industry and is reinforcing potentially dangerous practice which can be encountered across the country.

Their explanation on the underlying cause for this issue is that fire risk assessments carried out by Principal Contractors, or their scaffolding sub-contractors, are often generic and the reporter is of the opinion that *"Guidance issued by the Health and Safety Executive (HSE) is not fit-for-purpose"*. They support that statement by claiming that the HSE guidance focuses on risks associated with the scaffold as if it was a construction site. This is not the case, however, in occupied buildings, where there are fire hazards associated with the in-use areas of the building and these are currently not appropriately covered by the HSE's guidance. Consequently, contractors have a false sense of security that they are following the HSE guidance and suitably mitigating any risks. ◀

Safety report

CROSS-UK delivers its latest safety information and guidance, helping professionals to make structures safer

Expert panel comments

THE PANEL agrees that this is a concern. There are numerous residential buildings in the country where remedial works are happening, usually due to failures in the external wall construction.

Under the Construction (Design and Management) Regulations 2015, the contractor should carry out a comprehensive risk assessment to ensure that the works they are undertaking do not present an unacceptable risk. If the building is occupied whilst the works are ongoing, then the risk assessment should include the occupants.

That risk assessment should also include issues such as the introduction of combustible materials during the works (e.g. scaffold boards, scaffold sheeting, or more) and try to ensure that the risk is reduced as much as possible. It should consider the works methods (e.g. if the works include removal of combustible insulation; where it is stored once removed?), and any other risks (e.g. will the works affect any existing fire precautions, such as smoke vents?). This should be given serious consideration before any works start.

HSE's guidance, HSG 168, has recently been updated and does give some guidance on this (paragraph 207, Figure 11, and more).

"...whilst the Contractor has responsibilities, so does the existing Responsible Person"

In addition to the above, it is worth remembering that whilst the Contractor has responsibilities, so does the existing Responsible Person (RP), under the Regulatory Reform (Fire Safety) Order 2005 (FSO) in England and Wales (with similar legislation in devolved administrations). The RP must also consider these risks, holistically, and work with the contractor so each of them are aware of the risks and cooperate in minimising the impact (e.g. that the contractor is aware of any smoke control outlets). Given the potentially complex nature of the process, this will, no doubt, require the services of a competent person to assist the RP (and contractor), and also highlights the need for all stakeholders to meet and discuss these issues as early as possible. ◀

Please visit the CROSS website to read the expert panel comments on this report:
www.cross-safety.org/uk

MEMBERSHIP SPOTLIGHT

Freyja Green,
Membership Engagement
& Retention Officer
membership@thefpa.co.uk

Your monthly update on the latest FPA member news and events from the Membership team

FOLLOWING MEMBER feedback, we are delighted to launch a host of new member benefits this month to further support our members - see opposite for more details.

We are also looking forward to meeting up with our members who will be attending FIREX on 16-18 May at the Excel in London. Once again, we will be hosting a series of sessions at the FPA InfoZone, with updates on legislation, presentations on sustainability, and several informative case studies.

FIREX INTERNATIONAL

SUPPORTING 3RD PARTY APPROVALS

New releases & events

WEBINARS

26 April 2023 - ***BDM01: A to Z of Essential Principles for the protection of buildings***

RISCAuthority Technical Consultant and author of BDM01, Ian Abley, introduces the 26 essential principles over six phases of decision making, arranged against the RIBA Plan of Work 2020. Book your place on this webinar at: *thefpa.co.uk/events/webinars/a-to-z-of-essential-principles-for-the-protection-of-buildings*

PUBLICATIONS

- ***RE3: Rooftop-mounted PV Solar Systems***
- ***IQ4: CAFES Compartment Protection Applications***
- ***IQ5: CAFES In-cabinet Protection Applications***
- ***AFPG-11 Condensed Aerosol Extinguishing Systems****

** RISCAuthority member access only*

BENEFIT OVERVIEW

MEMBER BENEFIT UPGRADES

The FPA offers its members more than a basic fire safety and prevention service. We are committed to setting the highest industry standards, influencing policy, and supporting our members with the most comprehensive fire safety news, advice, training, and resources. Subsequent to our member feedback survey, we are thrilled to launch a host of new member benefits this month to further support our members.

Charlotte Horwell, Membership Manager at the FPA said: *"Following an extensive review of our existing benefits and feedback from our members, we are delighted to launch our exciting new benefits which provide further educational support as well as enhancing the community element of our membership. We are always looking to continue to improve and gain feedback on our membership offering and look forward to doing so through regular engagement with our members."*

In addition to all the current benefits, the FPA's new member benefits include:

- Exclusive member **advice & guidance articles** written by our technical experts covering a range of topics
- Digestible **fire safety mini guides** providing a high-level overview and best practice guidance
- **Educational case studies** produced by the FPA's editorial team exploring best practice
- Member exclusive quarterly **Q&A webinars** with a technical expert – recordings of these webinars are also available to watch on demand in the Members' Area
- Access to our weekly **Member News Round Up** with the latest topical news stories across the fire sector
- **Marketing Toolkit,** including the FPA member logo in a variety of formats, member certificate, email signature banner, and social media cover photos and graphics for Twitter and LinkedIn (with personalised member number)
- **Member Insights**, available on a first come, first served basis, these provide an opportunity to share member journeys in a case study format on the FPA website, social media channels, and in the *Fire & Risk Management* journal
- The **FPA Member Directory** featuring member company names, industries, and websites to over 170,000 annual FPA website visitors
- **Online Job Board** promoting fire-related vacancies on the FPA website
- Partner benefits consisting of a 10-minute free-of-charge **consultations** with some of the FPA's trusted suppliers, including the Red Lion Chambers Fire Law Team, and Verto UK – a website, design, and search engine optimisation company.

For more details and to access the new member benefits, visit: *thefpa.co.uk/membership/members-area* or scan this QR code:

TRAINING TASTER

Fire extinguishers

FIRE EXTINGUISHERS are an essential tool in building fire protection. For many, the vast array of different types can often be confusing. In most instances, companies rely on a fire extinguisher technician to suitably install extinguishers.

There are five classes of fire:

Class A: Flammable solids
Class B: Flammable liquids and liquifiable solids
Class C: Flammable gasses
Class D: Flammable metals
Class F: Cooking oils and fats

Plus, the additional ignition source of electrical fires.

Water extinguishers are still common in the workplace where the risk is limited to Class A materials.

Commonly, foam extinguishers – being multi-risk (classes A and B) – are found more in workplaces that present greater risks. Most foam extinguishers contain AFFF (Aqueous Film Forming Foam), but specialist foam extinguishers are available, e.g. alcohol-resistant foams for water-miscible liquids.

There has been some discussion about firefighting foams being banned for use due to PFAS and PFOAs adversely affecting the environment and human life. As the original ban on the C8 long-chain molecule foam came into effect between 2015 and 2020, manufacturers moved to the C6 short-chain foam: we see this today in most AFFF foam extinguishers. The EHCA (European Chemicals Agency) is currently reviewing the impact of the C6 foams which may likely result in further restrictions, although no current date has been set.

GP dry powder extinguishers are rated for Classes A, B, and C and electrical fires. When the particles of powder are airborne, they disrupt the oxygen and provide a fast 'knock-down' of the flame. However, the fire has a tendency to reignite if there are insufficient quantities to provide a thick blanket of powder once it settles. Due to their operation (very fine airborne particles), they are now less common in premises unless mitigated by an H&S risk assessment because the particle cloud could hinder escape and affect breathing. Powder tends to be the most common household extinguisher due to its multi-risk ratings but is less favourable in businesses due to its corrosive nature when applied to electrical product fires.

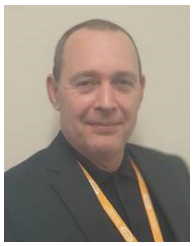
Specialised D-type powders are specifically for use on Class D materials (flammable metals) and have two formats. L2 will include most metals including Lithium metal, whereas M28 is mainly for Magnesium, Aluminium, or Sodium swarf. Both have a lance applicator for gentle application and user safety, where fire temperatures can reach over 4,000°C.

Carbon Dioxide extinguishers, although having a Class B rating, are used for electrical fires as a favourable choice over GP dry powder as they are clean in operation and leave no residue. CO_2 extinguishers pose other considerations. Being an asphyxiant, they can render their operator unconscious in confined spaces and are also less effective outdoors.

Wet chemical extinguishers are designed for commercial kitchens. The medium resembles a soapy water-based foam when applied to Classes A or B, but reacts with the high temperatures of cooking oils and crusts creating a seal between the flammable vapours and oxygen, providing good cooling properties due to the water content: a term called saponification.

Some classes of fire, such as Class B, have what could be called a subcategory within the class and require specialist foams such as AR foams for alcohols and water-miscible liquids. One of the newer categories within Class B is lithium-ion batteries, which may surprise some as Li-on batteries are often thought of as Class D metal fires.

When a Li-on battery fire occurs, it will be from mechanical damage to the cell, overcharging, or a combination of the two. The ignition is a result of the chemical reaction taking place between the electrolytes (flammable liquids). These types of fires are normally within the casing of the battery and, therefore, difficult to extinguish. The introduction of extinguishers, such



Russell Pratt,
Senior Fire Safety Trainer

as LithEx, is popular and is aimed at containing the energy of such fires rather than extinguishing them, as it creates a vermiculite barrier between the air and the battery cells. Currently, the British Standards do not have classifications for these types of extinguishers, which is why they only show Class A and electrical ratings.

FPA training course

The FPA offers a 4-day fire extinguisher maintenance training course that will provide you with BAFE-approved fire extinguisher knowledge. It is a legal requirement that most fire extinguishers are serviced correctly and regularly by a competent technician, to remain effective in the event of a fire. The course offers an efficient and cost-effective solution for organisations and individuals which operate on one or more sites to undertake their own servicing and maintenance.

In 2022, the FPA achieved a 97.5% pass rate for delegates who attended the course. It is capped at 12 delegates per cohort as we recognise the importance of providing quality support to our delegates.

You will receive:

- The BAFE Certificate in Portable Fire Extinguisher Maintenance, valid for 3 years
- 19.5 Institution of Fire Engineers (IFE) CPD hours
- CFPA Portable Fire Extinguisher Maintenance Technician

What happens after successful qualification?

- Within 3 years, a Fire Extinguisher Technician Refresher' is required to comply with British Standards. The FPA offers this one-day course.

To find out more about the FPA's Training Programme, visit www.thefpa.co.uk/training or scan this QR code:

WHAT IS...?

A WAKING WATCH

OVERVIEW

The government defines waking watch as *"a system whereby suitably trained persons continually patrol all floors and the exterior perimeter of the building in order to detect a fire, raise the alarm, and carry out the role of evacuation management."*

The aim of waking watch is to continually patrol a building to ensure that there is sufficient warning in the event of a fire situation to support the evacuation strategy. If the waking watch identifies or is informed of a fire, they will attend immediately, assess the situation, and if required call the Fire and Rescue Service (FRS). They may also support residents to evacuate and liaise with the Fire and Rescue Service on their arrival.

A waking watch is sometimes used as a short-term mitigation measure while remediation works are taking place on a building. If a building has been identified as high risk because of an unsuitable external wall system, or other fire safety defects, interim fire safety arrangements can be adopted for the temporary, short-term management and mitigation of fire risks.

Where fire safety issues have been identified on a building, and the responsible person has recognised that a change in evacuation strategy is needed, a short-term mitigation measure such as a waking watch is sometimes recommended to aid simultaneous evacuation. ◀

KEY TERMS

Fire patrol - a 24/7 watch for fire across all floors of high-rise tower blocks.

Stay put strategy - an evacuation strategy used in blocks of flats where those not directly affected by the fire stay inside with the doors and windows closed.

Simultaneous evacuation - residents of a number of flats are alerted and asked to leave the building together in the event of a fire.

KEY LEGISLATION & STANDARDS

- ***Building Safety Act 2022 - Section 156***
- ***Regulatory Reform (Fire Safety) Order 2005***
- ***NFCC Simultaneous Evacuation Guidance 4th edition (SEG)***

WHO CAN INSPECT FIRE DOORS?

What is a fire door inspection?

A fire door inspection is a review of the building's fire doors which determines if they are fit for purpose and compliant with fire safety standards. In the event of a fire, a building's passive fire protection system plays a vital role in reducing the rate at which fire and smoke spreads throughout the building. Fire doors are an essential part of a building's fire protection, ensuring that the building is compartmentalised. Correct maintenance and regular inspections of fire doors in any commercial building is necessary for reducing the risk of loss to life and property. A fire door inspection will look at all elements of the doorset which, if not maintained, can significantly reduce the effectiveness of the system and its ability to stop the spread of fire.

A fire door inspection survey will check that your building's fire doors are compliant with the Regulatory Reform (Fire Safety) Order 2005, which makes it a legal requirement to ensure that fire resisting doors are correctly installed and adequately maintained to be fit for purpose. It states that the responsible person for non-domestic buildings must ensure fire doors and frames are correctly installed so they can effectively prevent the spread of fire. According to the BWF-CERTFIRE Best Practice Guide, as a building owner or responsible person you should check your fire doors once every 6 months.

This includes an inspection of the vision panels, glazing, cold smoke seals, intumescent seals, the fire resisting qualities of the doorset including its thickness and gaps between the leaf and door frame, the condition, fitting, and operation of the hinges and hardware, and checking for relevant markings, for example, from the British Woodworking Federation, to identify the fire rating of the doorset.

Who can inspect fire doors?

As laid out in the Regulatory Reform (Fire Safety) Order 2005, a competent person should carry out a fire risk assessment on your fire doors. Fire door inspectors should be approved and qualified to carry out the fire risk assessment of your doorsets. The Fire Door Inspection Scheme (FDIS) is a recognised British Woodworking Federation qualification that ensures competence when carrying out inspections.

A comprehensive visual inspection should be carried out for each fire doorset including a review of the:

- fire door hinges and all door hardware
- operation of any hold open devices

- condition, fitting, and operation of the hinges and hardware
- fire door signage
- fire door closer and its ability to effectively close the doorsets
- relevant markings to identify the fire rating of the doorset
- locks and latches to ensure they are operational
- vision panels, glazing, and a review of their suitability
- cold smoke seals
- intumescent seals
- gaps between the leaf and frame
- fire door frame
- door leaf
- materials used in the installation of the doorset and their suitability.

How to obtain a fire door inspection

The FPA's fire door inspectors conduct comprehensive, non-destructive fire door surveys and deliver detailed reports on the condition of the entire doorset.

The report will outline their existing condition and adequacy of the fire doorsets, and where necessary, recommend improvements that should be undertaken in order to make your buildings compliant with statutory requirements and best practice guidance, or to meet a specific business resilience objective.

ASK THE EXPERTS

TECHNICAL ENQUIRY

A customer is having building work carried out adjacent to their building on their site. This will temporarily degrade the current route to their Fire Assembly Point A. They would like to add a temporary secondary Fire Assembly Point during the building works. Can you advise the best way for the wardens at each point to communicate? Have you got any specific advice on temporary Fire Assembly Points?

Unfortunately there is little formal guidance on temporary Fire Assembly Points, however a risk assessment of the location should be conducted when considering alternative spaces. Below are a few points you may wish to consider:

- Is it located far enough away so that safe refuge can be achieved? It should ideally be at least 50ft away to be safe from the dangers of smoke inhalation, heat, falling debris, and possible structural collapse of the building.
- Has the location avoided dead ends to enable occupants to further evacuate should the situation escalate?
- Is the area well-lit, signed, and located where it will not hinder the arrival of the emergency services and firefighting activities?
- Are occupants able to safely evacuate the building and reach this location without having to pass obstructions or any other risks (i.e. moving vehicles, stored gases, high risk rooms which could compromise the route etc.)
- Is the size large enough to accommodate the anticipated numbers evacuating?

Finally, although it may be an obvious point, all staff will need to be retrained and aware of the new location, so ideally a fire drill should be conducted and the Fire Action Notices amended where necessary. This could be achieved from a toolbox talk, focusing on any occupants residing in areas which will be especially at risk (i.e. where they are no longer able to reach point A).

With regard to communication, we find a number of our clients who occupy larger sites and utilise multiple Fire Assembly Points commonly use two-way communicative tools such as DECT phones or walkie talkies. ◀

ENQUIRY

Regarding sprinkler servicing requirements for retail stores, with particular reference to where a tenant within a premises of a shopping centre and the unit forms a separate zone as part of the landlord's main system, who would be required to undertake the quarterly hazard review within our unit under the requirements of TB203?

Would this fall to the store teams who currently carry out the weekly sprinkler test, the sprinkler engineer who carry out the service elements, or the landlord who has the main control of the sprinkler system?

It is the responsibility of the tenant of the unit to ensure that from the zone valve provided by the centre, all parts from there and within the demise of the unit are subject to the service and maintenance requirements of the sprinkler system in accordance with LPC Rules, Technical Bulletin TB203 (part extract shown to the right):

The quarterly hazard reviews should be undertaken by a competent person for at least three of the four reviews during the year (internally) and the fourth review by a qualified, experienced competent sprinkler engineer (externally).

The FPA/RISCAuthority service and maintenance guidance and checklist documents contain valuable information relating to the sprinkler system service and maintenance requirements and are available in the Members' Area of the FPA website. ◀

TB203

The entire premises should be checked thoroughly during the review of hazard which shall include the following:

- Have any structural alterations been made since the last review which necessitate modifications to the sprinkler system (including low level office installation and partition relocation)?
- Are there any new buildings, mezzanines or extensions?
- Has there been a change of use to all or any part of the protected building?
- Is the ambient temperature range still within acceptable limits for the design of the sprinkler system?
- Has any painting or decoration been undertaken since the last inspection?
- Are frost protection measures adequate?
- Have there been any significant changes to plant or equipment (quantity and location), or changes in production?
- Is the storage type still consistent with the sprinkler system design (ie free-standing storage has not changed to rack storage)?
- Is the design of the rack sprinklers consistent with the storage category?
- Are flues (horizontal and vertical) within the storage racks kept clear as designated by the design requirements?
- Are minimum clearances maintained between stored items and sprinkler heads (See BS EN Clause 12.1 and 12.5.1)?
- Has the nature of goods stored or their packaging changed? Does this alter the category of stored goods?
- Have there been any changes to storage arrangements (plastic pallets, shelving, drum dollies, boxes or totes)?
- Have there been any changes in storage height?
- Where a smoke or heat detector system interacts with a sprinkler system, is a suitable maintenance contract in force?

Do you have a technical question to ask one of our FPA experts? Submit your queries to www.thefpa.co.uk/membership/members-area/ask-the-expert

TECHNICAL ENQUIRY

An emergency exit stairwell from offices above a warehouse has been found to have a wooden cupboard with flammable material in it. The site ops manager has said there is no legislation to say this is not acceptable and won't remove it. Where can I get some more information on this to support the removal of the cupboard?

Regarding compliance with any fire related legislation, regulations or otherwise, The Fire (Scotland) Act 2005, supported by the Fire Safety (Scotland) Regulations 2006 are applicable. As your premises appear to be a workplace, the employer must carry out a fire risk assessment. I would expect details of the existing means of escape to be recorded in that document.

It would normally be the case that all protected zone stairs would be maintained free from any obstructions or quantities of flammable materials or storage. If the person who has carried out the fire risk assessment has decided that the items you describe are acceptable within a protected zone means of escape stair, then I would expect that decision to be justified in the fire risk assessment.

The relevant guidance document for your type of premises is *Practical Fire Safety Guidance for Existing Non-Residential Premises*, available from the Scottish Government website. ◀

TECHNICAL ENQUIRY

Regarding fire rated protection in construction, I'm well familiar with LPS1207 and LPS1215, but I'm increasingly seeing other products, such as TS63? Can this be used as an alternative?

Please see below an extract from the *Joint Code of Practice for Fire Prevention on Construction Sites*, which outlines the requirements in relation to temporary covering materials and references, not only the LPCB's LPS standards, but also the WarringtonFire Certifire certification standards - Technical Schedule 63 and 62 (TS63 & TS62) for both temporary protection and scaffold protection materials respectively.

> ***10.2*** *Where flexible protective covering materials are used, these must conform to the requirements of the LPCB's Loss Prevention Standard LPS 1207:*
> *Requirements for the LPCB approval and listing for fire performance of temporary protective covering materials for use in the interior of buildings (ref 13) or Warringtonfire Certifire Technical Schedule 63, Reaction to fire performance requirements: materials used as temporary protective covering (ref 14). The materials shall be manufactured in accordance with a quality assurance and certification programme, and the protective covering material shall be approved by a third-party certification body accredited by the United Kingdom Accreditation Service. The relevant approval mark shall be printed on the material.*
> ***10.3*** *When flexible materials are used to clad scaffolding, these materials must conform to the requirements of LPS 1215: Requirements for the LPCB approval and listing for fire performance of containment net and sheet materials for external use on construction sites (ref 15) or Warringtonfire Certifire Technical Schedule 62, Reaction to fire performance requirements: materials used to clad scaffolding (ref 16). The material shall be manufactured in accordance with a quality assurance and certification programme, and the scaffolding covering material shall be approved by a third-party certification body accredited by the United Kingdom Accreditation Service. The relevant approval mark shall be printed on the material.*

In its simplest form, insurers require:

1. Temporary protection materials for use internally

Products that meet either of the following certification standards:

- LPCB's Loss Prevention Standard LPS 1207
- Warringtonfire Certifire Technical Schedule 63 (TS63)

2. Temporary protection materials for use externally (i.e. scaffold cladding)

Products that meet either of the following certification standards:

- LPCB's Loss Prevention Standard LPS 1215
- Warringtonfire Certifire Technical Schedule 62 (TS62) ◀

MEMBER INSIGHTS

This month, we speak to FPA member Miller Knight about the services it offers and more. Want to be featured in a future issue? Get in touch with us at: membership@thefpa.co.uk

Tell us about Miller Knight

Miller Knight was established in 2011, and we have grown from being a passive fire protection contractor to an established principal contractor, carrying out specialist fire remediation projects with a turnover of around £15 million. The owners of the business identified a need for a specialist principal contractor with an in-house passive fire protection and fire door capability that could provide a unique quality driven service. Everyone at Miller Knight shares this ethos for quality and for doing things the correct way. It's really important to us to make sure things are correct and we built all our teams around delivering those principles. We currently have around 100 staff, including a good team of apprentices. We work on projects ranging from £20,000 up to £2 million and over a range of different timescales, from just a couple of weeks through to one scheme where we've been there for four years.

What does a typical client look like?

There's no such thing really as a typical client for us, although they all have some passive fire protection issues that need resolving. We work across multiple sectors, with work in the public sector and with emergency services, through to some commercial and industrial clients.

However, a big focus of our work is the residential sector. Anyone who's got a responsibility for where people live and sleep - house builders and developers, landlords, property management consultants and agents, insurance companies, pension companies - all these different bodies that have a responsibility for those type of premises form our client base. It's a broad spectrum, and while they've all got similar issues, every one of them has a slightly different type of environment that we've got to work in.

What challenges do you face as a business in the industry?

One of the main challenges is helping clients understand the issues they've got and then how best to prioritise them. Most clients aren't really prepared for some of the issues that they ultimately end up facing, so it's our job to help.

Once we're over those hurdles, the main challenge is often finding the best solution for the client. Here we are often limited by problems with existing structures and services, but we've got some really good technical teams here at Miller Knight, and we couple that with experienced site teams and our relationships with all of our suppliers. They all work fantastically well together to achieve the correct solution by doing things the right way.

Another challenge we face is often finding the quality operatives to work in this way, so we train a lot of staff ourselves and we retain them over a long period of time. But when we bring in some people with existing experience we find that we have to re-educate them. There's a lot of problems in the industry with people saying *"I do it this way because this is how I've always done it"*, whereas our only concern is that it has to be the correct way. The Miller Knight way is that it has to be done the correct way, to a tested proven detail, every time.

Why did you become an FPA member?

We have been a member for some time, and we feel that the FPA very much aligns with who we are as a business and what we want to achieve. Being members of the FPA allows us to keep up to date with the latest in fire safety, and this assists us in our goal of continually improving and pushing to be better at what we do.

We know that we genuinely benefit from the continuous updates and insights that we get about fire legislation changes and that in turn allows us to help our clients. So we see the relationship being really important. It's something that we talk about to our clients a lot when we're engaging them initially and then, during the process, it gives them a lot of reassurance that we're engaging with someone of the FPA's calibre. We feel Miller Knight and the FPA align well. ◀

Discover more at miller-knight.com or scan the QR code:

WELCOMING...

We are honoured to welcome the following businesses and professionals to our growing network of FPA members:

- Avondale Construction Ltd
- Soldorlet.com Ltd
- Newline Logic Ltd (trading as Daracore)
- AHR Consultants
- C Contract and Services
- Amazon UK Services Ltd
- Simon Combe
- Plymouth City Council
- Total Health and Safety Ltd
- AHR Consultants
- Jamie Johnson
- Vector Fire Safety
- Labcorp Early Development Laboratories Ltd
- JLB Property Maintenance Ltd
- Walraven Ltd
- ITV Workplace Services
- Fire Sprinkler Services Scotland Ltd
- Premier Fire and Safety Training
- Faircroft Fire & Security Ltd
- John Wrightson
- Duncan Kirk
- Stak Construction Ltd
- London Fire Solutions Ltd
- RGE Services Ltd
- RJW Electrical Contractors Ltd
- Clean Cut Fire Doors Ltd
- BAM Site Solutions Ltd
- DMP Fire Solutions Ltd
- Capital Home Services Uk Ltd
- FDS
- Gaskell Safety Ltd
- Fitz Fire & Security Ltd
- Whittam Cox Architects
- Rockland Safety Services Ltd
- Sewell Group Ltd
- Fire Sprinklers Scotland
- Avalon Surveyors
- Ortum Ltd
- SixtyEightDegrees Fire Sprinkler Specialists Ltd
- Diamond Fire & Security
- Scarlett Fire & Security Ltd
- Pinnacle Property Management
- Eastbourne College
- County Fire Protection Ltd
- Project Four Safety Solutions Ltd
- Abhinand Sasidharan
- Risk, Operations, Assurance & Resilience (ROAR) UK Ltd
- EE UK Group Ltd
- Hannah Eales
- University of St Andrews
- Catalyst Housing
- Multiplex Facilities Management Ltd

BUCK PASSING, incompetency, and systemic failure are just a few of the words that have become synonymous with the devastating Grenfell Tower fire that struck an entire community in 2017 and left the bereaved, survivors, and residents (BSRs) in despair and seeking answers. In the aftermath of the fire, a lengthy and deeply complex Inquiry took place, which has now been edited for the stage in a verbatim play, *Grenfell: System Failure, Scenes from the Inquiry*, by Richard Norton-Taylor and Nicolas Kent.

In the same vein as the initial outing that debuted in 2021, this second instalment takes audiences back to the Grenfell Tower Inquiry Chamber in London. As Norton-Taylor explains to *F&RM*: "*The first play, in 2021, did not include evidence, that had yet to be heard, from the LFB, the Building Research Establishment, a key Whitehall official, ministers, from the LFB commissioner, and from the bereaved (either directly or via their counsel). Our second play ensured that representatives of all the main groups involved appeared.*"

Almost immediately, we are introduced to bereaved family member Hisam Choucair (played by Shahzad Ali), who after taking his oath, proceeds to recount how the fire killed six of his relatives, including his mother. It is he who sets the sombre tone that follows.

A more graphically detailed experience is shared by Imran Khan QC and warrants a momentary pause in the play to issue a trigger warning. Speaking on behalf of the Neda family who attempted to flee their home, we hear about the son's sudden realisation as he carries his mother down endless flights of stairs that he's stepping over the bodies of dead residents. The father, after ensuring his family is safe, jumps from a window to escape the intense smoke.

Norton-Taylor explains that the BSRs were "*very willing*" to share their experiences after they had been approached by himself and producer and director Nicolas Kent: "*We agreed to anonymise some of the BSRs, and change their flat numbers, ages, gender, and relationships to protect their privacy. Hisam Choucair, the main bereaved witness who gave evidence in our second play, was very open about the experience, met the actor playing him, and brought surviving members of his family to see the play.*"

Much of the performance shines a dim light on the companies that manufactured the combustible products that led to the fire spread and the building safety establishment. Counsel to the Inquiry, Richard Millett QC (played by Ron Cook) stoically quizzes the the UK Sales Manager for Arconic over company emails about the combustibility of the polyethene-cored panel that could "*transport fire up a building like a chimney*". Millet asks her: "*Did it occur to you, from reading this, that PE-cored ACM might be dangerous?*" She responds: "*Probably not, no.*"

Similar sentiments are shared by Dr Sarah Colwell from BRE and Brian Martin of the DCLG, who was responsible for the Building Regulations. Further evidence is given by Lord Pickles, the Secretary of State for Communities and Local Government, whose obvious annoyance at having to sit through the hearing leaves a bitter taste.

Grenfell: System Failure

Scenes from the Inquiry

It's hard not to sink further into your seat under the sheer weight of information as the play develops. To help with this, at brief interludes throughout the first and second halves, Chairman of the Inquiry, Sir Martin Moore-Bick (played by Thomas Wheatley) takes centre stage to offer some necessary explanations of the technical issues, such as the combustible properties of certain types of external wall cladding and insulation. While it helps ground the play and make it more palatable for wider audiences, one cannot help but wonder if similar snippets of key information about fire safety had been available to those responsible for the building's safety, it might have led to a very different outcome.

Piecing together the events of a real-life tragedy into a play format was "*very challenging*" admits Norton-Taylor, "*mainly because of the sheer amount of technical information about construction material and building regulations that were a very important part of the evidence.*"

Norton-Taylor believes that such documentary-style performances can play "*a big role*" in changing public perceptions about real-life tragedies: "*From our experience, these 'Verbatim Theatre' performances strike chords by presenting evidence from long-running public inquiries that even interested members of the public was not aware of. They might have read a number of shortish articles in newspapers or heard or watched snippets on the radio and television. Being part of an audience seeing a live performance has a greater impact, allowing people to absorb the evidence and appreciate its context. In many ways, the theatre can be an extension of journalism.*"

He adds that the first play received "*very positive reactions, including from senior public health and mental health professionals*". "*Michael Gove came unannounced to see the first play and made clear he was shocked by what he heard,*" he adds.

Norton-Taylor admits that professionals from the fire safety sector and wider industry can learn a great deal from watching this play "*...not least in the evidence of buck-passing, but also how complex the building regulations were/are. They could also learn, I believe, from how the plays exposed all the different responsibilities of local and central government officials which allowed them to pass the buck and hide behind levels of bureaucracy making them unaccountable.*

"It is now for the Inquiry itself to produce its report. That is expected in the autumn."

Media response to the play has been unanimous with *The Guardian* and *Evening Standard* describing the production as "*sobering*" and "*quietly devastating*", respectively, and it is easy to understand why. There is an obvious sterileness to the staging; amidst office desks and lecterns, a TV screen displays a seemingly endless reel of witness statements and company emails. It adds to the feeling of detachment that court hearings typically evoke, but takes some getting used to as an audience member. Essentially, we sit like a jury, as though it is up to us to decide who the guilty parties are – it's only when the play ends that we realise that we are powerless to act. ◀

The Fire Fighters Charity

Real life stories

DID YOU know it's not just fire service personnel that are supported by The Fire Fighters Charity? Far from it. The Charity also supports spouses, partners, and dependants of anyone in the fire service, both working and retired. People just like Sam Metalli-Haward's son, MJ...

MJ was diagnosed as autistic with associated sensory processing disorder and ADHD (attention deficit hyperactivity disorder) in 2022, when he was six years old.

The Fire Fighters Charity has since supported Sam, who's a Crew Commander with Hertfordshire Fire and Rescue Service, and her family on one of its Child and Family Weeks at Harcombe House – which are dedicated to families of children with additional needs, young carers, children, or parents living with difficult health conditions, and a number of others in the fire services community.

"My husband Lee and I have been in the service for over 40 years collectively and yet we've never utilised any of the charities' services," says Sam.

"When we arrived at Harcombe House for the week, we were greeted with lots of friendly faces, the staff on site were really keen to make our stay as pleasant as possible.

"It was so refreshing to be with other fire service colleagues who had children navigating similar challenges in life. The activities and support from the staff meant you could easily dip in and out of sessions, adapting to the needs of the child if they found it hard to participate or suffered sensory overload.

"The activities included: drumming, swimming, nature walks, arts and crafts, baking, circus skills, Halloween activities, science adventures, and their favourite activity was on MJ's 7th birthday; two hours of handling animals – creepy crawlies, spiders, and snakes. We have never seen MJ stay engaged for so long!

"During the week we made special memories, where MJ's differences were embraced, rather than seen as a challenge. The week gave us the opportunity to have fun and enjoy having time as a family in a safe and controlled environment. We made friendships that continue to this day.

"We are immensely grateful to all the staff at Harcombe House and the incredible services available to us through The Fire Fighter's Charity. Our son is amazing, and this week allowed us to see just a glimpse into the special world he sees."

Sam met another family during the week who was supported by The Fire Fighters Charity in accessing an assistance dog for their son, Theo. Sam later sought the Charity's advice on applying for their own for MJ.

You can find out more about how The Fire Fighters Charity supports families at ***www.firefighterscharity.org.uk/family-hub***.

Access the Charity's support

Call the Charity's Support Line on 0800 389 8820
Register for its health, wellbeing, and social space, MyFFC, at: www.firefighterscharity.org.uk/myffc and visit the 'Access Support' tab

Help The Fire Fighters Charity mark its 80th birthday

Having been formed in 1943, following the devastation of the Blitz, this year marks The Fire Fighters Charity's 80th anniversary, and the team would love you to help them mark the occasion by fundraising over the coming months, whether individually or with your company, business, or fire service.

Why not plan an 80-themed challenge or event of your own? You can see some ideas to get you started by scanning this QR code or at: ***www.firefighterscharity.org.uk/80***

WEIGHING UP THE LAW

In this Q&A, Hannah Eales and Claire Lamkin look at the impact of the leaseholder protection provisions in the Building Safety Act 2022

THE BUILDING Safety Act 2022 was enacted on 28 April 2022, with many of its provisions, including the leaseholder protections, coming into force on 28 June 2022. The accompanying secondary legislation came into force on 21 July 2022. The legislation sets out a fairly complex procedure for dealing with the recovery of costs, typically those arising from defective cladding. Landlords are not legally able to recover costs through the service charge to remedy a cladding defect and only in limited circumstances in relation to a non-cladding defect.

Does the Building Safety Act apply to all residential buildings?

No. The Act only applies to those that are at least 11 metres or at least five storeys above ground level (in calculating the number of storeys, those below ground level are disregarded for this purpose). It does not apply to buildings where the landlord or freeholder is a local authority, registered social housing provider, or where the leaseholders collectively own the freehold, for example, via enfranchisement.

What works are covered by the protection provisions?

Works to rectify a defect that is a building safety risk, defined as '*a risk to the safety of people in or about the building arising from (a) the spread of fire, or (b) the collapse of the building or any part of it*'. So, this would include cladding removal or replacement. The provisions also cover works arising from non-cladding defects, such as waking watch costs or the installation of missing fire compartmentation.

Do all flat occupiers qualify for protection from costs?

No. To qualify the leaseholder must fulfil the following conditions:

That as at 14 February 2022, they:

- hold long leases, i.e. leases granted for more than 21 years; and
- they pay a service charge under the lease; and
- EITHER they occupy the flat as their main home, OR if not, they do not own more than three UK properties in total.

Leaseholders should complete a Deed of Certificate to evidence that they qualify for the purposes of the protections.

If the leaseholder does not fulfil the above conditions, it cannot take advantage of the cost protection measures introduced by the Act. (Please refer to the *Determining a leaseholder's contributions* flowchart overleaf.)

Service charge contributions that have fallen due and been paid since 28 June 2017 are taken into account when calculating the leaseholder's contribution. Service charge contributions that are payable can be spread out over five years.

What if the landlord (a company) is required to pay the costs of remedying defects but does not pay, or goes into liquidation?

A leaseholder may be able to apply for a remediation contribution order against someone associated with the landlord, which includes a current director; someone who was a director in the five years up to 14 February 2022; another group company; a holding company and even an unrelated company if it has a director who is also a director of the landlord.

The liquidator of the landlord can apply to the Court for an order that an associated company contribute a "*just and equitable*" amount to the landlord company's assets.

Hannah Eales is a Partner in the Regulatory team at Kingsley Napley LLP and heads up the firm's Fire Safety Law practice.

Hannah advises upon compliance with fire safety legislation and regulations and represents those facing enforcement action for fire safety breaches.

Claire Lamkin heads the Property Litigation team at Kingsley Napley LLP which advises on all aspects of contentious residential and commercial property matters.

More recently, this has included advising property investment companies as to their legal position as landlords with regard to potential liability for remediation orders and remediation contribution orders under the Building Safety Act 2022.

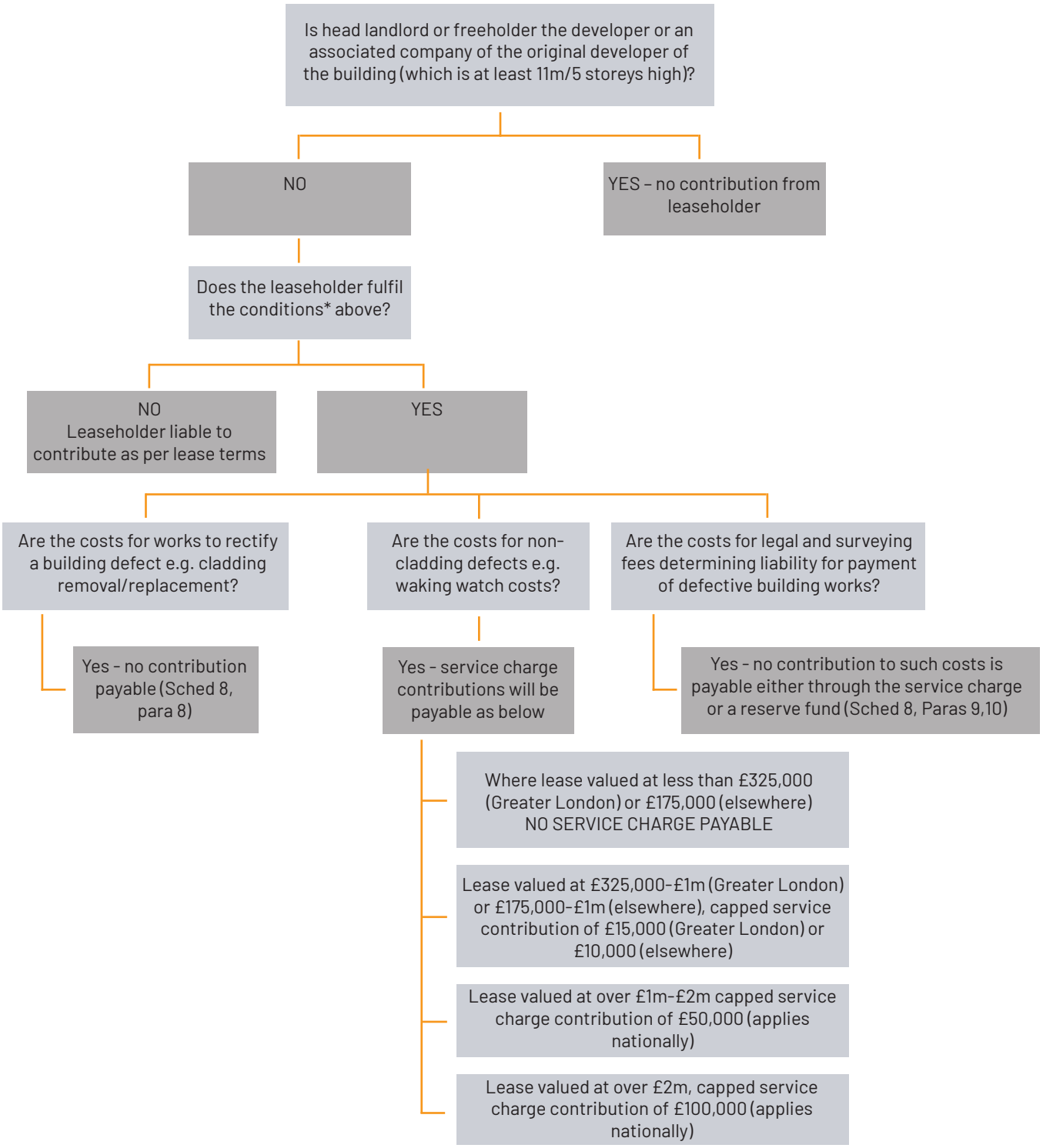
Alternatively, the liquidator can ask the Court to order an associated company to pay someone to remedy the defects. However, this may not result in the defects being remedied, because:

- the liquidator is not obliged to make an application and incur the costs of doing so;
- the liquidator may not think it is within the liquidator's role to apply for an order that an associated company pay someone to remedy the defects;
- if a contribution is made to the company's assets, other costs (including the liquidator's own) can be deducted first and other creditors may benefit from the contribution by way of dividend.

What if I want to sell my flat?

The position has to be assessed as at 14 February 2022. Any cost protections afforded to the selling leaseholder will transfer to the buyer, even if the buyer doesn't intend to live in the flat itself or the buyer owns more than three UK properties. So if buying a flat, it is important to establish if the seller is a qualifying leaseholder under the Act. ◀

Determining a leaseholder's contributions



Sailesh Mehta and Karen Galloway continue their conversation about bringing fire prosecutions, revisiting the 2009 fatal Malton fire case

SM: Our first big case together related to a fire in a block of flats in Malton, North Yorkshire, which resulted in the death of two young jockeys.

KG: Yes. As soon as our fire officers were on site, as well as trying to put out the fire, they were taking stock as to what had happened, and also investigating the start of the fire and the circumstances that led up to it.

Following the incident, we had a defendant who wasn't cooperating with our investigation, and so we had to use a range of powers to discover things that weren't readily available, including who the responsible person was. The owner claimed that other companies involved with the premises should be the responsible person, including the letting agents. To investigate the information around the companies, we interviewed the other directors in the case and also used our powers under Article 27 to get further information. It took extensive work trying to establish the control element, and to identify the responsible person before going on to prosecute.

SM: How do we manage the volume of material from the police arson investigation, the disclosures, and the background files to the two buildings?

KG: We needed expert advice and assistance around the disclosure exercise as there were 26 lever arch files of disclosure and our fire officers also had to become involved. I called in your assistance in drafting the schedules, and deciding what could and what couldn't be disclosed. It is a painstaking exercise but one that's so important, because we need to follow the legislation that governs disclosure, and make sure that the defence has the information that they are entitled to.

SM: One of the difficulties that we had was, at the time, the fire service didn't really know what disclosure was, and certainly had no dedicated disclosure officers.

KG: No, they didn't, and I remember our officers spending hours sifting through papers and producing the schedules. It is important to not only identify the right person, it's also important to identify the right offences, with the right information, and prosecute the correct articles, and initially there were 17 offences put forward.

SM: It's not usual in fire cases for there to be plethora of breaches that are pleaded, but did you then narrow down those 17 original offences?

KG: At the start of the process, we listed all of the articles which had been breached and then sought your expert advice on this issue. You were very clear that we needed to narrow this down and that doing so wouldn't detract from the case. We took some persuading on this approach at the time, but it helped to obtain an early guilty plea and achieved the best outcome. It's an approach that we've gone on to use time and again.

SM: Looking at the wider team, how important is it to have a fire officer that is dedicated to a case?

KG: When I became involved with North Yorkshire Fire Service, there were two officers, Roy Ashman and Dave Watson, who made a great team. They were incredibly thorough and dogged in their method of investigation and evidence gathering and were determined to make sure that the right outcome was achieved. In a small team like ours, good officers who are dedicated to their enforcement roles make sure that North Yorkshire is taken seriously in terms of fire safety. At the end of every case they are keen to send out the deterrent message, because for the sort of offences being prosecuted, the consequences can be catastrophic.

In this case, two of our fire officers were commended by the judge for their tireless and extensive investigation work, which led to the building owner pleading guilty to four fire safety offences and receiving a 12-month prison sentence.

SM: What do you feel is the benefit of this investment of time, effort, and money at the early stages of cases such as these?

KG: One of the most important things from our perspective, and from the perspective of those involved, is to avoid a lengthy and costly trial. The whole purpose of carefully gathering all the evidence, laying it all out, and making sure that all leads have been followed is to ensure we're left with a very compact set of facts. From this there should be no room for manoeuvre which can then be used as a mechanism for obtaining an early guilty plea.

To do this, we need diligent and experienced fire officers. They didn't join the Fire Authority to become investigating officers and the attitude and dedication they show is second to none. ◀

Scan the QR code to watch this conversation.

LEGAL CASE STUDY

RED LION CHAMBERS

LOSS ANALYSIS

Industrial processing and manufacturing: Non-metal product processing and manufacturing sites

risk review

IN COMMON with virtually all businesses, a fire risk assessment for premises where industrial processing and manufacturing is carried out should be undertaken in compliance with the Regulatory Reform (Fire Safety) Order 2005 (or equivalent legislation in Scotland and Northern Ireland). In many premises, an assessment should also be undertaken in accordance with the Dangerous Substances (Explosive Atmospheres) Regulations 2002.

Fire hazards

In addition to the potential ignition sources present in most businesses, there are a number of additional hazards associated with industrial premises. These include:

- Sparks produced as a result of welding and cutting of metal using oxyacetylene, oxygen/propane, electric arc welding, and other hot work processes.
- Cylinders of acetylene stored on the premises.
- Heating processes, using ovens and furnaces.
- Heating from friction from poorly maintained machinery and using machine and hand tools for processes such as drilling, boring, and countersinking.
- Static electrical charges accumulating from poor bonding and earthing of conductors.
- Explosions occurring as a result of the release of flammable liquids and gases from compressed gas cylinders in poorly ventilated areas.
- The formation of dust in the atmosphere in sufficient concentrations to form an explosive atmosphere.
- Electrical hazards from poorly maintained electrical equipment and installations.
- Deliberate fire raising.
- Breaches of the fire compartmentation of the building.
- Combustible materials, waste (including waste oil), and idle pallets stored outside.
- Poor site access for fire service vehicles.
- Inadequate water supplies for firefighting purposes.

Risk control recommendations

The following risk mitigation measures should be considered to eliminate or reduce the risk of fire in industrial premises:

- Ensure that measures identified in the fire risk and assessment (and DSEAR assessment where appropriate) are implemented effectively by competent persons.
- At the time of the risk assessments give careful consideration to the likelihood of deliberate fire setting and the implementation of suitable measures to maintain the security of the premises, especially during hours of darkness.
- Review the fire risk assessment whenever there are significant changes to the number of staff, the layout of the premises, or the processes being carried out.
- Identify appropriate hazard zones in the DSEAR assessment (where undertaken) and train staff in the implications of these in the context of the materials being handled and the operations being carried out.
- Eliminate hot work wherever possible. When hot work cannot be avoided, eliminate the use of acetylene by using other forms of welding and cutting if practicable. If not, minimise the number of acetylene cylinders held on site. Control the work by use of a hot work permit system.
- Carry out a fire risk assessment to ensure compliance with RISCAuthority Recommendations RC42 if consideration is being given for allowing a process to operate unattended.
- Minimise the spread of fire by effective fire compartmentation between manufacturing areas and those used for other purposes.
- Minimise the storage of combustible materials outside the premises. Wherever practicable, combustible waste should be stored in metal skips or bins sited at least 10m clear of all buildings and 2m away from boundary walls or fences.
- Following any work that requires breaching the fire compartmentation ensure that suitable fire stopping is undertaken in accordance with the FPA Design Guide to maintain the designed fire rating of the structural elements concerned.
- Protect the facility by installing space heating in accordance with the guidelines set out in RISCAuthority Recommendations RC18.
- Site overhead heaters so as to provide at least 2m clearance from combustible materials. Heaters should not be positioned so as to direct hot air towards nearby composite panel walls, whether these form internal or external elements of the structure.
- Ensure that electrical installations are designed, installed, and periodically tested by a competent electrician in accordance with the current edition

of BS 7671 (the IET Wiring Regulations). Inspections should be carried out on a risk-assessed basis as recommended in the Periodic Inspection Report.

- Arrange for portable electrical equipment to be inspected and tested at least in accordance with HS(G) 107 and/or the IET Code of Practice for in-service inspection and testing of electrical equipment. A risk assessment should be used to determine the actual programme of inspection and testing.
- Protect the building by an automatic fire detection and alarm system designed to take into account the need for property protection. The system should be installed by an organisation certificated by an independent UKAS-accredited third-party certification body. The installation should be to a recognised category of installation in accordance with BS 5839-1 as determined by a risk assessment and in consultation with the insurer.
- Monitor the automatic fire detection and alarm system either on-site or by an off-site alarm receiving centre certificated by an independent UKAS-accredited third-party certification body, and operating in accordance with a Category II facility as defined in BS EN 50518.
- Give serious consideration to the installation of an automatic fire suppression system, such as water sprinklers, when the facility is at the design stage. Sprinkler systems should be designed, installed, commissioned, and maintained in accordance with the LPC Sprinkler Rules incorporating BS EN 12845 by a company certificated by an independent UKAS-accredited third-party certification body.
- Provide a suitable number of appropriate portable fire extinguishers which should be immediately accessible in the case of fire; fire extinguishers >>>

Breaking it down...

MAIN CATEGORY: Industrial Processing & Manufacturing
SUB CATEGORY: Non-Metal Product Processing & Manufacturing Sites

Industrial processing & manufacturing fires account for 12.8% of all large-loss fires.
Non-metal product processing & manufacturing site fires account for 0.4% of all large-loss fires and 2.9% of all Industrial processing & manufacturing fires.

128 **Industrial processing & manufacturing** fires of **850** had impedances, **20** of which had more than one impedance.
3 **Non-metal product processing & manufacturing site** fires of **25** had impedances, **1** of which had more than one impedance.

Cost of fire: **Industrial processing & manufacturing** fires account for **19.5**% of all large loss financial losses with a median average cost of **£330k**. **15.2**% of these fires had losses of more than **£1 million**.
Non-metal product processing & manufacturing site fires account for **3.2**% of all **Industrial processing & manufacturing** losses with a median average cost of **£341k**. **16.0**% of these fires cost more than **£1 million**.

Causation	Accidental	Deliberate	Unknown
Industrial Processing & Manufacturing	61%	14%	25%
Non-metal product processing & manufacturing site	60%	4%	36%

Time of fire	00:00 - 06:00	06:00 - 12:00	12:00 - 18:00	18:00 - 00:00
Industrial Processing & Manufacturing	34%	20%	20%	25%
Non-metal product processing & manufacturing site	38%	29%	13%	21%

Impedances	Access	Acetylene	Inadequate water supply	Resources	Other impendences
Industrial Processing & Manufacturing	37%	32%	27%	14%	7%
Non-metal product processing & manufacturing site	67%	0%	67%	0%	0%

Insurance component	Buildings	Contents	Stock	Business interruption	Loss of rent	Machinery & paint	Other
Industrial Processing & Manufacturing	22%	9%	9%	39%	<1%	19%	2%
Non-metal product processing & manufacturing site	37%	3%	5%	36%	<1%	19%	<1%

should be provided even where a sprinkler system is installed. Portable extinguishers should be approved and certificated by an independent, third-party certification body. They should be installed in accordance with BS 5306-8 and inspected and maintained in compliance with BS 5306-3. Designated staff should be trained in their use.

- Give consideration in large buildings to the installation of smoke venting systems to prevent smoke logging, for both life safety and property protection purposes. This may be a requirement of the fire and rescue service.
- Liaise with the fire and rescue service to ensure that water supplies are adequate for the sprinkler installation and for firefighting purposes. Make arrangements to retain firefighting water in the event of an incident.
- Ensure that any hydrants on site are prominently signed, regularly maintained, and kept clear of obstructions.
- Ensure that there is unobstructed access to all parts of the site for fire and rescue service vehicles. Ensure that staff are available during working hours to provide relevant information.
- Display appropriate hazardous material warning signs prominently at the entrance to the site and on each building.
- Have an effective emergency plan in place to ensure the resilience of the business. One way of approaching this is to complete the ROBUST business continuity and incident management planning software available free from: **thefpa.co.uk/advice-and-guidance/public-toolkits/robust-business-continuity-software**

These statistics are based upon information supplied by loss adjusters to the FPA on a voluntary basis and not all insurers conducting business in the UK contribute to this dataset. They represent only sums paid out where the total loss is in excess of £100K and are deficient of losses under £100K, deductibles, under-insurance, uninsured, self-insured and captively insured components, which may be significant. In a year, total losses captured typically account for 50% of the ABI declared annual fire loss figure – which is similarly deficient of the same components (except the £100K threshold).

F&RM

London Road, Moreton in Marsh
Gloucestershire GL56 0RH
+44 (0)1608 812 500
thefpa.co.uk/news

Editor
Simon Brand
sbrand@thefpa.co.uk

Assistant Editor
Aisha Farooq
afarooq@thefpa.co.uk

Deputy Managing Director
Howard Passey

Advertising
frm@thefpa.co.uk

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