Guidance

Check your fire safety responsibilities under the Fire Safety (England) Regulations 2022

Updated 11 December 2023

Applies to England

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If you are a Responsible Person on whom duties are imposed under the Fire Safety (England) Regulations 2022 (the "Regulations"), this guidance is for you. It sets out your responsibilities under the Regulations. The commencement of the Regulations imposes new duties on Responsible Persons. The Regulations supplement those imposed by the Regulatory Reform (Fire Safety) Order 2005 (all amended).

Read - Home Office

Applies to England only

This information is not exhaustive but is designed to provide you with a high-level overview.

Who is this guidance for?

This guidance is for people who have responsibilities under the Fire Safety (England) Regulations 2022 (the "Regulations"). It has been issued under the powers of section 6 of the Regulatory Reform (Fire Safety) Order 2005 ("the Fire Safety Order"), as you are a Responsible Person who has duties imposed on you by the Regulations. It provides an introductory explanation that should be helpful to the parties to understand the Regulations, such as a block of flats or student accommodation.

Check your fire safety responsibilities under the Fire Safety Order - GOV.UK (www.gov.uk)

Background to the Fire Safety (England) Regulations

In 2017, at Grenfell Tower, a high-rise block in West London, a fire resulted in the deaths of 72 residents. The most serious loss of life in a single fire in the UK since the Blitz War 2. The Government immediately ordered a Public Inquiry into the fire.

In October 2019, the Grenfell Tower Inquiry published the Phase 1 Report of the Inquiry. The findings included many important recommendations to prevent such a tragedy happening again. The Government has implemented many of the recommendations that are relevant to the fire safety in residential buildings. These regulations take the form of the Fire Safety (England) Regulations 2022 and amend duties imposed by the Regulatory Reform (Fire Safety) Order 2005.

To which buildings do the Fire Safety (England) Regulations apply?

These Regulations apply to all England (the Fire Safety Order applies to non-domestic premises (including the residential parts of mixed use buildings) although there are some exceptions. Important for residential premises, the Regulations do not apply to:

- a dwelling in a house or flat
- a building with a height of less than 18 metres above ground level, measured from the lowest ground level adjacent the outside of the building to the height of the floor in the top storey of residential accommodation, and which is not a "relevant building"
- the building's common areas, including any storage rooms and cupboards

A resource floor is to be treated as a storey if its floor area is at least 50% of the floor area of the part of storey in the building which is not below ground level.

Responsible Persons

As the fire Safety Order, this defines the meaning of Responsible Person in the context of both the Order and the Fire Safety (England) Regulations.

As the term "Responsible Person" has a legal definition, it is not open to building owners, enforcing authorities or others to choose to "make" someone the Responsible Person. The Fire Safety Order provides a hierarchy of persons who may be the Responsible Person (Regulations) be delegated to others (Regulations) the Responsible Person will normally need to engage other parties, such as contractors, to assist them in compliance).

Under certain circumstances, duties can also fall on individuals other than the Responsible Person. Employees, contractors, and others, may be liable for offences within their control. In such circumstances, the Responsible Person will have their own duties under the Fire Safety Order.

If you are a Responsible Person in the case of a block of flats, the Responsible Person will be the person who has control of the premises in connection with carrying on a business. This will, typically, be the freeholder or the managing agents for the block, or, for example, a residents' management company.

If you part of the building is a workplace, the employer of persons employed to work in that workplace is the Responsible Person for that part of the building. If the work is carried out in a partnership, one such partnership member is the Responsible Person.

So, there may be circumstances in which there is more than one Responsible Person within the same building. However, even in these circumstances, several of the Responsible Persons may be part of the same company or company-based management company.

Sometimes, confusion arises from the term "Resident", because it might be expected that the "Responsible Person" is an individual living person (or, what, is, does not mean a "Resident" in the context of the Regulations. Responsible Person is a legal organisation, such as a property company or firm of managing agents, or it may be described as a "legal person").

If you are unclear as to whether you are the Responsible Person for the purpose of the Fire Safety (England) Regulations, or otherwise are unsure as to the correct identity of the Responsible Person, you should seek legal advice. The duties imposed by the Regulations and the Fire Safety Order are serious. If you are the Responsible Person, the Regulations, the fire and rescue service may require to be informed as to the identity of the Responsible Person.

Duties of the Responsible Person (General)

Information to residents

You must display fire safety instructions in a conspicuous part of the building. The instructions must be in a comprehensible form that residents can reasonably be expected to understand.

The instructions must cover the following matters:

- the evacuation strategy for the building (e.g., stay put or simultaneous evacuation)
- instructions how to report a fire (e.g. call 999 or dial 999 or 112). The correct address to give to the fire and rescue service
- any other instruction the residents what they must do when a fire occurs

These instructions must also be provided directly to new residents as soon as reasonably practicable after they move into their flat and at periods not exceeding 12 months thereafter. Instead of providing the information to all residents, you may provide information to all residents to the effect that:

- fire doors should be shut when not in use
- residents of them guests should not tamper with self-closing devices on fire doors
- residents should report any fault with, or damage to, fire doors immediately to the Responsible Person

Again, the information door doors must be provided to residents as soon as reasonably practicable after they move into their flat and at periods not exceeding 12 months thereafter.

Duties of the Responsible Person (Buildings over 18m in height)

If you are the Responsible Person for a building which contains two or more sets of domestic premises and is above 18m in height (typically a building of five storeys or more), the Fire Safety (England) Regulations impose additional duties to those described above. The Regulations impose additional duties. Read of the duties of responsible persons as provided (PDF, 4.3 MB)

These additional duties are set out below.

Fire door checks (Communal areas)

All fire doors in communal areas of the building must be checked at least every three months. Typically, these doors will include:

- doors to stairways and stairway lobbies
- cross corridor doors, which subdivide corridors
- doors to storage and electrical equipment cupboards
- doors to rooms (flats) within communal areas of the building

Checks must be carried out by a competent person. Checks should be carried out at least every three months. Typically, these checks will include:

- ensuring that the door is not damaged in any way, there should be signage that clearly indicates to those who are not the owner or who they are and what the Fire Safety Order requires of them
- When firefighters use a lift designed for their use to reach floors, the same signage should be clearly visible to them after they have reached the floor
- The signs must be visible both in normal conditions and in low lighting or smoky conditions

Read a revised Lush Home Fire Safety Guide (PDF, 4.3 MB), including the new fire lettering, the Signature to be used, the mounting height and suitable wording.

You must make sure that the signs are maintained in a clean and legible condition and that you check them regularly (e.g. during other regular required checks within the building).

Secure information box

In the event of a fire or long-term residential building, it is important that certain information is readily available for the fire and rescue service.

The Fire Safety (England) Regulations require that the information is held in a secure information box, which must be in a location or in a location from which it is readily accessible to the fire and rescue service. The box must be capable of containing the information required by the Regulations, and it must be secure against unauthorised access and tampering.

You must provide the box the and rescue service with the details necessary to access the secure information box. Typically, this will be a code or a key. The box must be particularly if there are any changes to these details. Typically, a key-coded box is protected against unauthorised access by means of a lock that is operable only with a key. Alternatively, a combination lock may be used. Other forms of protection are applicable. However, other alternative means of securing the box will be acceptable to the local fire and rescue service, with whom there should be some discussion prior to adopting an alternative.

For the purposes of these Regulations, your secure information box must contain:

- the name, address of telephone number within the United Kingdom of the Responsible Person
- the name and contact information of such other persons within the United Kingdom who are responsible for, and are permitted to, access the building in place of the Responsible Person
- a copy of the floor plans and building plans

You must inspect the secure information box at least annually to ensure that it remains secure and accessible to the fire and rescue service. It is strongly recommended that you also ensure that the information within the box remains accurate.

Good practice can be found on the provision of secure information boxes in high-rise residential buildings.

While it contains useful guidance for examples on the appropriate positioning on boxes, it does not provide any clarification of security of the box that is required by the Regulations.

Information on external wall construction

You must prepare a record of the design of the external walls of the building, including the materials used in the construction of the external walls. You must provide this record to the local fire and rescue service by electronic means.

This record must identify the extent to which the design and materials of the external walls given rise, as determined by the fire risk assessment that you are required to carry out. The record must include, in relation to the external walls, any information that has been taken in respect of fire.

Other than in blocks of flats with external walls of traditional masonry construction, unless the above information is readily available and known to reasonably accurate, determining the information required by the Fire Safety (England) Regulations will generally require the input of a competent person. Typically, this will be a person who has carried out the fire assessment required by the Fire Safety Order. Alternatively, it may be a person who has the necessary knowledge, training and experience. Knowledge, training and experience, however, remain responsible for compliance with the Regulations.

In the case of external wall construction that is known to be of traditional masonry construction, it may be reasonable to assume that the fire risk posed by the external wall is acceptable without further investigation, in which case this should be recorded within the record provided to the fire and rescue service. However, even in the case of traditional masonry construction, there may be circumstances in which there are other decorative cladding that, because of their combustibility, might result in a hazard to the spread. further assessment is required is likely to be necessary.

The purpose of providing this information to the fire and rescue service is to assist them with operational planning and to provide information that will be of value to them in the event of an incident.

Accordingly, the information should be presented in a form, and to the extent, that is best detail, that is of practical value for this purpose. over-elaborate detail if necessary, or information that is not relevant to operational matters, is not necessary and risk, may not be of practical value.

On the other hand, it is unlikely that simple identification of materials used in the external walls, whether combustible or not, will always help the fire and rescue service.

Typically, other than in the case of low-risk, traditional masonry construction, the information that should be provided will include, as a minimum:

- an overview of the design of the external wall
- brief information on the properties of construction, insulation and any cladding
- any known defects in the construction (either as originally built or currently)
- the extent of use presented by the external walls, cladding and any insulation (as determined, where necessary, by an appropriate certificate or specification)
- the extent to which the external walls are known or suspected to be in relation to the risk assessment

A code of practice for fire risk appraisal of external wall construction and cladding is published by the British Standards Institution as PD 7974-1.

A further leaflet for secondary the information must be provided electronically to the fire and rescue service.

If any significant changes are made to the external walls of the building, the record must be updated, and the revised, and the revised version must be provided to the fire and rescue service.

Floor plans and building plan

In the event of a fire in high-rise buildings, plans of the building are of great assistance to the and rescue services. Accordingly, the Fire Safety (England) Regulations require that a floor plan and a building plan for the building are provided.

Accordingly, the plans of the plans for each floor need to be the same as all material impacts. you can prepare just one single plan for those floors, provided the plan clearly indicates the floors to which it applies.

The floor plans must, together, identify the location of all lifts (Identifying any designed for use by firefighters), all stairs, all exits, all escape routes, all escape routes, including rising mains, wet and dry risers and fire suppression systems.

In addition, you must prepare a single page building plan, which shows the following:

- the entrance of the building, e.g. the building's main entrance (Firefighting)
- details of the use of the building, for example for commercial or residential purposes
- access for fire and rescue appliances
- the dimensions of the building
- the approximate location of storage of the building and the number of basement levels (if any)
- information regarding the presence of hazardous or vulnerable factors
- the location of lifts
- stairs for use rising mains
- the location of shut-off controls for any sprinkler systems
- access points for the building
- the location of the secure information box
- the location of the control panel for the fire alarm control system
- the location of any firefighting shaft
- the location of main stairways in the building
- the location of the controls for any evacuation alert system

You must place a hard copy of the floor plans and the building plan in the secure information box. In the event of any changes, you must update the plans and send a copy of these plans by electronic means.

If any changes are made to the layout of the building or the location of the key fire-fighting equipment described above, you must update the floor plans and building plan as soon as reasonably practicable after the changes are made. You will then need to update the plans provided to the fire and rescue service by electronic means.

Lifts and essential fire-fighting equipment

In high-rise residential buildings, one or more lifts are designed to be used by fire and rescue services to assist them with fighting a fire. In addition, there may be other fire-fighting equipment, such as dry risers, wet risers, and fire suppression systems, which are sent there by which the crews obtain water on upper floors.

In addition, high-rise residential buildings may have equipment other specific fire safety measures on which the safety of both residents and firefighters may depend. An example of such equipment is a smoke control system. Such systems, for example, are designed by removing smoke from common corridors and lobbies, or pressurising stairwells and corridors, in turn, operated by a fire detection system.

A same high-rise residential buildings, there may be other systems or equipment that are provided for fire and rescue service use, such as evacuation alert systems, to which residents may be required to respond in the event of an emergency in their building.

It is crucial that all of these systems which are present and provided for fire and rescue service use are fit for purpose. Accordingly, the Regulations make requirements regarding routine checking of such equipment. Such checks should be carried out by competent persons. Routine maintenance of the systems should be carried out by competent persons.

You must undertake monthly routine checks of all lifts that are intended for use by firefighters. Similarly, you must undertake monthly checks of any equipment lifts that are provided for the evacuation of disabled people in the event of fire.

You must also undertake monthly checks of the following:

- rising mains
- smoke control systems
- fire suppression systems
- fire alarm and fire alarm systems, including any systems linked to other fire safety equipment, such as smoke control systems
- evacuation alert systems (a visual check of the control and indicating equipment, but not the sounders)
- automatic door opening or closing systems linked to the detection and fire alarm systems

You must keep records of all these monthly checks. The records of these checks must be accessible to the fire and rescue service.

In addition, you must undertake a test for one of the above systems or equipment, you must take steps the monthly fault. If the fault cannot be rectified within 24 hours of discovery, you must, as soon as reasonably practicable, notify the local fire and rescue service of the fault. You must also, as soon as reasonably practicable, notify the local fire and rescue service when the fault has been rectified.

NFCC has developed templates for reporting faults and rectifications that can be used to report this information to your local fire and rescue service. Page 4 of the fire and rescue services would prefer you to use these templates as it helps them process the information quickly and efficiently. Alternative reporting methods are acceptable.

Responsible persons should consider the fire risk posed by the lifts and other control centre system failures or means of escape and the need for any consequent mitigation measures. Such mitigation measures may include, for example, the need to inform residents of the building, including the use of twenty-four and seven or of equivalent notice. Consideration should also be given to any potential impact on evacuation strategies and the need for any consequent mitigation measures. Such mitigation measures may include, for example, the need to inform residents of the building.

Duties of the Responsible Person (Height of 18 metres or more)

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It is not envisaged that any of the above checks will need to be carried out by specialists or contractors (though some Responsible Persons may choose to have the checks carried out by maintenance contractors that carry out other routine maintenance checks on a monthly, or more frequent, basis). The checks required generally involve only visual inspection or simple functional operating checks.

However, the routine checks must confirm that the system or equipment is in efficient working order and in good repair, based on guidance for routine checks provided by the relevant industry standard or any recommendations made by the manufacturers of equipment within an operators' manual.

The following are examples of the types of checks you will likely carry out for the above requirements but do make sure you refer to any operator's manual for specifics about your equipment:

Lifts

The monthly check will involve operation of the firefighters' switch (or evacuation lift switch) to ensure that it causes the lift to return to the fire and rescue service access (or evacuation) level, after which it can be operated only by the controls within the car. It should then be ensured that these controls enable the lift to be taken to an upper floor, on which the doors can then be opened and closed from within the car. You should also ensure, by means of a random check, that the landing controls are disabled and cannot call the lift to the floor in question.

Smoke control systems

Typically all that is required is to carry out one test each month to ensure that the smoke control system is capable of responding to a signal from any associated fire detection and fire alarm system. Additionally, it should respond to operation of any manual control provided for use by the fire and rescue service. Similarly, in the case of fire doors that are normally held open but close automatically on operation of a fire detection system (which are not common in blocks of flats), the monthly check will simply confirm that the doors do close on operation of the system.

Other systems and equipment

Normally it will be sufficient to carry out a visual check to ensure that the systems and equipment are undamaged and have not been subject to interference. For example, this would apply in the case of the inlet and the landing valves of rising mains and the control valves of fire suppression systems.

Evacuation alert systems

No routine tests should be carried out; the system should only be tested at the time of routine maintenance (e.g. by a contractor). The monthly check only involves a visual examination of the enclosure for the system control and indicating equipment to ensure that it has not been damaged or, for example, subjected to vandalism.

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