

Equality Impact Analysis (EqIA)

Guidance to support a temporary change to a simultaneous evacuation strategy in purpose-built blocks of flats – Edition Four

(Also known as Equality Impact Assessment, People Impact Assessment, Equality Risk Assessment)

Policy / Project / Function	SEG Review	Date of Analysis			August 2022
Analysis Rating: please tick 1 box ✓ (The analysis rating is identified after the analysis has been completed - See Completion Notes).	RED	AMBER	GREEN	✓	Proportionate means achieving a legitimate aim/can be objectively justified.
Please list methods used to analyse impact on people (e.g. consultations forums, meetings, data collection)	Data collection from FRS, Data published by the Department Levelling Up, Housing and Communities (the “DLUHC”). DLUHC, workshops with stakeholders, thematic analysis of correspondence received from those impacted (leaseholders and residents).				
Please list any other policies that are related to or referred to as part of this analysis	The Simultaneous Evacuation Guidance (the “SEG”) which is the subject of this EqIA, does not in itself represent a new policy or regulatory requirement. The key requirements are driven by the existing framework of law and guidance which are the responsibility of the Government and have been subject to their Impact Assessments. This non-statutory industry guidance is intended to supplement Government Guidance and be more responsive to emerging evidence. The change in situation is bought about from increased knowledge of risk in the built environment as a result of poor practices in the construction sector. This has resulted in a number of buildings that are unlikely to comply with The Building Regulations 2010 and/or the Regulatory Reform (Fire Safety) Order 2005 (the “FSO”), The Fire Safety Act 2021, and the Building (Amendment) Regulations 2018, not anticipated at the time the legislative framework was put in place.				
Please list the groups of people potentially affected by this proposal. (e.g. applicants, employees, customers, service users, members of the public)	Residents (which includes leaseholders) in affected buildings, and other relevant persons, building owners and managers (Responsible Persons), Fire and Rescue Services.				
What are the aims and intended effects of this proposal (project, policy, function, service)?					
The SEG is non-statutory guidance and does not give effect to any new requirements or policies, however the fourth edition intends to further support Responsible Persons (the “RPs”), associated fire safety specialists, Fire and Rescue Services, and other appropriate enforcing authorities to assist with a consistent, standardised approach under the FSO in a way that is proportionate and transparent.					

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Background

If a Stay Put strategy cannot be maintained, and there is a serious risk to relevant persons, Fire and Rescue Services (the “FRS”) are under a duty to consider prohibiting use of some or all parts of the building. This would result in residents having to vacate their homes. In the weeks following Grenfell Tower, which was before the publication of the SEG, several buildings faced the possibility of prohibition, and some were prohibited. The most notable example was the Chalcots Estate in Camden London.

An Independent Review of the Evacuation of the Chalcots Estate was undertaken by Marian Harrington in June 2018¹. The review found that following a decision that the buildings could not be safely occupied and needed to be evacuated, the costs of instigating the evacuation and arranging alternative accommodation totalled nearly **£15 million**. The SEG is intended to avoid wherever possible the need for residents to have to move from their homes.

These learnings alongside others are available in the Independent Review’s [report](#). This found that the impacts of prohibition on residents and leaseholders can include:

- People having to leave their homes at short notice.
- People having to continue paying their mortgage or rent and other bills at the same time as paying for alternative accommodation.
- Placing people at significant risk in relation to health conditions and other vulnerabilities.
- Local authorities being unable to provide urgent short-term accommodation, and where provided this may not be available for more than a few days; some residents may not be eligible for assistance, meaning they would have to meet the costs themselves.
- Shortages of alternative accommodation generally.
- Social disruption: alternative accommodation may place people in locations where they cannot get to work or school, or away from family support and childcare.
- Significant impacts for the elderly or residents who may be in vulnerable positions, who may have special arrangements or adaptations in their accommodation.
- Mental health impacts of removing people from their homes including trauma, disruption and loss of dignity.

¹ <https://www.camden.gov.uk/documents/20142/0/download.pdf/6846116b-b475-2f86-0fea-11022185624b>

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- Difficulties finding suitable and affordable alternative accommodation – for example adequate bedrooms for the numbers in the household and access to accommodation that will accept pets.

Large scale decants can therefore require significant resources and may also not be achievable within a short timescale. Alternative accommodation may not be available in the numbers/scale needed to respond to the buildings found with serious risks.

Implementation of interim arrangements within a short period (to allow for other measures to be taken, for example to install a fire alarm) supported by immediate information provided to residents about the risk and the need to evacuate if they become aware of a fire, may be adequate mitigation to reduce the risk below the threshold for an immediate prohibition.

The SEG is intended to ensure advice is available to support those changing from a stay put to a simultaneous evacuation strategy and implementing necessary measures, and to avoid wherever possible the risk that residents have to move from their homes.

Current Review

A commitment to regularly review the guide has been expedited in light of the Government's [statement on proportionality](#) in building safety made on 21 July 2021. The expedited review was commissioned by the government and is being led by the NFCC. Part way through the review towards a fourth edition, new PAS9980 was published in January 2022, resulting in further necessary edits. This and other emerging changes to legislation have led to some delays within the review process.

There are limited circumstances when a waking watch is required, and a key intention of the current review is to address concerns about RPs and Risk Assessors failing to carefully consider extant Guidance about making this decision before referring to the SEG. The previously available guidance on this, '*Building safety advice for building owners, including fire doors*', also known as the Consolidated Advice Note (or the CAN) was withdrawn in January 2022. PAS9980 was then published, providing a new code of practice for the fire risk appraisal of external wall construction and cladding of existing multistorey and multi-occupied residential buildings.

Changes have been made to ensure it is clear to RPs and those using the SEG, that they should holistically consider the risks posed before making decisions about their evacuation strategies. The SEG now sign-posts readers to the new PAS9980, to ensure it is clear that the SEG is only to be used after the decision has already been made by a competent person, in conjunction with a review the fire risk assessment, that the building cannot sustain a stay put strategy.

A priority of the review has been to ensure that it is clear that waking watch is a short term, interim measure only for where there is an immediate risk to residents, and that

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Responsible Persons must take action to ensure that more appropriate and sustainable evacuation arrangements are put in place.

While focus has been put on legislative developments and providing greater certainty throughout a time of change, the review has also been an opportunity to address feedback, concerns, and questions put forward by stakeholders including residents and leaseholders in the time since the last review. This includes amendments to the sections covering evacuation management in response to comments put forward by leaseholder representatives, as well as a greater level of detail about the expected timeframes for transitioning away from a waking watch.

Although the costs on impacted persons are likely to be lower in comparison to prohibiting the use of buildings (such as having to continue paying mortgages or rent and other bills at the same time as paying for alternative accommodation), in some cases the ways in which Responsible Persons are discharging their duties are nevertheless resulting in some significant costs being passed onto leaseholders. The median monthly Waking Watch cost per building ([as published by DLUHC](#)) is £11,361, or £137 per dwelling. These costs can cause substantive financial distress and are impacting on peoples' mental health.

The situation is primarily brought about from a failure to comply with the functional requirements of the Building Regulations at design and build stage. The design and intent of the Regulatory Framework laid out in the FSO as a self-compliance risk-based regime after a building is occupied, is structured in such a way that risk averse behaviour of RPs or others is difficult for regulators to address via enforcement. Enforcement options such as restricting or prohibiting the building may lead to an even greater impact on those most affected compared to other available options.

The figures in Table 1 below, compare what the costs for some households could be of having their homes prohibited by the FRS exercising powers available under the FSO, when compared to the use of a temporary waking watch to enable people to stay in the building until such time as it can be remediated.

These are estimates only, based on a private leaseholder scenario, and do not account for those in social housing. However, they suggest that the interim monthly costs of using a waking watch could be around 65% lower for some households, when compared to the costs of the FRS using its available powers to restrict use of the building. This is before accounting for other possible costs such as insurance.

Regardless of this, the SEG advocates in the strongest possible terms that measures such as common fire alarms are the preferred means of detection and encourages the use of alarms over and above waking watch, to reduce the impact of these costs wherever possible.

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Table 1: Estimated difference of monthly median baseline household accommodation costs: waking watch vs FRS enforcement powers			
	Costs after prohibition	Costs of temporary waking watch	Waking watch lower by
London	Mortgage £1,487 + Rent £1,425 Total: £2,912	Mortgage £1,487 + waking watch £256 Total: £1,743	67%
England	Mortgage £750 + Rent £700 Total: £1,450	Mortgage £750 + waking watch £137 Total: £887	63%

Estimates in this table assume that for private leaseholders, where the use of their primary dwelling is prohibited, they may need to find their own alternative private accommodation at their own cost, in a similar location, while still maintaining mortgage payments on their primary dwelling. Estimates do not include other costs which may be incurred such as home or contents insurance.

¹ <https://www.gov.uk/government/publications/building-safety-programme-waking-watch-costs/building-safety-programme-waking-watch-costs>

¹ [Private rental market summary statistics](#) in England: April 2019 to March 2020, Office for National Statistics

¹ [Mortgage repayment affordability dataset](#), Office for National Statistics, tab 3c, 2018 data.

The review seeks to achieve better practice and proportionate use of waking watch by:

- inclusion of matters that should be considered and steps that should be taken before a decision is made to implement a waking watch. These steps, previously published in other advice, are being clearly signposted within the SEG where relevant to ensure RPs and any professionals instructed by them have due regard to these before moving to implementation, and to ensure this guidance is easy to find.
- further emphasising that waking watch should only ever be used as an absolute immediate term temporary measure and elevating the promotion of alternative and sustainable solutions including emerging technologies.

Other considerations

NFCC has proactively advocated for Government to fund the installation of alarms so that Waking Watches can be removed. The Government then made available the Waking Watch Relief Fund of £35m and a further Waking Watch Replacement Fund of £27m to pay for the costs of installing common fire alarm systems. This was anticipated to lead to the removal of the need for most waking watches. Periodic data collected from English Fire and Rescue Services shows that buildings known to have a waking watch (of all

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heights) fell by nearly 63% between June 2021 and March 2022, from 773, to 288². To date, it is not known how much of the fund has been distributed to building owners and resulted in the installation of alarms.

It may be that improvements to the distribution of funding and/or adjustments to the eligibility criteria of available remediation funding such as the Building Safety Fund (the “BSF”), could help to resolve the issues. While outside the scope of the SEG, NFCC has advised government partners on ways in which the BSF could be used to potentially reduce the need for, and immediate financial pressures associated with, interim measures such as waking watch, while further pathways are explored to ensure the full costs of remediation are met by those who are responsible. For example, allowing the BSF to be spent on a wider range of risk mitigating systems (such as sprinklers).

The scope of the SEG is limited to ensuring that people are safeguarded from the risks of rapid fire spread. The underlying legal requirements of RPs to mitigate risk to residents exist irrespective of the SEG. The SEG does not change or impact on the requirements in law to mitigate risk, the numbers of buildings that are unlikely to comply with building regulations, or the possibility that FRSs would be under a duty to consider prohibiting use of some or all parts of buildings in circumstances where the risk to life is high enough. Removal of the SEG may lead to greater inconsistencies.

The SEG was intended to make technical and professional advice freely available, providing a tool for use to scrutinise local decision making, and benchmark implementation. Bringing together sector industry experts from a range of key organisations, aimed to minimise the risk that the public would receive contradictory or confusing advice from different bodies, or that a private body would seek to produce guidance and then charge impacted persons to access their guidance.

The ability for costs to be passed on is regulated by Landlord and Tenant legislation, and therefore is outside the scope of the SEG or any of the powers of Fire and Rescue Services as enforcing authorities. Service charges and major works charges to long leaseholders are regulated by statute, in particular the Landlord & Tenant Act 1985. This provides a mechanism for leaseholders to challenge service charges if there is a concern the property owner/managing agent is proposing expenditure outside the provisions of the lease. This might be an effective route to test whether the RPs decisions about appropriate fire precautions are correct, although leaseholders are liable for legal costs involved in these challenges.

Costs that arise from building safety failings, are ultimately the result of the failure to comply with the functional requirements of the building regulations. NFCC supports further investigation of options to recover costs from parties who are accountable for design, construction and building works, including development of the proposed Building

² This data collection represents a snapshot in time. The number of buildings is subject to fluctuations as interim measures are implemented or removed, and this information is not always immediately communicated to FRS by Responsible Persons.

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Safety Levy³, and provisions in The Building Safety Act 2022 to extend the time period on claims for defective building work.

NFCC believes that buildings should be suitable for the people who live in them, rather than people having to be 'suitable' for buildings. The best way to support residents' safety in the event of a fire is to ensure that buildings are designed, built and maintained well. The nature of the built environment has changed significantly since the current design guides (such as Approved Document B) were introduced. Experience has shown us that modern materials and construction methods are, at times, not tested to provide confidence that they can meet the functional requirements of the Building Regulations.

Assuming they are fitted correctly, measures such as sprinklers can often provide significant mitigation against fire risk, avoiding the need for other, more expensive, measures. In December 2020, NFCC called for a mandatory requirement to retrofit sprinklers in all high-rise residential buildings over 18m, or 6 storeys, that are served by a single staircase. NFCC's recent submissions calling for improvements to design guidance are available online:

[Raising Accessibility Standards in New Homes](#)

[Sprinklers and other fire safety measures in high-rise blocks of flats](#)

[Technical Review of Approved Document B call for evidence](#)

In addition, it is possible that if the use of parts of buildings are restricted, that this may introduce interference with a person's private life (for instance, by restricting smoking or balcony use etc.). However, where this is done, it should be informed by an assessment of any risks posed to life safety and consideration that any impacts can be objectively justified to safeguard the safety of any employees or residents/relevant persons.

Equality Data

The English Housing Survey (EHS)⁴ suggests that purpose built blocks of flats (PBBFs) are more likely to be social sector dwellings, with private sector dwellings making up just 11% of PBBFs. However, data published⁵ by DLUHC suggests that there is a more even split of private (52%) versus social sector (48%) buildings than this, at least amongst high rise residential buildings which are 18m or more (or more than six storeys) in height. This may in part be explained by the data in the EHS which estimates that 28% of dwellings within social sector buildings are estimated to be private leasehold dwellings.

The Building Safety Programme Monthly Release data, which covers those buildings identified with ACM, shows that there have been 218 private sector buildings, compared with 160 social sector buildings. This is only a partial picture of the types of building stock which have been found with combustible cladding, as this data captures only those high

³https://www.nationalfirechiefs.org.uk/write/MediaUploads/Consultations/2021/NFCC_Response_BuildingSafetyLevy_Final.pdf

⁴

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/945013/2019-20_EHS_Headline_Report.pdf

⁵ <https://www.gov.uk/government/publications/building-safety-programme-monthly-data-release-august-2021>

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rise residential buildings specifically with combustible ACM external wall systems (and doesn't capture a range of other buildings which may have waking watches in place).

Some data on waking watch costs⁶ has been published by DLUHC, however we are not aware of specific data as to how many individuals, or private leaseholders, may be having waking watch costs passed on to them. The above figures suggest that there may be a significant portion of impacted dwellings which are socially owned, and where costs may be being met by housing associations and council housing revenue. In these instances, it may be that costs are not passed on to individuals, however it could reduce the amounts available to meet improvements to social housing and the provision of new housing.

The SEG highlights the need for Responsible Persons to consider any arrangements that may need to be made for those relevant persons including residents who may not be able to evacuate without assistance (such as the use of Personal Emergency Evacuation Plans). This could include people with disabilities, young children, the elderly, people with temporary mobility issues, or people who are pregnant.

It is therefore considered that from a fire safety perspective, the SEG provides an interim positive safety benefit to anyone in these groups who may reside in these buildings. However, additional arrangements to support this may come with significant financial costs that most buildings will not have, that are likely to be passed on to individuals or other leaseholders in the building via service charges. These impacts are affected by other legislation and are outside the scope of this guidance (as above) but are noted here as possible impacts. The current review seeks to reduce the reliance on waking watches, and therefore aims to promote lower financial impacts on all relevant persons.

The SEG highlights that Responsible Persons should ensure that the changes to the evacuation strategy should be communicated in a format that is easily accessible and can be understood by all. They should take into considerations different languages, faiths and religions and evaluate any impact on the persons within their premises.

Is any Equality Data available relating to the use or implementation of this proposal (policy, project, or function, service? Please Tick ✓ (See Completion notes)

YES:

NO: ✓

List any Consultations e.g., with employees, service users, Unions or members of the public that has taken place in the development or implementation of this proposal (project, policy, function)?

The SEG is industry wide guidance, convened by NFCC, which has been developed by a range of contributors and authors. Edition one was produced for the NFCC by a group of Fire Safety representatives from organisations including the Fire Industry Association (FIA), Institution of Fire Engineering (IFE), London Fire Brigade (LFB), DCLG's Independent Expert Advisory Panel, London Borough of Southwark, (names of those

⁶ <https://www.gov.uk/government/publications/building-safety-programme-waking-watch-costs>

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involved are published in the first two Editions of the SEG). Significant contributions from the Home Office were also included.

As representatives of UK FRS, NFCC has also engaged with and consulted FRS representatives on the SEG. Over successive editions, consultation has expanded.

By Edition three the SEG included joint badging from the Association of Residential Managing Agents (ARMA), Optivo, the Fire Protection Association (FPA) alongside the FIA, and IFE. A wider number of organisations were invited to comment in its development, including some independent Fire Risk Assessors, the Fire Brigades Union (FBU), Fire Officers Association (FOA), the Local Government Association (LGA) the Health and Safety Executive (HSE) and leaseholder representatives; this saw a number of comments from UK Cladding Action Group (UKCAG) being incorporated alongside those from original group members. This process included comments resolution workshops with leaseholder groups.

For Edition four and the present review, stakeholder lists have been reviewed and updated, to ensure a representative spread of views will be invited on the revised draft. Including comments received on the draft of this document as well as the SEG, over 500 comments were received and considered during the preparation of Edition four.

In addition, public correspondence which has to date been received, primarily from leaseholder representatives, has also been thematically reviewed, to ensure the issues being raised through these channels are captured.

While no direct sources of available Equality Data have been identified through this process, other sources of available data have been analysed as above, to try and understand the implications of this review.

Financial Analysis If applicable, state any relevant cost implications (e.g. expenses, returns or savings) as a direct result of the implementation of this policy, project, or function.

Costs (£)	Projected Returns £
Implementation £	Projected Savings £

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What impact will the implementation of this proposal have on people who share characteristics protected by <i>The Equality Act 2010</i> ? ✓ (See Completion notes)				
Protected Characteristic:	Neutral Impact:	Positive Impact:	Negative Impact:	Evidence of impact and if applicable, justification if determining proportionate means of achieving legitimate aims exists
Sex (Men and Women)		✓		The current review seeks to reduce the reliance on waking watches, and therefore aims to promote lower financial impacts on all relevant persons. This may be of greater indirect benefit to women as there is evidence that women are economically disadvantaged and receive lower average pay than men.
Race (All Racial Groups)		✓		The current review seeks to reduce the reliance on waking watches, and therefore aims to promote lower financial impacts on all relevant persons. This may be of greater indirect benefit to those from Black and minority ethnic backgrounds, as there is some evidence that those from ethnic minorities may receive lower average pay than white ethnic groups.
Disability (Mental, Physical, and Carers of Disabled people)		✓	✓	<p>The guidance promotes the physical safety of those who may be unable to evacuate without assistance and therefore may be said to have a Positive Impact. However, additional arrangements to support this may come with financial costs that might be passed on to individuals or other leaseholders in the building via service charges. These impacts are affected by other legislation and are outside the scope of this guidance but are noted here as possible Negative Impacts.</p> <p>The current review seeks to reduce the reliance on waking watches, and therefore aims to promote lower financial impacts on all relevant persons. This may be of greater indirect benefit to disabled leaseholders as there is evidence that disabled people are economically disadvantaged and receive lower average pay than non-disabled people.</p>
Religion or Belief	✓			The current review seeks to reduce the reliance on waking watches, and therefore aims to promote lower financial impacts on all relevant persons. It is not anticipated that this positive impact would be experienced differently according to this characteristic.
Sexual Orientation (Lesbian, Gay, Bisexual, and Straight)	✓			The current review seeks to reduce the reliance on waking watches, and therefore aims to promote lower financial impacts on all relevant persons. It is not anticipated that this positive impact would be experienced differently according to this characteristic.
Pregnancy and Maternity		✓	✓	The guidance promotes the physical safety of those who may be unable to evacuate without assistance and therefore may be said to have a Positive Impact. However, additional arrangements to support this may come with financial costs that might be passed on to individuals or other leaseholders in the building via service charges. These impacts are affected by other legislation and are outside the scope of this guidance but are noted here as possible Negative Impacts against the Positive Safety Impacts.
Marital Status (Married and Civil Partnerships)	✓			The current review seeks to reduce the reliance on waking watches, and therefore aims to promote lower financial impacts on all relevant persons. It is not anticipated that this positive impact would be experienced differently according to this characteristic.
Gender Reassignment (Includes non-binary)	✓			The current review seeks to reduce the reliance on waking watches, and therefore aims to promote lower financial impacts on all relevant persons. It is not anticipated that this positive impact would be experienced differently according to this characteristic.
Age (People of all ages)		✓	✓	The guidance promotes the physical safety of those who may be unable to evacuate without assistance and therefore may be said to have a Positive Impact. However, additional arrangements to support this may come with financial costs that are passed on to individuals or other leaseholders in the building via service

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What impact will the implementation of this proposal have on people who share characteristics protected by <i>The Equality Act 2010</i> ? ✓ (See Completion notes)				
Protected Characteristic:	Neutral Impact:	Positive Impact:	Negative Impact:	Evidence of impact and if applicable, justification if determining proportionate means of achieving legitimate aims exists
				charges. These impacts are affected by other legislation and are outside the scope of this guidance but are noted here as possible Negative Impacts against the Positive Safety Impacts.

What impact will the implementation of this proposal have on people who are impacted by and / or local factors that sit outside the Equality Act 2010 (non-legislative). Examples include social economic factors (i.e. poverty and or isolation), caring responsibility, unemployment, homelessness, urbanisation, rurality, health inequalities any other disadvantage. ✓ (See Completion notes)				
Identified impact non-legislative factor.	Neutral Impact:	Positive Impact:	Negative Impact:	Evidence of impact and if applicable, justification if determining proportionate means of achieving legitimate aims exists
Social and Economic	✓			<p>Not enough data is available on the socio-economic makeup of those impacted to be able to determine the impact. Those most impacted financially are likely to be leaseholders/those who own their own homes and are therefore unlikely to be homeless or on very low incomes. In some cases, leaseholders may also be property owners letting their properties to tenants; in these instances, the tenants would benefit from measures to protect their safety but would not face any additional costs arising from building charges. Residents who are tenants therefore experience a positive impact generally of additional fire safety measures being implemented. However, those experiencing costs are in cases facing serious financial stress because of the current situation; this may be higher for those with caring responsibilities if others in their household are financially dependent on them.</p> <p>Because the aim of the review is to reduce the reliance on waking watches, and therefore aims to promote lower financial impacts on all relevant persons, this may be of greater indirect benefit to those from disadvantaged socio-economic backgrounds where relevant.</p>

This Equality Impact Analysis was completed by: The Protection Policy and Reform Unit.....

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Action Plan Owner:		Commencement date:		Sign off date:	
As a result of performing this analysis, what actions are proposed to remove or reduce any negative impact of adverse outcomes identified on people (employees, applicants customers, members of the public etc) who share characteristics protected by <i>The Equality Act 2010</i> or are <i>non-legislative characteristics</i> ?					
Action Planning					
Identified Impact Protected Characteristic or local non-legislative factor	Recommended Actions	Responsible Lead	Completion Date	Review Date	
Disability, pregnancy and maternity, age	<p>Possible negative (as well as positive) impacts for these groups are identified as above in relation to the ability for property owners to pass costs on to leaseholders. This aspect of the impact is governed by legislation which is administered by DLUHC and is outside the scope of this guide.</p> <p>NFCC is aware that these issues have been raised directly by leaseholders with DLUHC, who are undertaking a review of the leasehold and commonhold systems in England. The Government are also pursuing a range of additional protections for leaseholders in The Building Safety Act 2022.</p> <p>The current review of the SEG seeks to reduce the reliance on waking watches, and therefore aims to promote lower financial impacts on all relevant persons. Other advice that the NFCC have provided to central Government with suggestions for how these impacts could be mitigated is detailed in the body of this EQIA.</p> <p>No further recommended action is therefore identified at this time.</p>	PPRU	August 2022	August 2023	

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Completion Notes:	
<p>Analysis Ratings:</p>	<p>The analysis rating is located at the top of the document so that if you have several impact assessments you will be able to determine priority impact status. To assure the analysis determines the rating, the rating should not be determined before the analysis has been completed.</p> <p>Red: As a result of performing this analysis, it is evident a risk of discrimination exists (direct, indirect, unintentional, or otherwise) to one or more of the nine groups of people who share <i>Protected Characteristics (and / or local non-legislative factors)</i>. In this instance, it is recommended that the use of the activity or policy be suspended until further work or analysis is performed.</p> <p>If it is considered this risk of discrimination (is <i>objectively justified</i>, and/or the use of this proposal (policy, activity, function) is a <i>proportionate means of achieving a legitimate aim</i>; this should be indicated, and further professional advice taken.</p> <p>Amber: As a result of performing this analysis, it is evident a risk of discrimination (as described above) exists, and this risk may be removed or reduced by implementing the actions detailed within the <i>Action Planning</i> section of this document.</p> <p>Green: As a result of performing this analysis, no adverse effects on people who share Protected Characteristics <i>and / or local non-legislative factors</i> are identified - no further actions are recommended at this stage.</p>
<p>Equality Data:</p>	<p>Equality data is internal or external information that may indicate how the activity or policy being analysed can affect different groups of people who share the nine Protected Characteristics <i>and / or local non-legislative factors</i>. Examples of <i>Equality Data</i> include: (this list is not definitive)</p> <ol style="list-style-type: none"> 1: Application success rates by <i>Equality Groups</i> 2: Complaints by <i>Equality Groups</i> 3: Service usage and withdrawal of services by <i>Equality Groups</i> 4: Grievances or decisions upheld and dismissed by <i>Equality Groups</i>
<p>Legal Status:</p>	<p>This document is designed to assist organisations in “<i>Identifying and eliminating unlawful Discrimination, Harassment and Victimisation</i>” as required by <i>The Equality Act Public Sector Duty 2011</i>.</p> <p>The NFCC/FRSs may be keen to extend “due regard” to local/non-legislative factors such as social economic factors (i.e. poverty and or isolation), caring responsibility, unemployment, homelessness, urbanisation, rurality, health inequalities any other disadvantage. ✓ (See Completion notes). What impact will the implementation of this proposal have on people for which there is no legal requirement? (Consider each local non-legislative factor separately).</p> <p>Doing this analysis may also identify opportunities to <i>foster good relations</i> and <i>advance opportunity</i> between those who share Protected Characteristics <i>and / or local non-legislative factors</i> and those that do not.</p> <p><i>An EqIA is not legally binding and should not be used as a substitute for legal or other professional advice.</i></p>
<p>Objective And/or Proportionate</p>	<p>Certain discrimination may be capable of being defensible if the determining reason is:</p> <ol style="list-style-type: none"> (i) <i>objectively justified</i> (ii) <i>a proportionate means of achieving a legitimate aim</i> of the organisation <p>For <i>objective justification</i>, the determining reason must be a real, objective consideration, and not in itself discriminatory. To be ‘<i>proportionate</i>’ there must be no alternative measures available that would meet the aim without too much difficulty that would avoid such a discriminatory effect. Where (i) and/or (ii) is identified it is recommended that professional (legal) advice is sought prior to completing an Equality Impact Analysis.</p>