



NFCC
National Fire
Chiefs Council

The professional voice of the
UK Fire & Rescue Service

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Rt Hon Robert Jenrick
Secretary of State for Housing,
Communities & Local Government
Ministry of Housing, Communities
and Local Government
2 Marsham Street, London, SW1P 4DF

Sent via email to: PSRobertJenrick@communities.gov.uk

9th March 2021

Re: Charter for Social Housing Residents – Social Housing White Paper

Dear Minister,

The National Fire Chiefs Council (NFCC) welcomes the opportunity to respond to the *Charter for Social Housing Residents – Social Housing White Paper* published on 17 November 2020. We have provided our response as a short brief attached to this letter.

NFCC is the professional voice of the UK fire and rescue services (FRSs) and is comprised of a council of UK Chief Fire Officers. The vision of the NFCC is to improve safety in communities by working collaboratively with FRSs, promoting national approaches where they work best. This submission was put together by NFCC's Protection Policy and Reform Unit in consultation with colleagues in NFCC's Prevention Committee. One of the NFCC's overarching objectives is the promotion of a consistent and coordinated approach to fire safety regulation.

NFCC continues to engage with Government as part of the Building Safety Programme, and has submitted responses to consultations and given evidence on numerous aspects of the Fire Safety Bill, draft Building Safety Bill, and the Fire Safety Consultation. NFCC has also submitted a response to the consultation on extending requirements for smoke and carbon monoxide alarms, which was published in tandem with this White Paper.

NFCC welcomes the proposals, expectations and reforms put forward in the White Paper in principle, but does have some concerns as outlined in more detail in the brief below. In summary, NFCC:

- encourages a cohesive and consistent set of expectations for residents across both the social housing and private rented sectors. This would mitigate social inequities and help make safe housing a right to all members of society rather than a privilege to some.
- welcomes the proposed tenant satisfaction measures but would like clarity on how they align to the draft Building Safety Bill safety case reviews and the building's fire risk assessment. NFCC would be happy to assist in the development and formalisation of these measures, particularly those on fire and building safety.
- welcomes tenant voice and tenant engagement through the introduction of the complaints handling code and removal of the 'democratic filter,' but requests clarity on

the 'no wrong door' approach to the proposed complaints procedures, and how residents' complaints will be managed within the proposed timeframes without compromise to resident safety from fire risks.

- calls for reassurance that the introduction of emergency repairs (if needed where a survey uncovers evidence of systemic landlord failures) will include repairs to fire safety measures such as breaches in compartmentation, the lack of smoke detector or defective fire doors that are within the private dwelling and/or the communal areas which are impinging on the resident's safety from a fire, or in the event of a fire, to evacuate safely.
- would like clarity on which regulation and legislation takes precedence where there is an overlap.
- welcomes the proposal to review the Decent Homes Standard and is interested in helping to inform any update and improvements relating to homes being free from serious hazards.

We welcome discussing these matters with you further.

Yours Sincerely,



Gavin Tomlinson

**NFCC Protection and Business Safety
Committee Chair**



Neil Odin

NFCC Prevention Committee Chair



Response to the Social Housing White Paper

To: The Ministry of Housing, Communities and Local Government

From: National Fire Chiefs Council

Date: 9th March 2021

Primary contact: Nicholas.Coombe@nationalfirechiefs.org.uk

Purpose

This brief outlines concerns NFCC has with the proposals set out in the [Social Housing White Paper: The Charter for Social Housing Residents](#) and the potential adverse impact these may have, not only on residents and landlords, but also fire and rescue services (FRSs). NFCC would like to work with MHCLG to address these concerns.

Key points

1. *Chapter 1 – To be safe in your home: Consistent standards across the social and privately rented sectors*
 - 1.1. The White Paper sets out the expectation that residents of social housing should feel safe in their homes and details how this could be achieved. Links are made to the private rented sector and the smoke and carbon monoxide consultation. All residents should be safe in their own homes, regardless of whether they live in a private rented sector or a housing association property.
 - 1.2. NFCC would like to see a cohesive and consistent set of expectations for residents across both the social housing and private rented sectors. This would mitigate social inequities and help make safe housing a right to all members of society, rather than a privilege to some.

Clarity regarding the proposed nominated person for health and safety and ensure it is in line with requirements under the draft Building Safety Bill (BSB) and Regulatory Reform (Fire Safety) Order 2005 (the FSO)

- 1.3. The White Paper provides that its proposals align with the draft Building Safety Bill, however, NFCC would like further clarity regarding:
 - how the alignment of the draft BSB and the FSO uplift will ensure residential buildings that fall outside of the draft BSB scope are afforded the same oversight and regulation that will be offered to high rise residential buildings over 18m (HRRBs) under the new Building Safety Regime. For example, by levelling the playing field with the private rented sector.
 - the overlap between the range of designated persons specified under the different legislative regimes. Under the draft BSB, there is a proposal for residential buildings within scope to have one or more Accountable Persons (AP) and a Building Safety Manager, and for Responsible Persons (RP) under the FSO to

ensure compliance with both regulations. The White Paper proposes a legislated role of a nominated person responsible for health and safety requirements and for landlords to identify a nominated senior person (a required role) responsible to comply with consumer standards. It is unclear whether the roles proposed in the White Paper are additional roles to those set out under the draft BSB and the FSO. If it is intended that they are separate roles, we would like to see clarity on what procedures and safeguards will be in place to ensure these separate roles are clearly defined. A requirement for collaboration to ensure roles and responsibilities are well understood would need to be set out to ensure there is no reduction in resident safety.

2. *Chapter 2 – To know how your landlord is performing: Tenant Satisfaction Measures*

- 2.1. NFCC supports the proposals to provide residents with building safety information and the introduction of the new Tenant Satisfaction Measures, which include the implementation and review of a Resident Engagement Strategy detailing complaint processes and routes of escalation and redress. The proposed draft Tenant Satisfaction Measures are a positive move towards ensuring residents feel safe in their homes. However, it is unclear in the Paper how these will align, if at all, with draft BSB safety case reviews, the building's fire risk assessment, and the Grenfell Tower Inquiry Phase 1 recommendations. NFCC believes any link to repairs, particularly those that affect fire safety measures and resident safety, should be aligned to the building's fire risk assessment and the Health and Housing Safety Rating System (free from Cat 1 hazards) requirements under the Housing Act 2004.
- 2.2. NFCC, as the voice of the UK FRSs, recognises that some of the tenant satisfaction measures being proposed, such as fire safety and building safety, present a risk to both building safety and more importantly to life. Therefore, we would like to offer to assist in the development and formalisation of these Tenant Satisfaction Measures.

3. *Chapter 3 – To have complaints dealt with promptly and fairly: strong ombudsman*

- 3.1. NFCC welcomes the Housing Ombudsman's Complaints Handling Code and the removal of the 'democratic filter', enabling residents to escalate their complaint directly to the Housing Ombudsman after exhausting their landlord's own complaints process. There are some aspects which would benefit from further clarity, including whether sublet tenants and private rented sector residents can escalate their complaints to the Housing Ombudsman as a body which applies to social housing residents.
- 3.2. Clarity is also sought on whether leaseholders are 'relevant owners' and, therefore, if they can escalate concerns to the New Homes Ombudsman as well as the Building Safety Regulator and the Housing Ombudsman, and if so, which would take primacy.
- 3.3. It is unclear in the Social Housing White Paper proposals (or the draft BSB) as to whether there is a distinction between the bodies that residents can go to for HRRBs or out of scope buildings. It appears that residents in HRRBs can have their concerns heard directly by the new Building Safety Regulator, but residents in 17.9m buildings need to refer to the Housing Ombudsman, which could create a two-tier complaints escalation and redress process.
- 3.4. Our members' experience shows the complex nature of some ownership structures can cause confusion for residents about who is responsible for the safety of their building. The introduction of multiple APs, in addition to multiple RPs, will add further layers of complexity to what is already a significant challenge. This will be more so for residents who themselves will be considered an AP, an RP or both (for example, in the role as director of the tenant management organisation).

- 3.5. These challenges can undermine the speed and effectiveness that a complaint can be dealt with. This is especially concerning in mixed use buildings where there is the potential to have multiple RPs under the FSO, and multiple APs under the proposed regime for different parts of the same building, plus the addition of a Building Safety Manager and the two additional roles as proposed in the White Paper as highlighted above.
- 3.6. NFCC, therefore, believes there is a strong need for a principal AP for a building, who has ultimate responsibility for their building and their Resident Engagement Strategy which mandates the complaints process. This should be supported with clear guidance that sets out the two-way resident engagement process and the responsibilities of the resident, the Building Safety Manager, and the AP/s.
- 3.7. NFCC would like clarity on the 'No Wrong Door' approach. NFCC understands that this approach provides that following a failure of the landlord to adequately resolve a complaint, the Housing Ombudsman and/or the Social Housing Regulator will be the primary next step for the resident in seeking redress. It is unclear whether a complaint from a resident received by a local FRS can be referred to the Housing Ombudsman and/or the Social Housing Regulator. Which procedure or agency takes precedence where there is an overlap and how is this information shared between regulators to avoid duplication?
- 3.8. The overriding objective should be for the tenant to have the ability to raise a complaint and have it responded to and addressed in the most appropriate way. However, there is a risk that, by not having a clear procedure, residents will raise the same issue with a range of agencies For example, the FRS, local housing authority (for purposes of Health and Housing Safety Rating System), and the Housing Ombudsman. This has the potential to create a duplication of effort and an inefficiency in resource where multiple organisations are looking at the same issue. There could also be situations where a complaint is investigated and an outcome given by one organisation, and the resident, not content with the outcome, initiates the same complaint again with another regulator. This is why appropriate coordination and information is key in order avoid duplication and improve efficiency and effectiveness.
- 3.9. The proposal and principles of an awareness campaign regarding residents' rights and how to complain is welcome. However, this should also include information about the types of complaint that can be raised and the role of the resident in facilitating the resolution of any complaints. For example, by allowing reasonable access to the property when required as well as acting and behaving in a way commensurate to the requirements of their tenancy agreement.
- 3.10. NFCC recognises the need for complaints to be resolved within set timeframes. However, to retain confidence in the process, it is imperative that risks are properly investigated and addressed and a culture of 'closing the complaint' within the set timeframe does not emerge. The needs of the residents must be put at the centre of these reforms, the process of who they should complain to must be clear and they must feel as they have been heard and, where possible, a satisfactory resolution reached.

4. *Chapter 4 – To be treated with respect: strong consumer regulator*

- 4.1. Further detail is sought on the proposal to legislate the removal of the 'serious detriment test' and routine inspections through stronger consumer standards, in terms of which regulatory inspection takes precedence and what the burden on landlords will be for different regulatory inspections.

- 4.2. NFCC believes that placing the Code of Practice/Guidance on a statutory footing provides the necessary weighting required and will support cultural change in these organisations.
- 4.3. The proposed co-operation and coordination agreements between the housing regulator and the Building Safety Regulator are welcomed by NFCC, and mirror requirements for co-ordination and cooperation set out in the draft BSB and the FSO for APs and RPs. NFCC believes that this proposal could be widened with a view to improving resident safety if the requirement for this and the sharing of relevant information is extended to include sharing of information with FRSs and other regulators responsible for housing standards and building safety.
- 4.4. NFCC calls for reassurance that the introduction of emergency repairs (if needed where a survey uncovers evidence of systemic landlord failures) will include repairs to fire safety measures, such as breaches in compartmentation, the lack of smoke detector, or defective fire doors that are within the private dwelling and/or the communal areas that are impinging on the resident's safety from a fire, or in the event of a fire, to evacuate safely.

5. *Chapter 5 – To have voice heard by landlord*

- 5.1. NFCC welcomes stronger tenant engagement for all social housing residents. Open and effective resident and landlord engagement is fundamental in improving safety. NFCC believes these principles should be extended to the private rented sector.
- 5.2. NFCC also welcomes further consideration of situations where a landlord has shown due diligence and has done everything reasonably possible to engage with tenants/residents and communicate in the most effective way, but there is still a lack of engagement from the resident(s) themselves. It will be important to clarify how this will be acknowledged by the Housing Ombudsman and Regulator for Social Housing, and what considerations/procedures are in place for residents who fail to engage when needed for matters relating to fire and/or building safety.
- 5.3. NFCC supports the proposed review of professional training and development for social housing staff and the various types of qualifications and customer service training that may be needed for staff in differing roles. We feel this proposal could be further improved by including a requirement for staff to have fire safety training. This would enable them to recognise relevant safety concerns more quickly and effectively, either through their own observation when visiting buildings or through responding to residents' complaints.
- 5.4. As part of the Resident Engagement Strategy, some basic fire safety training could be offered to residents who are willing to participate. This would promote ownership and responsibility for fire safety issues in their building and increase awareness over how to report matters of concern in the most effective way.
- 5.5. NFCC has extensive experience of delivering successful community safety campaigns and research including, for example, Home Fire Safety Visits (which educate people about being safe from a fire in their homes). We recommend a holistic resident engagement approach that has residents truly at its heart, which we see as a person-centred approach to fire safety in the home. Ensuring residents are aware of their role and responsibility in keeping themselves and their building safe is key to successful resident engagement, which in turn acknowledges the need to build on the findings of the MHCLG Best Practice Pilot Group research. It also provides the right platform for trust to build and allow for open conversations between residents and landlords, particularly those most vulnerable.

6. *Chapter 6 – To have a good quality home and neighbourhood to live in*

Decent Homes Standard

- 6.1. NFCC welcomes the proposal to review the Decent Homes Standard and we would be particularly interested in helping to inform any update and improvements relating to homes being free from serious hazards.

Supporting Residents facing Anti-Social Behaviour and Crime

- 6.2. NFCC welcomes wider involvement and opportunities to help develop safer neighbourhoods. In many areas of the UK the link between anti-social behaviour and the occurrence of deliberate fires is understood. These fires cause nuisance, distress, community damage, and blight.
- 6.3. The development of anti-social behaviour into crime and serious and organised crime, is often accompanied by the use of fire as a weapon and a mechanism for victimisation or attack. NFCC recognises the importance of early intervention to prevent and deter progression into more serious crime, and the escalating consequences in terms of damage and loss of property and community assets, to the loss of life. NFCC would welcome wider involvement in Community Trigger Case Reviews to provide appropriate early interventions as a valued and trusted partner.
- 6.4. Creating safer homes for people is core to the FRS prevention agenda. NFCC welcomes the opportunity to ensure a partnership approach is taken to tenant risk reduction in terms of fire safety. This would assist in reducing the likelihood of an accidental fire starting within the home as well as reducing the likelihood of becoming the victim of arson. NFCC welcomes the focus on providing safer homes and the consideration of active arson prevention measures being installed through the application of ‘Secure by Design’ principles. Encouraging community pride and respect as passive measures to develop a zero tolerance to deliberate fire setting and arson would also be welcome.
- 6.5. Consideration on how anti-social behaviour and domestic violence affects people and the impact this has on the fire safety measures in place within a building with residential use needs to be recognised and considered. For example, housing a known fire-setter in a block of flats potentially increases the risk of arson and fire. The expectation would be that the AP/RP considers, through their fire risk assessment, the impact this would have on their building’s emergency evacuation strategy and the safety of all residents. It is important to determine whether such information on specific fire risks should be available to FRSs or placed within the building’s Premises Information Box in accordance with the Grenfell Tower Inquiry Phase 1 recommendations.
- 6.6. NFCC agrees that mental health and social issues need to be better managed. For interventions to be successful there needs to be collaboration with subject matter experts and professionals through partnerships and agreements with the social services sector. Many FRSs already work with domestic violence agencies across the country to develop fire safety strategies for the individual affected by domestic violence within their home. NFCC would welcome further research in this area of work and could assist in developing these proposals further through its various workstreams.

Improved neighbourhoods with green space and beautifully built homes

- 6.7. Building stock needs to be built to a safer and higher standard. As the professional voice of the UK FRSs, building ‘better’ buildings means that buildings are safer for residents from the risk of fire and for those firefighters who respond when a fire does break out. Designing and constructing buildings to be safer needs to be at the heart of a cultural change in the sector.

- 6.8. We support the ambition to achieve a modern streamlined system that promotes improved and sustainable design to deliver much needed housing and infrastructure. However, this needs to be provided via a robust process that results in safety for residents, occupants, the wider community, and firefighters alike. There should not be conflict between a streamlined planning process, sustainability, and fire safety.
- 6.9. NFCC believes that there needs to be a significant cultural shift in the industry to improve competency levels and ultimately improve building safety for all. NFCC supports initiatives which could facilitate such a shift. Change needs to start at planning stage to be meaningful, comprehensive, and effective.
- 6.10. Dame Judith Hackitt's *Independent Review of Building Regulations and Fire Safety* made recommendations about the competence of all parties involved in the building safety system. Competence within specialised areas such as modern methods of construction (MMC) and its related fire performance is critical to delivering a safe building for occupants and firefighters alike. This knowledge and understanding should be extended to the competency of the person responsible for the building in occupation and reflected in the safety case of the building, as proposed by Dame Judith Hackitt in her final report.
- 6.11. Alongside concerns regarding competence, NFCC would also like to raise concerns regarding the apparent lack of large-scale fire test data for certain MMC construction methodology, for example, modular builds. This understanding not only feeds directly into the design process, but allows greater understanding of building performance in fire such that FRSs can develop their operational understanding and response. The lack of fire test data, coupled with a period where construction quality is questionable, does not provide us with confidence that all these schemes are receiving the appropriate level of scrutiny needed for such new and innovative approaches.
- 6.12. Finally, we believe it is important that all actors in the system remain vigilant to risks in terms of methods or materials of construction that could prove dangerous in the future. Cladding, such as the Aluminium Composite Material (ACM) that encased Grenfell Tower, can be extremely hazardous but was once considered an MMC. It is key that the sector does not become complacent in future to potential risks.

7. *Chapter 7 – To be supported to take your first step to ownership*

- 7.1. NFCC is supportive of the introduction of a 10-year 'repair-free' period during which the landlord will cover the costs of major repairs for new homes. However, there are still questions over who pays for the remediation of those buildings that have been repurposed into residential buildings and/or fall outside the draft BSB scope. For example, will this fall to the leaseholder who has a 10% shared-ownership stake, and will this 10-year repair free period include fire safety remediation, such as of external wall systems / cladding and compartmentation?
- 7.2. This needs to be considered in line with questions over leaseholders / shared owners facing bills for remediation of safety defects, particularly in blocks of flats.
- 7.3. NFCC is seeking clarity of how reforming the leasehold market will help existing leaseholders. In particular, those in buildings that still need or will need remediating and have the additional financial burden of interim fire safety measures, such as alarm installation or a waking watch, in place to ensure residents are safe and alerted in time in the event of a fire.