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National Fire
Chiefs Council

The professional voice of the
UK Fire & Rescue Service

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Emergency Evacuation Information Sharing Consultation Response

Thank you for the opportunity to respond to the consultation on Emergency Evacuation Information Sharing (EEIS). NFCC is the voice of the UK Fire and Rescue Service (FRS) and is comprised of a council of Chief Fire Officers. This response was compiled by the NFCC Protection Policy and Reform Unit with engagement from colleagues in FRS Protection, Prevention, and Response departments.

It is NFCC's view that, although the EEIS proposals represent a step forward, the current proposals do not go far enough, nor do they meet fully the intent of the Grenfell Tower Inquiry Phase One recommendations. NFCC very much appreciate that evacuations pose a challenging policy area, but we believe there is more that Government should be doing in this area to ensure that all residents are able to evacuate safely without the need to wait, in the hope of being rescued by the FRS.

In particular, NFCC is disappointed that new proposals from Government do not contain a cross-departmental response to address the evident root cause of these problems – that buildings have not been designed, constructed, or maintained properly.

Buildings should be suitable for the people who live in them, rather than people having to be 'suitable' for buildings.

Where buildings are built and maintained **correctly**, there are a number of advantages to designing buildings to resist the spread of fire. Unfortunately, we now know since the Grenfell Tower fire and Dame Judith's Independent Review, that following the deregulation of the construction industry, the system is broken. We now know that some buildings have not been built or refurbished to appropriate standards.

NFCC does not believe that the principles of a high level of compartmentation, which by default support stay put strategies, should be read as mutually exclusive to measures which also support a Plan B to support people to safely get out should they wish to.

This is why NFCC has made numerous recommendations to Government about how to strengthen both the regulatory environment for building and construction, as well as the underpinning design guidance. Measures that would bring English building safety standards closer to those of other countries to support safe evacuation would include:

- multiple staircases, with new tall buildings having a minimum of two staircases;
- evacuation lifts; and
- refuge areas with communications.

NFCC has urged Government on many occasions to prioritise the review of Approved Document B and make it a requirement to retrofit sprinklers in all high rise residential buildings over 18m, or 6 storeys, that are served by a single staircase.

Regrettably, we have all seen, read, and heard the hours of evidence given at the Grenfell Tower Inquiry and, although conclusions from the current phase of the inquiry have yet to be drawn, the recurrent decay of building safety standards and regulation appear to have been, thus far, overwhelmingly demonstrated.

Government must do more to ensure that new buildings are designed and constructed in a way that makes them safer for people who occupy and use them in the event of an emergency. Furthermore, when undergoing a major refurbishment, there should be a requirement for improvements to the building that would make them more inclusive. All residents and relevant persons in these premises, regardless of any impairments, must be able to access the building without difficulty but to also safely exit the building regularly and in an emergency. Despite the level of focus on what should be done to counter these issues retrospectively, it is still possible today to build tall single staircase residential buildings in England.

Evidence given at the Grenfell Tower Inquiry has exposed that the Approved Documents have not received appropriate oversight or governance, and this has led to misinterpretation and gaming of the regulations. Government must ensure that governance of the full technical review of Approved Document B, which is currently ongoing, is improved immediately to avoid a repeat of previous mistakes.

The EEIS proposals provide the initial mechanism for Responsible Persons (RPs) to be able to identify residents who may need assistance to evacuate their building in the event of an emergency. The proposals form the first stages of identifying whether the existing measures in the building are suitable and sufficient to meet the needs of the residents that require assistance to evacuate safely, where necessary to make reasonable adjustments, and to signpost to further resources that could assist the residents and other relevant persons. However, the proposals do not provide a suitable pathway to RPs appropriately supporting evacuation.

This aspect of the proposal needs further clarity, with better support to ensure that, where a resident has been identified as requiring assistance, measures to support them are suitable and sufficient. These requirements will need to be determined based on circumstances both in the building itself and for the individual in question.

NFCC is concerned that there seems to be a high degree of confusion and misunderstanding about what a Personal Emergency Evacuation Plan (PEEP) is, and the extent to which they can already be used. RPs are already required to consider a suite of options to ensure that residents and relevant persons, whether they be disabled or otherwise, are able to exit regulated premises in an emergency. PEEPs form part of the toolbox that RPs can use to meet their existing duties and should be implemented where reasonably practicable, as determined by the fire risk assessment in combination with a person centred fire risk assessment (PCFRA). PEEPs can be comprised of many different types of measures, as indicated within the government's own matrix of escape options, published alongside statutory guidance.

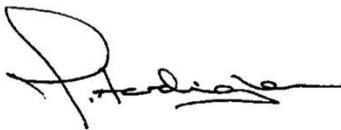
NFCC are concerned that the proposals may represent, perversely, a watering down of current provisions. This is supported by guidance issued under Article 50 of the Regulatory Reform (Fire Safety) Order (the FSO), which states that evacuation should be possible without the intervention of the FRS. The proposals as written appear to imply that there will be a transference of existing duties from the RP to the FRS, by suggesting that RPs are not already required to ensure all residents can evacuate.

Where a resident is unable to evacuate, FRSs, in their role to protect life, will perform a rescue using best endeavours. However, rescue should always be viewed as a last resort, and not as an assumption to enable building owners to overlook their responsibilities, or policy justification for enabling England to continue having lower standards of design guidance than many other countries.

Further consideration is needed to flesh out the proposals so as not to conflict with existing duties for RPs, to increase clarity around what costs would be reasonable to pass on to residents, and how conflict can be resolved where disagreements persist between residents and RPs. Greater thought also needs to be given to what more can be done to ensure that residents are able to evacuate safely and without the intervention of the FRS in all but extreme cases.

We look forward to further engagement with Government to ensure that final proposals address the concerns outlined in our response.

Yours sincerely,



Mark Hardingham
Chair
National Fire Chiefs Council

Executive Summary

1. Scope – The Individual

- 1.1. NFCC has concerns around the limited scope of resident disabilities and vulnerabilities which are being included in the EEIS proposals. Whilst mobility impaired residents are most likely to require physical assistance or equipment to assist them in evacuating their building, there are a multitude of other impairments that can affect an individual's ability to evacuate or become aware that an evacuation is taking place. Furthermore, it is important to recognise and acknowledge that not all residents who identify as requiring assistance to leave their building in the event of an evacuation will have a mobility impairment. For example, some residents will require assistance because of a mental health condition or neuro-diverse, sensory, or cognitive impairment. NFCC believe focusing solely on mobility impairment is discriminatory and non-inclusive, and alienates those with impairments or conditions other than those related to mobility.
- 1.2. Many individuals with disabilities and/or impairments will not require cost intensive or substantial alterations, and their safety could be greatly improved through consideration as part of the EEIS proposals. For example, an individual with a sensory impairment may require additional adjustments to ensure they are made aware that an evacuation is taking place, or a resident with a cognitive impairment may require focus to be on orientation and familiarisation instructions, such as personalised fire drills or cognitive support. These measures could be undertaken on a regular basis so that the resident becomes familiar with what to do in the event of an evacuation.
- 1.3. The proposals also do not take into account visitors or guests who may be staying in the building who may require assistance, the existing duties for the RP to consider such persons, and how relevant information on visitors would then be shared with the FRS. As a minimum, the RP should have a generic plan in place that takes account of visitors as well as residents that may have temporary disabilities, and how any on-site presence should operate in such instances.

2. Scope – The Building

- 2.1. NFCC are pleased to see that proposals are no longer limited to buildings over 18m or at least 7 storeys tall. Risk from fire exists at all heights, and a resident unable to evacuate from the 4th floor of a 5-storey building will be in the same position as a resident on the 4th floor of a 25-storey building.
- 2.2. We recognise that a focus should be placed on buildings that have had to revert to a temporary simultaneous evacuation strategy due to fire safety defects that are awaiting remediation and/or mitigation. However, NFCC take the view that due consideration should also be given to other occupancies and premises types where there may be a particularly high number of persons who could find themselves in vulnerable positions or where the risk to them from fire is heightened.
- 2.3. Examples of such premises would include types of sheltered housing as well as some buildings with a stay put evacuation strategy where evacuation could be particularly challenging, such as high rise buildings with a single staircase.
- 2.4. Due to RPs duties applying to all multi-occupied residential buildings, Government should also consider whether information sharing should be extended to all multi-occupied residential buildings. By only mandating information on mobility-impaired residents in buildings with a temporary simultaneous evacuation strategy, Government is watering down existing responsibilities. Furthermore, there are already duties for

social landlords under the Equalities Act to consider adjustments for all their disabled residents, not just those with mobility impairments or who live in buildings with temporary simultaneous evacuation. This reinforces the need to consider other occupancy and premises types, otherwise Government risk creating a two-tier system of safety requirements.

3. Improving Building Standards

- 3.1. NFCC believe that buildings should be suitable for the people who live in them, rather than people having to be 'suitable' for buildings. Designing buildings to rely on simultaneous evacuation and rescue tactics does not take the needs of people with disabilities or impairments into account. This effectively designs people who may find themselves in vulnerable positions out of housing.
- 3.2. It has long been NFCC's position that building regulations and supporting guidance do not reflect societal changes. Flats have been described as general needs housing since the development of large tower blocks in the 1960s. Sixty years on, we now know that high rise residential buildings are home to people with complex needs. Fire safety design does not reflect this. This needs to change.
- 3.3. All housing should meet safe standards, otherwise the elderly and those with disabilities and impairments have limited options for safe housing. People are living longer lives, and impairment can affect anyone, at any time. Housing for those with disabilities and vulnerabilities should become an exemplar for mainstream housing and meet higher standards for safety. This would ensure those with disabilities and impairments are not discriminated against when finding accommodation.
- 3.4. A range of measures in addition to those above would bring English building safety standards closer to those of other countries to support safe evacuation, including multiple staircases, with new tall buildings having a minimum of two staircases, evacuation lifts, and refuge areas with communications. Government should review the [Housing our Ageing Population Panel for Innovation](#) reports for further suggestions.
- 3.5. Government could effectively design out the need for evacuation measures which are complex or costly to implement in a large proportion of the residential built environment by improving the standard that buildings are built to. This could be done by mandating life safety features as outlined above, and ensuring that all residents are either able to evacuate or shelter in safe locations. This would lead to greater autonomy for many with impairments, providing the option to leave a building in an emergency in the same way those without impairments can.
- 3.6. Sprinklers have been evidenced to be 99% effective in extinguishing or controlling a fire, and can be retrofitted at an estimated cost of £150k in an average high rise building, with the majority of costs being one-off. As a point of comparison, data published by DLUHC on the costs of waking watches shows that on-site staffing can cost more than twice as much per dwelling compared to the per dwelling cost of installing sprinklers. 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. Sprinklers and other suppression systems can buy crucial additional time in firefighting operations, and may mean that evacuations are not necessary in the first place.
- 3.7. NFCC have, for a number of years, highlighted through multiple submissions to Government and Select Committees the impending difficulties that are set to arise from a combination of the increasing trend towards people receiving care in their own

homes, an aging population, and the lack of updates to design guides and the Approved Documents. Current basic design parameters still remain largely grounded in assumptions, studies, and values about ways of living dating from the 1950s and 1960s. They also do not take account of the significant additional fuel likely to be found in modern homes, including batteries, increasing numbers of electronic devices, and larger items such as electric vehicles and electrical vehicle charge points.

- 3.8. Evidence given at the Grenfell Tower Inquiry has exposed that the Approved Documents have not received appropriate oversight or governance, and this has led to misinterpretation and gaming of the regulations. Government must ensure that governance of the full technical review of Approved Document B, which is currently ongoing, is improved immediately to avoid a repeat of previous mistakes.
- 3.9. Ministers should ensure that the area of government with responsibility for the maintenance and oversight of Approved Documents is appropriately and adequately resourced, and is inclusive of individuals with the appropriate technical competence.

4. FRS Attendance Times

- 4.1. Part of the reasoning underpinning Government's current EEIS proposals is the quick response times by the first FRS appliance, quoted as averaging 7 minutes and 3 seconds in England and 6 minutes and 15 seconds in London. This evidence is used to justify that firefighters can begin tackling an incident quickly and that residents could rely on the FRS to evacuate them. However, this reasoning is fundamentally flawed.
- 4.2. Firstly, by taking an average attendance time, Government risks ignoring instances of buildings which are not located in close proximity to a fire station. Whilst buildings in urban areas are more likely to receive a response time similar to those quoted, buildings in ex-urban or rural areas will be outliers with a longer response time. Indicative data from an FRS with a mixture of urban and rural areas suggests that, in a best case scenario with no other ongoing incidents and all pumps available, it will be more than 12 minutes before sufficient weight of initial attack could be in place to begin to undertake rescues and firefighting activities at some buildings with interim measures in their area. It is more likely that sufficient resources will not be in place for at least 15 to 20 minutes. Government's policy planning should take these statistics into account rather than relying on response times for first appliances, which may be indicative of speed but neglect the important factor of weight of attack.
- 4.3. Furthermore, other circumstances, such as a high number of concurrent incidents, could significantly affect response times and they should not be relied on as part of any risk assessment. The recent July 2022 heatwave is a prime example of this, and Government should, therefore, factor in a range of response times rather than relying on an average.
- 4.4. Secondly, although it is caveated on the consultation webpage, the consultation does not highlight that the amount of additional time it will take for FRSs to have sufficient resources and personnel in place to have safe systems of work to fight the fire, could render the whole approach redundant. Indicative feedback from FRSs suggest that it could be up to 20 or even 30 minutes after a 999 call is received that a sufficient number of operational personnel have arrived on-site to begin fighting the fire. This time period could be further extended if FRSs are expected to rescue disabled persons in other parts of the building and the higher up a building that the fire is burning through. Coupled with this are the physiological impacts on firefighters of tackling fires in high rise buildings. These should not be underestimated, especially if rescues from

floors above the fire need to be affected. The current proposals, therefore, oversimplify FRSs' tactical approach and could result in incident commanders having to decide between evacuating residents who may be unaffected by heat or smoke, or fighting the fire.

- 4.5. FRSs will undertake rescues where life safety is threatened and evacuation is no longer viable, but the EEIS proposals threaten to overturn this. Evacuation arrangements are the responsibility of the RP and, according to statutory guidance issued under Article 50 of the FSO, an 'evacuation plan should not rely upon the intervention of the Fire and Rescue Service to make it work.'¹ The EEIS proposals directly contradict Government's own statutory guidance.
- 4.6. We are concerned that the structure and content of the EEIS proposals could in and of themselves create false expectations on FRSs from the public. Focusing on selective response times without qualifying information and portraying the FRS as an evacuation service, could create a false sense of security amongst residents that FRSs will always be able to rescue them quickly. It may also create a false impression that FRSs are responsible for evacuation. This directly contradicts a number of pieces of statutory guidance, which currently make it clear that evacuation plans should not rely upon the intervention of the FRS to make them work.

5. Information Sharing

- 5.1. NFCC appreciate that the storing and sharing of personal and sensitive information is challenging, however, a simple list of flat and floor numbers of mobility impaired residents will not provide FRSs with sufficient information to fully inform their operational response. The proposals do not take in account that there may be residents with other types of impairments and vulnerabilities whom the FRS may need to be aware of for the reasons outlined above, nor provide sufficient detail to ensure their safe evacuation.
- 5.2. In order to ensure that FRSs are adequately equipped to assist a resident, where necessary, to leave the building quickly and safely regardless of their disability, impairment, or vulnerability, operational crews, where practicably possible, would benefit from having information about additional factors that could potentially affect the evacuation or cause injury to the person concerned, other residents, or firefighters. It is therefore important that, where possible, information also includes a brief description of any impairments, equipment that may be required to evacuate the individual, and any critical lifesaving equipment and/or medication that must accompany the resident if evacuated, as well as any language barriers. Due regard should be given to the [FIA/NFCC Code of Practice for Premises Information Boxes](#) as part of the considerations.
- 5.3. A distinction needs to be drawn between information and resources needed to rescue an individual versus undertake a coordinated evacuation during an emergency. Where a rescue is undertaken, firefighters will operate with best efforts and engage with the person to be rescued under tight time and life safety conditions. During an emergency evacuation, however, where individuals may not be at immediate risk from fire or smoke, more information will be needed to ensure they can exit the building without injury or leaving critical lifesaving equipment or medication behind.

¹ [Fire Safety Risk Assessment – Means of Escape for Disabled People](#), p.4. Similar wording can also be found on p.24 of the [Fire Safety Risk Assessment – Sleeping Accommodation](#) guide: 'everyone in your premises should be able to escape to a place of total safety unaided and without the help of the fire and rescue service'.

6. Costs and Conflict Resolution

- 6.1. Consideration needs to be given to costs to ensure there are no adverse impacts on residents requiring adjustments to assist them in evacuating the building, and costs should not jeopardise the ability of someone who may find themselves in a vulnerable position to secure and stay in their accommodation. NFCC does not currently believe that there is sufficient clarity in the proposals to provide confidence that residents and RPs will be able to come to agreed solutions, and that disproportionate costs will not be passed on to residents who may find themselves in a vulnerable position.
- 6.2. We would not want to see a situation where those with impairments have to take on excessive financial burden in order to improve their safety in their own home or building. This could lead to persons who may find themselves in a vulnerable position choosing not to self-identify, and RPs and FRSs being unaware of residents with compromised ability to self-evacuate. Responsible persons have a duty for fire safety measures under the FSO and this should not exclude a duty to ensure adjustments are in place for residents who may find themselves in a vulnerable position.
- 6.3. NFCC have been advising Government for several years of the risks posed by the combination of insufficient updates to design guidance coupled with demographic trends, such as an aging population and a drive towards more people receiving care in their own homes. As outlined in our [response to the DLUHC consultation on Raising accessibility standards for new homes](#), design guidance related to egress and safe evacuation principally has its origins in outdated studies conducted with populations who were able-bodied and fit. This is at odds with the aspiration that homes in the 21st century should be fit for purpose for all people through their whole life.
- 6.4. Evidence given at the Grenfell Tower Inquiry has exposed that the Approved Documents have not received appropriate oversight or governance, and this has led to misinterpretation and gaming of the regulations.
- 6.5. An unintended consequence of landlords being burdened with the cost is reduced accommodation available for mobility, sensory, or cognitively impaired people due to the potential cost to landlords for reasonable adjustment.
- 6.6. There may be a large number of stakeholders involved with reasonable adjustment provision, with the resident, other residents, the landlord, the building management, the RP, and the freeholder all required to be involved with authorisation of very small adjustments particularly in the common areas of blocks of flats.
- 6.7. Future policy work on these proposals will need to outline how disagreements between residents and RPs around what measures are suitable and sufficient, as well as who pays for them, are resolved. NFCC can envisage scenarios where there is disagreement, and as a result no adjustments are implemented, and the resident is still at a heightened risk. The current proposals outline no ways to mitigate this, and this must be reviewed.
- 6.8. The concurrent consultation from the Equality Hub on [Improving disabled people's access to let residential premises](#) states that, where consensus cannot be reached, residents' only recourse will be legal action. NFCC requests clarity on whether it is the intention for EEIS proposals to follow the same route. NFCC would not find this acceptable due to the protracted periods of time which could pass before adjustments are agreed and implemented.

Organisational Information

Please indicate whether you are responding as an individual or on behalf of an organisation.

- a) On behalf of an organisation

Please select in what capacity you are responding to this consultation.

- m) Professional body

If you are responding on behalf of an organisation, please provide details of:

- a) The name of the organisation you are representing – National Fire Chiefs Council
- b) Your role – Chair
- c) Your responsibilities in the organisation – Head of the organisation

How many people does the organisation employ?

- d) 50-249

If you are responding on behalf of a trade body or other representative group of individuals or organisations, please provide:

- a) The name of the group
- b) Brief description of its objectives
- c) Brief description of its membership
- d) Number of members

The NFCC is the professional voice of the UK FRS. NFCC represents a council of all UK Chief Fire Officers and has a membership comprising over 400 FRS strategic managers. NFCC represents Enforcing Authorities of the Fire Safety Order.

Step 1: Defining the building evacuation strategy

Question 1: Do you agree or disagree that the initial change in legislation should be focussed on the buildings with the greatest fire safety risk i.e. buildings with simultaneous evacuation strategies in place?

Strongly Agree	Tend to Agree	Neither Agree nor Disagree	Tend to Disagree	Strongly Disagree
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If you disagree, what category of buildings do you propose should be included?

Please consider and address the information in the Impact Assessment (including the analysis of costs) before formulating your response. If you consider that the costs would be different to those set out in the Impact Assessment please set this out and explain why.

Response:

There are already duties on the RP to ensure that all relevant persons likely to be on the premises can safely evacuate to a place of safety if needed. This is the case for buildings with both stay put and simultaneous evacuation strategies. Clearly, where there is a temporary strategy to 'get out' due to a heightened level of risk, people may have even less Available Safe Egress Time (ASET) compared to a building assessed as being safe for a stay put strategy before conditions in that building become untenable. Evacuation plans for these buildings are therefore critical.

A PEEP can be many different things, depending on the person and the building. PEEPs form part of a suite of options that are already available for RPs to use to comply with their duties under the FSO. Therefore, no change in legislation is necessary to introduce new duties for RPs in this regard. A greater understanding of the law in this respect and the subordinated guidance is necessary, and could be provided quickly to RPs and other relevant stake holders at low cost whilst being targeted according to risk.

Whilst NFCC does not disagree that buildings that have temporarily moved from a stay put to a simultaneous evacuation strategy should be prioritised for any evacuation information sharing or plans, it is NFCC's view that such policies should also be applied to other more complex premises types, especially those with sleeping risk and/or with vulnerable occupancy. The proposals as they stand may undermine or jeopardise existing practice and precedent in a number of other premises types by suggesting they are not already requirements. The [Fire Safety Risk Assessment: Sleeping Accommodation](#) guide, for instance, sets out a range of advice for the preparation of plans including consideration of refuges, evacuation lifts, and evacuation chairs.

NFCC also holds serious concerns that implementation of EEIS could undermine FRSs' ability to assess and enforce compliance with the FSO in a range of other regulated premises, such as care homes. Currently, the FSO allows FRSs to enforce against a range of measures in relation to the evacuation requirements for residents in a varied number of regulated premises where the evacuation strategy for the building is phased or simultaneous. This includes the ability to take enforcement action under the FSO relating to, amongst other things, means of escape, on-site staffing, staffing levels including overnight, and training of staff.

It is vital that, where necessary, FRSs continue to have the powers to ensure that RPs meet their respective fire safety duties under the FSO to protect the most vulnerable members of society and other relevant persons. We are concerned that allowing evacuation to be viewed as the responsibility of the FRS, to any degree, would dilute or, if not, frustrate the existing ability of FRSs to hold RPs to account for the provision of suitable and sufficient evacuation procedures elsewhere. For example, whether providers of care services in the future may seek to challenge FRS powers to require certain staffing levels, on the basis of lesser requirements in other premises.

NFCC is pleased to see that the EEIS proposals do not currently include any height thresholds, and we would not wish to see an expansion of the policy limited to residential buildings over 18m as suggested in the impact assessment. We are concerned that the focus purely on simultaneous evacuation has the potential to exclude premises, particularly specialised housing blocks, which have a stay put evacuation strategy combined with the potential for a particularly high number of occupants who find themselves in a vulnerable position and may require assistance to evacuate. These premises are likely to be lower rise and may not factor highly into risk matrices compared to high and medium rise residential blocks which have temporarily moved to a simultaneous evacuation strategy, but would equally benefit from evacuation information sharing and/or PEEPs where reasonably practicable as determined by the fire risk assessment in combination with a PCFRA.

Question 2: Do you agree or disagree that the toolkit, as described, would be a suitable resource to support Responsible Persons in fulfilling their duties under the Regulatory Reform (Fire Safety) Order 2005?

Strongly Agree	Tend to Agree	Neither Agree nor Disagree	Tend to Disagree	Strongly Disagree
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Response:

No, it is the view of NFCC that the proposed toolkit does not go far enough.

The FSO needs to ensure that there is a clear and consistent approach, with no room for ambiguity on what the requirements are for RPs, and provide safeguards for residents of all tenures from disproportionate treatment across relevant buildings. Relying on individual RPs to make these judgements risks creating a multi-tiered system of protections for those residents that may require assistance to evacuate safely from their home.

For example, where residents have moved to a different building, they may find stark differences in the standard of fire safety measures in place and in the level of engagement from the RP. This poses a risk, especially when those measures are of a lower standard compared to the individual's previous home and do not meet the needs of the resident, or where the resident has to repeatedly advocate for improvements with their RP each time there is a change in their circumstances. This approach from Government could lead to conflict where RPs and residents disagree on what measures are necessary and who should pay for them, something that would be avoided if requirements were consistent and legally mandated.

Government should consider introducing new guidance under Article 50 of the FSO or through amendments to existing statutory guidance to make requirements clear for residents, RPs, and enforcing authorities, rather than relying on a toolkit that is open to interpretation. Such an approach would ensure clarity and consistency for all.

NFCC maintains its position reiterating that buildings should be suitable for the people who live in and visit them, rather than people having to be 'suitable' for buildings. Building design should ensure that people who are disabled or find themselves in a vulnerable position and wish to leave the building if a fire occurs, even if not in their flat, should be able to do so. People are living longer lives and impairment can affect anyone at any time. Housing for those with impairments or vulnerabilities should become an example for mainstream housing and meet higher standards for safety. This would ensure those with disabilities and/or vulnerabilities are not discriminated against when finding accommodation.

A range of measures that would bring English building safety standards closer to those of other countries to support safe evacuation would include:

- multiple staircases, with new tall buildings having a minimum of two staircases;
- evacuation lifts; and
- refuge areas with communications.

Such measures are referenced in several places throughout the [Fire Safety Risk Assessment: Sleeping Accommodation](#) guide as useful measures to mitigate the risk from fire.

Furthermore, Government will need to guarantee that costs should not jeopardise the ability of people who may find themselves in a vulnerable position to secure and stay in their accommodation. We would not want to see a situation where those with impairments have to take on excessive financial burdens or risk fear of losing their home. This could lead to people who may find themselves in a vulnerable position choosing not to self-identify, and RPs and FRSSs being unaware of residents with a compromised ability to self-evacuate.

Question 3: Call for evidence - Are you aware of any initiatives that enhance the fire safety of mobility impaired residents, that could be considered for inclusion as case studies in the toolkit?

Yes	No
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If yes, please provide details below. If you are happy to be re-contacted to understand these case studies further, please also provide your contact details.

If you disagree, please explain why. What alternative resources do you think could support Responsible Persons in this regard instead?

Response:

It is important to recognise and acknowledge that not all residents who identify as requiring assistance to leave their home in the event of an evacuation will have a mobility impairment. Some residents will require assistance because of a mental health condition or neuro-diverse, sensory, or cognitive impairment. NFCC believes focusing solely on mobility impairment is discriminatory and non inclusive, and alienates those with non-mobility impairments and disabilities, and those with neuro-diverse conditions.

If case studies are to be used, their purpose needs to be made clear. There is the potential risk that RPs will use the case studies as a comparison or benchmark to make assessments of what is required based on similarities, and not actually assessing the individual needs of the resident.

The NFCC [Fire Safety in Specialised Housing](#) guide outlines a range of initiatives that should be considered as part of the toolkit. Areas that Government may wish to consider in terms of the types of impairments that may be encountered as well as considerations related to recognition, response, and travel times is outlined in the British Research Establishment paper on [Evacuating Vulnerable and Dependent People from Buildings in an Emergency](#).

Step 2: Identification of those needing support to evacuate

Question 4: Do you agree or disagree that the proposed identification process laid out above i.e. the Responsible Person asking residents to self-identify (when resident first moves in, comms to all residents on an annual basis and via residents coming forward themselves outside of those times) strikes the right balance of responsibilities between a Responsible Person and an individual resident?

Strongly Agree	Tend to Agree	Neither Agree nor Disagree	Tend to Disagree	Strongly Disagree
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If you disagree, please explain why and outline what your alternative approach would be.

Please consider and address the information in the Impact Assessment (including the analysis of costs) before formulating your response. If you consider that the costs would be different to those set out in the Impact Assessment please set this out and explain why.

Response:

NFCC believes that the approach to identification outlined in Government's proposals is a good first step, but would note the challenges with such an approach. Firstly, as outlined

above, concerns around costs and how this may affect their access to accommodation may dissuade some people who may find themselves in a vulnerable position from self-identifying to the RP. These concerns should be addressed to ensure that no part of the proposals could potentially dissuade self-identification.

There may also be opportunities for agencies that interact with disabled individuals or provide care on a regular basis, such as local authority care providers, to encourage individuals to self-identify to their RP.

Regarding the frequency of communications to residents, there are also challenges around how to keep the information up to date as well as privacy considerations. Information could become out of date or inaccurate due to changes in residency. The temporary nature of some conditions leading to mobility issues, such as recovery from illness or injury, means that information may not reflect the occupancy of the building at that time, and this will need to be taken into account as part of operational response.

Question 5: Do you have any additional comments on the proposed identification process as laid out in step 2 above?

Yes	No
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If yes, please give as much detail as possible.

Response:

As well as relying on residents to self-identify, Government may wish to issue advice to local authorities and other agencies which provide social care and will have records of people who may find themselves in a vulnerable position. This guidance could ask relevant bodies to signpost residents who may be in receipt of social care, advising them that they can self-identify to their RP if they live in a relevant building and will have difficulty in self-evacuating.

NFCC is unclear on the intent of the proposals in regard to what would happen in temporary simultaneous evacuation buildings once any fire safety defects are remediated and/or mitigated and the building's evacuation strategy reverts to stay put. The proposals would benefit from clarity on whether the information that is held by the RP would continue to be updated and shared with the FRS.

The current wording of the EEIS proposals suggest that the number of buildings that the proposals apply to would diminish over time, with requirements on RPs no longer applying. This could result in outdated information being relied on by the FRS if the information is not kept up to date. It would seem to be a waste to destroy/delete relevant information, a decision that could negatively affect the safety of residents who have self-identified. This also ignores the fact that RPs are already required to consider a suite of options to ensure that residents and relevant persons, whether they be disabled or otherwise, are able to exit the building in an emergency regardless of its evacuation strategy.

The consultation proposals state that applying Step 2 to all residential buildings would be disproportionate, as it would require RPs to undertake and identify residents needing support to evacuate. However, NFCC believes this contradicts the Resident Engagement Strategy requirements set out in the Building Safety Act and the Fire Safety (England) Regulation 9 – Provision of information to residents, which will apply to all residential buildings, not just those in temporary simultaneous evacuation. These proposals risk creating a two tiered system for residents who may find themselves in a vulnerable position in buildings with a temporary simultaneous evacuation compared to those in stay put buildings. The

vulnerabilities of the resident needing assistance to evacuate does not diminish with a change in evacuation strategy, and current proposals may actually see a reduction in their safety as their building is remediated, not an improvement.

NFCC is unclear as to how the RP is able to fulfil their duties to provide residents with 'instruction that tells residents what they must do once a fire has occurred, based on the building's evacuation strategy' if they do not have the relevant information of their residents' needs.²

Step 3: Person Centred Fire Risk Assessment checklist

Question 6: Do you agree or disagree that this approach is a viable way to identify fire safety risks, including barriers to evacuation?

Strongly Agree	Tend to Agree	Neither Agree nor Disagree	Tend to Disagree	Strongly Disagree
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If you agree, whilst viable, are there still issues to consider in implementing this approach? Please give details.

If you disagree, please explain why and outline what your alternative viable approach would be.

Please consider and address the information in the Impact Assessment (including the analysis of costs) before formulating your response. If you consider that the costs would be different to those set out in the Impact Assessment please set this out and explain why.

Response:

Whilst NFCC agree that a PCFRA is a viable way to identify fire safety risks to the individual and barriers to evacuation, we strongly advocate that this is not limited to those residents in buildings with temporary simultaneous evacuation strategy. As outlined above, restricting certain requirements to buildings under temporary simultaneous evacuation will create a two tier system of fire safety for residents. Residents who have self-identified as needing support, irrelevant of the tenure, height, or evacuation strategy of their building should be offered a PCFRA which is reviewed at appropriate intervals.

NFCC also recommend that PCFRAs are made available to all residents regardless of their impairment or vulnerability. PCFRAs should not just be limited to mobility impaired residents, and also be offered to those with other impairments, such as cognitive, sensory or mental health issues, as these can hinder a person's ability to respond to an emergency. It needs to be stressed that PCFRAs on their own are not the solution, but will instead need to inform the building's fire risk assessment. The appropriate competent person to carry out the PCFRA for a resident will depend on the premises type and the resident's needs, and would need to have an understanding of local FRS Prevention, Protection and Response functions in order to tailor the PCFRA. Therefore, the PCFRA may need to be carried out by, or in concert with, specialised housing scheme managers, care providers, or any other party who regularly engages with the resident. RPs may need to engage the services of other competent professionals, such as the care provider and their local FRS, to ensure that the

² [Fire Safety England Regulations 2022 – Fact sheet: Information to residents \(regulation 9\).](#)

needs of the resident are being fully met with a holistic approach to their health, wellbeing and safety.

In order to carry out a PCFRA, residents with vulnerabilities would need to disclose personal information to the RP for their building. Government will need to consider guidelines to ensure that any information is shared in line with GDPR requirements and does not open up individuals who may find themselves in a vulnerable position to discrimination.

For example, if a PCFRA found it was not financially sustainable or possible to arrange a PEEP or put in the safety measure necessary for a resident, could this impact the individual's access to housing or result in them possibly face being evicted from their home? Could an individual who may find themselves in a vulnerable position also potentially face discrimination when attempting to secure a tenancy because of the additional requirements identified in the PCFRA? This relates back to concerns outlined above around costs, and how to ensure that disproportionate costs are not passed onto residents who may find themselves in a vulnerable position, whilst also ensuring RPs or landlords do not use costs as justifications to refuse accommodation to such persons.

Ultimately if a person is vulnerable enough to require assistance to evacuate, the RP should be considering if there are further measures which would better protect their safety, such as increased use of sprinklers, refuge areas, and evacuation lifts. Consideration of measures such as refuge areas and evacuation lifts, particularly for those with mobility impairments, is outlined in detail within the Article 50 guide, [Fire Safety Risk Assessment: Sleeping Accommodation](#).

In such circumstances, there may be instances where it will be more cost-effective to install mitigation measures, as these will have a continuing impact that will benefit the safety of all residents beyond simply remediating the building.

NFCC continues to advocate for enhanced mitigation measures, such as those mentioned above, to be included within the relevant design guidance in Approved Document B and Approved Document M, as well as calls to address the barriers posed by non-worsening provisions as identified by Dame Judith Hackitt's Independent Review.

The best way to protect people who may find themselves in a vulnerable position is to make sure building standards require high levels of built-in fire protection from the outset, and that buildings are built and maintained properly.

Question 7: Do you agree or disagree that this approach is an adequate way to identify suitable measures to mitigate against fire safety risks, including barriers to evacuation?

Strongly Agree	Tend to Agree	Neither Agree nor Disagree	Tend to Disagree	Strongly Disagree
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If you agree, whilst adequate, are there still issues to consider in implementing this approach? Please give details.

If you disagree, please explain why and outline what your alternative adequate approach would be.

Please consider and address the information in the Impact Assessment (including the analysis of costs) before formulating your response. If you consider that the costs would be different to those set out in the Impact Assessment please set this out and explain why.

Response:

NFCC is generally supportive of the inclusion of PCFRAs in Government’s approach. This can also be complemented by FRS preventative initiatives, such as Home Fire Safety Visits (HFSV) and Safe and Well Visits (S&WV), by signposting to partner organisations who can assist. It should be noted that a PCFRA is a far more detailed and comprehensive assessment that would be carried out by a competent person on behalf of the RP, compared to a HFSV or S&WV.

There are a range of reasons why it would be important for the PCFRA to take primacy. For example, FRSs are not always able to gain access, for instance if a resident is unable to get to the door. A PCFRA as arranged by the RP will be able to assess how a resident will receive warning of fire and the resident’s ability to react to or act upon a warning of fire inside or outside the flat. It can also assess any assistive technology and equipment the person might need, as well as alternatives to any smoking materials, heating equipment, fire retardant bedding, cleaning etc. FRS crews do not have the authority or training to do this, but can complement this approach by referring people to appropriate services.

However, as stated in the consultation, the RP currently has ‘no statutory duties to implement in-flat prevention or suppression measures,’ and there is also no mandate under the FSO or the Housing Act to be able to enforce in-flat non-compliance of duty of care. This raises questions as to how consideration of PCFRAs could be enforced to ensure that the findings of the PCFRA have been implemented and the resident is safe in their home.

Although the consultation offers some suggestions as to how the costs of implementing the findings of any PCFRAs will be covered, there is no provision under these proposals for the RP to evidence that they have engaged with residents, considered all options, and demonstrated due diligence. Consideration should be given as to whether this is something that can be evidenced as part of the duties under the Building Safety Act via the Resident Engagement Strategy and Safety Cases.

Once again, this aspect of the proposals represents a first step towards addressing evacuations for persons who may find themselves in a vulnerable position, but further consideration is required to make sure that RPs cannot avoid their responsibilities, even when requirements are mandated.

Question 8: Do you foresee any issues with the provision of a PCFRA checklist (by the Responsible Person) AND the provision of a home fire safety visit from the Fire & Rescue Service?

Yes	No
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If yes, please give as much detail as possible.

Response:

HFSV and S&WV are preventative initiatives that can complement a PCFRA approach. It should be noted that HFSV will vary between FRSs across England. Some FRSs will undertake HFSV whilst others will undertake S&WV.

This means that visits will be undertaken by different staff with different training and to different standards, so RPs would need to take into account these variations. Furthermore, HFSV and S&WV act as the start of a signposting process involving numerous other

stakeholders, such as adult social care and charitable organisations that can assist persons who may find themselves in a vulnerable position. Any approach must be taken in a holistic manner that does not simply place all responsibility at the feet of the FRS, especially as FRSs have no powers to enforce adjustments in individual dwellings.

If PCFRAs are undertaken in a suitable and sufficient manner, HFSV and S&WV will not always be necessary. Guidance for RPs should note that visits from the FRS are available to residents, but RPs should not be encouraged to direct residents to the FRS as this could create a misunderstanding on the part of RPs as to their responsibilities, and the role of the FRS.

As has previously been discussed with Home Office colleagues, the imbedded link to old NFCC guidance which includes a PCFRA checklist is out of date and has been superseded by the [Online Home Fire Safety Check tool](#). Government must ensure that any PCFRA checklist identifies hazards and risks, and suggests simple control measures. These can include cheap and quick fixes, such as flame retardant blankets for heavy smokers with some mobility issues. The checklist should include a full risk assessment and identify whether there is a need for further considerations that may involve more complex measures, such as telecare linked detection, watermist/sprinklers, or intervention by other agencies.

Government will need to be cognisant of costs if these proposals are implemented, not only for RPs and residents, but also additional burdens across FRS Prevention, Protection, and Response functions. Specifically, the approach to information sharing and PCFRAs may lead to an increase in HFSV and S&WV, particularly for London Fire Brigade, whose service area includes the highest number of buildings that have reverted to a temporary simultaneous evacuation strategy. More staff may be needed to undertake visits, which may not always be immediately possible due to existing staffing burdens, and there may not be sufficient staff in place with the requisite competencies. FRS staff undertaking visits will not only need to be competent to do so, but also be competent to recognise what existing fire safety provisions are in place, if any, and be able to help the RP and resident to identify what additional safety measures would be most beneficial.

FRSs will need to examine how any additional burden could be resourced. The State of Fire report found that, where FRSs have needed to reduce budgets over the years, this often impacts on Prevention and Protection work first, which can lead to a reduction in capacity. The number of home fire safety checks carried out by FRSs has reduced by 26% since 2011. Solutions may include investigating avenues such as productivity gains, partnership working, and, where appropriate, additional or redirected resources.

Step 4: Sharing information with local Fire & Rescue Service

Question 9: Do you agree or disagree that this approach is sufficient to allow the Fire & Rescue Service to execute an emergency evacuation, if required?

Strongly Agree	Tend to Agree	Neither Agree nor Disagree	Tend to Disagree	Strongly Disagree
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If you disagree, please specify what further information should be required. If this is personal information, how do you propose it is kept secure?

Response:

NFCC strongly disagree that simply providing FRSs with a flat and floor number of the resident requiring assistance will be sufficient to enable the FRS to assist a resident who may find themselves in a vulnerable position to exit safely from the building. To ensure FRSs are adequately equipped to assist a resident to evacuate the building quickly and safely, regardless of their disability or impairment, operational crews need to be made aware of additional factors that could potentially hinder or compromise the evacuation or cause injury to either the resident concerned, other residents, or firefighters. It is therefore vital that additional information including a brief description of any impairments, equipment that may be required to evacuate the individual, any critical equipment and/or medication that must accompany the resident if evacuated, and any language barriers is shared with the FRS or stored in the Secure Information Box (SIB). Due regard should be given to the [FIA/NFCC Code of Practice for Premises Information Boxes](#) and how the information can be shared in compliance with GDPR as part of the considerations.

Step 4 is stated as being for residents that are unable to self-evacuate despite attempts to improve their situation through in-flat concerns addressed by the PCFRA, which could result in the resident being able to leave their flat but not the building. NFCC is of the opinion that all residents who are unable to evacuate the building by themselves in a building under temporary simultaneous evacuation should have the formulation of a PEEP considered. A PEEP should not just be a plan but provide means to the individual to implement that plan, and allow them to make their way to a place of safety outside the building. Furthermore, as stated in statutory guidance, such as the [Fire Safety Risk Assessment: Sleeping Accommodation](#) guide and the [Fire Safety Risk Assessment: Means of Escape for Disabled People](#) guide, the 'evacuation plan should not rely upon the intervention of the Fire and Rescue Service to make it work.'

The proposals as written do not constitute a sufficient improvement on the current situation faced by many residents. If a resident is unable to evacuate the building and has no other option but to wait in their flat, lobby, or stairwell during this time due to the lack of measures to support their evacuation, this could be fatal if smoke is not contained in the flat of origin. NFCC would like clarity as to what the residents who do not have the provisions to reach a place of safety and await rescue are expected to do, and what provisions the RP will need to have in place to reassure the resident that they have a place of relative safety in which to shelter until the FRS is able to rescue them.

We would like to see further independent research into the practicalities of simultaneously evacuating multiple individuals who require assistance during an incident. This would help to analyse how practical the EEIS proposals would be for FRSs to undertake, in terms of time and resources required to ensure all residents who require assistance to evacuate have been helped to leave the building to a place of safety. Such research could also look into the benefits of PEEPs to determine what would be the most appropriate risk based approach to ensure all residents can safely exit a building in an emergency.

Reliance on evacuation must not be viewed as a mitigating measure against other fire safety issues. For some people, evacuation will not be possible without a PEEP and rescue by the FRS should not be relied upon as an evacuation measure.

NFCC is aware of one example where the RP, upon making a decision to change to a simultaneous evacuation strategy, subsequently arrived at a decision of the need to undertake a complete decant of the building in question due to the defects and the large number of occupants with vulnerabilities. Relying on the ability of people to escape a

building underpins an acceptance that buildings will catastrophically fail, and fails to protect some of the most vulnerable in society. NFCC would like to see design guidance strengthened, so that situations like these can be designed out in the future.

The proposals state that the information provided needs to be in a digital format subject to the local FRS having the technological capability, however, consideration also needs to be given to the technological capabilities of the RP and in what format the information is provided. There are a number of risks associated with not mandating the format the information is provided in, be it digitally or in the SIB, including:

- Readability – information needs to be written in clear and simple English, and be clearly legible to avoid time potentially being wasted and to ensure information is properly understood by operational crews.
- Safe storage and disposal of information – the proposals imply that the storage and disposal of the information sits with the FRS as the recipient of this information. This therefore also suggests that the onus sits with the FRSs to ensure the information is current, thereby placing a new burden on the FRS and one that may transfer responsibility away from those who own the risk and control the building. This directly contradicts the central ethos of the FSO, all changes introduced by the Building Safety Act, and all findings from the Independent Review of Building Regulations and Fire Safety accepted by Government. The responsibility of ensuring the information is reviewed, current, accurate, and is stored and safely disposed of should sit with the RP.
- Accountability – further consideration should be given to what happens, and who is held to account, and under what legislation, if something goes wrong during an evacuation resulting in serious injury or death as a consequence of incorrect or inaccurate information being provided to the FRS.

Step 5: The Fire & Rescue Service access and use this information in the event of a fire

Question 10: What are your views on the use of the information by FRSs, including to support the emergency evacuation of mobility impaired residents?

Steps 2-5 outlined above are what we are collectively terming the Emergency Evacuation Information Sharing (EEIS) proposal.

Response:

Having information on residents who may find themselves in a vulnerable position can be useful additional information during operational firefighting. It should be taken into account by the Home Office in consideration of the Impact Assessment and funding models for FRSs that, by sharing information with FRSs prior to any incident, this approach risks creating additional burdens and potential liability for FRSs. Currently, FRSs are not legally required to respond to every call received and have the option to call challenge. If FRSs are aware of persons who could potentially find themselves in a vulnerable position and are unable to evacuate at a premises, this could create a duty of care between the FRS and resident. This in turn, would open FRSs up to additional liability and legal action where an evacuation is unsuccessful. This may impact some FRSs' strategies for reducing unwanted fire signals and false alarms, as well as potentially reducing FRSs' ability to call challenge.

Simply providing FRSs with a flat and floor number of a resident requiring assistance will not be sufficient to enable the FRS to fully assist a resident who may find themselves in a vulnerable position to exit safely from the building. In order to ensure FRSs are adequately equipped to evacuate an individual who may find themselves in a vulnerable position, information should also include a brief description of any impairments, equipment that may be required to evacuate the individual, and any critical equipment and/or medication that must accompany the resident if evacuated. Due regard should also be given to the [FIA/NFCC Code of Practice for Premises Information Boxes](#).

In addition, training requirements for firefighters would need to be reviewed to ensure they are fit for purpose to support crews in these situations, which in turn may generate a resource impact.

NFCC are very concerned that EEIS proposals are limited to residents with mobility impairment and make assumptions that residents with other impairments may be able to evacuate without assistance once aware of the fire. The proposals do not offer any information as to how residents will be made aware of the need to evacuate in the event of fire, should it become untenable to remain in their flat, or within the building. NFCC are worried that limiting the proposal to those with mobility impairments will lead to a tiered discriminatory system to the detriment of residents with non-mobility related disabilities and impairments, and strongly advocate that residents with sensory or cognitive impairments, or neuro-diverse conditions would benefit from a PCFRA (that may lead to a PEEP) in the event of a fire.

Current EEIS proposals do not take these residents into consideration despite assistance measures being unlikely to require additional staffing or significant costs.

PCFRAs consider individual characteristics, behaviours, and capabilities to identify risk from fire, and the value of adaptations/control measures to reduce that risk, such as Telecare linked detection, safer smoking/cooking aids, and personal protective suppression in areas of risk. These measures are particularly important for those who cannot self-evacuate their flat, let alone their building.

There will not be one solution that fits all situations. Truly reducing the risk to an individual may require bespoke and innovative solutions depending on the building, flat, disabilities, and agreement of the individual resident.

It should be clearly recognised that the actions and processes identified for a PEEP in the event of a fire can only commence once the resident has received information or warning that a fire is occurring in their flat or elsewhere in the building. Therefore, the warning mechanism needs to be a key part of any PEEP or PCFRA process.

A PEEP could be just one of the outcomes of a PCFRA, and it is noted that a PEEP can comprise of many different things beyond physical assistance. For example, the provision of vibrating pagers for those with hearing impairments.

Furthermore, whilst the average FRS attendance time for fires in blocks of flats is 7 minutes and 3 seconds, this is only for when the first appliance arrives on scene. This data is weighted towards urban areas and does not take into account outliers where response times may be substantially longer. Feedback from our members suggests it could be more than 20 minutes before a sufficient number of firefighters are on-site to ensure safe systems of work are in place allowing crews to begin simultaneously fighting the fire and evacuating any residents in need of assistance. There is also, as mentioned above, the need to consider additional physiological impacts of firefighters attending to such fires in these types of

premises. NFCC is currently scoping out a research project to ascertain whether accurate data on the attendance times of subsequent appliances is available.

Question 11: Do you have any additional comments on the EEIS proposal as laid out in Steps 2 - 5 above?

Yes	No
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If yes, please give as much detail as possible.

Response:

The current proposals do not go far enough to meet the recommendations from Phase One of the Grenfell Tower Inquiry, nor ensure that provisions are in place to enable suitable and sufficient arrangements for persons who may find themselves in a vulnerable position that improve on the current situation.

These proposals represent a first step in laying out how to identify residents who may be in need of assistance to evacuate their building in the event of a fire. However, more must be done to ensure that RPs undertake their responsibilities in a more suitable and sufficient manner than simply providing a toolkit to guide them. Responsibilities should be mandated and criteria established that could result in a PEEP being developed.

Furthermore, more clarity is needed on how costs will be apportioned. Clearer guidance will be needed on what costs are reasonable to expect a resident to pay for themselves versus the building owner or leaseholders. Costs should not jeopardise the ability of a person who may find themselves in a vulnerable position to secure and stay in their accommodation. We would also not want to see a situation where those with impairments have to take on excessive financial burdens or risk fear of losing their home. There is currently no mention in the proposals of conflict resolution processes where a resident and RP may disagree what adjustments are required and who should pay for them. If a resident cannot afford the adjustments and the RP refuses to pay, either through service charge or other means, how will this be resolved?

The ability to self-evacuate is not solely reliant on the person being mobile, it is very much dependant on how the person may react in the event of a fire. This could be affected due to a cognitive or neuro-diverse condition where the individual suffers from reactive mobility issues due to the stress or anxiety of an emergency, and yet this will not be considered as part of the EEIS information that the RP provides to the FRS.

The barriers to evacuation for individuals who may find themselves in a vulnerable position will not disappear once their building is remediated, so consideration should be given as to whether further measures to support safe evacuation should apply to multi-occupied residential buildings more widely. In these instances, mitigation measures may be more cost-effective than just remediation, as they will provide a continued long-term benefit for all residents, especially those with difficulties in self-evacuation.

Sprinklers have been evidenced to be 99% effective in extinguishing or controlling a fire and can be retrofitted at an estimated cost of £150k in an average high rise building, with the majority of costs being one-off. For comparison, data published by DLUHC on the costs of waking watches shows that on-site staffing can cost more than twice as much per dwelling, compared to the per dwelling cost of installing sprinklers. 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. Sprinklers and other suppression

systems can buy crucial additional time in firefighting operations, and may mean that evacuations are not necessary in the first place.

NFCC also holds serious concerns that implementation of EEIS could undermine FRSs ability to assess and enforce the FSO in a range of other regulated premises, such as care homes. Currently, the FSO allows FRS to enforce against a range of measures in relation to the evacuation requirements for residents in a varied number of regulated premises where the evacuation strategy for the building is phased or simultaneous. This includes the ability to take enforcement action under the FSO relating to, amongst other things, means of escape, on-site staffing, staffing levels including overnight, and training of staff.

It is vital that, where necessary, FRSs continue to have the powers to ensure that RPs meet their respective fire safety duties under the FSO to protect the most vulnerable members of society and other relevant persons. We hold concerns that allowing evacuation to be viewed as the responsibility of the FRS, to any degree, would dilute or, if not, frustrate the existing ability of FRSs to hold RPs to account for the provision of suitable and sufficient evacuation procedures elsewhere. For example, whether providers of care services in the future may seek to challenge FRS powers to require certain staffing levels, on the basis of lesser requirements in other premises.

Steps 2-5 should be reviewed by the RP as soon as practicable if the resident indicates a change in circumstances. A regular review of the PCFRA and any PEEPs should also be required to mitigate the risk of the changes to circumstances going unnoticed because residents have not updated their RP. Any temporary changes should also be recorded to ensure that, in the event of a fire, the FRS is operating with accurate information. This should include a requirement that steps 2-5 be reviewed if the RP becomes aware of a change in the building that may impact the measures in place. For example, refurbishment works or the installation of sprinklers.

Ongoing engagement through the Resident Engagement Strategy should assist with reviewing the PCFRA and any PEEPs. Technological solutions should also be considered as a means for allowing people to access and change their details remotely. NFCC notes that for buildings in scope of the Building Safety Act, these will also be subject to regular reviews of the Safety Case by the Building Safety Regulator, which should include holistic considerations regarding any fire safety measures resulting from PCFRAs, including PEEPs.

Question 12: Do you agree or disagree that the addition of this on-site individual adds enough value to the EEIS proposal to justify the associated costs?

Strongly Agree	Tend to Agree	Neither Agree nor Disagree	Tend to Disagree	Strongly Disagree
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Please consider the information in the Impact Assessment (including the analysis of costs) before formulating your response. If you consider that the costs would be different to those set out in the Impact Assessment please set this out and explain why.

Response:

It is possible that on-site personnel with appropriate training could help to support some of the duties of managing and supporting evacuations, such as liaison with the FRS on arrival. Whether or not this would provide additional value to justify associated costs would be dependent on the situation of the building and persons in question, subject to a risk assessment. NFCC notes that most of the duties for the on-site individual outlined in this

proposal replicate existing duties for the RP under the FSO, Fire Safety (England) Regulations, and the Building Safety Act.

The value of the proposals would be to the extent of directing evacuees out of a building and assisting the FRS when they arrive. In the temporary simultaneous evacuation buildings focused on in this consultation, in a number of cases there could be a waking watch to undertake these two responsibilities, and in others the fire alarm will notify residents of their need to evacuate. It is unclear from the proposals what is meant by 'some buildings' and, if this is intended to apply to buildings with a temporary simultaneous evacuation strategy, NFCC notes these premises may be eligible for relief funding from DLUHC. Costs quoted seem slightly low compared to the average on-site staffing costs published by DLUHC.

Additional benefit would arise from increased focus on ensuring RPs have clear, enforceable responsibilities, and that those who may have trouble self-evacuating are given the means to do so, whether this is through information sharing or a PEEP.

Additional Work

Question 13: Call for evidence – We are interested in examples of PEEPS in residential buildings, but which fully or partially avoid the concerns over safety, proportionality and practicality.

Therefore, can you provide examples of existing PEEPs for residential buildings, agreed between resident and RP, that provide for evacuation from a building, that at least partially:

- avoids the staffing up of buildings to enact the PEEPs;
- avoids the liability issues for RPs and third parties who are enacting the PEEPs such as friends or neighbours;
- avoids the safety issues in enacting them e.g. the blocking of stairwells.

If you are aware of any examples, please share them (redacted for data protection purposes if necessary) and provide as much supporting detail as possible, including the resources required to implement them and the costs involved.

Response:

NFCC is very concerned that the EEIS proposals only highlight barriers limited to residents with mobility impairments, and Government is making the assumption that residents with other impairments will be able to evacuate without any additional measures once aware of a fire. NFCC believes that limiting the proposals to those with mobility impairments will lead to a tiered discriminatory system to the detriment of residents with non-mobility related disabilities and impairments. We strongly advocate that residents with hearing or cognitive impairments, or neuro-diverse conditions would benefit from a PCFRA, as well as a PEEP if determined to be necessary by the PCFRA, and assistance in event of a fire. Current EEIS proposals do not take these residents into consideration despite a range of possible measures being unlikely to require additional staffing or significant costs.

NFCC welcome the proposal to set up a working group with housing providers, disability groups, and other key stakeholders to explore these issues and how they might be solved in the longer term and would like to offer our support.

Question 14: Call for evidence – We are also interested in examples of buildings where staff have been installed on-site to support the enacting of PEEPs or other fire safety initiatives (outside of waking watch). Are you aware of any such examples?

Yes	No
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If yes, please share details and if possible, be explicit as to what that person(s) is expected to do in the event of a fire and the costs involved.

Response:

The call for evidence is unclear as to whether it refers to evacuation management or concierges in a general needs block of flats, versus duty staff at specialised housing or a 'live in' carer for an individual with vulnerabilities within an independent living scheme.

Question 15: Call for evidence - Are you aware of any other initiatives for how mobility impaired residents can be made safer in their homes or be evacuated from a high rise residential building in a way which is safe, proportionate and practical?

Yes	No
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If yes, please provide as much detail as possible including how the initiative works in practice, the resources required and the costs involved, and, if you are willing, a contact email address to discuss further.

Response:

NFCC believes homes should be designed with accessibility and 'egressibility' considerations in mind so that they are fit for purpose for all people through their whole life. Disability can affect anyone at any time, either permanently or temporarily through illness or injury. New homes should be suitable for people of all ages and abilities in order to support the ambition that homes can truly be inclusive and fit for purpose at all stages of residents' lives, and requirements should be introduced to make buildings more inclusive when undergoing a major refurbishment. Innovation plays an important role in improving the lives of those with disabilities, and NFCC encourages detailed consideration of new ways of supporting people. In line with this, we recommend Government consider the benefits that tele-assisted living and remote monitoring can have for people who may have vulnerabilities or be dependent on others for assistance.

NFCC have, for a number of years, highlighted through multiple submissions to Government and Select Committees, the impending difficulties that are set to arise from a combination of the increasing trend towards people receiving care in their own homes, an aging population, and the lack of updates to design guides. Current basic design parameters still remain largely grounded in assumptions, studies, and values about ways of living dating from the 1950s and 1960s.

Current design guides also do not take account of the significant additional fuel likely to be found in modern homes, including batteries, increasing numbers of electronic devices, and larger items such as electric vehicles and electric vehicle charge points.

Evidence given at the Grenfell Tower Inquiry has exposed that the Approved Documents have not received appropriate oversight or governance, and this has led to misinterpretation and gaming of the regulations.

Compliance culture extends beyond the internal design of the building to the external functionalities, ensuring that the suitability of the designated means of escape routes extend to the exterior the building and lead to ultimate' safety. However, often cosmetic installations, such as aesthetically pleasing external paving, a drop in pavement, or street furnishings, mean that a person with a disability who may have to be assisted down to the ground level will then struggle to get to ultimate safety.

NFCC is concerned that the policy response to this issue seeks to retrospectively apply solutions which are complex, may pass significant costs to leaseholders and residents who may find themselves in a vulnerable position, could create situations where disabled residents face discrimination when looking for accommodation, and yet will not achieve anywhere near the same level of safe outcomes as other more affordable measures, such as sprinklers.

Question 16: Call for evidence - Do you have any evidence on the numbers of residents in your building(s) who are mobility impaired and would likely have difficulty self-evacuating?

Yes	No
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If yes, please provide as much detail as possible.

Response:

Not applicable.

Evacuation Plans

Question 17: Do you agree or disagree that the provision of separate evacuation plan documents should be focussed on the buildings with the greatest fire safety risk i.e. buildings with simultaneous evacuation strategies in place?

Strongly Agree	Tend to Agree	Neither Agree nor Disagree	Tend to Disagree	Strongly Disagree
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If you disagree, please explain why and outline what your alternative adequate approach would be.

Please consider and address the information in the Impact Assessment (including the analysis of costs) before formulating your response. If you consider that the costs would be different to those set out in the Impact Assessment please set this out and explain why.

Response:

As outlined in our answer to question 1, whilst we do not disagree that Protection and Prevention measures should be targeted at the buildings which pose the highest risk, we believe that these proposals are too limited and actually represent a watering down of RPs' existing duties. It is the RP's duty to ensure that all persons likely to be on the premises can safely evacuate to a place of safety if needed. As such, evacuation plans should be put in place in all multi-occupied residential buildings, not just those under a temporary simultaneous evacuation strategy.

As temporary simultaneous evacuation buildings are remediated or have sufficient mitigation measures put in place, the number of buildings that these proposals would apply to will diminish. This may result in RPs no longer keeping information or evacuation plans up to date to the detriment of the safety of residents and firefighters.

During the Grenfell Tower Inquiry and related fora, much focus has been placed on the concept of 'stay put' and whether it can be relied upon. Whilst NFCC believes that stay put is an appropriate strategy when buildings are properly designed and maintained, evacuation plans could provide a means for making it clearer to residents of stay put buildings when they should evacuate, such as when heat or smoke from the fire is affecting them. Feedback from residents and disabled groups have focused on the wording of 'stay put' giving people a false sense that they shouldn't leave under any circumstances. Evacuation plans for all multi-occupied residential building types could help to address this, and NFCC would strongly encourage Government to take on board feedback from representatives of residents' and disabled groups to inform proposals on this area further.

RPs will, however, need to ensure that evacuation plans are drafted by a competent individual, properly communicated to residents, and to encourage residents to always listen to FRS personnel in attendance to make sure that unnecessary evacuations do not impede firefighting activities.

Question 18: Do you have any further comments on the proportionality of applying the EEIS proposal and the requirement to create separate evacuation plan documents, only to simultaneous evacuation buildings at this time?

Please consider and address the information in the Impact Assessment (including the analysis of costs) before formulating your response. If you consider that the costs would be different to those set out in the Impact Assessment please set this out and explain why.

Response:

See general comments in executive summary.