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Provision of information to tenants: Direction to the Social Housing Regulator on tenants' rights and complaints

The National Fire Chiefs Council (NFCC) is pleased to respond to this consultation, published on 27th September 2023, regarding the provision of information to tenants of social housing. NFCC is the professional voice of the UK fire and rescue services (FRSs) and is comprised of a council of UK Chief Fire Officers. This response was collated by NFCC's Protection Reform Unit and Strategy and Policy team and was drafted in consultation with our members across the UK FRS. Our response reflects their expertise and competence with the subject matter.

NFCC supports the general direction of the proposals, which aim to help mitigate social inequities and make safe housing a right to all members of society rather than a privilege to some. We are pleased to see the development of a regulatory framework in which the sharing of information is central, though there are areas where extra considerations need to be made.

Engagement with FRSs and the Governments' research¹ supported by Dame Judith Hackitt identified that resident engagement and provision of information is vital in building trust between residents and landlords and ensuring residents feel safe in their homes. Feedback and research have also identified the need for landlords to regularly repeat fire safety information to residents, and that the way the information is provided is equally important and should be available in accessible formats.

Various pieces of overlapping legislation and regulations currently provide the mechanism by which landlords and residents can engage and cooperate. These include the Resident

¹https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/969707/Best_Practice_Group_Final_Report.pdf

Engagement Strategy requirements set out in the Building Safety Act 2022 (BSA), the Fire Safety (England) Regulations 2022 (Regulation 9 – provision of information to residents), the Regulatory Reform (Fire Safety) Order 2005, Social Housing Regulations, and proposals set out in the Private Rented Sector White Paper. The various pieces of legislation and regulations can create an opaque regulatory framework and confuse as to what is needed and expected. Guidance should signpost landlords and residents to the relevant regulations and other pieces of statutory and non-statutory guidance to ensure responsibilities for landlords, Responsible Persons, and residents are clear, and that all parties are aware of any other resources that may be available to them. Furthermore, government should ensure that additional burdens are not placed on residents and landlords that subsequently undermine or contradict existing legislative requirements.

Regards,

A handwritten signature in black ink that reads "N. Coombe". The signature is written in a cursive, slightly slanted style.

Nick Coombe
Head of Protection
National Fire Chiefs Council

Question 1: Do you agree with the requirements in 3(1)(c) and (d) of the draft direction (Annex B) for registered providers to provide tenants with information on how to make a complaint about their landlord and about their landlord's complaints policy and complaints handling process?

Agree.

This would align with those set out in the BSA (Sections 89 – 94), bringing requirements into line with those that apply to residents in higher-risk buildings and reducing the potential for a tiered system.

Despite aligning with the BSA, we hold concerns about the discrepancy with the BSA requirements focusing on residents, whereas the draft direction relates to tenants. It is unclear whether the onus is then on that individual to share the information with members of their household. If this is the case, it could create the ambiguity that only the 'tenant' can make the complaint on behalf of a member of their household, rather than the more inclusive notion that a resident of the building can receive the information and make a complaint if required. NFCC would encourage the extension of this requirement to include all residents, including those in the private rented sector, to truly level the playing field for all tenants irrelevant of tenure and align it closer to the BSA to create consistency across regimes and guidance.

The information provided to tenants in higher-risk buildings should be made explicitly transparent to avoid confusion as to which regulator across the various regimes, including the Regulator of Social Housing, the Building Safety Regulator, and/or the Housing Ombudsman, residents and tenants can or should turn to if a complaint needs to be escalated.

Question 2: Do you agree with the approach to the direction on the provision of information on tenants' rights and regulatory requirements, as set out in paragraphs 32-42?

Agree.

The information should be provided as early as reasonably possible, and tenants should be notified both when any changes are made and when information becomes out of date.

As the proposed information provision is what the landlord deems 'relevant', there is a risk of inconsistency across different landlords. A prescribed list of minimum required information would mean that ambiguity is removed for both landlords and residents. We suggest that information relating to fire safety (including emergency evacuation plans) should be relevant and provided to all tenants and residents, and the regulator should classify it accordingly.

Information should be provided in a clear format that is easily understandable to anyone, and we agree with the proposal that reasonable efforts should be made to provide

information in an appropriate format for the resident. Where tenants believe information is being withheld unreasonably, they should be able to seek redress through a complaints procedure overseen by the regulator.

Question 3: Do you agree that the rights and regulatory requirements included in 3(2) of the draft direction (Annex B) are appropriate?

We believe some further additions should be made to the information that all tenants and residents automatically receive to ensure that there is alignment with requirements as set out in Section 91 and Section 156(6) of the BSA and Regulation 9 of the Fire Safety (England) Regulations 2022. This would help remove any ambiguity or confusion for landlords and residents alike, while also meaning that additional burdens are not placed on already stretched landlords.

The additional information should include:

- How residents can keep themselves safe in their homes, such as prevention measures or other sources of information, such as the [annual FireKills campaign](#), and person-centred risk assessments, especially for those that may require additional support due to a disability or vulnerability. This is vitally important given that the current regulatory system for building regulations has already been described and accepted by the Government as 'not fit for purpose', and Approved Document B does not provide equality to disabled people in residential flats or enable them to safely leave their homes if there is a fire.
- If the home is within a block of flats, the building's evacuation strategy, along with the steps that residents and those visiting the building should take in the event of a fire.

Question 4: Do you agree with the likely costs associated with meeting commitments associated with the new requirements, as summarised in our assessment of the impact on the sector?

We do not believe we are best placed to answer this question.