

Remediation

Fire Service Policy and Operations – NFCC Industry White Paper

Issued on: 24 February 2025

Contents

F	Fire Service Policy and Operations – NFCC Industry White Paper	. 1					
	Issued on: 24 February 2025	. 1					
1.	Purpose	. 2					
2.	Relation to Government priorities	. 2					
3.	Executive summary	. 3					
4.	Background	. 3					
5.	Analysis	. 4					
6.	Climate implications	17					
7.	People impacts	18					
8.	Opportunities	20					
9.	Recommendations	26					
10.	Consultation	28					
Ap	Appendix one – Feasibility study						

1. Purpose

- 1.1. In light of the new Government's renewed focus on the critical issue of remediating unsafe buildings, the National Fire Chiefs Council (NFCC) has taken the opportunity to explore fire and rescue services' (FRSs) roles and responsibilities in supporting the remediation process and the wider issues impacting on the pace of remediation.
- 1.2. FRSs have played a key role to date in efforts to assess the extent of risks in high-rise blocks of flats and ensure action is taken to ensure the immediate safety of residents, despite challenges relating to FRSs' workforce limitations. However, these efforts have highlighted the scale of broader issues preventing dutyholders from meeting their obligations to make buildings safe. This paper therefore explores the urgent challenge of remediating unsafe residential buildings and seeks support for a new and coordinated approach to overcoming any barriers. It highlights key issues and presents actionable solutions to ensure FRSs, NFCC, the Government, developers, dutyholders, residents, and other stakeholders meet the shared goal of ensuring a safer and more resilient built environment.
- 1.3. While the views contained within this paper are those of NFCC, cross-sector stakeholders have been consulted in its development, with all endeavours made to incorporate their feedback, as summarised below.

2. Relation to Government priorities

2.1. On 2 December 2024, the Government released a policy paper titled 'Remediation Acceleration Plan'.¹ Within the paper, the Ministry of Housing, Communities and Local

¹ <u>MHCLG, "Remediation Acceleration Plan", 2 December 2024.</u>

Government (MHCLG) outlined its commitment to achieving its primary remediation objectives by the end of 2029. By this time, the Government aims to ensure that all buildings above 18m in height within a government-funded initiative are remediated. Additionally, for every building above 11m in height identified with safety defects, remediation efforts will either be complete or a definitive timeline for their completion will be established. Further, MHCLG will announce a long-term strategy for the remediation of high- and medium-rise social housing buildings in the spring of 2025.

2.2. This priority is supported by a call to action from the Deputy Prime Minister, who wrote to metropolitan mayors in September 2024 requesting the production of local remediation acceleration plans by the end of November, along with the organisation of regular roundtables featuring metropolitan mayors and key partners. Leaders of local councils, the chairs of all fire and rescue authorities, the Building Safety Regulator, and the NFCC Chair have been asked to provide further support in developing and implementing these plans. The stated aim of the acceleration plans is "to articulate how the pace of remediation of 11m+ buildings can be increased".

3. Executive summary

- 3.1. The Grenfell Tower tragedy revealed systemic safety failures in our built environment, bringing to light the critical need for the remediation of many residential buildings across the country. FRSs have been at the forefront of the response, providing essential expertise and enforcement to safeguard communities.
- 3.2. The pace of remediation remains a pressing issue, with unresolved barriers threatening progress toward the Government's targets. A significant focus of the current remediation programme is on remediating external wall systems, including unsafe cladding. This is right, given the role that unsafe cladding played in the Grenfell Tower fire. However, a large proportion of buildings that have since been placed in interim measures do not have cladding issues but suffer from a range of serious internal fire safety issues. This paper further outlines these and other challenges, which NFCC has worked to address, and calls for the establishment of a centrally coordinated programme to drive solutions. Key recommendations include fostering interagency collaboration, enhancing legislative tools, aligning remediation efforts with workforce competence and capacity (across all disciplines), and a consistent approach to risk prioritisation.
- 3.3. Enforcement and regulation alone cannot resolve this complex issue. Enforcing compliance becomes problematic when those targeted by enforcement lack the practical means to comply. Instead, a collaborative, programmatic, risk-based approach is required—one that ensures progress from the initial identification of building safety concerns through to resolution, without unnecessary barriers. This approach must integrate professional advice, regulatory support, increased funding where needed, safe and certified materials, and competent suppliers and contractors.

4. Background

- 4.1. The Grenfell Tower fire was a national tragedy that resulted in the greatest loss of life in a residential fire since the Second World War. It exposed severe flaws in construction practices, product safety and testing, and fire safety standards. Thousands of buildings across the country remain affected by similar issues, posing ongoing risks to residents and communities.
- 4.2. The importance of remediating building safety defects cannot be understated. In the wake of the Grenfell Tower fire, FRSs across the UK have played a central role in safeguarding communities by identifying unsafe buildings and helping to make them safer. FRS teams not

only respond to emergencies but also use their expertise to spot hazards, support regulatory enforcement, and ensure that fire safety plans are in place.

- 4.3. To date, FRS contributions have been substantial: conducting thousands of inspections, offering expert guidance to the industry, engaging with communities to raise awareness, and advising on policy improvements. These contributions underline the vital role of FRSs in driving remediation efforts forward. Despite this progress, many buildings with safety issues remain unaddressed, and the required pace of remediation has not yet been met.
- 4.4. While progress has been made, barriers to fixing buildings remain. Remediation works need to ensure that buildings are made safe and brought up to the standards that they should have always met. Fire safety legislation can support these efforts, but was written on the basis that buildings will be built in accordance with the building regulations. The way buildings are prioritised within the Government's programmes is based on a wide range of factors; however, FRSs are under a duty to prioritise resources where they will be most effective in mitigating risk to life. Prioritising the highest-risk buildings would also prevent industry capacity from being overwhelmed and protect residents most at risk.
- 4.5. To meet the Government's ambitious remediation targets, a unified and programmatic approach is essential. This paper explores the barriers to remediation, the need for collaboration, and the role of fire safety legislation in addressing these issues. By focusing on fire safety, workforce development, and construction practices, it calls for a comprehensive, unified approach to achieving safer buildings across the UK.

5. Analysis

Problem definition and scope

- 5.1. The most recent MHCLG remediation data release tracks the progress of the 5,011 buildings in the Government's public remediation portfolio.² These buildings are equivalent to over 258,000 homes. MHCLG estimates that remediation work has yet to start on over half of these, with around one-third having completed remediation.
- 5.2. In November 2024, the National Audit Office reported that of the 9,000 to 12,000 buildings over 11m that MHCLG estimates will need to be remediated up to 60% of affected buildings are still to be identified.³ This means that the Government is only 12–16% of the way to achieving its target for the remediation of all residential buildings. The estimated total cost to fix unsafe cladding on all residential buildings over 11m in England from MHCLG, as reported by the National Audit Office, is £16.6bn (based on a range from £12.6bn to £22.4bn).⁴
- 5.3. Following the events at Grenfell Tower, FRSs enhanced their focus on high-rise residential buildings, taking further proactive steps to strengthen oversight and keep people safe. NFCC and FRSs worked with central and local government to coordinate urgent action in buildings identified with combustible cladding, publish guidance, undertake data cleansing, and provide advice to the Independent Expert Panel and Joint Inspection Team. This included a multi-agency project to review the Housing Health and Safety Rating System to make it easier to apply to dangerous cladding systems.
- 5.4. Government and regulators have faced many challenges in identifying high-rise buildings with combustible cladding. These included tracing ownership in complex scenarios with incomplete records (for example, offshore investors) and the mixed use of multiple materials on the same building. There is a higher number of medium-rise residential buildings (MRRBs

³ National Audit Office, "Dangerous cladding: the government's remediation portfolio" 4 November 2024, p15

² MHCLG, "Building Safety Remediation: monthly data release - December 2024", 23 January 2025

⁴ National Audit Office, "Dangerous cladding: the government's remediation portfolio" 4 November 2024, p4

- defined as buildings 11–18m tall) than buildings over 18m, which is likely to exacerbate the scale of these challenges.

5.5. There is no current mandatory registration for MRRBs, though the Government announced plans to legislate for the registration of 11–18m residential buildings on 2 December 2024 and is undertaking ongoing work with Homes England to investigate over 720,000 Unique Property Reference Numbers (UPRNs) to identify buildings that may have unsafe cladding. However, NFCC's and FRSs' experience with high-rise buildings has shown that construction materials can often differ from those in building plans, and, until the register is in place, there is no data to show the definitive number of 11m+ buildings across the country or those with dangerous cladding. The National Audit Office has reported that some owners of 11m+ buildings may be reluctant to register with Government remediation programmes for fear of uncovering other, non-cladding-related problems that may be out of the scope of Government funding programmes, adding further complications and delays.⁵

Remediation enforcement

- 5.6. An increased focus on FRS regulation of blocks of flats has been achieved despite challenges related to FRSs' workforce limitations. However, these efforts have highlighted the scale of the issues that are preventing dutyholders from meeting their obligation to make buildings safe.
- 5.7. Whilst there are recalcitrant actors, and it is important to have powers to hold these individuals or entities accountable, data demonstrates that people will often comply without formal enforcement activity being necessary when given the opportunity. Informal notices are used by FRSs to provide supportive advice to people to help them comply and avoid the need for formal enforcement. Home Office enforcement data shows there were 18,076 informal notices issued by FRSs in the year ending March 2024, but only 2,823 formal notices, and over half of the premises audited (58%) required no action at all.⁶
- 5.8. The Regulators' Code emphasises that regulators should support compliance before taking enforcement action. The Code requires that enforcement action be proportionate and tailored to the circumstances, and it advises regulators to ensure that those they regulate can understand and meet their obligations. Regulators are encouraged to avoid unnecessary penalties for those who make efforts to comply.
- 5.9. With so many barriers that prevent people from being able to fix their buildings, it is difficult to measure how many remain unfixed due to bad actors and what proportion is attributable to other issues in the system. These issues can include access to finance, complex ownership structures, unfamiliarity with the new Building Safety Regulator's processes and expectations, a lack of competent practitioners to undertake fire risk assessments and carry out repairs to buildings, and issues identifying and sourcing appropriate construction products and materials.
- 5.10. Enforcing compliance becomes problematic when those targeted by enforcement lack the practical means to comply. One example of this experienced by FRSs are situations where leaseholders are Directors of Resident Management or Right to Manage Companies and, following the identification of serious defects, have to navigate the complexity of leading remediation works whilst lacking the expertise and resources to progress this work at the required pace. The experience of FRSs has underscored that addressing these situations requires more than just regulator intervention. It is typically expected that those under enforcement action must have realistic and achievable means to comply; otherwise, imposing

⁵ National Audit Office, "Dangerous cladding: the government's remediation portfolio" 4 November 2024, p11

⁶ Home Office, "Fire statistics data table 1202", 22 August 2024

penalties may be deemed disproportionate and counterproductive.

Fire and rescue context

Regulatory context and expectations

- 5.11. In response to the systemic failures exposed by the Grenfell Tower tragedy, two landmark pieces of legislation—the **Building Safety Act 2022** and the **Fire Safety Act 2021**—were enacted to reform building safety practices in England and Wales. Together, these Acts aim to establish clearer responsibilities, enforce higher safety standards, and rebuild public confidence in the safety of residential buildings.
- 5.12. The **Fire Safety Act 2021** clarifies the extent to which The Regulatory Reform (Fire Safety) Order 2005 (commonly known as the Fire Safety Order) applies, to ensure greater fire risk accountability for building owners and managers. The Act clarifies the scope of fire risk assessments and makes it clear that they must explicitly include consideration of the external wall systems (e.g., cladding and attachments) and individual flat entrance doors for multioccupied residential buildings.
- 5.13. The Fire Safety Act did not amend the overarching function of the Fire Safety Order, which centres on managing risk to life. Once there are no relevant persons in the building or its immediate vicinity who are put at risk, the building technically complies with the Fire Safety Order whilst maintained in this state. This can be achieved by changing how the building is managed, with prohibition of the use of the building as the endpoint, and prosecution as the final regulatory option in the event of a breach of a prohibition notice.
- 5.14. The Fire Safety Order interacts with the Building Regulations 2010 (and other statutory requirements). Building regulations are intended to ensure buildings are constructed with adequate fire life safety measures. Enforcement under the Fire Safety Order is designed to presume that buildings initially met these standards at the time of construction or significant renovation. This is rooted in the principle of regulatory proportionality and the assumption of compliance with other statutory obligations unless evidence suggests otherwise. In general, regulators operate on the assumption that dutyholders comply with their legal obligations unless proven otherwise. This principle avoids duplication of enforcement efforts and unnecessary intervention.
- 5.15. The Fire Safety Order is therefore focused on fire safety management within occupied premises throughout their lifecycle. Remediation, by contrast, is about ensuring that a building is brought up to the standards that it should have always met. This distinction reflects the broader principle that each regulatory regime addresses specific stages of a building's use and safety requirements. Building regulations ensure a baseline of safety, while the Fire Safety Order assumes this baseline has been met and shifts the responsibility to dutyholders—such as building owners and managers—to maintain and manage fire safety proactively under a risk-based framework.
- 5.16. Evidence in recent years has unfortunately demonstrated that many buildings have not been built in a manner that complies with building regulations. The Grenfell Tower Inquiry Phase 2 report has recommended (chapter 113, paragraph 113.11 and 113.12) an urgent review of Approved Document B, including inserting clear warnings that compliance with the guidance will not necessarily result in compliance with the building regulations.⁷ However, the Fire Safety Order was not designed to enforce compliance with building regulations. If it were, this would risk duplicating the role of building control bodies and diverting FRS resources from the assessment and mitigation of ongoing life safety risks. This separation of responsibilities ensures a coherent regulatory system where each framework operates efficiently within its

⁷ Grenfell Tower Inquiry Panel, "Grenfell Tower Inquiry: Phase 2 Report Volume 7", 4 September 2024, p233-234

intended scope, avoiding unnecessary overlap and emphasising proportionality in enforcement efforts.

- 5.17. Much of the building safety design guidance in Approved Document B is triggered by an 18m height threshold, and NFCC's members are aware that some parts of the sector build to a height of 17.9m for the purpose of avoiding various safety features. This suggests that there could be a number of buildings as high as six storeys that have been built without critical firefighting facilities and features such as firefighting shafts.
- 5.18. An additional complexity in relation to MRRBs arises following the combustible cladding ban in 2018. NFCC has argued that it is the functional requirements of the Building Regulations 2010 that are to be complied with when designing a building.⁸ Therefore, the use of combustible materials as part of external walls has always been controlled by the functional requirements, but arguably contradicted by previous guidance. However, in continuing to see evidence of designs which pay no heed to the control of materials on external walls, an additional ban had the opportunity to clarify standards beyond any doubt.
- 5.19. The original combustible cladding ban, introduced via Regulation 7 at 18m, was subsequently reviewed for buildings above 11m, which was finalised in 2022.⁹ This may have introduced additional confusion, and had the counterproductive influence of perpetuating the incorrect position of some in the industry that the materials below these heights are uncontrolled. The lack of an equally explicit ban for combustible materials in MRRBs when first introduced for high-rise buildings therefore may have resulted in more combustible materials ending up on MRRBs during the time in between these reviews, driven by support for the incorrect perception that controls did *not* already apply, coupled with manufacturers seeking alternative customers for their products in the marketplace.
- 5.20. Another significant challenge in the post-Grenfell building safety landscape is the expectation gap between building owners and regulators. This gap arises from a misunderstanding of the roles and responsibilities set out by building and fire safety legislation, which operate primarily as a system of self-regulation. Responsibility for identifying, managing, and mitigating fire risks rests with the building's "responsible person" under the Fire Safety Order, and "accountable person" under the Building Safety Act —usually the owner, landlord, or managing agent. These individuals are tasked with conducting thorough fire risk assessments and safety cases, implementing appropriate safety measures, and maintaining ongoing compliance with fire safety standards.
- 5.21. Contrary to common perception, it is not the role of regulators to "sign off" buildings as safe. Instead, FRSs and Building Safety Regulator teams act as regulators and enforcers of compliance, conducting inspections and issuing enforcement notices where necessary. They do not have direct responsibility for the day-to-day fire safety management of individual buildings or the actual remediation of fire safety defects, as this sits with responsible and accountable persons (building owners or mangers).
- 5.22. In 2019, FRSs were asked by the Home Office and MHCLG to "assure" the safety of buildings 18m and above identified with unsafe ACM cladding. However, it was acknowledged and agreed through the Fire Protection Board that FRSs are not legally able to "assure safety" of a building as this responsibility lies with the responsible person under the Fire Safety Order, and to suggest otherwise may confer a transference of legal duties. It was agreed with MHCLG and the Home Office that, for the buildings in question, FRSs would be asked:
 - "To reasonably assess in the context of their functions and duties under the Fire and

 ⁸ NFCC response, "Banning the use of combustible materials in the external walls of high-rise residential buildings", August 2018
⁹ NFCC response, "Review of the ban of combustible materials", May 2020

Rescue Services Act 2004 or other relevant legislation and guidance, that the Responsible Person had mitigated the risks posed by the ACM cladding to a sufficient level that residents could continue to occupy the building pending remediation"; and

- "That as far as the FRS could reasonably assess, they had an effective pre-planned response in place for the building to protect life and property in the event of a fire."
- 5.23. FRSs in England are required under the Fire and Rescue Services Act 2004 and the accompanying National Framework to focus enforcement activity and resources where they will be most effective in mitigating risk to life. FRSs sample a range of buildings each year and target efforts towards buildings that are likely to pose higher risks. On average, somewhere between 2%–4% of known regulated premises are inspected annually across English FRSs.
- 5.24. FRSs in England completed 49,835 fire safety audits in the year ending March 2024. This includes the full range of premises that FRSs are responsible for regulating, such as hospitals and care homes as well as educational buildings, shops, and offices. This is in addition to 105,564 non-statutory fire safety activities (including any Fire Safety Order-related promotional or awareness-raising activities).¹⁰
- 5.25. Building owners frequently seek guidance on fire safety compliance, particularly regarding complex or high-risk properties. While FRS teams strive to provide support, their capacity to do so is limited and FRS teams face the delicate task of enforcing fire safety laws without becoming the de facto risk manager for every non-compliant building.

FRS competence

- 5.26. It can take three to five years for FRS fire safety and fire engineering staff to acquire the relevant training and qualifications and apply those skills at a competent level, and many staff move to the private sector, or other competing employers such as local authorities, hospitals, or posts inside of the new Building Safety Regulator upon achieving competency qualifications. The implementation of the Building Safety Regulator has required experienced FRS staff to serve as fire service members of multi-disciplinary teams as part of the new regulator's assessment processes, and the staff recruited to backfill the corresponding impact on FRS capacity are still in development. These impacts are only just beginning to be felt and mean that FRSs continue to be impacted by the chronic shortage of competent staff across the sector at a national level, despite the implementation of mitigation measures such as market rate supplements, pension abatement, and consideration of fast-track training.
- 5.27. As the extent of the issues has become known, it is clear that the range of technical knowledge, especially with external wall systems, is beyond the standard learning, experience, and competence routes of FRS regulators. Some regulatory staff have not yet had sufficient opportunity to gain relevant expertise and exposure to remediation work or the level of enforcement required to regulate remediation works.
- 5.28. FRSs also undertake building regulations consultations in addition to audits, supporting the UK Government's commitment to drive growth across the country. English FRSs completed 47,702 building regulation consultations on new buildings in 2022/23. However, this was a 6.1% decrease from the previous year, with the capacity for these statutory consultations under increasing pressure due to competing priorities as explained above.

Functional context

The Building Risk Review

5.29. NFCC is dedicated to ensuring buildings are made safe as quickly as possible, with FRSs

¹⁰ Home Office, "Fire statistics data table 1202", 22 August 2024

playing a key role. In 2020, in preparation for the creation of the new Building Safety Regulator, FRSs began the largest-ever nationwide thematic inspection programme, departing from usual funding and community risk planning processes. Supported by £6 million Government investment, FRSs undertook extensive review and data gathering as part of the Building Risk Review programme.

5.30. During the Building Risk Review, 14,700 high-rise residential buildings of 18m and above were checked, and as part of this triaging process FRSs undertook full audits in over 6,500 buildings. In these buildings, FRSs made positive interventions in 68% of them (either through regulatory action or written or informal advice).

Building Risk Review Part Two – Medium-Rise Feasibility Study

- 5.31. In 2022, NFCC was asked by the Home Office and MHCLG to estimate the feasibility of a similar thematic inspection of all MRRBs from 11m to 18m. The number of MRRBs is not known; however, estimated numbers range from 79,000 to 150,000.
- 5.32. NFCC's feasibility study indicated that using a similar approach to the Building Risk Review a taskforce of 25% of available inspecting officers with the relevant competence nationally, would need between 16 and 32 years to inspect or review all the buildings (depending on the final number of buildings).
- 5.33. NFCC has taken the opportunity to update these estimates, originally produced for the Fire Protection Board. These are included in Appendix One and are based on the most recent workforce data, inclusive of a broader range of overheads, as well as increases to National Insurance Contributions. The modelling, which requires final peer review, is based on unit costs used for the Building Safety Regulator recharge model which are reviewed and agreed upon by the Home Office. The estimates are not inclusive of the advanced lead-in work required to identify building address data, or management overheads, nor the follow-up impacts arising from ongoing enforcement activity or monitoring of interim measures, which can be significant.
- 5.34. These revised estimates suggest that implementing a comparable risk-based triaging program for MRRBs would require a dedicated taskforce comprising 25% of nationally available officers with the requisite expertise. Depending on the scale of the initiative— ranging from a lower estimate of 79,000 buildings to an upper estimate of 150,000 buildings— the review process could span between 12.76 and 24.23 years. The associated costs for this undertaking are projected to fall within the range of £284.24 million to £608.82 million over the corresponding timeframes. These timeframes are shorter than those estimated in 2022, which is due to an increase of nearly 30% in the number of competent inspecting officers at the relevant level since the introduction of the Protection Uplift Grant. However, they still demonstrate the significant challenge such a task would pose.
- 5.35. A change in focus to MRRBs has a larger impact on FRSs across England, whereas high-rise buildings are largely concentrated in London (which has around 70% of 18m+ buildings). Outside of the London Fire Brigade, many FRSs have smaller teams with fewer personnel who are competent to the level needed to undertake this type of work. Many are not governed under a centralised mayoral authority and will face competing pressures from local risks as agreed within their community risk management planning. Additionally, many FRSs do not hold their own in-house legal support, sharing resources with their local authorities or constabularies, and legal action can be highly resource intensive in terms of skilled workforce, time, and legal support.
- 5.36. It is important to note that many MRRBs, which may include commercial premises being converted for residential use, have not yet been identified. Ahead of the thematic review of high-rise buildings, it took over two years to identify a national list of addresses that could be

systematically inspected, before triaging them according to risk. Challenges with UPRNs, addresses, and building data lead to inefficiencies and duplication of effort.

- 5.37. Following the Deputy Prime Minister's request for local remediation acceleration plans, MHCLG wrote to FRSs, referencing a number of "*problematic buildings*" in their areas, but without providing addresses or data, which is only provided upon the FRS's subsequent request to MHCLG. This practice is likely to exacerbate potential inconsistencies. FRSs are currently receiving remediation datasets from Homes England, MHCLG, and the Home Office, all of which are different. This gives cause for concern regarding the quality, consistency, and reliability of available remediation data.
- 5.38. The Regulators' Code (4.1) places an onus on regulators to avoid multiple information requests, "follow the principle of 'collect once, use many times'", and also notes (4.2) that: "regulators should agree secure mechanisms to share information with each other about businesses and other bodies they regulate, to help target resources and activities and minimise duplication."
- 5.39. The stock of MRRBs potentially involves more than 12 times the number of buildings as the Building Risk Review, and the majority of them have not yet been identified. These factors, in addition to the modelling above, suggest that it may be extremely challenging for the Government to meet its own remediation targets, and likely unachievable without significant long-term investment into regulatory resources and improved, continuous funding programmes.

Fire risk assessments

- 5.40. Fire risk assessments are a cornerstone of the regulatory framework, providing critical insights into potential fire hazards and mitigation strategies. Fire risk assessments underpin compliance with fire safety duties by identifying and assessing risks in order to recommend to dutyholders the appropriate measures required to remove or reduce these risks. However, interpreting the data from these assessments is far from straightforward, particularly in a post-Grenfell context where scrutiny has intensified, and requirements and expectations have evolved. This is exacerbated by challenges with the low number of competent assessors.
- 5.41. Building a Safer Future Independent Review of Building Regulations and Fire Safety (the Hackitt Report) recommended (3.4) that "fire risk assessments [be] undertaken by someone with relevant skills, knowledge and experience and reviewed regularly (dependent on risk and as agreed with the regulator)".¹¹ This has led to ongoing work to address the competence of fire risk assessors. The recent Grenfell Tower Inquiry Phase 2 report recommends (chapter 113, paragraph 113.41) "a system of mandatory accreditation to certify the competence of fire risk assessors".¹² Current Government targets may not be aligned with Article 50 guidance about how to prioritise fire risk assessments, which were bought in with the intent of managing demand on industry (*Fire Safety Act commencement: prioritisation guidance*).¹³ Mandatory competency requirements for fire risk assessors are yet to be established and are the focus of work by the Home Office to implement Section 156(4) of the Building Safety Act, which is then supported by the ongoing development of competence frameworks such as British Standard 8674.
- 5.42. Following the Grenfell Tower fire, the question of whether to mandate a review period for fire risk assessments was consulted on, particularly during the call for evidence on the Fire Safety Order and development of the Fire Safety Act. This call for evidence and a corresponding

¹¹ <u>Dame Judith Hackitt, "Building a Safer Future: Independent Review of Building Regulations and Fire Safety Final Report", 17</u> May 2018, p58

¹² Grenfell Tower Inquiry Panel, "Grenfell Tower Inquiry: Phase 2 Report Volume 7", 4 September 2024, p240

¹³ Home Office, "Fire Safety Act commencement: prioritisation guidance", May 2022

consultation on the new building safety regime identified the risk that this could cause an influx of demand in the limited fire risk assessor industry, inflating costs for responsible and accountable persons, and subsequently increasing the costs that are passed on to leaseholders.

- 5.43. It was subsequently proposed that the underlying objectives could be met by ensuring that buildings in-scope would be routinely assessed through the safety case regime and Building Safety Regulator's tranching model, with an intent to expand over time buildings that were inscope as the Building Safety Regulator grew its capacity.
- 5.44. The PAS 9980:2022 guidance, introduced as a methodology for assessing the fire risk of external wall systems, represents a critical step forward in ensuring consistency.¹⁴ However, its adoption has introduced new challenges. PAS 9980 assessments require specialised knowledge of building construction, fire engineering principles, and building material performance. The guidance presumes assessors have a high level of competence. However, with the limited availability of qualified professionals, the experience of NFCC's members suggests that current assessments are not meeting the intended standard, further complicating interpretation. In many cases, PAS 9980 assessments of external walls can vary according to the individual undertaking the work, providing further difficulty for responsible and accountable persons.
- 5.45. FRSs are encountering PAS 9980 assessments that overlook combustible materials and unjustifiably support their retention. These assessments, meant to inform fire risk assessments, are often treated as the primary justification for evidencing compliance with the functional requirements of the Building Regulations 2010 at Gateway Two under the new Building Safety Regulator's regime. This is causing delays in external wall remediation. It is crucial for the Building Safety Regulator to further challenge the retention of significant combustible materials in our built environment.
- 5.46. The Scottish Government has recently introduced the Single Building Assessment, which aims to provide a comprehensive evaluation of the entire high-rise building, covering all aspects of fire safety and structural soundness.¹⁵ This includes cladding, internal fire safety measures, and the overall condition of the building to promote consistency and provide assessors with a brief and consistent methodology.

Community risk management and risk-based inspection

5.47. While FRSs successfully completed the ambitious Building Risk Review inspection programme, this has impacted their capacity for other critical work. Since the Grenfell Tower fire, the focus on inspecting blocks of flats has led to a decline (of up to 45% in some years) in inspections of other high-risk premises, like care homes, compared to 2016/17. As a result, His Majesty's Inspectorate (HMICFRS) has emphasised the need for FRSs to prioritise inspecting buildings housing the most vulnerable people. The *State of Fire and Rescue Annual Assessment 2021* also highlighted inspection capacity and the demands of the new Building Safety Regime as potential challenges for the sector, especially for high-risk occupancies.¹⁶

¹⁴ <u>MHCLG, "Annex A: Technical guidance for applicants of building safety funding applying for funding via PAS 9980:2022", updated 2 April 2024</u>

¹⁵ Scottish Government, "Cladding Remediation Programme: Single Building Assessment specification: purpose of document", 21 June 2024

¹⁶ <u>HMICFRS, "State of Fire and Rescue – The Annual Assessment of Fire and Rescue Services in England 2021", 15 December</u> 2021, p58

- 5.48. This is of particular concern given the £13.8 billion NHS England maintenance backlog.¹⁷ £2.7 billion of these repairs are regarded as high-risk and therefore pose an ongoing risk to people being treated, alongside those working in or visiting hospitals and clinics.
- 5.49. The FRS National Framework means that FRSs must undertake public consultations on the development of their community risk management plans, which includes how protection resources will best be targeted to reduce life safety risks.¹⁸ The majority of fire deaths occur in individual dwellings (57% in the year ending March 2024) as compared to purpose-built flats or maisonettes.¹⁹ A call for evidence on risk prioritisation in existing buildings conducted by MHCLG in 2022 found that a significant number of factors beyond height need to be taken into account when assessing risk, including building occupancy, use, management practices and presence of features such as sprinklers and appropriate firefighting facilities, to name a few.²⁰ Community risk management plans represent FRSs' commitments to communities and FRSs can potentially receive scrutiny from HMICFRS should it deem that the priorities of the FRS are diverted from those noted in their plans.
- 5.50. It is estimated that, for each MRRB that is inspected, high-risk premises such as care homes may go uninspected. This is because the same or similar level of officer/competence is likely to be required to undertake inspections in both instances. For example, NFCC's 2022 exercise found that if 79,000 MRRBs were triaged and 60% went on to receive a full audit, then around 47,400 visits to hospitals, care homes, and other high-risk buildings may be delayed across the corresponding timeframe.
- 5.51. The Protection Uplift Grant, introduced by the Home Office in 2020, was put in place to try and lift FRS capabilities in fire safety enforcement and protection. The Protection Uplift fund is not currently incorporated into FRSs' core spending power as it is an annual ring-fenced grant provided to fund specific capabilities and may be reviewed as the recharge model for the Building Safety Regulator becomes further established. Despite this assistance (albeit reduced to £8 million last year), significant challenges remain related to training, recruitment, and retention. Indeed, the most recent *State of Fire and Rescue Annual Assessment 2023* still notes difficulties in recruiting and retaining competent protection staff and calls for a government-led long-term strategy in regard to this issue, showing that it is not a quick or simple fix.²¹
- 5.52. FRSs are under significant financial pressure. In the local government financial settlement for 2025/26 the sector has had a real terms cut in government funding overall. In addition, significant cost increases arising from employer national insurance increases have not been fully funded increasing the pressure on local FRSs.
- 5.53. The financial stress is increasing, alongside the essential response to the Grenfell Tower Inquiry Phase 2 recommendations, there are the demands posed by new and emerging risks, including being on the frontline response to climate change related extreme weather events, such as flooding, storms and wildfire, and the challenges of incidents involving new and emerging technology.
- 5.54. This evolving picture of risk comes against the backdrop of operating with significantly reduced resources that impact upon the ability of FRSs to keep communities safe. Over the

¹⁷NHS England, "Estates Returns Information Collection, Management Information - Provisional Summary Figures for 2023/24", <u>17 October 2024</u>

¹⁸ Home Office, "Fire and rescue national framework for England", 8 May 2018

¹⁹ Home Office, "Detailed analysis of fires attended and response times by fire and rescue services, England, April 2023 to March 2024", 19 September 2024

²⁰ MHCLG, "Fire safety: risk prioritisation in existing buildings - summary of responses to the call for evidence", 1 June 2022

²¹ <u>HMICFRS, "State of Fire and Rescue: The Annual Assessment of Fire and Rescue Services in England 2023", 9 May 2024, p33</u>

last 17 years, we have seen a 25% reduction in the number of firefighters, and compared to 10 years ago, the number of incidents that firefighters have responded to has increased by 18%. The capacity to invest in the future is also undermined by the absence of any capital funding for FRSs over the last decade – as services strive to find resources to invest in essential infrastructure, upgrade facilities to accommodate advancements in decontamination procedures, and support efforts to meet net zero targets.

Wider construction sector context

Workforce competency and capacity/skills shortages

- 5.55. Competence is critical to delivering a safe built environment, both for occupants and for firefighters responding to fires. Capacity and capability in FRS protection teams have long been a challenge, with most facing difficulties in resourcing to deliver their current Fire Safety Order obligations. HMICFRS has also highlighted the need to improve Fire Safety Order competence in its *State of Fire and Rescue* reports.²² Since June 2017, there has been significant national work to resolve competence issues across the fire and construction sectors, and wider industry stakeholders have reported that shortages of competent staff and staff retention issues occur across the industry, and not just FRSs.
- 5.56. The 2018 Hackitt Report made specific recommendations (chapter 5) to improve the competence of fire safety regulators. The review identified a "fragmented" approach to competence in the regulatory system, resulting in individuals working on specific tasks without a wider view of how their work affects a building's safety as a single holistic system, and with little knowledge of the qualifications and experience of those outside of their specialism.²³ Dame Judith Hackitt therefore recommended (5.1-5.4) an overhaul of the entire framework of industry competence, but noted that this will inevitably take time.
- 5.57. NFCC's response to a 2019 MHCLG (then the Department for Levelling Up, Housing and Communities) consultation on proposals for the reform of the building safety regulatory system called for more robust oversight of competency standards, competency frameworks, and licensing or third-party accreditation requirements for all key disciplines working on buildings in scope. In 2020, the Industry Competence Steering Group published *Setting the Bar*,²⁴ and then in 2022, a requirement of the Building Safety Act was the creation of the Industry Competence Committee, a multi-stakeholder group coordinated by the Building Safety Regulator. This group first met in 2023. The Industry Competence Steering Group then published its last in a trilogy of reports in January 2024, titled *A Higher Bar*.²⁵
- 5.58. These developments represent a good initial step, and NFCC was pleased to be the first stakeholder to fulfil the recommendations of the Hackitt Report by updating the competency framework for FRSs. But whilst the FRS competency framework now enjoys oversight from HMICFRS, for many parts of the industry the developed standards rely on voluntary action, with the Industry Competence Committee's remit appearing to be limited.²⁶ A Higher Bar notes that the road to industry competence involves a "challenge of ensuring the work is both recognisable and accessible" and "avoid[ing] gaps", with the task being "far from complete." Until this happens, as noted within the Industry Competence Group's earlier reports, there remains a risk that the best in the industry become better, while still being 'undercut' by parts of the industry that are able to avoid requirements to be properly competent.

²² <u>HMICFRS, "State of Fire and Rescue: The Annual Assessment of Fire and Rescue Services in England 2019", 15 January 2020, p87</u>

²³ Dame Judith Hackitt, "Building a Safer Future: Independent Review of Building Regulations and Fire Safety Final Report", 17 May 2018, p74

²⁴ Construction Industry Council, "Setting the Bar", October 2020

²⁵ Industry Competence Steering Group, "A Higher Bar", January 2024

²⁶ Health and Safety Executive, "Industry Competence Committee (built environment)", 24 October 2024

- 5.59. In addition, there has been no movement during this time on a centralised cross-departmental government strategy to identify, monitor, and address key skills shortages in the workforce in terms of demand and supply.
- 5.60. FRS staff who focus entirely on protection and building safety form around 2.7% of the total national workforce across English FRSs, though a proportion of these staff are ringfenced to support the Building Safety Regulator with activity in high-rise buildings.²⁷ The latest NFCC data collection from FRSs shows that there are 803 competent fire safety staff in protection departments across England, of which 675 are inspecting officers holding the relevant minimum competency requirements to undertake audits in MRRBs, while also auditing and providing business-as-usual activities in all other regulated premises under the Fire Safety Order.
- 5.61. There are also fewer than 30 competent fire safety engineers in English FRSs who can work on fire safety in complex regulated premises, with many moving to the private sector over recent years, making the retention of competent staff an ongoing challenge. Due to the limited capacity of competent fire engineers, the Grenfell Tower Inquiry Phase 2 report recommended (chapter 113, paragraph 113.25) that "the Government take urgent steps to increase the number of places on high-quality master's level courses in fire engineering", accredited by a professional regulator.²⁸ Unfortunately, Birmingham City University recently cancelled its January 2025 intake for fire safety engineering apprenticeships due to concerns about the lack of a course leader, leaving a single provider for this year's cohort, and meaning some learners will need to further delay their studies.
- 5.62. NFCC is assisting with a drive to promote closer working between providers for fire engineering master's level courses, but it is difficult to foster a collaborative approach to training when these providers are universities and thus commercial entities in competition with each other, highlighting the need for an overarching government-led skills strategy for the sector. It is vital that this strategy include methods to foster greater collaboration between academic institutions to provide fire-related courses.
- 5.63. The profession of fire engineer was also addressed in the Grenfell Tower Inquiry as it remains unregulated, with a recommendation (chapter 113, paragraph 113.25) that the role "be recognised and protected by law and that an independent body be established to regulate the profession, define the standards required for membership, maintain a register of members and regulate their conduct."²⁹
- 5.64. There is limited publicly available data on the number of fire risk assessors across England, but a recent Home Office survey of fire risk assessors noted that "there is likely room for competency to be enhanced as most do not feel comfortable assessing some building types alone, many do not have certification, and half of fire risk assessors do not undertake formal annual refresher training."³⁰ The recent Grenfell Tower Inquiry Phase 2 report recommended (chapter 113, paragraph 113.41) that "the Government establish a system of mandatory accreditation to certify the competence of fire risk assessors" as the profession currently has no formal accreditation system.³¹
- 5.65. The Science Education Tracker 2023, published jointly by the Royal Society and Engineering UK has raised concerns about the future workforce in STEM (Science, Technology, Engineering, and Mathematics) fields.³² The Science Education Tracker 2023 is the third in a

²⁷ Home Office, "Fire statistics data table 1202", 22 August 2024

²⁸ Grenfell Tower Inquiry Panel, "Grenfell Tower Inquiry: Phase 2 Report Volume 7", 4 September 2024, p237

²⁹ Grenfell Tower Inquiry Panel, "Grenfell Tower Inquiry: Phase 2 Report Volume 7", 4 September 2024, p236

³⁰ Home Office, "Fire risk assessors in England: a survey of competency, capacity, and experience", 30 September 2024

³¹ Grenfell Tower Inquiry Panel, "Grenfell Tower Inquiry: Phase 2 Report Volume 7", 4 September 2024, p240

³² Verian, The Royal Society, Engineering UK, "Science Education Tracker 2023", 1 April 2024

series of studies which track evidence on key indicators for science engagement, education, and career aspirations among young people in England, surveying over 7,000 students. The report found that between 2019 and 2023, there has been a negative shift in young people's engagement, aspirations, and participation in science at school. This included some considerable gender gaps, finding that only 12% of girls were likely to respond that engineering is a career that fits well with who they are.

- 5.66. The Chartered Institute of Building conducts research on issues facing the construction industry and has highlighted significant gaps in the skills pipeline, with a predicted shortfall of more than 250,000 workers needed to deliver construction output by 2028.³³ The UK Skills Trade Index 2023 estimates that 35% of the construction and trades workforce is aged over 50, and when driven by high demand for apprenticeships and increased migration finds that the skills shortage has created an acceleration in wages above the average for the economy.³⁴
- 5.67. Government and parliamentary research are increasingly highlighting a skills and workforce gap in construction and engineering. In January, results were published following reviews of two Industry Training Boards which included findings that construction employment is now at its lowest proportion of total UK employment in nearly 100 years, and during the same period construction labour cost inflation has surpassed background national wage growth by 40% whilst industry productivity has declined.³⁵ The report recommended the creation of a construction workforce planning and development system. Recent opinions from sector bodies have outlined concerns that there is a long-term issue within construction employment that will take more than a decade to solve, with 300,000 fewer workers in construction in the UK now than in 2019.³⁶ Occupations in critical demand as measured by Skills England and reported within Department for Education statistics include quantity surveyors, electrical engineers, as well as senior officers in fire services.³⁷
- 5.68. Concurrently, the Chair of the House of Lords Science and Technology Committee published a letter to the Home Secretary, Chancellor and Minister for Science, highlighting longstanding concerns about the UK's ability to attract STEM talent and calling for changes to visa policies.³⁸ Alongside the building safety crisis, these pressures are converging with ambitious targets to build 1.5 million new homes, create 14,000 new prison places, plans for HS2, and expansion projects of major airports.
- 5.69. Recently, discussions have been ongoing between the Government and regulators regarding the limitations of a defined "sector" in the context of fire safety. It is anticipated that a new Fire Safety Congress, which will first meet later in 2025, may help mitigate this issue, acknowledging instead a "complex fire safety system", as well as providing a forum to discuss strategic issues with representatives from fire safety, construction, and insurance, alongside government officials. In the meantime, references made within this paper to "sector" or "industry" refer to these interconnected parts of the fire safety landscape.

Risk during remediation

5.70. Risks to the lives of residents in a building can sometimes be increased while the building is being remediated. This is due to various factors, including the addition of scaffolding to a

³³ <u>Chartered Institute of Building, "Press release: CIOB reacts to UK Government's construction apprenticeship announcement", 22 November 2024</u>

³⁴ Checkatrade and Capital Economics, "The UK Trade Skills Index 2023", 2023

³⁵ Department for Education, 2023 Industry Training Board review, 30 January 2025

³⁶ <u>Gwyn Topsham, The Guardian, "Can we build it? No – because Britain may not have enough workers", 2 February 2025</u>

³⁷ Department for Education, Calendar year 2024 - Occupations in demand, 19 September 2024

³⁸ Letter from the Chair of the House of Lords Science and Technology Committee to Rt Hon Yvette Cooper MP, Home Secretary et al, 30 January 2025

building (which provides increased fire loading and potential risk of ignition from works), disabling of or obstruction of smoke control systems by scaffolding or by contractors without requisite competence or experience, or the exposure of flammable cladding or insulation. These risks during remediation are supported by several published Collaborative Reporting for Safer Structures UK (CROSS UK) reports.³⁹

5.71. These risks mean that responsible persons should ensure that the fire risk assessment is reviewed to reflect changes in risk created by building work, focusing on the current fire risk assessment and evacuation strategy, along with any necessary mitigations, though it is the experience of many in the industry that this is not always done.

Construction products

- 5.72. On 2 December 2024, the Government announced an intention to consult on system-wide reform to the construction products regulatory regime "to introduce sufficiently robust sanctions, penalties and liabilities against manufacturers".⁴⁰ NFCC and partners will need to review and respond to the detailed proposals in due course, though there are potentially a number of ongoing challenges relevant to the construction product market, wider than sanctioning and enforcement.
- 5.73. There are hard physical limits to the amount of materials available for remediating buildings. The Construction Leadership Council's November 2024 Material Supply Chain Group Statement noted that "a rapid surge in demand [for construction materials] in the coming year may result in supply issues."⁴¹
- 5.74. A surge in demand for limited scaffolding and other required materials could potentially inflate prices and mean that only those who can afford to pay the highest price are able to get their buildings remediated, rather than those facing the highest risk. It is then possible that costs are passed on, either to leaseholders or taxpayers, depending on how works are funded.
- 5.75. There is currently a lack of large-scale fire test research and data on construction materials, particularly in regard to modern methods of construction. Evidence from Phase 2 of the Grenfell Tower Inquiry shone a light on issues of validity in product test performance, claims, and certification, adding weight to these concerns. The Inquiry recommended (chapter 113, paragraph 113.22) that a construction product regulator "should be responsible for assessing the conformity of construction products with the requirements of legislation, statutory guidance and industry standards and issuing certificates as appropriate."⁴²
- 5.76. An independent study by Harlow Consulting and Edinburgh Napier University, commissioned by the previous Government, identified risks in volumetric modular construction similar to traditional methods but highlighted specific concerns, including design and regulatory gaps, inadequate fire and product testing, transit damage, unclear accountability, lack of data, and industry skills shortages.⁴³ The Building Safety Regulator subsequently conducted a second study to evaluate the likelihood of these risks materialising in volumetric modular construction projects. It identified fire safety issues such as poor compartmentation, defective fire doors, inadequate fire-stopping, unclear structural fire design, and challenges with building control

³⁹ <u>CROSS UK, "The potential impact of scaffolding on fire safety", "Combustible cladding material ignited during remediation work", "Responsible Person failed to react appropriately to a smoke control system failure", "Automatic Opening Vents not functional after two cladding remediations", "Automatic Opening Vents covered during remediation work", "Smoke vents rendered inoperable by building work", "Sprinkler system deactivated during construction works", all reports 2023-2024</u>

⁴⁰ MHCLG, "Remediation Acceleration Plan", 2 December 2024

⁴¹ <u>Construction Leadership Council, "Material Supply Chain Group Statement", 27 November 2024</u>

⁴² Grenfell Tower Inquiry Panel, "Grenfell Tower Inquiry: Phase 2 Report Volume 7", 4 September 2024, p236

⁴³ Harlow Consulting and Edinburgh Napier University, "Volumetric Modular Construction research", 26 November 2024

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- 5.77. When determining risk in buildings, we need to understand how systems and not just materials behave. Test methodologies do not replicate real fire conditions but do offer a comparative view of how materials might behave under certain conditions. BS 8670 forms the overarching requirements of successful sector-specific competence frameworks for all those working in the built environment but does not yet include construction products, though there are plans to remedy this. Pathways are needed to assure those responsible for building remediation that the products replacing dangerous cladding are indeed safe and underpinned by research and whole system testing, as this remains unclear. Robust tests should be complemented by a transparent and open testing culture, rather than one which favours commercial gain.
- 5.78. The Grenfell Tower Inquiry Phase 2 report has recommended (chapter 113, paragraph 113.39) that those who design buildings, particularly higher-risk and complex buildings, "would benefit from having access to a body of information, such as data from tests on products and materials, reports on serious fires and academic papers."⁴⁵ The construction product industry has already produced the Code for Construction Product Information, an independent vetting process to ensure product information is truthful and reliable, along with progressing work on a Publicly Available Specification for key product duties. The Grenfell Tower Inquiry, however, highlighted that more could be done, and suggested a model per the University of Queensland's Cladding Materials Library could form the basis of a valuable source of information for designers of buildings in general.

6. Climate implications

- 6.1. Addressing fire safety and climate resilience in MRRBs requires careful planning to balance safety, sustainability, and practicality. Remedial work is estimated by MHCLG to be required for thousands of buildings of 11m or taller, many of which may require changes to external wall systems. However, these materials can have high carbon footprints and short lifecycles, with some lasting only 20 years, highlighting the need for clear government objectives, including a precise definition of "permanent remediation" as used in recent policy papers and guidance.⁴⁶
- 6.2. Products used in remediation must meet fire safety and climate change objectives, but lessons from the pre-fire retrofit of Grenfell Tower show gaps in product testing, guidance, and methodologies for selecting safe and appropriate materials. Retrofitted materials like cladding aim to improve energy efficiency but can compromise safety if inadequately tested, highlighting that comprehensive testing of entire systems is critical to ensure fire safety standards are upheld.
- 6.3. The National Audit Office's recent remediation report emphasises the future importance of ensuring accurate and reliable data on our built environment "data on subjects such as building ownership, occupancy and construction materials could be of benefit to future government activity, such as adapting buildings to achieve net zero or to respond to climate change."⁴⁷
- 6.4. The UK Climate Change Committee's 2023 report outlines key outcomes for building resilience to climate risks such as overheating, flooding, subsidence, and wind damage. It also emphasises that building safety, including fire safety, must be integral to adaptation

⁴⁴ Health and Safety Executive, "The impact of Permanent Volumetric Modular Construction (PVMC) on building safety", 2024

⁴⁵ Grenfell Tower Inquiry Panel, "Grenfell Tower Inquiry: Phase 2 Report Volume 7", 4 September 2024, p239

⁴⁶ MHCLG, "Remediation enforcement: guidance for regulators", 2 December 2024

⁴⁷ National Audit Office, "Dangerous cladding: the government's remediation portfolio", 4 November 2024, p37

efforts.⁴⁸ Proper integration of adaptation measures with fire safety is essential to protect communities and reduce operational burdens on FRSs.

- 6.5. The Building Regulations 2010 and supporting guidance (such as Approved Document B) lack provisions to address climate change adaptation. The Grenfell Tower Inquiry's Phase 2 report calls for a comprehensive review of these Approved Documents.⁴⁹ NFCC advocates mirroring this approach for existing buildings to ensure retrofits, refurbishments, and remediation meet modern functional requirements.
- 6.6. Non-worsening provisions in current regulations allow buildings to be refurbished many times without meeting updated fire safety standards. The refurbishment of buildings to meet the challenges introduced by climate change will increase in the coming years. This approach risks leaving many older buildings with outdated safety precautions, and some refurbishment work may escape scrutiny altogether, potentially undermining fire safety. As more buildings undergo remedial work, these risks are likely to increase.
- 6.7. In similar regulatory frameworks, such as New Zealand, legislation provides a mechanism to gradually upgrade existing buildings to current standards for safety, health, and durability. This means that, during a change of use or alteration, a requirement is triggered to comply with the building code provisions for means of escape from fire as nearly as is reasonably practicable. This trigger takes a risk-based approach on a case-by-case basis, and weights considerations of human safety⁵⁰.
- 6.8. To address these challenges, in addition to a large-scale testing protocol, section 4(3) of the Building Regulations should be reviewed for the purposes of means of escape from fire, as nearly as is reasonably practicable.

7. People impacts

- 7.1. English Housing Survey figures show that 39% of all purpose-built blocks of flats are social sector dwellings.⁵¹ This is comparably higher to the overall proportion of housing stock, where social housing makes up 17.1% of accommodation generally.⁵² There is no current data on the percentage of social sector dwellings in MRRBs, but we know that social sector dwellings currently make up 52% of buildings identified by the Government's remediation programmes.⁵³ Individuals with disabilities are notably more likely to live in social housing across all age groups (16–64 years) compared to non-disabled individuals. The Office for National Statistics found in 2019 that 24.7% of people with disabilities aged 16 to 64 years were renting social housing, compared with just 8.2% of people without disabilities of the same age group; a difference of 16.5 percentage points.⁵⁴ All efforts toward remediation should support the most vulnerable residents.
- 7.2. In circumstances where in the interest of residents' safety there is a need for residents to vacate their homes, the impacts are significant. In one notable example, the Chalcots Estate in Camden London was evacuated in 2017 due to serious safety concerns highlighted during post-Grenfell Tower checks on high-rise residential buildings. An Independent Review of the Evacuation was undertaken in June 2018.⁵⁵ This found the costs of the evacuation

⁴⁸ <u>Climate Change Committee, "2023 Progress Report to Parliament", June 2023</u>

⁴⁹ Grenfell Tower Inquiry Panel, "Grenfell Tower Inquiry: Phase 2 Report Volume 7", 4 September 2024, p233

⁵⁰ <u>Ministry of Business, Innovation and Employment NZ, "Building Performance – Change of use, alterations and extension of life", 2017</u>

⁵¹ MHCLG, "English Housing Survey data on stock profile", 18 July 2024

⁵² Office for National Statistics, "Housing, England and Wales: Census 2021", 5 January 2023

⁵³ MHCLG, "Building Safety Remediation: monthly data release - October 2024", 21 November 2024

⁵⁴ Office for National Statistics, "Disability and housing, UK: 2019", 2 December 2019

⁵⁵ Marian Harrington, "The Evacuation of the Chalcots Estate: An Independent Review", 25 June 2018

totalled nearly £15 million. The impacts of prohibition on residents and leaseholders can include: a lack of suitable alternative accommodation, people needing to pay their mortgage or rent and other bills at the same time as paying for alternative accommodation, and significant impacts for vulnerable residents who may have special adaptations in their accommodation.⁵⁶

- 7.3. To avoid the need for residents to move out of their buildings, temporary measures like waking watches were used, but inconsistent implementation by fire risk assessors and building owners led to NFCC facilitating a technical guide on evacuation strategies produced by industry experts.⁵⁷ Now in its fourth edition, the updated Simultaneous Evacuation Guidance reinforces the expectation that, where immediate remediation is not possible, building owners should install common fire alarms or alternative technology to reduce reliance on costly waking watches and swiftly pursue remediation or sustainable long-term solutions.⁵⁸
- 7.4. Some data on waking watch costs has been published by MHCLG; however, we are not aware of specific data as to how many individuals, or private leaseholders, may have waking watch costs passed on to them.
- 7.5. The number of buildings requiring interim measures and temporary simultaneous evacuation strategies is very likely to increase significantly in the short to medium term as a result of any programme to systematically identify and review all MRRBs. In January 2021, there were 497 buildings with temporary simultaneous evacuation measures in place, which subsequently rose to 1,027 in the first data collection (late 2022/early 2023) following the completion of the Building Risk Review and the associated improved identification of building risks. This was an increase of 206.6%.⁵⁹
- 7.6. Since the Grenfell Tower fire, leaseholders have experienced a financial impact through increased service charges, increased insurance costs, and the prospect of significant bills to make their homes safe. Despite the efforts of the Government and regulators, residents have faced severe challenges, including financial uncertainty, mental health impacts, and difficulty selling or mortgaging properties. The charging model of the new Building Safety Regulator, which was developed following significant public consultation, is also a cost that leaseholders in high-rise buildings must now factor in.
- 7.7. Resident Management Companies may be particularly affected as they now need to oversee the management of their buildings; deal with specialist reports; and navigate the complex system of funding and regulation as laypersons in unpaid and voluntary roles, potentially facing legal liabilities.⁶⁰ In many buildings, these leaseholders are accountable for compliance with the new regime with little or no support. The Building Safety Act imposes criminal liability on these volunteer leaseholders with no legal liability placed on the largely unregulated Managing Agents who are relied on to deliver professional services. The Government undertook a consultation on the role of Building Safety Directors, which were intended to take the legal responsibilities from Right to Manage companies.⁶¹ This consultation ran from December 2022 to February 2023 and no response has yet been provided.
- 7.8. Some leaseholder protections have been introduced, however, there are opportunities to improve these and how they are communicated. Buildings insurance premiums also remain elevated, "some as high as 500%, passed on through service charges", according to the

⁵⁶ NFCC, "Simultaneous Evacuation Guidance Equality Impact Analysis", August 2022

⁵⁷ NFCC, "Simultaneous Evacuation Guidance FAQs", August 2022

⁵⁸ NFCC, "Simultaneous Evacuation Guidance: Fourth Edition", August 2022

⁵⁹ NFCC, Building Risk Review data, 2022/23

⁶⁰ House of Commons Library, "Research Briefing: Leasehold high-rise blocks: Who pays for fire safety work?", October 2023

⁶¹ MHCLG, "Building safety directors: consultation", 10 January 2023

National Audit Office.⁶² The protections can be complex to navigate and there is little support available for leaseholders, with Right to Manage companies prevented from using service charges to seek legal advice on enforcing protections.

- 7.9. An increase in temporary simultaneous evacuation in MRRBs (similar to that experienced in high-rise buildings as noted above) would constitute a significant cost and management burden for leaseholders, residents, responsible persons, regulators, and local and central government over the next ten years, and potentially longer. It is important that the highest-risk buildings are identified as a matter of priority; however, in doing so it is necessary to ensure that any follow-on impacts, such as **a potentially significant increase in demand for waking watch relief funding**, are adequately modelled and planned for, to avoid adverse impacts on residents.
- 7.10. FRSs triage their protection activities according to risk-based inspection programmes and community risk management plans. Any change in direction from the Government resulting in a change in FRS enforcement focus has knock-on implications for these plans, which undergo significant public consultation during their creation, and form a FRS's commitment with communities. Each MRRB that an FRS inspects equates to another complex premises (such as a care home or a hospital) that cannot be audited or inspected. This is because the same or similar level of officer/competence is likely to be required in both instances. For example, if 79,000 MRRBs were triaged and 60% went on to receive a full audit, then around 47,400 visits to hospitals, care homes, and other high-risk buildings may be delayed across the corresponding timeframe. This in turn may have an impact on the safety of a range of members of the community with vulnerabilities and protected characteristics.
- 7.11. While the Grenfell Tower tragedy is rightly at the top of public consciousness, FRSs are required to use their capacity to audit risk across all regulated premises. The King's Cross fire in 1987, remains one of the most tragic incidents in the UK's fire history, where 31 people lost their lives. In the Rosepark fire in January 2004, 14 residents in a care home were killed and several others injured. The Beechmere Care Home fire in Cheshire in 2019 was one of the largest incidents attended by Cheshire FRS. While thankfully no one was seriously injured, the fire destroyed much of the Beechmere retirement village, affecting more than 150 residents who lost their homes and belongings. The Luton Airport car park fire in 2023 involved a significant blaze at the Terminal Car Park, prompting Bedfordshire FRS to declare a major incident.
- 7.12. In addition to learning from the Grenfell Tower Inquiry, significant and near-miss fires such as these remind us that the next tragedy might not occur in a residential building and that FRSs are under a statutory duty to enforce the Fire Safety Order within communities in a wide range of other use premises.

8. **Opportunities**

The Building Safety Regime

- 8.1. Remediation works need to ensure that buildings are made safe and brought up to the standards they should have always met. Enforcement can support these efforts, but all fire safety legislation was written on the basis that buildings will be built in accordance with building regulations.
- 8.2. The Hackitt Report identified the need for more enforcement tools and, in October 2023, the roll-out of the new Building Safety Regulator began, implementing key recommendations.

⁶² National Audit Office, "Dangerous cladding: the government's remediation portfolio", 4 November 2024, p10

- 8.3. The Building Safety Act introduces valuable enforcement tools for regulators, including the safety case regime and Building Assessment Certificates in Part 4, along with new powers for leaseholders and other interested parties in Part 5, such as remediation orders. Together, these provide new tools to support building safety across multiple stakeholders.
- 8.4. NFCC welcomes the new enforcement powers introduced by the Building Safety Act. New powers under Part 5, based on implementation so far, indicate the cost to FRSs of pursuing tools such as remediation orders could range from £100,000–£200,000, although this has yet to be tested by FRSs and may prove to be a conservative estimate—notably if matters escalate to the Upper Tribunal upon appeal.
- 8.5. Considering the limitations on FRSs to recover costs related to cases pursued, this creates questions about the proportionate use of resources to achieve maximum value for public money. By focusing limited resources on other forms of engagement and enforcement, FRSs may be able to influence improvements in a larger number of buildings than by pursuing a smaller number of more costly remediation orders. It also enables continued activity in premises where the majority of fire deaths and injuries occur, which are not MRRBS and high-rise buildings. NFCC particularly welcomes the cost-neutral tools for regulators in Part 4 of the Act, using the safety case regime and Building Assessment Certificate processes within multi-disciplinary teams.
- 8.6. The safety case regime provides the key new policy lever to empower regulators to request necessary improvements to high-rise buildings, including the removal of dangerous cladding and prioritising higher safety standards. The Building Safety Regulator will operate on a cost recovery basis, supporting its establishment and ongoing maintenance without diverting resources from existing organisations with critical work. The Hackitt Report recommended (2.13(d)) that "the cost recovery model should be weighted appropriately to create a fund for enforcement action to be taken where needed", another measure which would assist in accelerating the pace of remediation.⁶³
- 8.7. In establishing a holistic and centrally coordinated joint regulator model, the Building Safety Regulator's multi-disciplinary teams were intended to in essence create a model not dissimilar to the Joint Inspection Team but on a permanent footing, cost-neutral to regulators, and helping to support longer-term increases to regulators' enforcement capacity over time.
- 8.8. A centralised model's strength lies in its ability to holistically address a broad range of building safety defects, which can include structural and weathertightness issues. As documented within a range of international case studies included within the Hackitt Report, similar systemic failures in cladding systems, commonly referred to as "leaky building syndrome", have occurred in Commonwealth countries that adopted regulatory frameworks akin to the UK's in the late 1980s to 1990s.
- 8.9. This has been estimated as affecting up to 71,600 flats in Canada⁶⁴ (2007);⁶⁵ up to 89,000 homes in New Zealand⁶⁶ (2008);⁶⁷ and in Australia, a survey found 85% of strata owners in Sydney reported defects in post-2000 buildings, with 70% experiencing leaks (2017).⁶⁸ The Victorian Building Authority in Australia has also launched inspection programs focusing on

⁶³ Dame Judith Hackitt, "Building a Safer Future: Independent Review of Building Regulations and Fire Safety Final Report", 17 May 2018, p45

⁶⁴ Government of Canada, "Canada Mortgage and Housing Corporation Research Highlight", June 2003

⁶⁵ <u>Times Colonist, "Second wave of leaky condos emerges", May 2014</u>

 ⁶⁶ Step Up Group, "The Hunn Report 2002 – Report of the Overview Group on the Weathertightness of Buildings to the Building Industry Authority", September 2002

⁶⁷ <u>New Zealand Government, "Government announces leaky homes package", May 2010</u>

⁶⁸ Lovegrove & Cotton, "Leaky Building Syndrome – a Comparison between Australia, Canada and New Zealand", July 2023

weatherproofing.69

- 8.10. Cases of water ingress in flats have been reported recently in some parts of England.⁷⁰ These examples underline the importance of designing a centralised model capable of addressing diverse building safety and remediation challenges.
- 8.11. The Building Safety Regulator is facing recruitment and retention challenges that are impacting efforts to increase its capacity. A parallel national remediation programme focused on MRRBs risks exacerbating these issues by competing for the same competent workforce the Building Safety Regulator, FRSs, private sector companies, and public sector providers are all drawing from the same limited pool of talent. Increased demand for practitioners, such as fire engineers, may drive wage inflation as private firms pursue MRRB remediation contracts, leaving FRSs unable to compete with remuneration for technical staff and potentially slowing overall progress on remediation, particularly for the highest-risk buildings.
- 8.12. The 2018 Hackitt Report recommended (1.1) that the scope of the new building safety regime in the first instance be limited to residential buildings 10 storeys high (30m) or more, and noted that a "reasonable ambition might be for government to widen the definition [of a higher-risk building, one in scope of the Building Safety Regulator] in due course to include a wider set of residential buildings...[or other] buildings where people sleep (such as hospitals or care homes)."⁷¹ Stakeholder responses lead to the initial scope for the regime being set more widely to buildings at least 18m or seven storeys in height. The Grenfell Tower Inquiry Phase 2 report also recommended (chapter 113, paragraph 113.7) "that the definition of a higher-risk building for the purposes of the Building Safety Regulator to expand in scope over time, mitigating the risk of undermining progress in other high-risk buildings and providing centralised coordination of remediation enforcement.
- 8.13. Further consideration may be warranted on how to ensure that, when an MRRB is remediated, the works result in a building that is compliant with building regulations. Currently, the new additional scrutiny at Gateway Two only applies to high-rise buildings. **Therefore, remediation projects in MRRBs will be going through the same system that resulted in the crisis of non-compliant buildings to begin with.**

The Joint Inspection Team

- 8.14. In June 2018, a Joint Inspection Team was established to support swifter action by building owners.⁷³ The Joint Inspection Team is a multidisciplinary team with fire engineers, building control surveyors, and environmental health officers who assist local authorities to take enforcement action against building owners failing to remediate unsafe high-rise buildings.⁷⁴ The team is supported by intelligence officers and external legal advisors.
- 8.15. Learning from the Joint Inspection Team and the buildings it has focused on so far, highlights how resource-intensive and complex it can be to take enforcement action in multi-occupied buildings.
- 8.16. As the Building Safety Regulator embeds and grows its capacity and scope over time, there is an opportunity to utilise learning from the Joint Inspection Team to establish a

⁶⁹ <u>Victorian Building Authority, "Activities to minimise harms – water ingress", 2024</u>

⁷⁰ Sky news, "'Buying a flat ruined my life': Leaseholders plead for tougher legislation against home ownership 'scam'", 5 February 2024

⁷¹ Dame Judith Hackitt, "Building a Safer Future: Independent Review of Building Regulations and Fire Safety Final Report", 17 May 2018, p19

⁷² Grenfell Tower Inquiry Panel, "Grenfell Tower Inquiry: Phase 2 Report Volume 7", 4 September 2024, p232

⁷³ MHCLG, "Action plan to accelerate remediation of private high-rise residential buildings with ACM cladding", 28 June 2018

⁷⁴ Local Government Association, "Joint Inspection Team (JIT)"

centrally coordinated government taskforce that could trial the use of new enforcement powers targeted at a small number of the most recalcitrant actors, in the highest risk buildings, in the system. As well as being a further signal of intent to building owners, the outcomes of these cases could inform updated guidance to regulators.

Guidance and the Fire Risk Assessment Prioritisation Tool (FRAPT)

- 8.17. Analysis of risks in the built environment and a significant set of challenges posed by 11m– 18m buildings was carried out as part of the planning for the implementation of the Fire Safety Act. This led to the creation of the Fire Risk Assessment Prioritisation Tool (FRAPT) as a compliance tool to help responsible persons.
- 8.18. The FRAPT is an online compliance tool designed to assist responsible persons in developing a strategy to prioritise their buildings, review their fire risk assessments, and ensure they take into account the clarifications outlined in the Fire Safety Act. This approach is also designed to ensure that professionals with the required competencies to assess external walls (such as fire engineers, fire risk assessors, surveyors, or architects) prioritise their resources to buildings identified as high priority.
- 8.19. Whilst the FRAPT does not constitute a fire risk assessment itself, the tool was introduced as part of a critical suite of measures to support building owners to comply with their legislative duties using a risk-based approach, whilst mitigating the risks of marketplace price inflation driven by a shortage of competent fire risk assessors.

8.20. There remains an opportunity for the Government to further promote the use of the FRAPT to building owners and responsible persons, or to adapt the tool for other similar uses.

- 8.21. Current guidance does not provide a holistic overview of the intended workings of the new building safety regime as a whole. Lack of clarity can lead to ambiguity between agencies as mentioned in the Grenfell Tower Inquiry Phase 2 report, and a clear and updated protocol would facilitate joint working, collaboration, and efficiency.
- 8.22. A joint protocol between FRSs and local authorities as enforcing authorities was previously developed to complement Local Authorities Coordinators of Regulatory Services (LACoRS) guidance, though this is now out of date.⁷⁵ NFCC, the Home Office, and FRSs have requested the guide be updated to clarify which regulator should lead in different situations with the additional considerations introduced by the go-live of the Building Safety Regulator's new safety regime. The recently published Remediation enforcement guidance for regulators was an opportunity to implement this protocol, and NFCC recommended that it include such a protocol during the development of the guidance.⁷⁶

A National Strategy for Construction Skills

- 8.23. There is a key opportunity to establish a cross-departmental Construction Skills Taskforce and Strategy with departments holding responsibility for fire safety and construction policy working with Department for Education and Skills England to identify, monitor and address key skills shortages in the workforce. This should include:
 - Identifying professions that are critical to the remediation of buildings, measuring numbers of competent practitioners, and measuring numbers of new graduates, to establish a clear baseline and picture of workforce supply and demand.
 - Measuring numbers of young people in the education to skills pipeline graduating with

⁷⁵ Local Authorities Coordinators of Regulatory Services, "Guidance on fire safety provisions for certain types of existing housing", August 2008

⁷⁶ MHCLG, "Remediation enforcement: guidance for regulators", 2 December 2024

the necessary prerequisites, such as STEM.

- Working with tertiary education providers to ensure sufficient numbers of places are available on critical courses, such as structural and fire engineering.
- Identification, tracking and promotion of key apprenticeship pathways.
- Investigating international recruitment opportunities to meet immediate shortages
- Creating clear targets to increase the workforce, and identifying and removing any barriers to education, training, and employment.

A failure to implement a national strategy for construction skills could lead to risks including delaying the pace of remediation, driving up costs, and impacting the pace of housebuilding.

Government funding

- 8.24. There are currently five government programmes that can fund the remediation of dangerous cladding. The National Audit Office's report found that continual changes to funding programmes and the scope of buildings covered have exacerbated confusion, introducing "more uncertainty over the number of buildings in scope for Government programmes and how much remediation will cost."⁷⁷
- 8.25. Government funding currently covers the remediation of cladding. However, a large proportion of buildings that may require some degree of remediation do not have cladding issues but suffer from a range of serious internal fire safety issues. For example, in London, this is estimated as a third of all buildings that are currently subject to temporary simultaneous evacuation strategies. It can be unclear how the remediation of internal fire safety defects will be funded (if the developer has not signed the Developers' Remediation Contract) and who is responsible for what under agreements and leases. Enforcing compliance in these scenarios can be especially resource-intensive for regulators.
- 8.26. The Government recently announced that it will work with insurers to consider reducing "firerelated liabilities in order to reduce the high insurance bills leaseholders are facing."⁷⁸ This is welcome, as insurers remain an integral part of the remediation process. In the creation of this paper, industry partners have advised that insured parties will do what is required to ensure their building's insurance is maintained, which may sometimes include, in their experience, a moratorium on remedial work until the receipt of approval from the insurer.
- 8.27. There are opportunities to review the scope of relevant funds to ensure they cover appropriate defects. There is also an opportunity to improve the progress to enforce the Developers' Pledge. Those responsible for building unsafe buildings should pay to fix them, but these contracts between developers and the Government could be further enforced.

Greater alignment with policy objectives

- 8.28. The Building Safety Regulator, as the only national building safety regulator, was designed to promote a holistic approach to building safety, including consistency of enforcement strategies and decisions across England. A significant programme of work has gone into establishing a regional cost-neutral operating model to support the use of the Building Safety Act, including new powers under the safety case and Building Assessment Certificate process.
- 8.29. Local Remediation Acceleration Plans, whilst bringing a renewed emphasis on remediation,

⁷⁷ National Audit Office, "Dangerous cladding: the government's remediation portfolio", 4 November 2024, p8

⁷⁸ <u>MHCLG Permanent Secretary, letter relating to the Government's Remediation Acceleration Plan on unsafe cladding, 2</u> <u>December 2024</u>

may risk exacerbating inconsistencies across local regulators and divergence of enforcement strategies and practices. This is particularly relevant to issues of data accuracy, and may make it more difficult for local regulators to follow the principles of the Regulators' Code.

- 8.30. Issues that may arise from locally driven strategies include FRSs being directed by bodies that do not govern the relevant fire and rescue authority, or FRSs being asked to enforce against buildings which they have no legal remit over as their boundaries are not coterminous with other local authorities.
- 8.31. The Government has set other ambitious targets, such as building 1.5 million new and affordable homes and decarbonising the sector. This will involve interaction between its remediation programmes and wider priorities, and there is an opportunity to review policy objectives to ensure that Government strategies are not working at cross-purposes.
- 8.32. A focus on enforcement and litigation may not necessarily speed up the pace of remediation. Experience in other countries (e.g., New Zealand) has shown that increased litigation is one factor that can hinder the pace of remediation by tying people up in lengthy legal disputes.
- 8.33. Whilst set in a different context, a regulatory impact analysis of the Financial Assistance Package published by the New Zealand Treasury noted the Crown was incurring costs of \$19m per year on dispute resolution services, and that the high transaction costs of pursuing claims (both time and money) acted as a deterrent.⁷⁹ The Financial Assistance Package aimed in part to provide more affordable access to finance (such as loan guarantees to banks) for those liable for the repairs, but while disputes were being settled homes were not being repaired at the rates expected. Homeowners cited access to and affordability of bank finance as a key barrier to repairs.
- 8.34. The National Audit Office report notes that a loan programme was announced and then subsequently withdrawn.⁸⁰ Proposed reforms to the leasehold system have the potential to redistribute responsibilities for repairs, with the possibility that leaseholders' legal protections may be lessened than if they were paying a variable service charge to a landlord.⁸¹ It will remain important for the Government to keep funding schemes under review, including examining options for enhancing access to upfront funding for those who need it.
- 8.35. There is also an opportunity under a refreshed programmatic approach to review policy objectives and ensure that activities are clearly aligned with these. Options could be re-examined to explore if alternative mechanisms, which could focus on freeing up access to funds, may better channel resources into getting buildings fixed as a central policy objective, ahead of apportioning liability while people are left living in unremediated homes.

Sprinklers

8.36. There is an opportunity for the Government to do more to increase the use of sprinklers in the built environment. Sprinklers save lives and reduce injuries. They have been used for over 100 years and are consistently reliable, protecting property, reducing the cost of repairs, and minimising the impact of fire on the environment. Sprinklers can also buy crucial additional time in firefighting operations, which may mean that evacuations are not necessary in the first place. In 2013, the Coroner's report following the Lakanal House fire recommended that the Government encourage the retrofitting of sprinklers in high-rise residential buildings.⁸² Analysis has demonstrated that they are 99% effective in extinguishing or controlling a fire

⁷⁹ <u>New Zealand Government, Department of Building and Housing, "Regulatory Impact Statement – Proposal: Changes required</u> to implement the financial assistance package for leaky homes", November 2010

⁸⁰ National Audit Office, "Dangerous cladding: the government's remediation portfolio", 4 November 2024, p21

⁸¹ MHCLG, "Sweeping reforms to give leaseholders more powers and protections", 21 November 2024

⁸² Lakanal House Coroner's Inquest, Letter to the Department for Communities and Local Government, 28 March 2013

and 94% reliable in their ability to operate across all building types.83

- 8.37. A cost-benefit analysis produced following the Callow Mount retrofit project demonstrated clear benefits to installing sprinklers.⁸⁴ Since then, more recent estimates from industry partners suggest that the cost per flat of installing sprinklers has risen from £2,500–£4,000 per flat depending on a range of factors. Given the challenges affecting the pace of remediation detailed in this paper, which are resulting in buildings remaining unremediated for some time, **sprinklers may be a proportionate way to avoid buildings remaining under interim measures such as a waking watch for extended periods.**
- 8.38. MHCLG's best estimate of total remediation costs is £16.6bn (ranging from £12.6bn to £22.4bn) in 9,000 to 12,000 buildings.⁸⁵ The estimated cost of retrofitting sprinklers in these buildings is £1.5bn (midpoint estimate based on a range from £202.5m to £2.8bn).
- 8.39. These initial estimates suggest that **at just 9% of the estimated costs of cladding replacement**, sprinklers may be a proportionate and effective way to help mitigate risks in buildings while further solutions are being developed to support the pace of remediation. This is not to suggest that sprinklers can fully mitigate the risks posed by some or all external wall systems, or that they will be appropriate in every building, as this must be risk assessed on a case-by-case basis. However, NFCC is aware of a range of cases where cladding remediation alone has not been sufficient to mitigate other risks within buildings – sprinklers would make these buildings safer.
- 8.40. With a high ability to mitigate a range of fire safety risks, and in some cases the potential to obviate the need for simultaneous evacuation strategies and make it easier to develop and maintain personal emergency evacuation plans (PEEPs), these estimates demonstrate the value of further investigating greater use of sprinklers in the built environment. NFCC has called on the Government to make it a requirement to retrofit sprinklers in all existing residential buildings over 11 metres on a risk-assessed basis.⁸⁶

9. Recommendations

This paper proposes the following recommendations to government for discussion:

- 1. Establish a programmatic approach towards identifying and addressing barriers to remediation and ensure that activity is aligned with policy objectives. The production of an industry-wide action plan could clarify roles and responsibilities and set clear timelines going forward.
- 2. Keep funding for building safety defects under review to ensure that funding schemes apply to relevant defects and examine building safety levies to ensure there is a pathway for industry to meet the costs of remediation. Government could also consider compulsory purchase schemes for the most dangerous buildings in need of remediation if the owner remains non-compliant.
- 3. Define and deliver competency requirements by establishing a cross-departmental Construction Skills Taskforce and an overarching skills strategy for the sector, working with the Department for Education and Skills England to identify, monitor and address key

⁸³ <u>National Fire Sprinkler Network and NFCC, "Efficiency and Effectiveness of Sprinkler Systems in the United Kingdom: An Analysis from Fire Service Data", May 2017</u>

⁸⁴ <u>Safer High-rise Living: The Callow Mount Sprinkler Retrofit Project – British Automatic Fire Sprinkler Association (BAFSA) - 2012</u>

⁸⁵ National Audit Office, "Dangerous cladding: the government's remediation portfolio", 4 November 2024, p4

⁸⁶ NFCC, "Automatic Water Suppression Systems Policy Position Statement", May 2024

skills shortages in the workforce. Undertake a clear programme of work to examine and deliver on the recommendations (chapter 113) from the Grenfell Tower Inquiry Phase 2 report in relation to occupational regulation and competency.

- 4. Examine the recommendations (chapter 113, paragraphs 113.11-113.14) of the Grenfell Tower Inquiry in relation to the building regulations guidance not facilitating compliance with the Building Regulations 2010, including an urgent review of Approved Document B and inclusion of clear warnings that the legal requirements are contained in the Building Regulations and compliance with the guidance will not necessarily result in compliance with the regulations.⁸⁷
- 5. Support the Building Safety Regulator to provide central coordination and strategic leadership on enforcement of new powers under the Building Safety Act.
- 6. Ensure there is a joint data solution for all relevant partners so that all regulators can share key risk information on buildings.
- Make it a requirement to retrofit sprinklers in all existing residential buildings over 11 metres on a risk-assessed basis and consider suitable and proportionate methods of funding these requirements.⁸⁸
- 8. Promote and where necessary adapt the Fire Risk Assessment Prioritisation Tool so that it can be leveraged to support the prioritisation of buildings across all remediation workstreams.
- Ensure enforcement guidance for regulators is kept up to date, such as the guidance on fire safety provisions for certain types of existing housing produced by LACoRS, and clarify the use of new Building Safety Act powers alongside broader fire safety enforcement.⁸⁹
- 10. Ensure new powers under the Building Safety Act remain cost-neutral to local regulators, in accordance with consultations. Undertake regular reviews of the impact of the Building Safety Act on FRSs' statutory obligations to ensure the safety of premises such as care homes and hospitals and local risks identified within FRSs' community risk management plans are not compromised.
- 11. Undertake coordination with HMICFRS to ensure FRSs receive joined-up strategic direction from the Government on building safety priorities.
- 12. Review the non-worsening provisions which allow buildings to be refurbished without improvement to fire safety standards for the purposes of means of escape from fire as nearly as is reasonably practicable.
- 13. Ensure there are large-scale testing pathways for demonstrating the compliance of construction products and ensure that any resultant test data is freely and publicly available.
- 14. Examine international case studies of how comparable jurisdictions have addressed

⁸⁷ Grenfell Tower Inquiry Panel, "Grenfell Tower Inquiry: Phase 2 Report Volume 7", 4 September 2024, p233-234

⁸⁸ NFCC, "Automatic Water Suppression Systems Policy Position Statement", May 2024

⁸⁹ Local Authorities Coordinators of Regulatory Services, "Guidance on fire safety provisions for certain types of existing housing", <u>August 2008</u>

cladding crises to examine available learning and identify opportunities for international collaboration. This could include an analysis of how compliance with building regulations is achieved in the first instance, with the ultimate aim of preventing sub-standard properties from becoming occupied premises.

- 15. Further invest in Local Authority Building Control to ensure building control continues to strengthen its capability and capacity to regulate compliance with the Building Regulations 2010, including competencies for fire and structural safety. Undertake the Grenfell Tower Inquiry Phase 2 report recommendation (chapter 113, paragraph 113.29) for the Government to appoint an independent panel to consider whether it is in the public interest for building control functions to be performed by those who have a commercial interest in the process.⁹⁰
- 16. Where additional funding is made available to regulators to support capacity, ensure that funding comes in the form of sustained multi-year settlements to allow regulators to undertake long-term workforce planning.

10. Consultation

- 10.1. In drafting this paper, NFCC has tried to represent the views of multiple stakeholders across the sector, some of which disagreed on the best course of forward action. Given the different roles and priorities between public sector organisations and commercially oriented industry groups, it has been difficult to harmonise all views of relevant stakeholders. It therefore represents NFCC views, however, draft copies of this paper were shared with the following organisations and NFCC sought to reflect and address all comments provided by them.
 - London Fire Brigade
 - Greater Manchester Fire and Rescue Service
 - Health and Safety Executive
 - Mace Group
 - Construction Products Association
 - National Housing Federation
 - Local Authority Building Control
 - Fire Sector Federation
 - Local Government Association
 - Royal Institute of British Architects
 - Royal Institution of Chartered Surveyors
 - The Institution of Fire Engineers
 - CROSS UK
 - British Property Federation
 - Build UK

⁹⁰ Grenfell Tower Inquiry Panel, "Grenfell Tower Inquiry: Phase 2 Report Volume 7", 4 September 2024, p239

- Construction Industry Council
- Berkeley Group
- The Property Institute
- Home Builders Federation
- Infrastructure and Projects Authority

Appendix one – Feasibility study

NFCC has undertaken a feasibility estimate of a thematic inspection of all MRRBs from 11m to 18m.

These estimates, produced originally for the Fire Protection Board in 2022, have now been updated. While subject to a final peer review, they reflect workforce statistics from Q2 2024/25 and are based on recharge rates for the Building Safety Regulator, which incorporate a range of overheads and are reviewed and agreed upon by the Home Office. This includes recent increases to National Insurance Contribution rates.

Estimates for a triaged review of all MRRBs							
Estimated number MRRBs	Size of taskforce	Years to complete	Years to complete	Total years to complete	Estimated salary costs of officers		
		Full audits (59%)	Desktop audits (41%)				
79,000	100% (675 officers)	2.97	0.22	3.19	c. £258m		
	50% (337.5 officers)	5.94	0.44	6.38	c. £266m		
	25% (168.75 officers)	11.89	0.87	12.76	c. £284m		
95,000	100%	3.57	0.26	3.83	c. £312m		
	50%	7.15	0.52	7.67	c. £324m		
	25%	14.30	1.05	15.35	c. £351m		
150,000	100%	5.64	0.41	6.05	c. £503m		
	50%	11.29	0.83	12.12	c. £536m		
	25%	22.57	1.66	24.23	c. £609m		

Notes:

• Taskforce/Workforce refers to all officers within protection departments that are qualified with a L4 Diploma, assumed here to be 675 persons across FRS nationally. It does not include fire safety engineering personnel.

• Full audits for 59% of buildings and desktop audits for 41% of buildings (based on outcomes from the Building Risk Review).

Unit costs of £117,168. Including: £50.2k basic salary + £14.5k employers' pension + £7.5k employers' NI, plus 2% inflation per year. Other overheads, allowances, travel costs and training and CPD costs = £44.7k. Ref: Building Safety Regulator recharge rates.

• Audit (29.5) and follow up enforcement actions (17.85) total 47.35 hours per building.

• Inspecting officers have 1,100 available hours per year. Ref: Home Office purple guide.