

Fire Safety Act

Fact Sheet



Introduction

The *Fire Safety Act 2021* was passed on 29 April 2021 and is one of a number of pieces of legislation to be introduced after a review of fire and building safety laws in England and Wales following Grenfell in 2017. This factsheet will provide an overview of what the Act is, what it does, and key considerations that block managers need to make to ensure they and their clients remain compliant.



DISCLAIMER: This ebook is intended for information only and does not constitute legal advice. If you have any questions related to issues in this ebook, we strongly advise contacting a legal professional.

Background: What is the Fire Safety Act?

The [Fire Safety Act 2021](#) received Royal Assent in April 2021 after being brought into Parliament on 19 March 2020, as a result of a government consultation on fire safety following Grenfell.

The primary purpose of the Act is to amend the scope of the [Regulatory Reform \(Fire Safety Order\) 2005 \(FSO\)](#) according to the recommendations made in the [Phase 1 report from the Grenfell Tower Enquiry](#). This is important because the scope of the Fire Safety Order was originally designed to apply to workplaces, leaving some questions over how it applied to residential buildings.

The Act clarifies how the *Fire Safety Order* should be applied to all multi-occupied residential buildings in England and Wales. A multi-occupied residential building is a building that contains two or more sets of domestic premises. A domestic premise is any private residence used for living accommodation.



The *Fire Safety Act* applies only to the building, not the flats or residences themselves.

The main legislation is set out in the first three sections of the Act. These sections will come into force at different times. Section 1, which relates to the premises where the Act applies, will come into force whenever the Secretary of State (England) or Welsh Ministers (Wales) choose. This date has not yet been announced. Section 2 gives powers to ministers to make changes to the regulations or scope. This came into force in June 2021, two months after it received Royal Assent. Section 3, which relates to risk-based guidance (discussed later in this fact sheet), will come into force at the same time as Section 1.



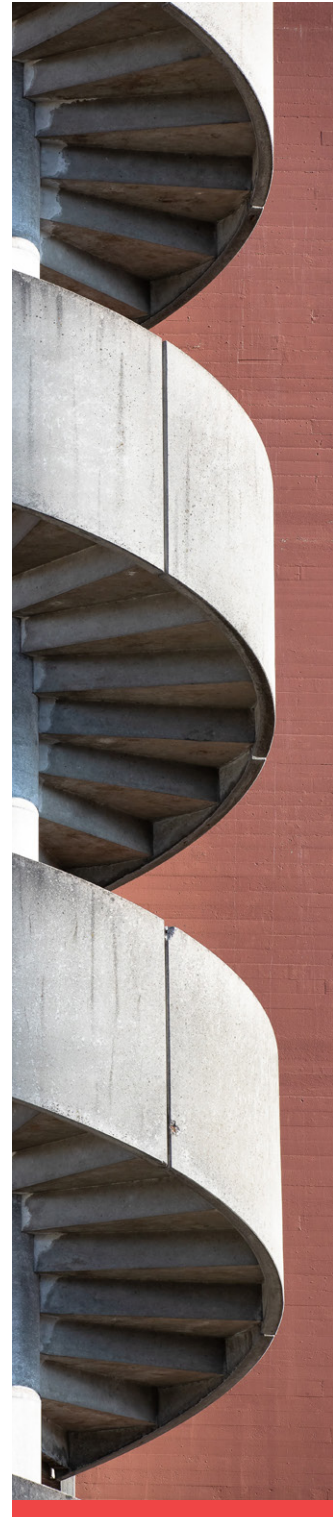
How does the Fire Safety Act amend the Fire Safety Order?

The *Fire Safety Act* amends the *Fire Safety Order* by clarifying what parts of a multi-occupied residential building it applies to. This includes:

- the building's structure and external walls (including doors, windows and anything attached to the exterior of those walls, such as balconies, cladding, insulation and fixings) and any common parts like hallways, staircases and landings
- all doors between domestic premises and common parts such as flat entrance doors.

The *Fire Safety Order* sets out the fire safety responsibilities of those who must comply with it. This includes the Responsible Person and the Duty Holder.

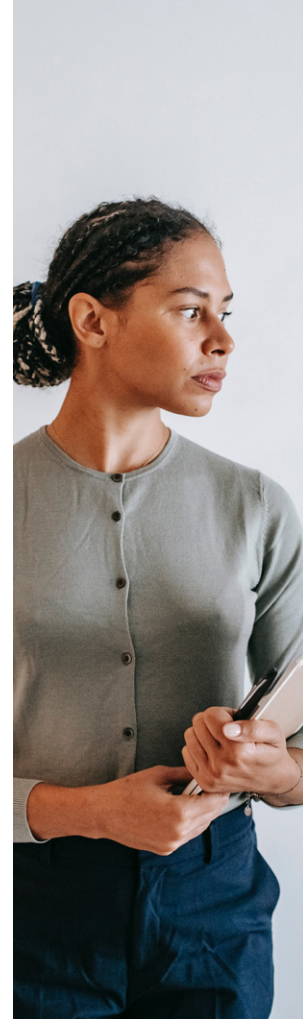
The *Fire Safety Act* also enables the Government to introduce *risk-based guidance* at a later date. This guidance will be used to prove if the Responsible Person has fulfilled their duties or not in assessing this fire risk posed by the building's external walls. The risk-based guidance the Government will issue was subject to a public consultation in May 2021 called PAS 9980: *Fire risk appraisal and assessment of external wall construction and cladding of existing blocks of flats - Code of practice*. As of this guide's date of publication (October 2021), the [final standard is currently in the approval stage](#) and is due to be published in December 2021. It will be vital reading for any property professional responsible for fire risk assessments in order to understand how to remain compliant with the law and be able to demonstrate this compliance.



Who are the Responsible Person and Duty Holder?

The Responsible Person is the person responsible for the safety of the building's occupants, visitors and anyone employed to work in the building. They either own the building or control it. This could be the building's owner, or if they contract out the management of the building's common areas, a management company or managing agent.

Duty Holders must also comply with the *Fire Safety Order* depending on the obligation set out in their contract. This could be a Fire Risk Assessor or Fire Alarm Engineer.



What does this mean for managing agents?

If you manage a building's common areas on behalf of a Responsible Person such as a building owner or management company, they may choose to give the responsibility of carrying out fire risk assessments to you.

This means that your assessments must include the areas described in the *Fire Safety Act* and amended *Fire Safety Order*. The Act amends the *Fire Safety Order* to clarify that fire risk assessments of a building should include its structure and external walls. You must record any significant findings from this risk assessment and any measures that have been or will be taken to reduce the risk.

The Responsible Person can be held liable for any breaches of the *Fire Safety Order* through enforcement, alteration or prohibition notices issued by Fire and Rescue Authorities. Fines for those found to be in breach of fire safety regulations can be unlimited, the [Government announced in March 2021](#).

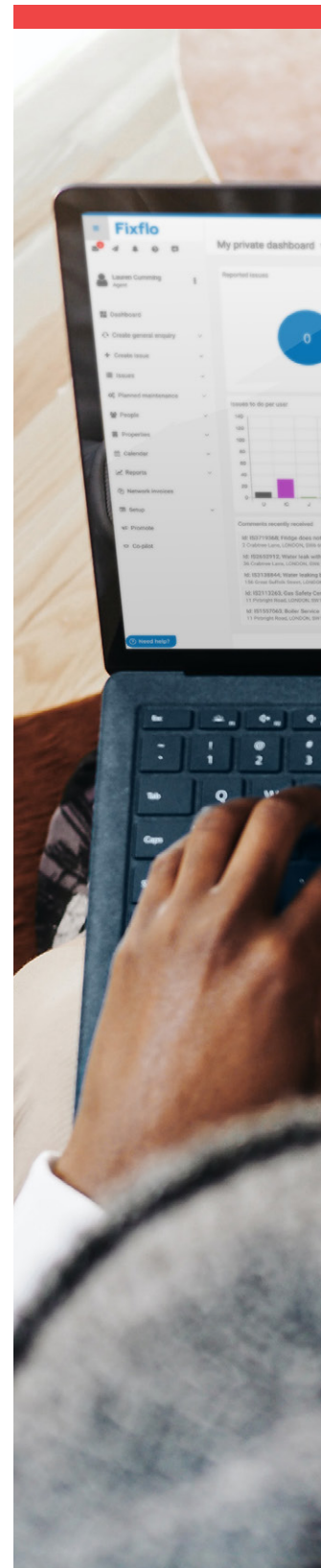
How can managing agents stay compliant with the Act?

Staying compliant with the *Fire Safety Act* means planning and regularly reviewing fire risk assessments and ensuring the scope of these is adequate. An assessment should be reviewed if there have been any significant alterations to the building, processes or equipment, or where you believe that it is no longer valid.

A repairs and maintenance management solution such as Fixflo can help you plan maintenance events such as fire safety inspections and assessments throughout a building's lifecycle and you can set them to recur as often as needed.

Effective risk assessment requires keeping track of all assets that are part of the building's shared areas and structure, such as lifts and fire doors. A good repairs and maintenance solution will include an asset register to allow the tracking of items and reporting on their condition at the click of a button.

Once a risk assessment has been completed, a smart maintenance management solution should allow you to follow up on any remedial work that has been identified by requesting quotes and manually assigning actions to contractors as appropriate, or even assigning specific tasks to certain contractors automatically. This will ensure that any improvements to a building's fire safety can be made as quickly as possible, avoiding the possibility of fines and criminal penalties. Having an audit trail of these remedial actions will mean your clients can be kept informed and certain that you are promptly keeping the building safe and compliant on their behalf. Follow up checks and assessments can be scheduled once these actions have been carried out to ensure that any identified risk has been minimised and residents, visitors and contractors remain as safe as possible.





Conclusion

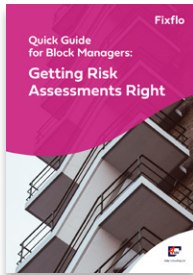
As a managing agent, it can be easy to feel that your clients may not fully appreciate everything that you do for their block. However, building safety is one area where you can make a real and observable difference to residents' comfort and security, and you can rest assured that your hard work here will not go unnoticed. With more pressure on managing agents than ever before, the smart use of technological solutions will be vital to ensure that required risk assessments are organised, remedial works are carried out, and legally compliant audit trails can be produced, with nothing slipping through the cracks.

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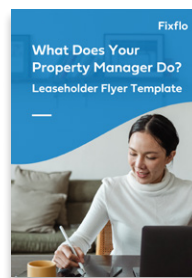
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