Home Office
Fire Safety Consultation

Response from AXA UK

1. AXA UK (AXA) is part of the AXA Group, a worldwide leader in financial services, operating in 57 countries with over 160,000 employees and 108 million customers. AXA has around eight million customers in the UK and operates through specific operating companies – AXA Insurance and AXA Health.

Executive summary

2. AXA welcomes the opportunity to submit to the Home Office Fire Safety consultation and supports the Government's commitment to identify and implement improvements to the fire and building safety regime in the UK. As a large property insurer AXA is acutely aware of the importance of managing fire risk appropriately and has previously engaged with the Government throughout numerous reviews of building and fire safety legislation.

3. AXA agrees with the majority of the proposals outlined by the Government in this consultation and welcome the clear measures to embed transparency, accountability and evidential competency at the heart of building and fire safety in the UK. In particular, AXA has continually argued for government to mandate a requirement for UKAS Accredited Third Party Certification of fire risk assessment providers for premises covered by the Fire Safety Bill. It is welcome to see competency requirements within the consultation and AXA would be willing to engage further with the Government as this proposal develops.

4. One concern AXA has put forward within this consultation is the current working definition of height which appears in both the draft Building Safety Bill and the proposed fire safety legislation. Given that fire does not discriminate on height and recent examples have highlighted significant fire safety risks in buildings under 18 metres in height, AXA would strongly urge the Government to consider expanding the scope of the Building Safety Bill and provisions under the Fire Safety Order (FSO) to include other high-risk residential and non-residential buildings at any height, particularly for those buildings that could be considered a higher occupational risk such as non-residential buildings with sleeping accommodation.

Questions

Section 1: Strengthening the Fire Safety Order and Improving Compliance (for all Regulated Premises)

1.1 Guidance

5. AXA welcomes the Government's intention to overhaul the current suite of supporting guidance to Responsible Persons (RPs) and others in control of premises. Comprehensive, clear and accessible guidance on the FSO is significantly important to support compliance, enforcement and the golden thread of building information being created, maintained and stored.

6. AXA agrees that Article 50 is a sufficient framework for providing comprehensive guidance to RPs in light of the significant legislative changes being implemented. Furthermore, the establishing of a Guidance Steering Group will help to support engaging with the widest

possible audience. As a leading property insurer, AXA would be willing and able to engage with this process to provide expertise from an insurance perspective.

7. AXA would firmly agree that an 'Approved Code of Practice' would provide a strengthened legal basis for guidance under the FSO and would help to support compliance and enforcement of the FSO. Providing a strengthened legal basis would also drive increased competency and quality across the built environment, including encouraging the creation and maintenance of the golden thread of information for the full lifecycle of a building. AXA considers the inclusion of all areas listed under question nine as relevant to assist RPs and others in complying with their duties. AXA would further welcome the inclusion of training and evidential competency. Ensuring that competence is measurable, third-party accredited and clearly defined throughout the legislation and guidance will be paramount in ensuring that all those responsible for assessing and improving fire safety can and will comply with the legislation.

1.2 Responsible Persons

8. AXA believes accountability and transparency to be the integral pillars of ensuring the FSO operates effectively. Laying out the requirement for RPs to record who they are, the extent of their responsibilities and their contact information reinforces the role they perform and ensures that they can be clearly identified. Not only does the requirement reinforce to the RP the importance of taking their role seriously and complying with the relevant legislation, it provides a swift mechanism for enforcement should non-compliance occur. A RP regime implemented in this manner will also force legal entities to provide a named individual such as the owner or a director with specific duties for safety and health. It is important that regardless of whether the person in control of the premises is an employer, a business occupier, a landlord or a managing agent there is clarity on who the individual in control is. Furthermore, AXA is supportive of the measure to request that the RP provides a UK based contact address. This measure is in alignment with proposed building safety legislation and again supports better enforcement.

9. The presence of joint responsibilities is common across the lifecycle of buildings and is critical to ensure that all dutyholders play their part in ensuring a building is compliant and safe. Given that roles and functions cross over and are reliant upon each other, an integrated approach where all those in control of the premises are required to record their name and responsibilities would be welcome. Furthermore, AXA strongly agrees with the proposal to amend Article 22 to include a requirement for RPs to take steps to identify themselves to all other RPs where duties are shared. AXA firmly believes these two measures provide greater clarity on where responsibility lies and will support stronger co-operation between all those sharing responsibilities. Premises with multiple RPs and dutyholders can create confusion when discharging duties, the new regime should always look to encourage appropriate co-ordination, so no elements of building and fire safety are missed. As outlined above, the success of the FSO relies upon the transparency and accountability of dutyholders in fulfilling their legal responsibilities which is supported by enforcement that can be quickly and sufficiently applied.

1.3 Quality of Fire Risk Assessments

10. AXA strongly agrees that the FSO should include a competency requirement for fire risk assessors and other fire professionals engaged by the RPs. Fire risk assessments should include within them the relevant qualifications, third-party accreditations and the experience of the individual carrying out the assessment.

11. As outlined in the consultation document, some individuals under the FSO currently do not fall within the definition of a competent person and therefore are not required to have a recognised level of training or experience. This often results in variable quality of assessments, regulatory failure and limited confidence from other parties, including insurers, that individuals under the FSO are carrying out their duties properly. The overall impact is that fire safety could be compromised, and challenges appear in the Professional Indemnity Insurance market.

12. Evidential competency is incredibly important to improve the fire safety of all buildings and instil confidence that those assessing and working in the built environment are capable of discharging their duties effectively. Competence can only be guaranteed if it is measurable and clearly defined in both guidance and legislation.

13. AXA has continuously called for government to mandate a requirement for UKAS Accredited Third Party Certification of fire risk assessment providers for premises covered by the Fire Safety Bill. As a large UK insurer in the property and construction sector, AXA is acutely aware of the importance of ensuring there is a clear and consistent approach in place for fire risk assessments. Quoting Government guidance, "third-party certification schemes for fire protection products and related services are an effective means of providing the fullest possible assurance, offering a level of quality, reliability and safety that non-certificated products may lack". This is even more important considering the increased provisions for fire risk assessments where they must now include the building's structure, external walls, balconies and flat entrance doors.

14. Third Party Certification is the most comprehensive assurance of quality; therefore, AXA considers mandatory UKAS Accredited Third Party Certification as a necessary step to ensure people's safety, greater regulate the industry, enforce competency requirements and provide greater reassurance for insurers and leaseholders in England and Wales. It is our firm belief that fire professionals should not be self-evaluating whether they are able to meet their duties.

15. As outlined above, transparency and accountability are integral to ensure the those acting within the building and fire safety regime are carrying out their roles appropriately. Therefore, AXA would welcome the requirements to report the name and contact information of an individual engaged by the RPs to undertake any or all of the fire risk assessment and the requirement placed on all RPs to record their completed fire risk assessment and fire safety arrangements. These measures will improve the golden thread of information and will aid enforcement when non-compliance occurs. It also focuses the minds of all individuals and

organisations operating in this domain to the importance of their functions and roles. The recording of assessments and arrangements is fundamental for ensuring that the regime is driven by evidence-based and transparent results. A crucial finding from the Hackitt Review was the need to facilitate a culture change towards competency, instilling robust reporting requirements is certainly a further step towards that change.

1.4 Provision of Information

16. In the lifecycle of a building there is often evidence that information is not freely provided between RPs and specific relevant persons, particularly on fire safety in multi-occupied residential buildings. AXA is supportive of measures that address these concerns, including the new requirements on RPs to provide appropriate information on fire safety, risks identified by a fire risk assessment, preventative and protective measures in place to mitigate potential fire risk including evacuation plans, the role and responsibilities of relevant RPs and dutyholders, including contact information and the complete fire risk assessment. Furthermore, AXA would be supportive of the availability of this information on request to other 'relevant persons' for all buildings covered by the FSO, including multi-occupied residential buildings, in order to complement transparency and the golden thread of information. It should be further noted that the provision of the information discussed in this section to insurers is fundamental for the accurate pricing of risk, AXA would welcome guidance from government that outlines the importance of this to appropriate persons.

17. All of the aforementioned requirements will instil confidence in the revised regime. One area the Hackitt Review focused on was taking steps to improve transparent engagement with residents on issues related to building and fire safety. AXA firmly agrees that residents must be at the heart of building and fire safety, this can only occur via the golden thread of information to achieve true transparency across the building sector.

18. One challenge of achieving increased residency engagement is using an inclusive and common language that RPs, dutyholders, fire safety professionals and residents can understand and ensuring that information can be accessed and updated easily via digital means. This includes ensuring RPs take into consideration the needs of all residents, in particular vulnerable persons (e.g. residents for whom English is not their first language or those with disabilities). When discussing identified risks and preventative and protective measures it may be more appropriate and helpful for residents if the information is provided in a user-friendly and inclusive way, such as referencing the top-line specific risks or measures identified. Ultimately, an integrated, accessible and inclusive approach must be undertaken.

19. Furthermore, AXA believes it is vital there is a new requirement placed on RPs to share all relevant fire safety information with subsequent RPs. Without this requirement AXA would have significant concerns that all relevant information related to a building would not be responsibly kept and maintained during the entire lifecycle of the building. The information in question is often fundamental for insurers when assessing building and fire risk, establishing liability and understanding why certain past decisions have been made. The

success of the golden thread of information under the FSO to a large extent depends on this requirement being included in the legislation.

20. In addition to fire risk assessments AXA believes the following should also be passed from the RP to successive RPs:
    - Operation and Maintenance (O&M) manuals
    - As built construction details including any invasive assessments
    - Fire protection specifications / designs
    - Maintenance schedules for fire protection plus M&E / utilities
    - Any non-compliance issues, resolutions or enforcement actions

21. AXA believes the above information is extremely important for understanding building safety risk over a building's lifetime. Inclusion would further support the golden thread of information and encourage a best practice approach towards compliance.

1.5 Enforcement and Sanctions

22. While AXA strongly agrees with the imposition of an unlimited fine for level 5 offences, AXA believes that the value of the level 3 fine is no longer a suitable deterrent against non-compliance with regulations or the requests from an inspector. Considering there is far greater awareness of the potential severity of the consequences of non-compliance, AXA is not convinced the level 3 fine reflects the severity of the offence.

1.6 Maintenance, including the role of residents

23. As a leading UK property insurer, AXA is acutely aware of the safety risks where the premises and any facilities, equipment and devices not being maintained to an appropriate standard. As outlined in the consultation document, the provision contained in Article 17 does not define 'maintain' nor provide for replacement of any 'facilities, equipment or devices', including sub-standard fire doors or breaches in compartmentation. AXA tends to disagree that Article 17 is sufficient and would welcome further consideration of the definition of maintaining the premises 'in an efficient state, in efficient working order and in good repair'. With regard to the replacement of defective or substandard facilities, equipment and devices, AXA does believe the provisions under the FSO should be strengthened to ensure this requirement is clear.

24. With regard to the Building Safety Bill, AXA welcomed the inclusion of duties for residents to make clear their responsibilities to maintain and repair all relevant items that can become significant fire risks. While the Government could provide greater clarity in the building safety legislation on these duties, particularly around defining what constitutes a "relevant safety item" and "common parts", AXA is supportive of the provisions in the Government's proposals to ensure the mutual co-operation of the RP and the occupier of a building in order to enforce compliance.

25. AXA does agree that the occupier in buildings out of scope of the FSO's new regime should be under duties similar to those considered under the Building Safety Bill. This proposal would improve consistency across the built environment and reduce the potential for gaps in responsibility. However, further guidance would be welcome on how government sees these two regimes interacting, it is important to ensure that the overall safety regime is not excessively fragmented.

26. Moreover, AXA tends to disagree that Article 38 is effective in ensuring the occupier co-operates with the RP and contains appropriate powers of enforcement to ensure remediation for regulatory breaches.

<u>1.7 Higher Risk Workplaces</u>

27. AXA believes that occupancy, use of premises, existing fire strategy and the design and construction of the building are all relevant risk factors in higher risk workplaces. As a property insurer assessing risk in higher risk workplaces, it is extremely difficult to argue that one of the listed risk factors of most concern. The primary reason for this is the risk factors are inextricably linked; for an insurer assessing a building the interrelationship between the listed risk factors is important.

28. Furthermore, AXA would support all additional fire precaution requirements listed a-f in Question 46 being applicable to higher risk workplaces. All of the additional requirements play an important role in an integrated approach, failing to apply any one of them could result in a significant negative effect for overall fire safety. AXA would further welcome specific requirements on sprinklers for property protection i.e. beyond life-safety stems. For higher risk workplaces.

<u>1,8 Fees and Charges</u>

29. AXA agrees with the principles outlined by the Hackitt Independent Review that regulatory functions under the building safety regime should be cost recoverable. However, it is important that when charging does occur it is implemented consistently across all areas within scope of the FSO.

30. Provided there is consistency across all areas within scope of the FSO, AXA believes the proposal to allow Fire and Rescue Authorities (FRA) to charge for unsatisfactory audits conducted under the FSO is appropriate. AXA strongly agrees that FSO Inspectors should be able to charge for unsatisfactory audits that result in prohibition notices and tends to agree with the proposal to allow FSO Inspectors to charge for unsatisfactory audits that result in enforcement and alteration notices.

31. AXA strongly agrees that charging guidance should be available for FRAs in relation to charging provisions in the Fire and Rescue Services Act 2004. Furthermore, AXA believes there should be clear and consistent competency checks on the Fire Service Personnel responsible for undertaking the premises audit in all Fire and Rescue Services where action would lead to

fines or prosecution. This will help drive quality and consistency across all areas and will support Inspectors in carrying out their duties fairly and appropriately.

1.9 Charging for False Fire Alarms

32. AXA disagrees that charging is the correct approach when attempting to reduce false fire alarms and encouraging behavioural change. While the level of false and unwanted fire alarms remains too high and results in a loss in confidence in systems by end-users, insurers and the fire sector, there are several unintended consequences of charging for false fire alarms. For example, by charging for false fire alarms there becomes a clear incentive for end-users to turn them off as they may fear being charged, which is counter-productive for managing fire safety. Additionally, a large number of false fire alarms originate in public sector managed buildings such as hospitals, offices and universities, charging public sector bodies for false fire alarms would be a difficult task for Fire and Rescue Services that could be considered reputationally damaging, particularly in the current climate.

33. Nonetheless, AXA believes this issue needs to be challenged, not only does false fire alarms lead to complacency they are a significant waste of resources for Fire and Rescue Services. There are alternative approaches for tackling the issue. First, the installation of high integrity fire alarms could be made mandatory in new buildings and for existing system upgrades. This technology requires verifiable information of a fire to respond. Second, encourage the adoption of the right fire alarm technology. The Association of British Insurers (ABI) has commissioned research on 'multi-sensor' technology which is widely and affordably available that could eliminate to a significant degree the number of false fire alarms. The technology needs to be encouraged by all relevant bodies. Third, the Government should look closely at product standards. Industry groups such as the Fire Protection Association and the ABI have discussed at the length the importance of immunity testing to assess false alarm capacity.

Section 2: Grenfell Tower Inquiry Phase 1 Report Recommendations

2.1 Definition of Height for High-Rise Buildings

34. AXA has continuously argued for greater consistency across building and fire safety regulations, this includes alignment on the height definition for high-rise residential buildings set out in the proposed Building Safety Bill and the scope of the FSO.

35. However, AXA has also been clear that the definition proposed for a 'high-risk' building of 18 metres and above and / or more than six storeys (whichever comes first) is insufficient. In determining the definition of a 'high-risk' building, AXA believes the legislation places far too much focus on height. Fire does not discriminate against the height or the use type of a building. 18 metres is an arbitrary height and is not consistent with regulatory measures already announced by Government to tighten measures in high-rise blocks of flats, such as mandating sprinklers in all new high-rise blocks of flats over 11 metres tall. If there is an argument for mandatory sprinklers in a high-rise block of flats of 12 metres tall, then a similar argument could be made for that building to fall within scope of the Bill. In recent years,

there has been numerous examples of buildings that would be outside of scope of the Bill that have presented significant high-risks to the occupiers such as the Worcester Park Fire and the Crewe Care Home Fire.

36. AXA would strongly urge the Government to consider expanding the scope of the Building Safety Bill and provisions under the FSO to include other high-risk residential and non-residential buildings at any height, particularly for those buildings that accommodate vulnerable people such as hospitals, hospices and care homes and buildings of construction identified as a higher fire risk e.g. those that use MMC.

2.2 External Walls

37. AXA agrees with the proposal to require the RPs of every high-rise residential building to provide detailed about the design and materials of the external walls to their local fire and rescue services. Furthermore, AXA believes the RP should provide the relevant section of the fire risk assessment that is related to the external wall with a requirement for further information such as a Façade Risk Assessment and appropriate invasive investigations to be provided where the fire risk is enhanced. AXA welcomes the Government's commitment to provide further guidance to support compliance.

2.3 Plans

38. AXA strongly agrees with the proposal to ensure the RP provides their local Fire and Rescue Services with up-to-date building plans in digital form identifying the location of key fire safety systems. Given the potential for inaccuracies, AXA believes that building plans should be provided for every floor of a building.

39. The listed firefighting equipment a – f under Question 72 are all necessary for inclusion in the building plans. AXA would urge the Government to also consider adding to the list the requirement to disclose the location of sprinkler pump rooms and valve sets.

2.4 Premises Information Boxes

40. AXA agrees that Premises Information Box are an extremely useful tool for which building owners, managers and occupiers can provide key relevant information to attending Fire and Rescue Services. The proposal to update Approved Document B to outline national guidance on Premises Information Boxes is welcome. AXA agrees with the intention to standardise physical aspects such as box specifications, location and contents. The usefulness of a Premises Information Box relies heavily on the information within being concise, up-to-date, consistent and accurate, and this should be made clear in the accompanying guidance.

41. Furthermore, AXA strongly agrees with the need to provide contact details for the relevant RP but believe that it may be more appropriate for Premises Information Boxes to include a concise and easily interpreted summary of the key relevant information contained within a fire risk assessment rather than the entire assessment. The summary information would be

outlined in clear guidance but would likely include an overview of the hazards, the mitigations in place and details of vulnerable persons on the premises. AXA's concern is that the information requires to be reviewed and easily understood quickly by the first attending fire fighters as part of their dynamic risk assessment. The provision of a lengthy and comprehensive fire risk assessment will be counterproductive as it will slow down the actions that need to be taken. The London Underground is a good example of where the provision of summary fire risk assessments works well, it may be preferable to follow this approach to ensure that the golden thread of information is not only implemented but usable. As discussed elsewhere in the response, the success of the fire safety and building legislation relies upon the regulation encouraging the collection, sharing and accessibility of the golden thread of information and instilling transparency and accountability across the built environment. Therefore, AXA would similarly welcome a consistent approach between the FSO and the Building Regulation guidance.

42. However, AXA strongly disagrees that Approved Document B should set the threshold at 18 metres top storey height. As discussed elsewhere, AXA considers the 18 metres scope that applies to the Building Safety Bill and fire safety legislation is insufficient. Fire does not discriminate on the height or use-type of a building and therefore, AXA would welcome an extension on relevant building and fire safety legislation, such as Premises Information Box requirements, to include other high-risk residential and non-residential buildings at any height, particularly for those buildings that accommodate vulnerable people such as hospitals, hospices and care homes and buildings of construction identified as a higher fire risk e.g. buildings that use MMC.

<u>2.5 Lifts</u>

43. AXA agrees with the proposals to require RPs in high-rise residential premises to undertake monthly checks of all lifts and firefighting equipment and report defects to the Fire and Rescue Services. The extension to all lifts within a building and to other pieces of key firefighting equipment will provide a safeguard that all relevant information will be up to date and known. Given the potential implications on the safety of residents and firefighters, AXA believes that a sufficient threshold for the reporting timeframe is within 24 hours of the fault or issue being identified.

44. With regard to the key firefighting equipment, AXA agrees with the requirement to cover dry risers, wet risers, smoke control systems and suppression systems (including associated operating instructions). AXA would further welcome the inclusion of private hydrants; private hydrants are a vital piece of fire protection equipment and are often installed on large high-risk sites including hospitals and industrial estates.

45. To reflect the ambition to improve resident engagement and transparency, AXA agrees with the proposal to include a requirement for information about the monthly checks to be made visible to residents.

2.6 Evacuation Plans

46. AXA agrees with the proposed approach to require RPs to draw-up and regularly review evacuation plans and ensure they are available to Fire and Rescue Services and residents. The proposal to extend this proposal to cover all multi-occupied residential buildings of 11 metres and above is appropriate considering their importance as part of mitigating against fire risk.

2.7 Personal Emergency Evacuation Plans

47. Personal Emergency Evacuation Plans (PEEPs) are incredibly important for an effective and inclusive fire safety strategy focused on the needs of occupiers of a high-rise residential building. AXA agrees with the proposal to require RPs to provide relevant details of residents who self-identify and as requiring assistance to evacuate to local Fire and Rescue Services. Proposal 23 is also welcome as it supports an approach that is inclusive of all residents and encourages communication between RPs and residents. AXA believes that Fire and Rescue Services should be provided with information regarding any specific issues that would hamper an individual evacuating the premises, provided that the RP had the resident's consent to disclose the information.

2.8 Information to Residents

48. AXA strongly agrees with the proposal to require RPs to provide residents with clear fire safety information on the risks identified by the fire risk assessment, the preventative and protective measures in place to mitigate potential risks and the role and responsibilities of relevant RPs, including contact details.

49. As referenced elsewhere in this consultation response, the Independent Hackitt Review was clear on taking steps to improve transparent engagement with residents on issues related to building and fire safety, AXA firmly agrees with these steps as they support an approach that places residents at the heart of building and fire safety

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2.9 Fire Doors

50. AXA believes there is a strong need to ensure flat entrance doors and self-closures are maintained in efficient working order and in a good state of repair. Whilst we agree with the proposal to require relevant RPs to undertake prescribed checks to ensure effective self-closing devices are in working order in multi-occupied residential buildings, the guidance needs to be simple and easy to interpret. Given the importance of fire doors working safely to reduce fire risk, AXA considers it imperative that three-monthly checks on all fire doors exclusively located in non-domestic parts and six-monthly checks on all flat entrance doors which are fire doors, are required for buildings of any height. This is acutely important for buildings of increased risk, such as those occupied by vulnerable people or those of a construction considered a higher risk.

2.10 Non-legislative Grenfell Tower Inquiry Phase 1 recommendations and alignment with Approved Document B

51. AXA disagrees that installation of sprinklers in existing buildings should continue to be guided by the fire risk assessment process. While AXA recognises that Fire Risk Assessments can determine the appropriateness of certain fire safety measures, AXA would welcome an approach that mandates the installation of sprinklers in existing buildings under the FSO once certain conditions have been met.

52. AXA has continuously called for a more consistent approach to wayfinding signage as an important way to ensure there is concise and accurate communication for relevant stakeholders including the Fire and Rescue Services. Therefore, AXA strongly supports the requirement for wayfinding signage to be introduced in multi-occupied residential buildings.

53. AXA supports the requirement for evacuation alert systems but strongly agree that the requirement should be informed by the programme of research and testing. Emergency evacuation systems can provide Fire and Rescue Services with an option to notify all occupants of a change in the evacuation strategy should circumstances dictate that this is necessary. Given that occupants of high-rise blocks of flats are diverse in both their characteristics and their specific needs, an emergency evacuation system can overcome barriers of language or understanding that may prevent an occupant from quickly evacuating an at-risk premise.

If you need to get in touch regarding the information in this submission, please get in touch with AXA UK Public Affairs at ukpublicaffairs@axa-uk.co.uk