

EAST SUSSEX FIRE AND RESCUE SERVICE

Meeting Scrutiny & Audit Panel

Date 19 January 2023

Title of Report Protection Update

By Matthew Lloyd, Assistant Director Safer Communities

Lead Officer George O'Reilly, Group Manager Protection

Background Papers S&A Protection Update - July 2021

Appendices None

Implications (please tick ✓ and attach to report)

CORPORATE RISK	✓	LEGAL	✓
ENVIRONMENTAL		POLICY	✓
FINANCIAL	✓	POLITICAL	✓
HEALTH & SAFETY	✓	OTHER (please specify)	
HUMAN RESOURCES	✓	CORE BRIEF	
EQUALITY IMPACT ASSESSMENT			

PURPOSE OF REPORT To provide an update to the Scrutiny & Audit Panel on areas of work nationally and locally impacting our Protection Department.

EXECUTIVE SUMMARY Since the Grenfell Tower Incident (GTI) in July 2017, there has been significant change that directly impacts the way we deliver our statutory responsibilities to enforce the Regulatory Reform (Fire Safety) Order 2005 (FSO) and provide advice under the Fire Rescue Services Act 2004 (FRSA). We have reacted appropriately to these changes and positioned ourselves well to respond to further changes to ensure we continue to deliver our Service as required by legislation and as expected by our communities.

Following the Grenfell Tower Incident (GTI), the Government initiated a review of Building Regulations and Fire Safety. It was carried out by Dame Judith Hackett and resulted in a detailed report that the Government responded to in their plan entitled 'A Reform of the Building Safety Regulatory System' in April 2020.

The plan included the introduction of a new regulatory regime to oversee the changes needed to make our buildings safer from fire. This is to be achieved via the '**Building Safety Act 2022**', a piece of primary legislation that was finally given Royal Assent in April 2022. This Act covers all buildings to some degree via changes to the Building Act and Regulations, however the most significant part is how new and proposed 'high rise residential' buildings will be enforced by a new body known as the Building Safety Regulator (BSR) that sits within the HSE. They will be responsible for enforcing

the requirements of the Act, however, we as a Fire and Rescue Service will be expected to work jointly with this regulator to both inspect in-scope buildings and provide advice to the regulator on any proposed 'high rise' new buildings. This new burden is being fully funded by the Government and will be delivered via a new regional team of eleven competent staff employed by Services across the region. Of these eleven members of staff, *ESFRS has a commitment to employ two fire safety inspecting officers and one fire engineer. In addition, the team will be managed by a new station manager post from within our Service.* The resources in this team are proportionately allocated based on the number of high-rise buildings within our area. This new team needs to be ready to deliver by September 2023 when the relevant parts of the BSA are fully in force.

This partnership with the new Regulator has already started during the Building Risk Review (BRR) project. The project was designed to firstly inspect all HRRB with ACM cladding to make sure they are safe or made safe. The second part of this project then required us to inspect all HRRB over 18m to ensure they are all safe from fire and to start the process of making sure they are fully compliant. This work was initially completed on time in December 2021, however the follow up work needed to achieve full compliance is still ongoing and will be for some time. It is likely that the ongoing BRR work will lead to formal notices and likely prosecution, which in turn will generate political interest.

A second piece of legislation has been introduced that was designed to clarify how the external parts of a building should be included in a fire risk assessment. This legislation, known as the '**Fire Safety Act 2021**' is now in force. It has had the effect of clarifying that any building with two or more residential units comes under the **Regulatory Reform (Fire Safety) Order 2005 (FSO)** and will need to be considered by the Services Risk Based Inspection Program (RBIP). This legislation has therefore added thousands more properties to our RBIP list. It has also introduced a burden to the community by requiring the Responsible Persons (RPs) at these premises to carry out fire risk assessments which consider the risk of fire from the structure and external wall, etc. *This increase in the number of premises that need to comply with the FSO, together with the likely fall out from our BRR work and the general requirement for us to carry out appropriate prosecutions, is likely to increase the amount of legal activity we carry out. In response to this we have moved a watch manager post from operations into protection as well as a crew manager post being moved within protection to this area of work.*

Each new piece of legislation will result in new guidance that our staff will need to be conversant with and this will therefore result in a significant training burden for the department on top of the existing training burden needed to ensure all our staff comply with the competence framework for Fire Safety and separately for Fire Investigation. *We have therefore moved a watch manager post into the Protection training department.* The FSA also allows the Secretary of State to make further regulations to help implement change.

The ability to introduce further regulations is critical when we consider the second main source of change, namely the GTI phase 1 report that was released in October 2019. This report highlighted, amongst other things, the various operational issues faced by the responding fire crews. It resulted in recommendations around providing risk information, floor plans, way finding signage, lifts testing and door testing regimes and many more. These recommendations are contained within another legislative change known as the '**Fire Safety (England) Regulations 2022**'. This legislation goes live on the 23 January 2023 and will result in a great deal more risk information being provided by the Responsible Person (RPs) and Appointed Person for certain building types, such as High Rise Residential Blocks (HRRB) over 18m high. However, the guidance is likely to result in more risk information being provided by all RPs for their buildings. We need to be able to receive this information in a format that is useable for us and is as current as possible for our responding crews. *We have therefore introduced a new web portal* that allows the submission of risk information in a prescribed format. This risk information is being provided for our benefit and therefore we are working hard to make sure that our CRM database facilitates this risk information exchange in the most user-friendly way possible.

As with all legislation, consultations took place to gain feedback from the industry on the details proposed. ESFRS contributed to the current and proposed changes to our national fire safety legislative framework by responding to all these consultations and we will continue to do so.

There are many changes yet to come, not least of which is the GTI phase 2 report that we will have sight of this year. This will create more operational learning as well as more failings that will need to be addressed by way of primary and/or secondary legislation. These inevitable new pieces of legislation will need to be considered and embedded in our BAU ways of working and our staff will need to be trained on these changes and their impacts.

To fund these changes, the Government has allocated various grants to both the industry and to the Fire and Rescue Service (FRS). The grants are to be used to upskill staff and enhance delivery of our Protection services and to deliver new burdens such as the regional Building Safety Regulator team. There is no doubt that this funding will need to continue and will need to be blended (but ringfenced) into our base budgets to enable the Service to plan effectively for the future. Should this funding not continue, we have created options to enable us to be as effective as possible with the resources we have available.

RECOMMENDATIONS

It is recommended that the Scrutiny and Audit Panel:

- a) note the content of the report
 - b) considers whether any further information or assurance is required from officers.
-

1. INTRODUCTION

- 1.1 The significant array of changes that we have been presented with within the Protection department over the last few years, mainly as a direct result of the devastating Grenfell Tower fire, have challenged our ability to function effectively and maintain delivery of our core functions. We have however managed to cope with these changes, and we have placed ourselves in a good position to continue to deliver what is required of us over the coming years when even more changes will inevitably come our way.
- 1.2 It is expected that the Grenfell Tower Inquiry Phase 2 report, national reviews such as the review of the Risk Based Inspection Program, the long awaited update of the Building Regulations and Approved Documents, the Government white paper, as well as the expected legislative changes, will continue to challenge our resources and effectiveness.
- 1.3 Through effective forward planning we have restructured our department to create the capacity needed to face these challenges. However, this has only been possible through the Governments Grant funding and it is a risk that we need to acknowledge that this funding in today's climate may not be maintained. Therefore, we also need an effective fallback position should the grant funding dry up after the current agreed funding period.
- 1.4 This paper details the pressures we have faced and what we have done to meet those pressures. It also details, as best as possible, the future threats and risks and proposes a way of being able to meet these future challenges.

2. MAIN SOURCES OF LEARNING AND CHANGE POST GRENFELL

2.1 Hackett review of BR and FS

- 2.2 Dame Judith Hackett was tasked by Government to review the various fire safety and building regulation issues that had led to the Grenfell tower fire. The initial report was produced in Dec 2017 to enable changes and improvements to take place without undue delay. A full report entitled 'Building a Safer Future' was then issued in May 2018. It included the following areas that required improvements:

- Parameters and principles of a new regulatory framework
- Design, construction and refurbishment
- Occupation and maintenance
- Residents' voice
- Competence
- Guidance and monitoring to support building safety
- Products
- Golden thread of building
- information
- Procurement and supply

- 2.3 In June 2019, the Government consulted on their response to the report in a document entitled 'Proposals for Reform of the Building Safety Regulatory System' and in April 2020 they released the Government response to the consultation, entitled 'A Reformed Building Safety Regulatory System'. This Government report highlight the following areas that they would focus on improving through future change:

- A more effective regulatory framework – The Building Safety Regulator, empowered by the Building Safety Act.
- Promoting competence across the Fire Service, Building Control and the building industry.

- The new Gateway process with fire statements, safety cases, registration certificates and golden thread of information.
- A new dutyholder regime.
- Residents at the heart of a new regulatory system.
- Improving the safety of construction products – construction products regulator.
- Enforcement, compliance and sanctions.
- Improving the whole system by introducing the Fire Safety Bill, updating ADB and changes to the Building Act.

2.4 You can see from the above that the majority of changes recommended by Dame Judith Hackett within her report have been adopted or even expanded by the workstreams identified within the Governments improvement plan.

2.5 A key area of work to facilitate many of these changes would be through legislation. The Government let it be known that it would be introducing the Building Safety Act to create the legislative framework for the Building Safety Regulator and the Fire Safety Act to confirm the scope of the Fire Safety Order and to introduce the ability to create new guidance and to introduce further regulations that would be required to deliver on actions from both this area of learning and the separate but connected areas of learning being developed by the Grenfell Tower Inquiry.

2.6 **The Building Safety Act 2022**

2.7 This is a massive piece of legislation that was enacted in April 2022. However, many of the details that will inform how the Act is enforced and complied with will slowly come in over the next 2 years by way of secondary legislation. This secondary legislation will confirm details such as what types of buildings are in scope, how the charging will work, what will be required with regards to risk information sharing and the 'golden thread' data provision, how enforcement will work and how buildings will register for certification. Other significant parts of the Act include:

- Introduces 'stop/go' gateways. Gateway 1 is the planning stage and it went live in Aug 2021, Gateway 2 is the Building Consultation phase and Gateway 3 is the pre occupation completion phase. Both Gateways 2 and 3 will go live in October 2023.
- Clarifies who is responsible in these types of buildings (Principle).
- Provides new powers of enforcement and prosecution. However, it is proposed that the FSO will still be used for non-compliance in occupied buildings.
- Introduces the requirement to involve residents and the need to set up bodies made up of residents that must be listened to.
- Introduces a new constructions product regulator and a new homes ombudsman.
- Gives courts powers to allow 'shell' companies to be sued.
- Allows legal action against manufacturers of defective products. This can go back up to 30 years.
- The Government can block planning and BC sign off for companies that are not doing their bit to foot the bill from historic cladding issues.

2.8 This Act will take years to be fully in force, with the regulation of existing buildings not coming into force until April 2024. There will be many more pieces of secondary legislation that are already being drafted and others that will no doubt be influenced by the expected Grenfell Tower Inquiry Phase 2 report due at the end of this year. As new legislation comes out, new guidance will accompany it. This will create a need to train our staff and update or create new policies.

2.9 **The Fire Safety Act 2021 (FSA)**

- 2.10 The FSA confirmed that the structure, the external walls, balconies and flat front doors are in scope of the FSO.
- 2.11 This legislation also allowed guidance to be produced to assist in compliance and it enabled the Secretary of State to introduce new regulations in the future to improve compliance and safety.
- 2.12 The effect of clarifying what was in scope, meant that thousands more premises now came under the FSO and therefore our risk based inspection program. The Responsible Person (RP) needs to carry out a fire risk assessment or review their existing fire risk assessment to ensure these areas were covered.
- 2.13 To assist the public in complying with the clarified requirement, the Government used its powers contained within the FSA to produce guidance. It therefore produced a fire risk assessment prioritisation tool (FRAPT). This tool allowed the Responsible Person to enter the details of their buildings, such as height, structure, occupancy, etc, and the tool would provide them with a priority rating and a recommended timescale to carry out the fire risk assessment. Fire and Rescue Services need to be mindful of this tool as we need to mirror the timescale provided by the tool in any notices we are issuing. This tool allows for large organisations that have many residential premises to prioritise which ones they will risk assess first.
- 2.14 Our staff need to be trained on this legislation, how it impacts our RBIP and how we need to be aware of and mindful of the new Article 50 guidance produced to assist RPs in prioritising their risk assessment work.
- 2.15 **The Grenfell Tower Inquiry**
- 2.16 The GTI phase 1 started hearings in May 2018. The Phase 1 report was released in October 2019. It contained a raft of recommendations that we are working through carefully led by the GTI Delivery Board. These recommendations include actions such as:
- Need for risk information to be provided to the FRS and for it to be communicated within the Service to ensure it is available to the right people at the right time.
 - Need for way finding signage.
 - Floor plans.
 - Information on vulnerable people.
 - Need to test front doors.
 - Need to report to the FRS any defects in Protection measures provided to enable them to amend response plans.
 - PEEPs for all vulnerable people in the building – This led to the PEEP and EEIS consultations that are still ongoing.
 - Need for escape hoods.
 - Need to provide FSG procedures and policy.
 - Need to introduce better comms solutions both within the building, within the FRS and between agencies.
 - Need to train staff on how to move from a stay put to simultaneous evac.
 - Need to train staff on how to use Active FS measures provided in buildings, including lifts and ventilation.
 - Need to train staff on Building Construction, the risk of cladding fires, external fire spread and operation tactics on dealing with these types of fires.
- 2.17 Many of the above actions are being progressed within the FRS such as the training requirements and the FSG procedures, etc. However, many are still to be implemented nationally as they require legislation. This legislation, known as the FS (England)

Regulations has now been published and is working its way through parliament. It will be accompanied with much guidance and will result in a significant training requirement for our staff.

2.18 **The Fire Safety (England) Regulations**

2.19 These regulations have been drafted in response to the finding and recommendations of the Grenfell Tower Inquiry Phase 1 report. They are more operationally focused and they address the various operational issues that caused so many problems for the Fire Service or could have assisted the Fire Service during the incident.

2.20 The regulations have been published and are making their way through parliament now. There was some delay in publishing the regulations as the Government was trying to resolve the ongoing issue around the recommendation made in Phase 1 to ensure that PEEPs are provided to all resident who need them.

2.21 The PEEP consultant like all others, was responded to by us as a Service. Our response mirrored to a large degree the response sent by the NFCC and other Services. We pointed out that trying to implement a PEEP in a domestic setting was dangerous, impractical and costly. As a result of this consultation the Government withdrew the proposal and moved to a new proposal that focussed identifying information about the vulnerable resident that could be useful to the emergency services during an emergency. This is known as 'Emergency Evacuation Information Sharing' (EEIS). ESFRS has responded to this consultation and pointed out that it needs to be considered for all vulnerable people in this setting and not just those in HRRBs that have a temporary simultaneous evacuation strategy due to fire safety failings. We encouraged through our response to need to ensure that all vulnerable people receive a 'Person Centred Risk Assessment' that we could assist with via our Prevention department. We are currently awaiting the outcome of this consultation and will likely see further legislation or guidance that will provide the agreed solution to this risk.

2.22 The other recommendations from the GTI Phase 1 report that are delivered by this legislation are:

- Meaning of high-rise residential building – confirmed to be 7 floors and above or 18m and above to tie in with other definitions previously used during the BRR project and within other legislation such as the BSA.
- Secure information box – These boxes will be located on site and will contain specific risk information such as the floor plans and location of facilities and vulnerable people. It will mirror and complement the electronic information to be required by the 'golden thread' detailed within the BSA.
- Design and materials of external walls – this will usually be confirmed by way of an external wall survey. However, the government expects common sense to prevail and if there is no reason to suspect a high risk external wall, a survey should not be needed.
- Floor plans and building plan – to be provided in a set format for use by the Fire Service. They will be available in hard copy within the information box on site and electronically.
- Lifts and essential fire-fighting equipment – details of the lifts and facilities provided will be made available to the Fire Service to enable them to consider them within their response plans. Any defects lasting over 24 hours will need to be communicated to the local Fire and Rescue Service to enable them to update their plans.
- Wayfinding signage – Already required by the undated Building Regulations, but now also contained within this legislation specifically for HRRBs.

- Information to residents – This is a key part of the Hackett Report and the Phase 1 report. It is very clear that the Government wants to make sure that residents are listened to and have a voice with regards to risk in HRRBs.
- Fire doors – Clarify is provided on when fire doors are required and how fire doors should be tested and maintained. This compliments the Fire Safety Act that clarifies that flat front doors are a part of the FSO.
- Provision of documents to local fire and rescue authority – It will be a requirement for the Responsible Person to provide the local Fire and Rescue Service with the above details to enable them to better prepare for an emergency response. This complements the ‘golden thread’ requirements of the BSA.
- Duty to review – Just like any risk information, there is a requirement to review this information regularly and when the risk changes.

2.23 It is this legislation that will result in a large amount of data and information being passed by the Responsible Person to us on a regular basis. We will need to be able to receive this information and process it, to ensure it is available to those who need it when they need it.

2.24 We are creating a solution that will enable the standard proforma drafted by Government and the NFCC to be available on our webpage, with links from this webpage to the relevant parts of our CRM database. This will ensure that the risk information is then made available to our crews operationally via our mobile data terminals in a timely manner, utilising our existing risk information process.

2.25 **The ESFRS Grenfell Tower Inquiry Delivery Board (GTIDB)**

2.26 The Grenfell Tower Inquiry Phase 1 recommendations are being managed on behalf of the Service by the GTI Delivery Board. The board is chaired by the Ops P&P department and it is attended by representatives from all parts of the Service that can contribute to delivering the various recommendations. The Protection department have allocated a specific station manager to work on this group and to help deliver the recommendations that are relevant to protection.

2.27 A comprehensive action plan has been created and progress is reported regularly to the Operations Committee chaired by the Assistant Chief Fire Officer.

2.28 Many of the recommendations have been completed, however, many more lower risk items are still to be fully delivered. As such the protection department will continue to support this workstream until the actions are completed or the group is closed with the work blended into each departments business as usual.

2.29 Some of these actions will migrate over to the GTI Phase 2 Delivery Board that will need to be set up to deliver on the actions recommended by the Phase 2 report that is due to be released towards the end of this year. It is likely that the recommendations in this second phase will be more technical and will sit more within the protection department. Therefore, the chairing of this board will likely pass to a manager within the protection department.

3. **OTHER CHANGES OF NOTE POST-GRENFELL**

3.1 The Government took the decision to ban all cladding in HRRBs over 18m. The Building Regulations at that time stated that non-combustible cladding could be used above 18m, therefore this decision resulted in a change to the Building Regulations.

3.2 The Government took the decision following consultation to require Sprinklers in residential new builds over 18m they then extended this to include all residential new buildings over 11m. Again this required a change to the Building Regulations. At the

same time, they included within these amended regulations the need for 'way finding signage' within all HRRBs.

- 3.3 The Government introduced the need for external walls to be surveyed to ensure they were not dangerous. This was to both reassure residents but also to reassure the housing market and lenders. External Wall Survey 1 forms (EWS1) became the norm and ended up being required for all HRRBs and most medium rise residential blocks (MRRBs).
- 3.4 A new Building Safety Regulator was to be set up by Dame Judith Hackett. It evolved into a new Board that she chaired to allow transition to the Building Safety Regulator. This board focussed on 2 priorities, appointment of the 'Chief Inspector of Buildings' and introducing the BSR within the HSE. A shadow BSR was established to help with the Gateway 1 proposals and to prepare for the move to full BSR.
- 3.5 The Government set up the Building Safety Fund to help fund cladding removal (£1bn), this is on top of the £600m allocated to the private sector cladding fund. Responsible Persons could apply for this funding to help remove dangerous cladding.
- 3.6 The Government Independent Expert Advisory Panel introduced the Consolidated Advisory Note (CAN) which provide early advice on how RPs could deal with the cladding risk and the risk from other measures such as fire doors and smoke control. This CAN was replaced more recently by the BS9980 – This standard now explains how to do an external wall survey and how to consider it as part of a holistic assessment of the building, it will inform the Fire Risk Assessment for the building and will eventually replace EWS1s.
- 3.7 A Waking Watch Relief Fund was set up (£35m) – The fund is open to those who have had to implement a waking watch in their buildings whilst waiting to install a fire alarm system. It was to fund the alarm system costs NOT the costs of the waking watch. The fund opened and closed at various times when funding was running out. More recently it has been replaced by the WW Replacement Fund, which has been set up to reduce the burden on the leaseholders who were having to pay a large price to fund a waking watch. This fund was allocated an additional £27m.
- 3.8 A new construction products regulator has been set up within the Office for Products Safety and Standards (OPSS) using £10m of government funding. This regulator will deliver on one of the main findings of the Hackett review. It will test products and will issue certification that will then be inspected by the BSR during construction works.
- 3.9 The Government also made available a cladding grant from a £5bn funding pool. Much of this was in the form of a loan with strict repayment terms. This would obviously be paid by ultimately by the leaseholders.
- 3.10 As a result of feedback from the public and industry, the Sec of State Michael Gove announced a reset of its approach to the post Grenfell improvements. It is now focussing on 4 key points:
 - Opening up the BS fund to enable it to target the highest risk buildings using £5.1bn that will now be funded from industry. £2bn from Tax on developers who earn more than £25m profit each year, plus £3bn to be gained from a levy to be applied at Gateway 2.
 - Creation of a team to pursue and expose companies who are at fault and refusing to contribute.
 - Restoring common sense to the industry and making sure that solutions are proportionate to risk.

- Introduce a statutory protection for all leaseholders to ensure they do not pay for others failings.

3.11 The above demonstrates that the Government has moved from a position of waiting for the industry to resolve these issues themselves, to actually creating policy that will resolve the issue and make the industry pay the price.

4. MAIN CHANGES TO COME

4.1 Many of the changes detailed in the section above are yet to materialise. They are still progressing either through parliament or are awaiting detailed solutions.

4.2 This includes the Building Safety Regulator. We await to see what the final sub regulations will look like to inform how the BSR will operate and what the funding solution will be from Government. Only then can we start to full deliver on this new requirement. This has not stopped us planning for the most likely outcome with partners at the NFCC PPRU. We have developed a regional model that will enable us to support the BSR whilst at the same time not strip all of our experience out of the Service and thus reduce our ability to deliver on our RBIP. The regional model will involve 11 new staff members managed by a Station Manager, supported by administrative staff. These new staff members will be employed by each Service and allocated to a regional team that will be managed by the SM. As ESFRS has the highest number of BSA in scope buildings, we will take on the management role and therefore employ the SM as well as 2 x L4 Dip qualified inspecting officers and a Fire Engineer. The administrative staff and processes will be delivered by LFB for the whole country. This will promote consistency and standardisation of process.

4.3 So the regional solution will require each Service to recruit and then allocate staff to the regional team to work for our SM. The SM will link directly with the BSR to ensure that the work loads are managed and delivered as required. This workload will include inspecting existing HRRB to ensure they are maintaining the requirements of the BSA and the FSO. It will also require assessments of new building gateway submissions, together with their 'golden thread' information. The volume of work for new buildings is unknown, however the predicted volume of work for existing and new builds was analysed to establish the resource requirements moving forward. This will need to be monitored to ensure we have the resources needed to deliver this new demand.

4.4 Recruiting these new staff members will be challenging. To assist the NFCC has engaged with REED recruitment Agency and contracted them to lead on a national recruitment drive. We have been involved in the planning of this national drive, and we will lead in the interviewing and selection of the final candidates. It is hoped that using REED will increase exposure and therefore applicants.

4.5 An additional part of the work REED will be doing, involves identifying recruitment and retention challenges. It is an unavoidable fact that staff trained to the highest level will be 'head hunted' by the private sector who will pay more money. We will never compete with the money on offer, however, we can improve our success if we promote the other benefits of working in the public sector.

4.6 We also await the final enacted Fire Safety (England) Regulations that are currently progressing through Parliament. This legislation is tabled to be given Royal Assent in January 2023. With some of the guidance material released in late 2022 to enable Services and the Public to have time to understand the requirements and to them comply with them. Further specific guidance around fire doors and enforcement will be released in early 2023.

4.7 We are expecting a great many new pieces of secondary legislation on top of those mentioned above. All of which will have accompanying guides and other material. All of this will need to be explained to our staff, not just our Protection staff. This will require a great deal of training delivery, which will inevitably require the resources needed to deliver on time.

5. ACTIONS TAKEN BY ESFRS TO DATE

5.1 Building Risk Review

5.2 In order to prepare for the incoming new Regulator, the national Protection Board tasked each Service to initially check on all HRRB that had ACM cladding to ensure they were safe from fire or take action if problems were found. This was known as the BRR Phase 1 workstream. Once this phase was completed the board extended the remit to task each Service to assess or audit all HRRBs in their area before the end of 2021. This was known as the Phase 2 workstream. ESFRS has the 5th highest number of HRRB in the country and therefore we needed a specific project team to deliver this tasking. Using the Government BRR funding we set up this project team and to their credit the tasking was completed within the timescales provided.

5.3 This BRR project only carried out an initial assessment, the team did not carry out full audits and did not follow up all the interactions carried out to ensure the work was completed. This work has now been allocated to appropriately qualified inspectors based in the geographical offices. This will be done as business as usual and will inevitably result in an increase in formal enforcement and prosecutions as we are finding a large percentage of Responsible Persons have not progressed the actions detailed informally by the BRR project team. This more formal enforcement will result in issues being raised politically and we will need to respond to any questions appropriately when received. To reassure the Panel, a BRR follow up lead has been appointed in each office and they are actively engaging with RPs to explain the next steps and the likelihood of formal action. Some of these RPs and Managing Agents are welcoming the formal approach as it will enable them to collect the funding and push through the changes.

5.4 Restructure

5.5 Historically the protection department was split, with the policy team managed directly by the GM Protection, but the inspecting officers delivering in the Groups being managed by the Geographical Group Managers. This made it more difficult to utilise our trained staff more flexibly and dynamically. To enable us to better react and prepare to change, SLT decided to bring all Protection staff back under the management of one Group Manager. This has enabled the department to be restructured to better respond to new demands.

5.6 We have created a specific training section that we have bolstered with a watch manager. We have also created a specific legislative section that we have bolstered by creating a new watch manager post and by moving in an existing crew manager. Finally, we have bolstered our policy team by creating a new way of working that requires all staff to assist in developing and reviewing policies, risk assessments and equality impact assessments. We have done this as we know that these are the three areas that we will have the greatest demand moving forward.

5.7 Spend Plan

5.8 With have produced a clear spend plan showing how we would spend the allocated Government Protection Grants together with £300k allocated by the Fire Authority from

the Business Rate Funding Pool. This enabled us to create new watch manager posts within our newly created training and legislative sections as mentioned above.

- 5.9 We have also funded a new Protection Support Officer role that is at Station Manager level. This post holder will assist the Group Manager in coordinating and delivering on the workstreams mentioned within this briefing paper.
- 5.10 We have also used this funding to recruit 6 trainees, which will enable us to develop fully competent fire safety inspecting officers that we will be able to use to fill posts created by retirements or leavers as well as using them to fill posts that may become vacant once the BSR function goes live in late 2023.
- 5.11 We know that our risk database needs to be updated to prepare for the new risk information demands and to enable us to produce more accurate risk based inspection programmes. We therefore allocated a portion of our grants to help fund this project.
- 5.12 To make the most of this new database we need to ensure all of our data is transferred from paper records to digital. We have therefore used grant funding to recruit two new administrative posts for 12 months. These additional admin posts will also be used to support our enhanced legislative team.
- 5.13 A large area of national improvement identified by both the Inquiry and the 'Building a Safer Future' report involves competence in role. We have therefore invested heavily in developing our staff to ensure they fully meet the requirements of the 'Fire Safety Competence Framework', the 'Protection Framework', the 'Fire Investigation Competence Framework' and finally the 'Fire Investigation National Framework'. This has required us to send all of our staff on courses to enable them to be L4 Dip qualified. Only with this qualification can they carry out audits and consultations in complex buildings. Our fire investigators are now able to be accredited to enable them to contribute more effectively to identifying the causes of fire and fire spread, which in turn makes our prevention and protection risk reduction activities more effective.
- 5.14 We have also decided to train all of our staff to enable them to carry out fire safety checks. With our supervisory managers being trained to level 3i to enable them to quality assure the work of their crews.
- 5.15 Finally, we have determined to send one of our most experienced members of staff on a Fire Engineering course. This will create resilience in this area and will help us continue to comply with the 'Competence Framework' that requires each Service to have access to this level of competence.
- 5.16 All of this training will enhance our protection delivery and as we are now working to our new 'Risk Reduction Process' it will also help reduce many types of risk in our community. It will also inevitably result in more non-compliance being identified that will result in formal action being taken by our Protection staff. This will increase the number of formal notices we issue and the number of legal cases and prosecutions we take. This is also why we have enhanced our legislative section as explained above.
- 5.17 **CRM**
- 5.18 As mentioned above we have used a large portion of the grants to upgrade our protection database known as CRM. This is a vital area of work that will not only enable us to have a more accurate database to produce our RBIP from, but it will also enable us to develop a way to receive risk information from the public and make it available to our staff when they need it. This is one of the key recommendations from the GTI Phase 1 report as well as the new Building Safety Act that is enabling the implementation of recommendations from the 'Building a Safer Future' report produced by Dame Judith

Hackett. These include the ability to receive the 'golden thread' data for in-scope buildings such as HRRB.

5.19 **Virtual Consultation Process**

5.20 Our partners have a legal obligation to consult with us with regards to building consultations, licensing consultations and housing consultations, to name a few. They also chose to consult with us and ask for advice in areas such as planning.

5.21 Our 'consultation' process historically was paper based, and each office dealt with their own consultations. This created an imbalance between the offices in both workloads and experience.

5.22 To resolve this, we have created an electronic consultation process that is Service wide and not focused geographically. This process requires consultations to be submitted electronically by partners and allows for a timelier response within the timescales set.

5.23 It also has the added benefit of positioning us well for the future BSR consultations. We will be able to receive these consultations electronically and process them using our BSR staff without the need to implement too many new procedures or processes.

5.24 **Admin Pool**

5.25 We have created an administrative pool that provides us with the resilience we need to be able to deal with fluctuation in demand and loss of resources due to sickness and leave, etc.

5.26 This admin pool processes the consultation and audit work as a single Service rather than as geographical offices as was the case previously.

5.27 This allows us to utilise all our administrative staff to their fullest extent and has created more flexibility. It also prepares us for our move to full digitalisation within the department and the use of tablets to complete interactions.

6. **ACTIONS NEEDED BY ESFRS TO MEET REMAINING CHALLENGES**

6.1 **Grenfell Tower Inquiry Phase 1 actions**

6.2 We still need to deliver on the remaining GTI Phase 1 actions. These include creating and delivering training packages to crews to enable them to meet the requirements of their role map, specifically unit FF8. This includes the following:

- Updating our existing FSC packages to ensure they reflect the latest learning.
- A new package on fires in the built environment.
- An updated building construction package.
- Many other packages to upskill our staff on other fixed installations such as lifts and smoke control and how to gather information about them during SSRI visits that can then be included within our response plans to assist in our effective operational response.

6.3 We will also need to ensure that all prevention paperwork is updated to ensure we are advising and checking that vulnerable people in flats are able to escape in an emergency.

6.4 **Grenfell Tower Inquiry Phase 2 report**

6.5 We will need to set up and run the delivery board that will be needed to deliver on whatever the actions are going to be from the GTI Phase 2 report. This is likely to be incorporated within the existing legislative change board, however this will be confirmed once we know the scale of the task. Our newly funded Protection Support Officer post will support this workstream.

6.6 **BSR recruitment and set up**

6.7 We have started the recruitment process to fill our posts within the regional BSR team. We will also support our regional partners to enable them to recruit to their allocated posts. Once we have a manager in post, we can start to work with the NFCC and the Regulator to develop the specific details and processes to enable us to deliver our legal requirements by September 2023.

6.8 **Training delivery**

6.9 We have enhanced our training section to ensure we are able to plan and deliver the significant volume of training that will be required of us. This includes the following:

- Training on the Fire Safety Act and resultant Article 50 guidance known as the 'Fire Risk Assessment Prioritisation Tool' (FRAPT).
- Training on the Building Safety Act and sub regulations. This legislation is wide ranging and will require significant training input for all our protection staff, not just those who will be working as part of the Regulators joint inspection team.
- Training on the incoming Fire Safety (England) Regulations. This will be mainly focussed around how our staff will identify, record and process risk information.
- Training on the use of our new CRM database that has been amended to facilitate many of the above changes.
- Training on the new guidance that will accompany the various legislative changes.
- Training on the updated Building Act, Building Regulations and accompanying 'Approved Documents'.

6.10 There will inevitably be more changes that will require further training input, not least of which from the GTI Phase 2 report. We will need to be agile enough to respond with resources to deal with these demands in a timescale that is acceptable.

6.11 **Policy Development**

6.12 Every new piece of legislation and resultant guidance will need to be assessed and appropriately added to our suite of policy documents or manuals.

6.13 This will be a significant piece of work that will require resources from across our department and beyond.

6.14 **Cross border working**

6.15 We recognise that all the challenges we are facing are also being faced by our neighbouring Fire and Rescue Services. Therefore, we are reaching out as part of the 4F work, to our colleagues to ensure we are sharing resources and jointly delivering on some of these areas of work where appropriate.

6.16 An example of this joint working will be the production of policies to deal with the new joint working with the BSR. We also plan to design and deliver joint training to reduce the burden significantly.

6.17 **Legislative Change Board**

6.18 To help coordinate and deliver on the above workstreams, we have created a new board known as the 'Legislative Change Board' (LCB). It is chaired by an experienced member of the protection department and will be attended and supported by staff from both within the protection department and from other departments, such as training and Ops Policy and Procedure (Ops P&P).

6.19 The work of this board is overseen by the 'Protection Forum' and is then upwardly reported to the 'Safer Communities Strategic Board'.

6.20 **Our contingency plan**

6.21 We have a significant risk of the additional funding currently being provided to Protection departments drying up. We have a clear funding plan for the next 2 years, however after this period the picture is unclear. We therefore need to have a contingency plan that is able to flex in response to a shortfall in funding.

6.22 This contingency plan has been produced and is based on the principle that we must prioritise our statutory obligations. All audit and consultation work will therefore be prioritised, with trainee posts and posts in Fire Investigation being either removed from the establishment or moved into audit work. In addition, the new WM posts created in training and legislation will be removed or moved. Finally, a reduction in the number of officers carrying out protection activity will result in a review of the administrative hours required. The number of reductions will be dynamic and will be led by the comprehensive spending review and resultant grant allocated by Government. We are confident that our structure is flexible enough to deal with either an increase or a decrease in financial resources.

7. **Funding provided and needed to allow change**

7.1 The Government has provided the following grants that have all had their own strict spending rules:

- Building Risk Review Grant – £195,811, to be used in delivering the BRR project (Triage or audit all HRRBs by December 2021).
- Accredited Prior Learning Grant – £22,737, to be used to fund the initial cost to 3rd party accredit our Inspecting Officers.
- Grenfell Infrastructure Grant – £67,945, to be used to provide new equipment such as smoke hoods that are recommended by the GTI phase 1 report.
- Protection Uplift Grant – £314,425 + £421,366, to be used to upskill protection staff and enhance protection delivery.

7.2 The above funding was calculated based primarily on the number of in scope HRRBs within our area. As mentioned previously we have the 5th highest number of these buildings in the country and therefore our grants reflect the amount of work we need to carry out in this area.

7.3 In addition to the above funding provided by Government, the Fire Authority agreed to use £300k of its business rates reserve pool, to help fund our protection plan.

7.4 These grants have been used to fund 6 trainees who will develop into fully qualified inspecting officers within the next 12 months. It has been used to help update our database to prepare it for future digital working and to enable to receive and make available risk information. It has been used to enhance our training and legislative sections to enable them to deliver the workloads we are being presented with. And it has been provided to enhance our administrative staff so that our efforts are being recorded and processed effectively. Full details of how this money was and continues

to be spent is contained within the relevant SLT paper submitted in August 2022 entitled 'Protection Spend Plan'.

7.5 The only grant that continues to be provided is the 'Protection Uplift Grant' and we only have confirmation in writing of the allocation for this year. We do not have any written confirmation that a grant will continue after this period or how much it is likely to be.

7.6 We continue to lobby Government together with the NFCC and all other Services to try to get this grant added and ringfenced to our future base budget allocation. Government has accepted this request in principle and has indicated that they will meet our requests in future years. However, until we get this confirmed in writing we will need to provide a flexible plan that can either expand or contract as required. This is the contingency plan mentioned in paragraph 6.20 above.

8. Summary

8.1 ESFRS are in a strong position to face the challenges coming our way. We have planned and restructured the Protection department to enable it to better meet these new challenges. We have created 6 trainee posts that will feed our protection needs in the years to come and will enable us to deliver our obligations under the Building Safety Act. We have also started the process of recruiting to the new regional BSR team that will be managed by a new post within our department. We have added resources to our training team and our legal teams, bolstered our policy team and created a new management post to help with project work. To support all of this we have enhanced our administrative team by two posts for up to 12 months after which time our new CRM database will be fully operational and we will be able to carry out a review of our department to determine what resources are needed.

8.2 We also recognise that our partners in other FRS are facing these same challenges and will often have identical solutions. Therefore, our Protection team is actively reaching out to other FRS to facilitate joint working and sharing of resources.

8.3 We recognise the vulnerability of our funding positions and we have plans in place to enable us to flex and adapt as required to ensure we continue to deliver the outstanding service we have always delivered to the community of East Sussex and Brighton and Hove.