



NFCC
National Fire
Chiefs Council

The professional voice of the
UK Fire & Rescue Service

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Accessible Homes Consultation
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Sent via email to: accessiblehomes@communities.gov.uk

1 December 2020

To the Ministry of Housing, Communities and Local Government,

Raising accessibility standards for new homes

Please find attached the National Fire Chiefs Council (NFCC) response to the open consultation published on 8th September 2020 concerning '*Raising accessibility standards for new homes*'.

NFCC is the professional voice of the UK fire and rescue services (FRS) and is comprised of a council of UK Chief Fire Officers. This submission was put together by NFCC's Protection Policy and Reform Unit (PPRU).

NFCC supports the aspiration to raise standards of accessibility in new homes, and are in favour of the highest possible mandated minimum standard.

As the Secretary of States notes in the foreword to the consultation paper, people are living longer lives and the proportion of older people in the population is increasing. As our population ages, the numbers of disabled people will also continue to increase. Raising minimum accessibility standards will empower more people to live at home independently as they age and facilitate additional support at home rather than in a residential care setting.

Furthermore, disability can affect anyone, at any time, either permanently or temporarily through illness or injury. New build homes should be suitable for people of all ages and abilities, to support the ambition that homes can truly be inclusive and fit for purpose through a whole life. To this end, NFCC welcomes the proposal to raise minimum accessibility standards for all new homes, and considers it a much-needed investment in the future.

Well-designed homes should mean safe homes

We note that this consultation is largely restricted to seeking opinion on which of the current categories (M4(1), M4(2), or M4(3)) set out in Approved Document M Volume 1 (ADM) should be mandated as the minimum. NFCC considers that well-designed and well-built homes should also mean safer homes. Most fire deaths occur within the home and often involve the most vulnerable in society. It is only right that design should not only consider how people of differing abilities can access and use their home, but how those same people can get out (or otherwise be kept safe) in the event of fire.

Approved Document B (ADB) still allows for window escape in certain circumstances with no regard for the differing ability of people to be able to use such a means of escape. This means that while designers must consider a building's accessibility for a range of differently abled people, no such consideration needs to be given to safe egress in the event of fire for those same people. Design guidance related to egress and safe evacuation principally has its origins in outdated studies conducted with populations who were able-bodied and fit. This is at odds with the aspiration that homes in the 21st Century should be fit for purpose for all people through a whole life.

We would therefore advise caution in reviewing each Approved Document in isolation. Unless a holistic approach is taken to the review there is a risk that the Approved Documents will continue to enable poor design whereby homes will be built with improved standards of accessibility, yet in the event of fire, vulnerable people are unable to escape. A holistic approach to the needs of older and disabled people is required, with careful consideration about how best to support means of escape for all people in an aging population.

Design principles underpinning evacuation strategies must ensure equity in terms of disabled and vulnerable people, and consider individuals' rights to not incur any further deterioration in their health and to maintain their dignity during this process. To rely on evacuation as a design principle for safety risks undermining the premise that compartments should be built to survive burn out, and overlooks the needs of those who may not be able to evacuate without assistance. Therefore, ensuring buildings are built and maintained properly is critical. Increased provisions should be made for both refuge areas and evacuation lifts.

For housing to be accessible to the elderly and disabled, it should provide safe, secure and convenient storage and charging for powered mobility aids such as wheelchairs and mobility scooters. This would ensure that residents do not need to charge batteries in their homes or common areas of their building, thereby mitigating the risk of fire and barriers to evacuation.

In the context of this consultation, 'well designed homes' does not just mean buildings from which the elderly and disabled can evacuate. Consideration must be given to levels of domestic smoke detection. [The Fire Safety in Specialised Housing guide](#) and BS5839 recommend the highest detection coverage, LD1, for specialised housing and housing for vulnerable people. All housing should meet this same standard, otherwise the elderly and disabled have limited options for safe housing. As the [Housing our Aging Population: Panel for Innovation \(HAPPI\) report states](#), 'housing for older people should become an exemplar for mainstream housing, and meet higher design standards for space and quality'. The same can be said of housing for the disabled. Buildings should be suitable for the people who live in them, rather than people having to be 'suitable' for buildings. This would ensure people are

safe in their homes and those with disabilities aren't discriminated against when finding accommodation.

The recommendations set out in the aforementioned *HAPPI report* and the *Fire Safety in Specialised Housing* guide will be of assistance to raise the accessibility standards for new homes.

A holistic approach to home safety of older and disabled people

NFCC wants to see a greater inclusion of Automatic Water Suppression Systems (AWSS) in homes. This is particularly important where housing is specifically intended for vulnerable people, such as developments where the intended use is Specialised Housing as defined in BS9991 (e.g. Sheltered, Extra Care, Supported Living).

Fire and Rescue Services (FRS) are aware of new-build developments designed as purpose-built blocks of general needs flats, being marketed and filled with people receiving care. Other ambiguities are also evident across the market, such as retirement homes which include supported living. Potentially vulnerable residents who choose to live in buildings marketed for the purpose of providing care should reasonably expect to be provided with a higher level of safety than a general needs building.

If the aspiration is for homes to be fit for purpose through a whole life, then far greater requirements for AWSS is an effective means of improving safety for all residents in the event of fire. As part of an appropriate package of fire safety measures for new homes, sprinklers will save lives and protect homes from the destructive effects of fire.

In 2017, NFCC and the National Fire Sprinkler Network jointly published the report 'Efficiency and Effectiveness of Sprinkler Systems in the United Kingdom: An Analysis from Fire Service Data'. The report was based on an analysis of fires recorded in all United Kingdom fire and rescue services between 2011-2016, where sprinklers were recorded as being present. Key findings of the research include:

- In all building types, sprinkler systems operate on 94% of occasions, demonstrating very high reliability.
- When sprinklers operate, they extinguish or contain the fire on 99% of occasions.
- In both converted and purpose-built flats sprinklers were 100% effective in controlling fires.

In 2019 further research was conducted into the performance of sprinkler systems in protecting life and reducing the incidence of harm. The research found, whether in a dwelling or other type of building, if sprinklers are fitted you are half as likely to be harmed by a fire. If you were injured then the chances of going to hospital were reduced by 22%. The full 2017 report can be read [here](#) and the follow up 2019 report can be read [here](#).

Increased use of evacuation lifts should be considered. These would not only benefit an aging population, but also higher rates of obesity and other vulnerabilities mean that an increasing number of people face difficulty going down stairs in an evacuation.

Barriers to wider adoption of optional technical standards

NFCC considers that an increase in minimum accessibility standards should be mandated. Given the current state of the construction sector, as set out in Dame Judith Hackitt's report for the government commissioned [Independent Review of Building Regulations and Fire Safety](#), NFCC has little confidence that, given the choice, the construction sector will choose to do the right thing at this point in time.

This may be symptomatic of the barriers to wider uptake of the optional technical standards M4(2) and M4(3) described in paragraphs 28 of the consultation paper. A mandate for an increased minimum standard will remove the possibility of 'watered-down or waived entirely' optional standards due to viability appraisals. Dame Judith's report identifies many aspects of a failing system, such as 'minimum standards', 'gaming the system', 'design and build', 'value engineering', which have led to a 'race to the bottom' and one that has sought to frequently seek out the 'lowest cost option' as opposed to the option that provides the safest reasonable outcome. NFCC believes that the construction industry still has a long way to go before the necessary 'culture change' is realised. An increased minimum standard is needed while this change takes place, in order to increase the safety of occupants.

We also note, with some surprise, the findings of the report described in paragraph 30 of the consultation paper - that most local planning authorities in England have no specified requirement for a proportion of new homes to meet any accessible or adaptable housing standard. This would appear to be a further barrier to wider adoption of the current optional standards. Improved accessibility for homes should not be subject to the vagaries of individual planning authorities, but should be a national minimum standard.

The Approved Documents set out minimum expected standards to achieve compliance with Building Regulations. In our experience developers aim to meet, not exceed, minimum standards for compliance. We cannot wait for a change in industry culture. Increasing the mandated minimum standard is a way of increasing safety within the current context of standard practice within the industry.

For these reasons NFCC is in favour of the highest possible mandated minimum standard.

'Non-worsening' as a barrier to improved accessibility

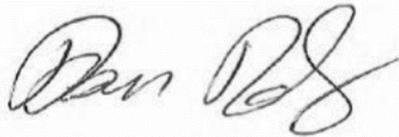
While we acknowledge this consultation is in respect of new homes, we would draw attention to the 'non-worsening' condition set out in Section 4(3) of the Building Regulations 2010 (as amended) as a potential barrier to improving safety standards in the built environment over time. Section 4(3) was identified by Dame Judith as a barrier to improvement and this is yet to be addressed.

NFCC considers there are additional interventions worth considering, for example provisions in the New Zealand Building Act 2004 where the requirements for buildings undergoing alterations mean that over time buildings are upgraded to better meet current Building Code requirements by making the most of planned interventions. This means where there is a change of use or refurbishment upgrades must be considered for both access and facilities

for people with disabilities, and means of escape from fire.¹ This type of principle could be applied to buildings where vulnerable people reside.

While we are mindful that constraints inherent in existing sites or structures may inhibit full adoption of the technical standards, we are of the opinion that proportionate improvements in accessibility should be made where possible.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Dan Daly', is centered on the page. The signature is fluid and cursive.

Dan Daly

NFCC Protection Policy and Reform Unit

¹ Detail can be found at: <https://www.building.govt.nz/managing-buildings/change-of-use-and-alterations/>

Consultation questions

Question 1	Respondent details
Name	Nicholas Coombe
Position (if applicable)	NFCC Building Safety Team
Organisation (if applicable)	National Fire Chiefs Council (NFCC)
Address (including postcode)	West Midlands Fire Service 99 Vauxhall Road Birmingham B7 4HW
Email address	info@nationalfirechiefs.org.uk
Telephone number	+44 (0)121 380 7311
Please state whether you are responding as an individual or the organisation stated above	This response is on behalf of the organisation stated above

Question 2	Select one
Please indicate whether you are applying to this consultation as a:	
• Builder / Developer	
• Designer / Engineer / Surveyor	
• Local Authority	
• Building Control Approved Inspector	
• Architect	
• Access Consultant	
• Occupational Therapist	
• Construction professional	
• Property Manager / Landlord	
• Landlord representative organisation	
• Charity	
• Campaigner or Lobby Group	
• Other interested party (please specify)	
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Question 3	
<p>Do you support the Government's intention to raise accessibility standards for new homes?</p> <p>Please explain your reasons</p>	<p>YES</p> <p>NFCC supports the aspiration to raise standards of accessibility in new homes, and are in favour of the highest possible mandated minimum standard</p> <p>As the Secretary of States notes in the foreword to the consultation paper, people are living longer lives and the proportion of older people in the population is increasing. As our population ages, the numbers of</p>

disabled people will also continue to increase. Raising minimum accessibility standards will empower more people to live at home independently as they age and facilitate additional support at home rather than in a residential care setting.

Furthermore, disability can affect anyone, at any time, either permanently or temporarily through illness or injury. New build homes should be suitable for people of all ages and abilities, to support the ambition that homes can truly be fit for purpose through a whole life. To this end, NFCC considers raising minimum accessibility standards for all new homes is a welcome proposal, and a much-needed investment in the future.

Well-designed homes should mean safe homes

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required, with careful consideration about how best to support means of escape for all people in an aging population.

An holistic approach to home safety of older and disabled people

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	<p>In 2019 further research was conducted into the performance of sprinkler systems in protecting life and reducing the incidence of harm. The research found, whether in a dwelling or other type of building, if sprinklers are fitted you are half as likely to be harmed by a fire. if you were injured then the chances of going to hospital were reduced by 22%. The full 2017 report can be read here and the follow up 2019 report can be read here.</p> <p>Increased use of evacuation lifts should be considered. These would not only benefit an aging population, but also higher rates of obesity and other vulnerabilities mean that increasingly many people face difficulty going down stairs in an evacuation.</p>
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Question 4	
<p>Which of the 5 options do you support? You can choose more than one option or none.</p> <p>Please explain your reasons, including the advantages and disadvantages of your preferred option(s).</p>	<p>Options 3/4/5</p> <p>NFCC considers that an increase in minimum accessibility standards should be mandated. Given the current state of the construction sector, as set out in Dame Judith Hackitt's report for the government commissioned Independent Review of Building Regulations and Fire Safety, NFCC has little confidence that, given the choice, the construction sector will choose to do the right thing at this point in time.</p> <p>This may be symptomatic of the barriers to wider uptake of the optional technical standards M4(2) and M4(3) described in paragraphs 28 of the consultation paper. A mandate for an increased minimum standard will remove the possibility of 'watered-down or waived entirely' optional standards due to viability appraisals. Dame Judith's report identifies many aspects of a failing system, such as 'minimum standards', 'gaming the system', 'design and build', 'value engineering', which have led to a 'race to the bottom' and one that has sought to frequently seek out the 'lowest cost option' as opposed to the option that provides the safest reasonable outcome. NFCC believes that the construction industry still has a long way to go before</p>

	<p>the necessary 'culture change' is realised, and the best option for those who occupy the homes they build becomes a fundamental consideration by choice.</p> <p>We also note, with some surprise, the findings of the report described in paragraph 30 of the consultation paper - that most local planning authorities in England have no specified requirement for a proportion of new homes to meet any accessible or adaptable housing standard. This would appear to be a further barrier to wider adoption of the current optional standards. Improved accessibility for homes should not be subject to the vagaries of individual planning authorities, but should be a national minimum standard.</p> <p>The Approved Documents set out minimum expected standards to achieve compliance with Building Regulations. In our experience developers aim to meet, not exceed, minimum standards for compliance.</p> <p>For these reasons NFCC are in favour of the highest possible mandated minimum standard.</p> <p>'Non-worsening' as a barrier to improved accessibility</p> <p>While we acknowledge this consultation is in respect of new homes, we would draw attention to the 'non-worsening' condition set out in Section 4(3) of the Building Regulations 2010 (as amended) as a potential barrier to improving safety standards in the built environment over time. Section 4(3) was identified by Dame Judith as a barrier to improvement and this is yet to be addressed.</p> <p>NFCC considers there are additional interventions worth considering, for example provisions in the New Zealand Building Act 2004 where the requirements for buildings undergoing alterations mean that over time buildings are upgraded to better meet current Building Code requirements by making the most of planned interventions. This means where there is a change of use or refurbishment upgrades must be considered for both access and facilities for people with disabilities, and means of escape from fire.² This type of principle could be applied to buildings where vulnerable people reside.</p>
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² Detail can be found at: <https://www.building.govt.nz/managing-buildings/change-of-use-and-alterations/>

Question 5	
<p>If you answered 'None' to Q4, do you think the Government should take a different approach?</p> <p>If yes, please explain what approach you consider favourable and why?</p>	n/a

Question 6	
<p>Do you agree with the estimated additional cost per dwelling of meeting M4(2), compared to current industry standards, in paragraph 44?</p> <p>If no, please comment on what you estimate these costs to be and how you would expect these costs to vary between types of housing e.g. detached, semi-detached or flats?</p> <p>Please provide any evidence to support your answers.</p>	<p>DON'T KNOW</p> <p>No comment is provided as we believe there are more knowledgeable and better-placed organisations to comment.</p>

Question 7	
<p>Do you agree with the proportion of new dwellings already meeting or exceeding M4(2) over the next ten years in paragraph 44?</p> <p>If no, please comment on your alternative view and how you would expect this to vary between types of housing e.g. detached, semi-detached or flats?</p> <p>Please provide any evidence to support your answers.</p>	<p>DON'T KNOW</p> <p>No comment is provided as we believe there are more knowledgeable and better-placed organisations to comment.</p>

Question 8	
<p>Do you have any comments on the costs and benefits of the other options set out above.</p> <p>If yes, please provide your comments including any evidence to support your response.</p>	<p>NO</p> <p>No comment is provided as we believe there are more knowledgeable and better-placed organisations to comment.</p>

Question 9	
<p>Do you have any comments on the initial equality impact assessment?</p> <p>If yes, please provide your comments including any evidence to further determine the positive and any negative impacts.</p>	<p>NO</p> <p>NFCC has submitted on a number of occasions that the needs of vulnerable groups need to be better reflected within Approved Documents and design guides. We refer to our comments elsewhere in this consultation response; NFCC supports the aspiration to raise standards of accessibility in new homes, and are in favour of the highest possible mandated minimum standard.</p> <p>It is unclear how the conclusion has been reached that the 'Do Nothing' option would have a positive impact.</p>