

**Guidance  
Note**



**Fire Industry Association**



**Guidance on the Issue of Cladding and External  
Wall Construction in Fire Risk Assessments for  
Multi-Occupied Residential Premises**

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## Authorship

This Guidance Note has been prepared by a Special Interest Group (SIG), comprising representatives of FIA member companies, other invited experts in the practice of fire risk assessment in housing premises and an observer from the National Fire Chiefs Council. Members of the SIG represent companies that carry out, in total, over 40,000 fire risk assessments for multi-occupied residential premises (blocks of flats and maisonettes) per annum.

It has been published with the approval of the FIA Board. It was published after circulation to the Ministry of Housing, Communities & Local Government, the Home Office and the National Fire Chiefs Council, but opinions and guidance set out herein are those of the FIA and are not purported to represent those of consultees.

### 1. Scope

- 1.1. This guidance applies only to England and Wales. It relates to fire risk assessments carried out for multi-occupied residential premises under the Regulatory Reform (Fire Safety) Order 2005 (“the Fire Safety Order”). Common parts of blocks of flats and similar premises (including external wall construction and cladding) are outside the scope of the equivalent legislation in Scotland and Northern Ireland.
- 1.2. Although the guidance has not been drafted to apply to other types of premises, such as hospitals, hotels, etc, the principles set out in this Guidance Note will also apply in such cases where it is assessed that the external cladding or wall construction presents a fire hazard and thus introduces a risk to life from fire.
- 1.3. This Guidance Note is intended to provide advice. It is important to note that:
  - the contents represent the interpretation of the FIA on the matters addressed.

- it is the duty holder’s responsibility to ensure compliance with their legal obligations, including those imposed under the Regulatory Reform (Fire Safety) Order 2005.

## 2. Background

### 2.1. The Expert Panel Advice Notes

- 2.1.1. Following the tragic fire at Grenfell Tower in 2017, the relevant Government department, now the Ministry of Housing, Communities & Local Government (MHCLG), formed an Expert Panel to advise Government on fire safety issues associated with multi-occupied residential buildings, namely blocks of flats and maisonettes (principally high-rise blocks of greater than 18m in height).
- 2.1.2. A number of separate “Advice Notes” (numbered 1-22) were issued over a period of time. Subsequently, in January 2020, all 22 Advice Notes were consolidated into what has become known as the “Consolidated Advice Note” (“CAN”)<sup>1</sup>. Within the CAN, the original Advice Note 14<sup>2</sup> was materially amended. More specifically, the current advice within the CAN in relation to external wall systems advocates that building owners should follow the steps set out in the CAN as soon as possible and should not await further advice or information before they act.
- 2.1.3. The CAN expresses valid significant concerns that (in the design of new buildings) consideration is not routinely given to Requirement B4 of Schedule 1 to the Building Regulations (which is concerned with, *inter alia*, resistance to the spread of fire over external walls), particularly in circumstances where the guidance in Approved Document B (“ADB”) under the Building Regulations is less specific. The CAN correctly notes that the need to assess and manage the risk of external fire spread applies to buildings of any height.
- 2.1.4. The CAN draws attention to the (now published) Fire Safety Bill, which the CAN states will “clarify” that building owners and managers of multi-occupied residential premises of any height must fully consider, and mitigate, the risks of any external wall systems and fire doors in discharging their duties under the Fire Safety Order. The CAN strongly advises building owners to consider the risks of any external wall system (and fire doors) in their fire risk assessments, irrespective of the height of the building, ahead of the planned “clarification” when the Fire Safety Bill becomes law.
- 2.1.5. The CAN advises that, although the Expert Panel’s advice does not explicitly cover all types of external wall systems for residential buildings below 18m, the risk of external fire spread should be considered as part of the fire risk assessment for these buildings.
- 2.1.6. The CAN also advises that the fire risk assessment should take into account a number of factors other than height and material type, including the vulnerability of residents, location of escape routes, and the complexity of the building. It is stated in the CAN that those carrying out fire risk assessments will want to consider the implications of the CAN for residential buildings below 18m. It is further advised that remedial actions may be required in buildings below 18m where there is a risk to the health and safety of residents and that the CAN should be used to inform the fire risk assessment and resulting remedial actions.

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<sup>1</sup> Advice for building owners of multi-storey, multi-occupied residential buildings

<sup>2</sup> Advice for building owners on external wall systems that do not incorporate Aluminium Composite Material. (<https://www.gov.uk/government/publications/building-safety-advice-for-building-owners-including-fire-doors>)

- 2.1.7. There is an implication in the CAN that, within fire risk assessments, it will be important to understand both the materials used in the external wall construction and whether the entire system has been designed, installed, and, maintained appropriately.
- 2.1.8. By way of summary, the CAN advises that the risk of external fire spread should be considered as part of the fire risk assessment for all multi-occupied residential buildings, irrespective of height, taking into account height, materials, vulnerability of residents, location of escape routes, and the complexity of the building.
- 2.2. The Fire Safety Bill
- 2.2.1 The Fire Safety Bill (as introduced in the House of Commons on 19 March 2020 (Bill 121)) amends the Fire Safety Order such that, where a building contains two or more sets of domestic premises, the Fire Safety Order applies to, *inter alia*, external walls and all doors between the domestic premises and common parts. (It is assumed that this amendment to the Fire Safety Order is not intended to apply to semi-detached or terraced houses.)
- 2.2.2 Explanatory notes issued by the Home Office resonate with the position in the CAN that the amendment to the Fire Safety Order is proposed for the purpose of “clarification”.

### 3. The Issues

- 3.1. The Purported Clarification
- 3.1.1. The position of the FIA is that, within a block of flats, the flat entrance doors always fell within the scope of the Fire Safety Order and, hence, fire risk assessments. This was made abundantly clear within the LGA guide on fire safety in purpose-built blocks of flats. To the extent that this may not have been universally understood, the FIA support the proposed clarification of this matter within the new Fire Safety Bill.
- 3.1.2. However, the FIA strongly disagree that the scope of the Fire Safety Order was ever intended to, or was interpreted such as to, include the external walls of a residential block of flats; in the opinion of the FIA, it would have been perverse to regard the external walls of a building as “*parts of domestic premises used in common by the occupants of more than one dwelling*”. Indeed, “Guidance Note No1: Enforcement”, issued by the then Communities and Local Government to help achieve uniformity in approach for enforcing authorities, notes, in reference to residential premises that “*residential premises, e.g. blocks of flats and HMOs are covered by the Order to the extent that they comprise common parts and systems (e.g. stairs, corridors, shared kitchens, bathrooms and lounges etc) which are used by the occupants of more than one dwelling*”.
- 3.1.3. This makes no mention of external walls. It is likely that it would have done so if inclusion of external walls was intended to be included by legislators at the time.
- 3.1.4. The original purpose of including the common parts of blocks of flats (such as corridors, stairways, plant rooms, etc) within the Fire Safety Order was a view that these areas could be regarded as workplaces, to which the European Workplace Directive applied<sup>3</sup> (a view not shared by regulators in Scotland and Northern Ireland). In the view of the FIA, it would also be perverse to regard external walls and cladding as a “workplace”.

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<sup>3</sup> European Union. *Workplace Directive (89/654/EEC)*. 1989.

- 3.1.5. The experience of FIA members is that regulators, enforcing authorities and fire risk assessors never, at any time since the Fire Safety Order came into force in 2006, regarded the external walls of a block of flats as falling within the scope of the Fire Safety Order. Accordingly, it was never considered that external walls and cladding should be assessed in the carrying out of a fire risk assessment under the Fire Safety Order. While, in a fire risk assessment, some general comment might have been made in relation to, for example, cladding, in the opinion of the FIA, this could only have been additional advice outside the scope of the fire risk assessment and it would have been reasonable to assume that external wall construction was properly addressed at the time of construction, or alteration, of the building, under building regulations and that the materials used and the method of construction did not present a fire hazard.
- 3.1.6. Accordingly, it is the view of the FIA that it is wholly inappropriate to now describe what is, in fact, a proposed extension of scope of the Fire Safety Order as “*clarification*” of the scope of the Order, implying that, as in the case of flat entrance doors, external wall construction was always included within the scope of the Fire Safety Order. While, in the experience of the FIA, virtually every competent fire risk assessor has always understood that flat entrance doors fall within the scope of the Fire Safety Order, the FIA are not aware of any fire risk assessors (or enforcing authorities) who considered that external wall construction fell within the scope of the Fire Safety Order and fire risk assessments carried out thereunder.
- 3.1.7. This is not simply a matter of semantics. The concept of “*clarification*” of the Fire Safety Order, such as to “*clarify*” that external wall construction falls within the scope of the Fire Safety Order, is to render most (arguably all) fire risk assessments (and enforcing authority audits) carried out after October 2006 inadequate in scope.
- 3.1.8. It should also be noted that the CAN refers to the LGA guidance on fire safety in purpose-built blocks of flats. There is no suggestion in that guidance that, in a “Type 1 fire risk assessment” (which is described in the LGA guidance as the “basic fire risk assessment required for the purpose of satisfying the FSO”), the fire risk assessor need consider external wall construction or cladding. Section 72 of the LGA guidance does alert the reader to the hazards of combustible cladding materials, but notes that assistance from specialists may be required.
- 3.1.9. Similarly, PAS 79<sup>4</sup> does not imply that the fire risk assessment required for compliance with the Fire Safety Order needs to consider external wall construction or cladding. On the contrary, PAS 79 includes a copy of a Competence Standard for fire risk assessors, which was produced by the Fire Risk Assessment Competency Council (a group of around 35 stakeholders in the fire safety profession, including all professional bodies within the fire safety profession, various certification bodies, the Association of Building Engineers, the then Chief Fire Officers’ Association, the Office of the Chief Fire and Rescue Adviser and the then Department for Communities and Local Government) in 2011.
- 3.1.10. The Competence Standard describes the competence required of a fire risk assessor in relation to all aspects of fire safety, including passive fire protection. In relation to the latter subject area, the Competence Standard requires only that, in relation to the building envelope, the fire risk assessor understand the significance of fire-resisting external walls in protecting escape routes at boundaries, the significance of any immediately visible damage and the importance of remedying any immediately visible damage in sandwich panels.

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<sup>4</sup> PAS 79:2012 – Fire risk assessment – Guidance and a recommended methodology

3.1.11. In the opinion of the FIA it is inconceivable that, if the scope of the Fire Safety Order always included external wall construction and cladding, this was not recognised by the committees responsible for producing authoritative guidance, such as the LGA guidance and PAS 79 (or by any member of the profession when these documents were circulated as drafts for public comment). It is equally inconceivable that Government guidance on application of the Fire Safety Order to premises in which people sleep<sup>5</sup> (including blocks of flats) made no mention whatsoever of external wall construction, while the only references to cladding relate to the hazards of sandwich panels.

## 3.2. The Problem for Fire Risk Assessors

3.2.1. The FIA acknowledge the serious issues that have come to light following the Grenfell Tower fire in relation to the hazards of combustible wall construction and cladding. It is not disputed that these issues need to be addressed, particularly in high-rise residential buildings, but, to some extent, also in lower residential buildings. It is also recognised that fire risk assessors have a role to play in this matter going forward.

3.2.2. However, the skillset required to carry out a fire risk assessment of the external walls is very different from that required to carry out the fire risk assessments that have, previously, been undertaken for compliance with the Fire Safety Order; there are very few within the fire risk assessment community who would possess those skills. It is completely unrealistic to expect a typical fire risk assessor to investigate the fire performance of external wall construction and cladding in the manner implied in the CAN. It is, therefore, the case that, in order to satisfy the guidance in the CAN, it would be necessary for the responsible person to commission a “one off” fire safety appraisal of external wall systems. This appraisal would need to be repeated if the external wall construction is altered without evidence of suitable verification of compliance with the Building Regulations, or there is reason to believe that the existing fire protection measures incorporated within the wall construction might no longer be effective. This appraisal can then be used to inform every subsequent fire risk assessment carried out under Article 9 of the Fire Safety Order.

3.2.3. The FIA are extremely concerned that, if a legislative obligation to incorporate assessment of external wall construction is imposed on fire risk assessors, and that it is not acknowledged that this external wall assessment will normally require the services of a specialist, who should be appointed separately from the fire risk assessor, companies (including sole traders) engaged in fire risk assessment will decline to carry out fire risk assessments, at least for blocks of flats. The effect will then, undoubtedly, be substantially to contract the already inadequate availability of competent fire risk assessors at a time when they are most required, particularly in relation to fire risk assessments for multi-occupied residential buildings.

3.2.4. In this connection:

- The background, education, training and experience of typical (indeed most) fire risk assessors would not provide competence to advise on external wall construction and cladding. Furthermore, for avoidance of doubt, this assertion relates to the vast majority

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<sup>5</sup> *Fire safety risk assessment. Sleeping accommodation. HM Government. Department for Communities and Local Government Publications. 2006.*

of fire risk assessors working for third party certificated fire risk assessment companies, or individually certificated or registered by certification bodies and professional bodies.

- There are no established procedures or guidelines available for carrying out fire risk assessments of external walls.
- It is acknowledged by both professional bodies and Government that advice on external wall construction and cladding should be given only by a chartered fire engineer who has specific experience in external wall construction. Few fire risk assessors meet those criteria.
- Commonly, it will be the case that simple, visual inspection of cladding will not enable identification of the cladding product or its constituent materials. For example, some high-pressure laminate (HPL) panels can give the appearance of metal panels. Virtually by intent, it can be very difficult, particularly when viewing high level areas from ground level, to distinguish between brick slip and bricks; similarly, reconstituted stone panels and true stonework. In visual inspection of rendered walls, it is often impossible to determine the substrate that has been rendered.
- Other than, possibly, in the case of traditional masonry walls, it is always impossible, from visual inspection, to determine the cross section of the wall build up, comprising insulation, cavity barriers, fixings, cladding framework, etc. this can only be determined from intrusive inspection and, in many cases, laboratory tests of materials.
- Experience has shown that original specification drawings, and even as-fitted drawings, are not necessarily accurate and do not necessarily reflect the wall build up, and particularly materials, that were actually installed. Nor will drawings assist with a determination of whether, for example, poor workmanship (e.g. incorrectly installed cavity barriers), or substituted components, undermines the fire performance of the specified design.
- Even if an intrusive inspection is carried out, in practice, it can only be carried out on a sampling basis. Therefore, conceptually, it is only ever possible to be certain of non-compliance of wall construction, as appropriate construction in the area of the sample does not confirm compliance across the entire wall construction.
- Even if a typical fire risk assessor is provided with accurate information on wall construction, in the case of complex wall construction, advice on compliance with the Building Regulations, and the risk associated with aspects of non-compliance, would be beyond the competence expected of them.
- In further connection with the above point, Section 72 of the Local Government guidance on fire safety in purpose-built blocks of flats, acknowledges that assistance from specialists may be required to determine if the external walls are satisfactory and whether there is adequate provision of cavity barriers.

3.2.5. If many fire risk assessors declined to carry out fire risk assessment for multi-residential premises, This would create great difficulties for the public, while potentially exposing the public to the risk from the void in competent service providers being filled by those prepared to work beyond their level of competence.



- 3.2.6. In addition, the professional indemnity insurance market is unlikely to be favourable towards an expansion of scope of fire risk assessments to include external wall construction and cladding, exacerbating the difficulties that already exist for fire risk assessors to obtain professional indemnity insurance at affordable rates, so further driving fire risk assessors to leave the field or, at least, to refuse to undertake fire risk assessments for multi-occupied residential buildings.
- 3.2.7. In the opinion of the FIA, the ultimate solution to this problem is a legislative requirement for every multi-occupied residential building to have an external wall and cladding register (much akin to an asbestos register). It would then be required that the register is completed by a competent person, who would be a specialist in that field (and certainly not, typically, a fire risk assessor) and capable of not only identifying and understanding the detailed construction of the external walls and cladding, but also advising on the risk associated with any aspects of non-compliance; in this connection, there is an analogy with the differentiation between a health and safety consultant, who carries out health and safety risk assessments, and an asbestos surveyor, who specialises in asbestos surveys.
- 3.2.8. In the meantime, in the light of the CAN and the future Fire Safety Act, one purpose of this Guidance Note is to advise fire risk assessors as to how they should address the issues raised in this Guidance Note, while still providing the much needed, but somewhat scarcely available, fire risk assessment services required to ensure the safety of the public in multi-occupied residential buildings (particularly high-rise buildings of this type).

#### 4. Advice of FIA to Fire Risk Assessors

- 4.1. The FIA are anxious to ensure that the public have available to them an adequate number of competent fire risk assessors, who can make a substantial contribution to safety of residents of blocks of flats and maisonettes.
- 4.2. It is also acknowledged that it is reasonable to expect a fire risk assessor to report, within a fire risk assessment, on the nature of external wall surfaces, to the extent practicable from visual observation, supported by information available from the Responsible Person, with appropriate descriptive text. The objective is to provide a simple description of the external walls and, in particular, to identify the presence of any cladding.
- 4.3. Accordingly, it would be expected that the fire risk assessment might, at most, contain phraseology along the lines of the following example (which is not intended to be prescriptive) *“From visual observation, the exposed surface of external walls gives the appearance of [e.g. masonry/metal cladding/timber cladding/HPL/render applied over insulation/render applied over a masonry substrate/render applied over an unknown substrate].”* However, care should be taken in this respect not to base any recommendation on assumptions that cannot be fully verified, as it must be understood a visual inspection will frequently not enable definitive identification of the wall construction.
- 4.4. In many buildings, there may be a complex combination of different materials, which might need to be described. It is also acknowledged that it may be relevant to record the storey levels over which the surfaces described have been determined. For example, in the case of a high-rise building, determination of external wall surfaces on the uppermost floors may be difficult from visual observation at ground level, so the description might be caveated by wording such as *“On the lower floors,...”*.



- 4.5. If it is known to the fire risk assessor that the form of construction identified is likely to present a fire hazard, this should be made clear in the fire risk assessment. However, it is important for the Responsible Person (and any enforcing authorities examining the fire risk assessment) to be aware that, in many cases, little if any definitive information can be provided in this respect; as already discussed in this Guidance Note, the fire hazard will depend on many factors that will commonly be unknown to the fire risk assessor, such as any insulation present, any cavities present, the presence, and adequate installation of, any cavity barriers.
- 4.6. **In the light of the circumstances outlined above, the FIA strongly recommend to fire risk assessors that, unless they feel confident to give definitive advice on the nature and fire hazard of external wall construction, and have the appropriate qualifications, skills, knowledge and experience, they exclude assessment of the fire hazard of external wall construction and cladding from the scope of the fire risk assessments that they carry out under the Fire Safety Order. It is important that this is made clear to the Responsible Person in the tender process and documents, the contract and the fire risk assessment.**
- 4.7. In the opinion of the FIA, the exclusion of the above assessment from the fire risk assessment, in conjunction with, where appropriate, a recommendation for further investigation by specialists, is consistent with the principles set out in the Local Government Association guidance on fire safety in purpose-built blocks of flats, the latter of which is supported by Government and Paragraph 2.3 of the CAN.
- 4.8. **To the extent that fire risk assessors wish, nevertheless, to give guidance on the fire hazard of external wall construction and cladding, the FIA strongly recommend that the fire risk assessors ensure that this advice is within the scope of their professional indemnity insurance cover and that their practice of giving advice on this subject is not a material fact that they have failed to disclose to the insurers, potentially rendering their insurance cover invalid for such work.**
- 4.9. **In most cases, the FIA consider that a fire risk assessor will wish to exclude assessment of the fire performance of external wall construction and cladding from the scope of the fire risk assessment carried out under the Fire Safety Order. However, for compliance with the current CAN and the proposed requirements of the future Fire Safety Act, it will then be necessary for every fire risk assessment for multi-occupied residential buildings to include a recommendation that this matter be subject to consideration by other suitably qualified and competent specialists.**
- 4.10. For this purpose, in the circumstances in question, the FIA recommend that consideration is given to inclusion of the following wording in every fire risk assessment for a multi-occupied residential building:

*“Attention is drawn to the Ministry of Housing, Communities & Local Government Consolidated Advice Note for building owners of multi-storey, multi-occupied residential buildings, dated January 2020 (<https://www.gov.uk/government/publications/building-safety-advice-for-building-owners-including-fire-doors>) (the “Advice Note”).*

*The Advice Note recommends that building owners should consider the risk of external fire spread as part of the fire risk assessment for multi-occupied residential buildings.*

*Consideration has been given to this matter within this fire risk assessment. The Advice Note further recommends the assessment of the fire risks of any external wall system, irrespective of the height of the building.*

*Assessment of the fire risks of external walls and any cladding are excluded from the scope of this current fire risk assessment, as this is outside our expertise.<sup>6</sup> Accordingly, it is strongly recommended that you obtain advice from qualified and competent specialists on the nature of, and fire risks associated with, the external wall construction, including any cladding, of this building.*

<sup>6</sup> *This exclusion is consistent with advice provided by The Fire Industry Association and is discussed in their guidance note to fire risk assessors on this matter (<https://www.fia.uk.com/news/guidance-on-the-issue-of-cladding-and-external-wall-construction-in-fire-risk-assessments-for-multi-occupied-residential-premises.html>).*

*This assessment by specialists should follow the process set out in the Advice Note and as noted in diagram 1 of that document. This assessment should show how the external wall construction supports the overall intent of Requirement B4(1) in Part B of Schedule 1 to the Building Regulations 2010, namely that “the external walls of the building shall adequately resist the spread of fire over the walls and from one building to another, having regard to the height, use and location of the building”. In this connection, the assessment should address this functional requirement (regardless of the height of the building) and not just the recommendations set out in guidance that supports the Regulations (e.g. Approved Document B under the Regulations). The assessment should not just comprise a statement of either compliance or non-compliance with the functional requirement or the guidance, but should include a clear statement on the level of risk and its acceptability.*

*This assessment by specialists should take into account a number of factors, including, but not necessarily limited to:*

- *The type of evacuation strategy used in the building, i.e. simultaneous, staged, phased or ‘stay put’ and the anticipated evacuation time should evacuation become necessary;*
- *Suitability of the facilities for firefighting, including firefighting access for the fire and rescue service;*
- *The construction of the external walls, including any cladding and its method of fixing;*
- *The presence, and appropriate specification, of cavity barriers;*
- *The height of the building;*
- *The vulnerability of residents;*
- *Exposure of external walls or cladding to an external fire;*

- *Fire protection measures within the building (e.g. compartmentation, automatic fire suppression, automatic fire detection);*
- *Apparent quality of construction, or presence of building defects;*
- *The combustibility of the building structure and the use of modern methods of construction, such as timber framing, CLT etc;*
- *The location of escape routes;*
- *The complexity of the building; and*
- *The premises' emergency plan including an assessment of the adequacy of any staffing levels for the type of evacuation method employed.*

*The assessment is likely to take account of information on any approval of the building (and alterations to the building) under the Building Regulations, and of information on external wall construction and any cladding available from the Responsible Person (e.g. in operation and maintenance manuals, or handed over for compliance with Regulation 38 of the Building Regulations); It is unlikely that an RICS EWS1 form will provide adequate assurance on its own.*

- 4.11. **As in the case of any exclusion of scope of work carried out under a contract, before entering into a contract to carry out a fire risk assessment, any exclusion of assessment of external wall construction and cladding should be made clear to the person for whom the fire risk assessment is being carried out as part of any quotation or tender for carrying out a fire risk assessment.**