

Independent Property Review Commission

# **A report on the IPRC review of fire safety standards in ECC buildings**

**8 February 2018**



Essex County Council

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## Foreword

The truly awful events that unfolded at Grenfell Tower on 14 June 2017 served as a horrific reminder of the devastation that fire can cause. They also raised a host of fundamentally important questions about the efficacy of a fire safety regime that should protect people in buildings to which they resort.

Whilst nothing can now be done to prevent the immeasurable human toll that the Grenfell fire has taken on the loved ones of the seventy one men, women and children who lost their lives in the disaster, what is without doubt is that its like can never be allowed to happen again.

'Lessons must be learnt'. This is a phrase we often hear in the immediate aftermath of potentially preventable tragedies. Sadly, however, these important words are not always matched by deeds – a point illustrated when one reviews progress against recommendations made by the Coroner following the Lakanal House fire in 2009, which claimed the lives of six people. The response to Grenfell has to be different. There is no place for platitudes. Not only must lessons be learnt, but those lessons must be translated into decisive action that will fix an increasingly fragmented and dysfunctional fire safety system.

Central government has taken a number of promising steps since last June. Guidance has been issued for buildings considered to present the greatest risk, and a Public Inquiry has been set up under the Chairmanship of Sir Martin Moore-Bick. In addition, government has commissioned Dame Judith Hackitt to oversee a 'whole system' Review of the Building Regulations and Fire Safety. No doubt these early steps will be followed by further guidance in due course. Legislative changes to the fire safety regime are also likely as Sir Michael's Enquiry and Dame Judith's Review come to fruition at some point in the future.

Clearly, organisations such as Essex County Council (ECC) will need to react to emerging guidance and changes in the law that flow from work being undertaken at national level. However, I don't believe that such a reactive approach is enough on its own. In my view, public bodies need to lead by example, taking a proactive stance in determining what changes can be made within the existing 'system' to improve fire safety standards in the short-term. On that basis, ECC is to be commended for taking the positive step of setting up a cross-party Independent Property Review Commission (IPRC) to examine fire safety standards throughout its property portfolio. In doing so, councillors also decided that the Commission would be independently chaired, and I was very pleased to be appointed into that role.

Whilst I hope my thirty years' experience in the fire and rescue and local government sectors has added some value to the Commission, the work that has taken place to produce this report has, very much, been a team effort. In this regard, I am hugely grateful to the six councillors who were so generous in lending their time, experience, expertise and energy as members of the Commission. I am similarly indebted to the various officers from ECC who provided us with crucial assistance – both in terms of administrative support, and the provision of information and evidence that was so central in shaping our thinking. I would also like to place on record my sincere thanks to officers from Essex County Fire and Rescue Service, Chelmsford City Council Building Control, and Southwark Council, as well as

representatives from Mitie Property Services for the invaluable input they provided during the evidence gathering and analysis stages of the Commission.

We have now completed our work as an IPRC. During the review, we carefully considered ECC's response to specific issues that emerged in the aftermath of the Grenfell Tower disaster. We also examined the effectiveness of arrangements for ensuring appropriate fire safety standards in the design and construction of new ECC buildings, as well as the management of fire safety in existing ECC buildings and those undergoing refurbishment.

In doing so, we saw clear evidence of well-established fire safety management systems, including some examples of good practice. However, we also identified a number of areas in which there is clearly room for improvement.

Members of the IPRC very much hope that this report clearly articulates what we have found; the evidence in support of our findings; and a set of recommendations that provide 'real world' opportunities to secure genuine improvement.

It has been a privilege to chair the IPRC, and I will watch with interest to see how our work leads to ECC buildings becoming even safer in the future than they are today.

**Andy Fry OBE**

**Chair – ECC Independent Property Review Commission**

## **1. Executive Summary**

**1.1** Following the Grenfell Tower tragedy on the 14 June 2017, Essex County Council (ECC) Councillors approved a Motion at Full Council to launch an independent, cross-party panel to investigate fire safety in ECC's property portfolio.

**1.2** The Independent Property Review Commission (IPRC) met four times between October 2017 and January 2018, under the chairmanship of Andy Fry OBE. This report outlines details of the approach employed by the IPRC in undertaking its review, as well as the Commission's findings and recommendations.

**1.3** The aim of the Commission was to conduct a comprehensive review of the ECC estate, investigating building cladding, and scrutinising general fire safety standards by exploring written evidence, hearing expert testimony, and attending site visits.

**1.4** The Commission commends the council for aspects of its approach in responding to fire safety issues associated with external cladding on ECC buildings. The council swiftly and effectively responded to requests made by central bodies for information on high risk buildings. As the report evidences, however, issues associated with potentially hazardous external cladding on all multi-storey schools and residential care homes are yet to be resolved. The Council's desktop audit did not provide sufficient information to fully understand the extent to which cladding may be a problem in such buildings. The commission calls on ECC to strengthen its position in this area, by providing guidance to all schools and care providers on dealing with cladding. The IPRC also recommends that ECC put in place effective routes through which to gather expert guidance in relation to such relatively complex fire safety matters, as and when they arise in the future.

**1.5** The Commission reviewed how well ECC deals with fire safety standards in the design and construction of its new buildings. The Commission found that ECC has well-established arrangements for the design and construction of new buildings, and commission members concluded that robust arrangements are in place to ensure that basic fire safety requirements of the Building Regulations are being met in their design. There was, however, evidence to suggest that opportunities are being missed in the early design stages to improve proposed fire safety features as well as increase the 'user-friendliness' of buildings, post-occupation. Current building design processes in relation to fire safety are focused almost exclusively on risk to life. Whilst this is clearly of primary concern, the report highlights the importance of considering wider issues associated with business continuity and property protection when designing buildings, so that well-informed decisions can be taken as to whether additional fire safety measures are warranted, such as the installation of sprinkler systems.

**1.6** Commission members investigated arrangements for ensuring fire safety standards in existing ECC buildings. In doing so, the IPRC identified weaknesses in arrangements for assuring the competence of third-party fire risk assessors. These appear to be in the process of being addressed. It also exposed a lack of quality assurance in connection with fire risk assessments themselves, as well as evidence

that remedial works identified as being necessary through these assessments were not being resolved in a timely fashion.

**1.7** The Commission evaluated building works associated with the refurbishment of existing ECC buildings. For buildings in the ECC core estate, IPRC members were provided with persuasive evidence that effective arrangements are in place to manage fire safety during maintenance and refurbishment works. Such evidence was not, however, available in connection with the ECC Maintained Schools estate. The Commission recommends that ECC strengthens its role in providing guidance and leadership to schools undergoing self-managed maintenance and refurbishment projects.

## **1.8 Recommendations**

1: ECC should take urgent action to ensure appropriate steps are taken to address fire safety issues in high-rise buildings fitted with potentially hazardous cladding, in residential care homes operated by third parties where ECC places residents.

2: ECC should consider the introduction of a sample auditing programme, to assess the suitability and sufficiency of fire risk assessments in residential care homes operated by third parties where ECC places residents.

3: ECC should issue guidance to all Maintained schools, aimed at ensuring that the potential implications of hazardous external cladding on any multi-storey buildings are systematically assessed and managed, and share it on a 'for information' basis with other Essex schools.

4: Three months after the guidance referred to in recommendation 3 has been issued, ECC should undertake a sample audit to assess the extent to which the guidance has been followed.

5: ECC should issue guidance to organisations providing residential care in premises where ECC places residents, aimed at ensuring that the potential implications of hazardous external cladding on any multi-storey buildings are systematically assessed and managed.

6: Three months after the guidance referred to in recommendation 5 has been issued, ECC should undertake a sample audit to assess the extent to which the guidance has been followed.

7: ECC should put in place clear arrangements for the provision of ad hoc specialist fire safety advice in connection with relatively complex fire safety issues.

8: ECC should introduce arrangements for Essex County Fire and Rescue Service to be invited to be involved at an early stage in the building design process for all its 'upper-tier' construction projects, i.e. those with a capital value in excess of £2m.

9: ECC should introduce a requirement for property protection and business continuity risk assessments to be undertaken as an element of all future design briefs for new buildings.

10: Three months after publication of this report, ECC should review progress on the steps being taken by Mitie to improve arrangements for ensuring the competence of

those involved in undertaking fire risk assessments, as well as reviews of such assessments.

11: ECC should undertake a detailed review of arrangements for quality assuring its programme of fire risk assessments, and the annual reviews of these assessments.

12: ECC should review its approach to ensure that remedial fire safety works recorded as being necessary in fire risk assessment documentation are addressed within a reasonable period

13: ECC should complete the work that has been started to mitigate fire safety risks associated with maintenance and construction projects which are commissioned and managed by ECC Maintained schools.

14: Twelve months after publication of this report, ECC should undertake a scrutiny exercise to assess the extent to which the recommendations made have been effectively implemented.

## **2. Introduction**

**2.1** Following the Grenfell Tower tragedy, members at ECC approved the following Full Council Motion during its July 2017 meeting:

*'This Council recognises and applauds the heroic effort of the London Fire Service attending the horrific Grenfell Tower fire; action which demonstrates the very best of public service. We further pay tribute to and commend the community and voluntary organisations who pulled together to support the victims of this tragic fire in their hour of need.'*

*This Council believes that all councils must take action to ensure people are safe and remain safe. Therefore, this Council asks the Leader to arrange for a thorough investigation into all buildings owned and maintained by Essex County Council to be undertaken to ensure that any cladding is reviewed to ensure that it complies with appropriate national standards and, if not, action is taken to resolve this.*

*In addition, the Council calls for the Leader to establish an independently chaired all-party commission involving partner organisations to look into the whole system of fire safety for employees and other users of our buildings. This would take into account the size, scale, location and use of the particular building and consider the tools and technologies available to protect human life & the building.*

**2.2** As a result, Councillor David Finch, the Leader of ECC, committed to formally launch an independent, cross party panel to investigate the fire safety of ECC's property portfolio. The 'Independent Property Review Commission' (IPRC) would scrutinise fire safety measures in ECC buildings, explore written evidence, hear expert testimony, and attend site visits with a view to presenting findings and recommendations in a report to the Leader.

The aim of the IPRC was to conduct a comprehensive review of the ECC estate to:

1. Ensure that any external cladding on ECC buildings was reviewed, and necessary action taken to ensure appropriate fire safety standards; and
2. Undertake a whole system review of fire safety for employees and other users of ECC buildings, taking into account the size, scale, location and use of the buildings, and consider the tools and technologies available to protect human life and the buildings themselves.

**2.3** After engagement with potential independent Chairpersons, Andy Fry OBE was selected to chair the IPRC.



**2.4** Members of the IPRC were nominated by political Group leaders – with one councillor being selected from the Liberal Democrat, Labour & Non-aligned Groups, and three from the Conservative Group:

<b>Conservative Group representative</b>	Councillor Lesley Wagland
<b>Conservative Group representative</b>	Councillor Michael Hardware
<b>Conservative Group representative</b>	Councillor Anthony Jackson
<b>Labour Group representative</b>	Councillor Julie Young
<b>Liberal Democrat Group representative</b>	Councillor Barry Aspinell
<b>Non-Aligned Group representative</b>	Councillor Chris Pond

**2.5** Nominated councillors brought a wealth of expertise to the IPRC in a broad range of areas relating to fire safety, construction, property law, and facilities management.

**2.6** A Terms of Reference document (**Appendix A**) was drafted by the Chair, and agreed at the first meeting in October 2017. These Terms of Reference subsequently guided the review and outlined a number of specific Key Lines of Enquiry, under the following headings:

- *Management of fire safety issues associated with external cladding on ECC buildings.*
- *Fire safety standards in the design and construction of new ECC buildings*
- *Fire safety standards in existing ECC buildings*
- *Fire safety standards in ECC buildings undergoing refurbishment*
- *What recommendations does the IPRC propose?*

**2.7** The scope of the IPRC was also agreed at the first meeting as part of the Terms of Reference document. In this regard, ‘ECC buildings’ were defined as: All those owned and/or occupied by ECC, and other buildings within which third parties deliver services on behalf of ECC. Individual private dwellings, i.e. those not covered by the Regulatory Reform (Fire Safety) Order 2005, were deemed as out of scope for the IPRC.

**2.8** When considered during the course of the IPRC, ECC buildings were grouped into three categories:

1. **The ECC core estate:** Buildings maintained and/or owned by ECC, where ECC is the employer and ‘Responsible Person’ (Under the Regulatory Reform (Fire Safety) Order 2005).
2. **ECC Maintained schools:** ECC has responsibility as the employer at 167 community schools and 59 voluntary controlled schools. It also has responsibility for building capital maintenance at a further 39 Foundation schools (265 in total). There are 227 academies and 56 Voluntary Aided Schools (283 in total), where ECC is not the employer, nor the ‘Responsible Person’ for fire safety.

3. **Buildings in which statutory services are being provided by third parties, under contract to ECC (e.g. social care sites):** Whilst primary legal responsibility for fire safety standards in these premises rests with the third-party providers, it was recognised that ECC has a secondary duty of care towards, and moral responsibility for, the safety of potentially vulnerable residents who resort to, or reside in these buildings. On that basis, they were included in the scope of the IPRC.

**2.9** ECC owns several hundred buildings which are used predominantly for the delivery of services to the public, (libraries, visitor centres, adult colleges, some residential care premises etc.), or in support of ECC operations (highway depots, offices and storage facilities etc.). The exact number of buildings is very sensitive to definition. Whilst a simple count of buildings with an ECC building reference number is 1309, this includes small, often unoccupied buildings such as garages and stores. A more meaningful count of buildings in which people are likely to be working or residing yields a figure of around 300. 927 of the 1309 buildings are in the freehold ownership of ECC.

**2.10** The ECC portfolio is a mixture of buildings, ranging from Victorian construction to modern buildings completed after 2000. Construction types vary from traditional brick construction with tiled roofs, to timber frame. There are only three high-rise buildings in the portfolio (i.e. those over 18-metres in height), Seax House in Chelmsford, Goodman House in Harlow, and Magnet House in Clacton. ECC also has a stock of Heritage sites and Historic buildings for which it has responsibility for maintenance.

**2.11** The IPRC met formally four times between October 2017 and January 2018. Two evidence-gathering trips were also arranged: firstly to the London Borough of Southwark to meet with council officials and local Fire and Rescue officials, and secondly to Parkside Court, a high-rise residential tower block in Chelmsford. Parkside Court had fire sprinklers retro-fitted in the aftermath of the Lakanal House fire, which occurred in Southwark in 2009.

**2.12** During the formal meetings, members of the IPRC were joined by a number of ECC officers, as well as representatives from Chelmsford City Council Building Control, Mitie Property Services, and Essex County Fire & Rescue Service.

### **3. Management of fire safety issues associated with external cladding on ECC buildings**

#### **Background**

**3.1** In the immediate aftermath of the Grenfell Tower tragedy, the building's external cladding was identified as a potentially major contributor to the rapid spread of fire that took place. The cladding in question is generically referred to as Aluminium Composite Material (ACM), which is a flat panel that consists of two thin aluminium sheets bonded to a non-aluminium insulating core. Samples of the ACM cladding fitted to Grenfell Tower were subsequently tested and the core found to be highly combustible. This finding raised serious safety concerns about other buildings fitted with ACM cladding, as well as those incorporating alternative cladding systems with insulating materials that could be similarly combustible.

**3.2** In response to these concerns, the Department for Communities and Local Government (DCLG) initiated urgent safety checks on high-rise residential buildings, i.e. buildings of over 18metres in which sleeping accommodation is provided. The checks were intended to identify buildings that were potentially fitted with hazardous cladding. Where such cladding was suspected, interim safety measures were introduced while samples of the cladding were sent to the Building Research Establishment for testing, to determine whether or not they complied with the Building Regulations.

**3.3** Beyond the initial DCLG response, the Education and Skills Funding Agency (ESFA) wrote to all local authority Directors of Children's Services, Chief Executives of academy trusts, and those responsible for the governance of other types of schools, asking them to complete a fire safety questionnaire. The questionnaire sought information on school buildings that may be fitted with hazardous cladding.

**3.4** In addition to the above actions, in the care industry, the Chief Executive of the Care Quality Commission, Sir David Behan, wrote to all care providers, reminding them of the greater duty of care owed to those with various impairments, as well as the need for providers to carry out, and periodically review, fire risk assessments to ensure their continued validity.

#### **The Essex County Council Response**

**3.5** The initial ECC response to the Grenfell Tower tragedy can be summarised as follows - both in terms of how it reacted to the central requests for information outlined above, and some additional steps which were decided upon locally.

##### **i. The ECC Core Estate**

**3.6** ECC responded swiftly to the information request from DCLG about high-rise buildings within its core estate (i.e. those over 18m). Only three buildings were identified as fitting this criterion, Seax House in Chelmsford, Goodman House in Harlow, and Magnet House in Clacton. It was quickly established that none of these buildings were fitted with potentially hazardous cladding.

**3.7** Beyond the DCLG-driven early focus on high-rise residential buildings (as a result of their being regarded as constituting the highest risk) ECC officers determined that it would be prudent to identify any buildings in ECC core estate that may have been fitted with hazardous cladding. A desk-top audit of the estate was undertaken and, during the course of the Commission, ECC officers were able to provide IPRC members with a high-level of assurance that no hazardous cladding was fitted to any buildings in the core estate. It was not, however, possible for absolute assurance to be provided due to the desk-top nature of the audit. IPRC members were advised that such unequivocal assurances would only be possible if visual inspections were carried out during site visits to all ECC buildings.

## **ii. The ECC Maintained Schools Estate**

**3.8** Again, ECC responded swiftly to requests for information from the Education and Skills Funding Agency (ESFA) about schools over four storeys high, or those in which residential accommodation was provided. As with the ECC Core Estate, the response was informed by a desk-top audit undertaken by officers, which confirmed that there were no Maintained schools over four storeys. It also established that ECC was responsible for one school that provided sleeping accommodation, but that the school was not fitted with cladding.

**3.9** Beyond informing a response to the specific request made by the EFSA about residential schools or those over four storeys, the scope of the desk-top audit attempted to identify any schools which may be fitted with potentially hazardous cladding. From a total of 265 Maintained schools, the exercise identified 18 sites with “potential or confirmed” hazardous cladding – 14 single-storey; 3 two-storey; and 1 three-storey.

**3.10** Having completed this audit and considered its findings, officers adopted the following position, in terms of next steps:

*“None of the buildings are of sufficient height to warrant official testing. Instances of [potentially hazardous] cladding have been identified but they are on low level buildings. In the absence of any national or regional guidance, it is anticipated that the IPRC will provide direction to the team on what action it should take, regarding the instances of [cladding] discovered.”*

**3.11** Once again, officers acknowledged that, due to the desktop nature of the review process, they could not say, with absolute confidence, that all instances of potentially hazardous cladding had been identified in all school buildings under 18m. Officers highlighted the significant resource implications of achieving a definitive position through visual inspections during individual site visits. In the absence of any current instruction or guidance to do so, officers confirmed that no plans were in place to carry any such site visits at that time.

**3.12** In addition to taking the actions outlined above, in July 2017, ECC wrote to all head teachers of Maintained schools, requesting that they ensure their fire risk assessments were up-to-date, and reminding them of the importance of regular fire drills. The letter also confirmed the latest position in connection with potentially hazardous cladding. A copy of this letter was also sent to the head teachers of all other, non-Maintained schools in Essex.

### iii. Buildings in which statutory services are being provided for ECC by third-parties

**3.13** The focus of the IPRC's work in connection with buildings in this category was on residential care premises.

**3.14** Whilst the primary legal responsibility for fire safety standards in residential care premises run by third party providers rests with the providers, it was recognised that ECC has a secondary duty of care towards, and moral responsibility for, the safety of potentially vulnerable residents of such buildings. In line with this recognition, ECC decided it would seek assurance that issues associated with potentially hazardous cladding fitted to residential care premises managed by third-parties were being appropriately addressed.

**3.15** In an attempt to build an accurate picture of the position regarding such cladding across care premises in high-rise buildings, a telephone survey of all ECC care providers was undertaken in July 2017. The survey only focused on high-rise buildings, as these were considered to present the greatest risk. The following script was used for the survey:

1. *Does your organisation occupy any buildings which are more than 18 metres high?*
2. *If so, how many of these are where residents are in occupation (residential care homes, supported living etc, not purely office buildings)?*
3. *Of those, how many have been clad in Aluminium Composite Material (ACM) panels?*

*If you do not know the type of cladding, please assume it might be an ACM until you can confirm otherwise.*

*If you have identified any premises which meet these criteria, please provide ECC with:*

- a. *A photograph of the outside of the part of the building where the cladding is fitted (one will be sufficient provided it shows the elevation which is representative of the design, shows more than one floor and is of good quality);*
- b. *A copy of your current risk assessment for the building.*

**3.16** The results from the exercise, in terms of responses to the first three questions, are summarised below:

Type of Provider	Number contacted	Homes over 18m	Premises with cladding
Older Peoples Residential and Nursing	274	7	0
Adults with Disabilities Residential	89	7	4
Supported Living	65	5	3
Extra Care	9	0	0
Mental Health	129	5	0

**3.17** Of the 7 buildings identified as having cladding fitted, the following commentary on the cladding in question was provided by those responsible for the buildings:

Adults with Disabilities Residential (4)

- 1 – “some cladding but not thought to be ACM, being checked”;
- 1 – “some cladding to a balcony which is being checked for flammability”;
- 1 – “some cladding on 2nd floor but it is attached directly to wall.”
- 1 – “two storey building with some wooden cladding that has been passed as ok by fire service”.

Supported Living (3)

- 1 – “not of Grenfell type”;
- 1 – “of Grenfell type, being reviewed”
- 1 – no info

**3.18** Unfortunately, by the time of the IPRC meeting in November, no further information had been received in connection with any of these seven premises, despite a request being made during the telephone survey discussions in July for photographs of the outside of the buildings to be provided, as well as copies of relevant fire risk assessments.

**3.19** Seven fire risk assessments were received, however, for other buildings that were included in the survey. It is unclear why these assessments were provided, as the buildings to which they related did not meet the criteria set, i.e. being over 18metres and potentially fitted with hazardous cladding. Nevertheless, ECC’s Corporate Health and Safety Manager reviewed each of the assessments. In doing so, four were found to be deficient.

**iv. Statement issued by the Leader of Essex County Council**

**3.20** On the 27<sup>th</sup> June 2017, the following statement was issued by Councillor David Finch, Leader of ECC, outlining the steps that had been taken by ECC in the aftermath of the Grenfell Tower fire to address issues associated with potentially hazardous cladding:

*In the wake of the tragic Grenfell Tower fire, the Department for Communities and Local Government ordered all local authorities to carry out urgent safety checks on buildings over 18 metres tall.*

*Although these checks were only required for high-rise residential buildings, we chose to assess all circa 250 buildings in the Council’s property portfolio.*

*SEAX House in Victoria Road South, Chelmsford, is the Council’s only high-rise building over 18 metres tall and the cladding is different to the type involved in the Grenfell Tower fire. Indeed, the panels are not the aluminium composite sandwich kind at all, but concrete fibre mineral based which are far more fire resistant.*

*Although the Council has no high-rise domestic buildings, the Grenfell Tower tragedy serves as a sobering reminder of the risks to vulnerable people who*

*rely on others for their care. Therefore, we have written to all care home providers in the county to remind them of the importance of fire risk assessments and urged them to make evacuation procedures and maintenance records of safety equipment, such as fire alarms, available for inspection by either ECC or enforcing authorities at any time.*

*We also chose to assess all schools. A small number of school buildings in Essex have external cladding, but they are either new or have been refurbished recently. This means they have fire alarm systems designed for life safety, including automatic detection in most cases. By contrast, residential tower blocks usually only have fire alarms inside flats – not in communal areas. Schools also practice fire drills regularly and can evacuate in minutes, whereas in a domestic high-rise building the advice to residents is to ‘stay put’ unless their own flat is on fire or filling with smoke.*

*Therefore if a fire were to break out in any part of a school’s premises, it would be entirely clear of people before the fire and smoke spreads enough to prevent escape – even if the cladding was on fire.*

*The Council is committed to ensuring residents’ safety and will continue to promote fire safety countywide. Meanwhile, ECFRS are visiting all high-rise flats in Essex to carry out a full fire safety audit. Their community teams and fire-fighters are also visiting every high-rise building and speaking to the residents to reassure them and give home safety advice.”*

## **IPRC Findings and Recommendations**

**3.21** In the IPRC’s view, ECC responded swiftly and effectively to requests for information that were made by the DCLG, and the ESFA in the immediate aftermath of the Grenfell Tower fire.

**3.22** Beyond undertaking work necessary to service such requests for specific information, ECC officers broadened their focus to encompass all buildings in the ECC Core Estate, and every Maintained school, regardless of their height. This proactive approach is to be commended, as it enabled them to quickly confirm a relatively clear position in terms of ECC buildings that may be fitted with hazardous cladding – although a definitive position was not achieved due to the ‘desk-top’ nature of the reviews undertaken.

**3.23** In relation to residential care homes being operated by third party providers, the IPRC considers that ECC took a responsible step in attempting to achieve assurance that fire safety issues associated with potentially hazardous cladding on high-rise buildings were being appropriately addressed. However, no such assurance has yet been secured due to necessary information not being forthcoming from third-party providers. IPRC members therefore consider urgent action to be necessary in achieving a definitive position for the four high-rise buildings in which residential care is being provided, and which may be fitted with hazardous cladding.

***Recommendation 1: ECC should take urgent action to ensure appropriate steps are taken to address fire safety issues in high-rise buildings fitted with potentially hazardous cladding, in residential care homes operated by third parties where ECC places residents.***

**3.24** Furthermore, of the seven risk assessments submitted by residential care providers, over half were found to be deficient. Although this sample only represents a very small percentage of residential care premises in Essex, the IPRC believes it raises an important question about the suitability and sufficiency of risk assessments in such buildings generally. Whilst ECC has no enforcement role in this respect (Essex Fire Authority is the enforcing authority), or primary legal responsibility, it does have a secondary duty of care towards, as well as a moral responsibility for, ensuring the safety of those in residential care.

***Recommendation 2: ECC should consider the introduction of a sample auditing programme, to assess the suitability and sufficiency of fire risk assessments in residential care homes operated by third parties where ECC places residents.***

**3.25** It is understandable that the primary focus of ECC's initial response to the Grenfell Tower fire was on externally-clad residential care homes that exceeded 18 metres - following the lead of DCLG in connection with high-rise residential premises. It is similarly understandable that the focus for schools was on buildings of over four storeys, bearing in mind these were the buildings identified as those presenting greatest risk by the ESFA.

**3.26** However, it is the view of the IPRC that external cladding systems incorporating combustible insulation material may present a material risk in any multi-storey school or residential care premises where a form of 'stay-put' policy - rather than a full-and-immediate evacuation approach - is employed.

**3.27** In low-rise school buildings, a form of stay-put policy may be in place for some pupils and/or staff as an element of their Personal Emergency Evacuation Plans, through the use of temporary refuges in staircases. Such refuges are intended to provide a place of relative safety prior to assisted evacuation taking place, after a delay while other building occupants evacuate. It is possible that this approach to evacuation could be compromised by rapid external fire spread via combustible cladding in any building of two-or-more storeys.

**3.28** Multi-storey residential care premises may also incorporate refuges of this sort. In addition, many premises in which vulnerable people are cared for are designed to facilitate an alternative variant of stay-put, known as Progressive Horizontal Evacuation. This approach is based on a philosophy of not needing to evacuate vulnerable people from a building because they are able to move, or be assisted to move, horizontally from an area affected by fire, to an area of relative safety on the far side of a fire-resisting partition. If there is a material risk of the fire breaching the first fire-resisting partition before being controlled, building occupants can move horizontally to a position beyond the next fire-resisting partition and so on. Again, such an approach could be compromised by rapid external fire spread via combustible cladding in any building of two or more storeys.

**3.29** In view of the reasonably foreseeable risk outlined above, the IPRC believes steps should be taken to ensure that the potential implications of combustible cladding in all multi-storey Maintained Schools and residential care premises are systematically assessed and managed. In order to achieve this, we recommend a proportional approach; ECC should:



- provide guidance to those responsible for management of all multi-storey Maintained Schools and all residential care premises in which ECC places residents.
- share the guidance with other schools on a ‘for information’ basis, as a means of extending its reach.
- undertake a sample audit three months later to assess the extent to which the guidance has been followed.

**3.30** In terms of the content of the guidance, we recommend that it incorporates the following five steps:

1. *Using guidance that is now available, a visual inspection of buildings should take place to assess whether they may be fitted with hazardous cladding.*
2. *Where it is identified through the inspection that such cladding may be fitted to a building, the building’s Fire Risk Assessment should be reviewed by a competent person to determine whether combustible external cladding would create material life safety implications, by, for example, compromising people’s means of escape.*
3. *Where material life-safety implications are identified through the Fire Risk Assessment review, interim measures should be put in place to reduce risk, while samples of the cladding are sent for fire testing.*
4. *If the test result confirms that the cladding is of the hazardous variety, then steps should be taken to resolve the problem on a substantive basis, by, for example, stripping and replacing the cladding, or installing additional fire safety measures such as sprinklers.*
5. *If the test result confirms that the cladding is not of a hazardous variety, then the interim Fire Risk Assessment can be revised and additional, interim control measures removed.*

**Recommendation 3: ECC should issue guidance to all Maintained schools, aimed at ensuring that the potential implications of hazardous external cladding on any multi-storey buildings are systematically assessed and managed, and share it on a ‘for information’ basis with other Essex schools.**

**Recommendation 4: Three months after the guidance referred to in recommendation 3 has been issued, ECC should undertake a sample audit to assess the extent to which the guidance has been followed.**

**Recommendation 5: ECC should issue guidance to organisations providing residential care in premises where ECC places residents, aimed at ensuring that the potential implications of hazardous external cladding on any multi-storey buildings are systematically assessed and managed.**

***Recommendation 6: Three months after the guidance referred to in recommendation 5 has been issued, ECC should undertake a sample audit to assess the extent to which the guidance has been followed.***

**3.31** In exploring the initial approach taken by ECC to address issues associated with potentially hazardous cladding, the IPRC has concluded that no advice was sought from fire safety specialists. The approach in question was informed by input from members of the ECC Health and Safety Team who have some expertise in fire safety matters, but are not specialists. The IPRC is of the view that, had such specialist advice been sought and secured, a more comprehensive and effective initial response may have taken place. Without that advice, ECC did not consider the risk of combustible cladding on low-rise buildings incorporating disabled refuges, or those where Progressive Horizontal Evacuation arrangements are in place.

**3.32** On the basis of this finding, IPRC members believe that ECC needs to introduce arrangements for ensuring that there is a clear route for accessing specialist fire safety advice, in connection with relatively complex fire safety matters that exceed the expertise of the existing corporate health and safety team.

***Recommendation 7: ECC should put in place clear arrangements for the provision of ad hoc specialist fire safety advice in connection with relatively complex fire safety issues.***

## **4. Fire Safety Standards in the design and construction of new ECC buildings**

### **Background**

**4.1** All new buildings are required to be designed and constructed in accordance with the Building Regulations. Part B of the Building Regulations focuses on fire safety and sets out a number of high-level functional requirements under the following headings:

- B1 – Means of warning and escape
- B2 – Internal fire spread (linings)
- B3 – Internal fire spread (structure)
- B4 – External fire spread
- B5 – Access and facilities for the fire service

**4.2** The Building Regulations are supported by various Approved Documents which contain detailed practical guidance on how to comply with the functional requirements. As a result, there are various routes for achieving compliance with the Regulations.

**4.3** It is also worthy of note that that the Building Regulations are focused on life safety rather than property protection, and “...do not *require* anything to be done, except for the purposes of securing reasonable standards of health and safety for persons in or about buildings.”

**4.4** Responsibility for ensuring compliance with the Building Regulations falls to building control bodies from local authorities or private sector Approved Inspectors. The person carrying out the building work is able to choose which of these options they take. Notwithstanding there being two options in relation to compliance, only local authorities are able to take formal enforcement action in relation to non-compliance.

**4.5** There is a statutory duty for building control bodies to consult the fire and rescue service on the fire safety aspects of new building designs. However, the consultation in question is only required to take place once the building control body believes the design to be Building Regulations-compliant.

### **IPRC Findings and Recommendations**

**4.6** In undertaking this aspect of its work, the IPRC received written and verbal evidence from ECC officers. It also heard from a local authority building control officer, and fire safety engineer from Essex Fire and Rescue Service at its second meeting.

**4.7** ECC has well-established protocols for the design and construction of its new buildings, and IPRC members concluded that robust arrangements are in place for ensuring that the basic fire safety requirements of the Building Regulations are being met in the design of new buildings.

**4.8** IPRC members also found that effective arrangements are in place for ensuring that completed buildings actually incorporate all the fire safety measures that featured in their original design. ECC only engage local authority building control officers as building control bodies to oversee construction projects (as opposed to Approved Inspectors), and have a 'lead authority' arrangement in place with Chelmsford City Council, to ensure consistency of approach in the way compliance issues are addressed. The building control officer who attended the IPRC meeting provided details of the during-construction, on-site inspection procedures that are employed to ensure compliance. In addition, IPRC members received details of work undertaken by an internal ECC team of Building and Mechanical and Electrical Quality Inspectors. These inspectors augment the work of building control officers by undertaking regular site inspections to check construction against design. IPRC members considered this arrangement to constitute good practice for which the Infrastructure Delivery Team should be commended.

**4.9** Unsurprisingly, IPRC members were told of a significant focus on reducing the cost of construction projects, within an increasingly constrained financial environment. They did, however, conclude that opportunities for ensuring an optimum balance between affordability in meeting the minimum requirements of the Building Regulations; maximising the fitness-for-purpose of buildings, post occupation; and incorporating additional fire safety measures for property protection and business continuity were potentially being missed.

**4.10** This conclusion was shaped, in part, by the views of representation from ECFRS. The opinion was strongly proffered that opportunities to improve the functionality of buildings, increase fire safety therein, and/or reduce costs were being missed on occasions because the fire service is not being consulted early enough in the design process. There is no statutory requirement for the Service to be consulted until the building control body believes a building design to be Building Regulations Compliant.

**4.11** It was asserted that, by this statutory consultation stage, so much time, effort and money has been invested in the design of buildings, that the fire service has very little chance of persuading those involved to 'go back to the drawing board'. Whereas, had they been involved at a much earlier stage in the design process, their expertise could have been engaged at no cost, potentially leading to an improved design.

**4.12** When asked by IPRC members how such early consultation could be achieved, the attending officer suggested introducing a protocol that would see ECFRS fire safety officers invited to contribute in the early stages of design for new ECC buildings. A discussion then took place about ECFRS's capacity to service such an arrangement. Whilst it was acknowledged that ECFRS could not commit to resourcing such an arrangement for all new ECC buildings, the attending officer was confident that the organisation could meet demand for the number of 'upper-tier' construction projects that take place, i.e. those costing in excess of £2m. IPRC members are supportive of ECC introducing such an arrangement.

***Recommendation 8: ECC should introduce arrangements for Essex County Fire and Rescue Service to be invited to be involved at an early stage in the building design process for all its 'upper-tier' construction projects, i.e. those with a capital value in excess of £2m.***

**4.13** The IPRC's conclusion that opportunities to optimise the design of new buildings were being missed was also influenced by the approach being taken to determine whether active fire suppression systems (predominantly sprinklers) should be installed in new buildings for property protection and business continuity purposes.

**4.14** The current ECC new build programme is almost exclusively focused on schools. The IPRC has been advised that the extant ECC policy in this regard is for all new schools to be designed in accordance with *British Standard 9999: Fire safety in the design, management and use of buildings – Code of Practice*. There is a clear expectation within BS9999 that property protection and business continuity issues should be taken into consideration when designing a building in accordance with the standard:

#### **Property protection and business continuity**

The recommendations and guidance in this British Standard are primarily concerned with the protection of life. The provision of fire safety systems for life safety does not necessarily give adequate protection to property (including personal possessions) or to business continuity.

The potential for property and business loss should therefore be assessed so that such risks are understood and addressed. Such an assessment should be carried out in accordance with Annex .

*NOTE Recommendations for the provision of fire precautions for the protection of property and the continuity of the business can also be found in Annex .*

**4.15** The standard then goes on to confirm that the outputs from property protection and business continuity risk assessments might include cases being made for the installation of sprinklers. In doing so, it makes the point that costs associated with installation of such active fire suppression systems can be offset by their negating the needs for other structural ('passive') fire safety features.

**4.16** Despite the above expectation, and the potential for it to enable an informed decision as to whether active fire suppression systems such as sprinklers should be installed, ECC officers have confirmed that no property protection and business continuity risk assessments have been completed during the process of designing any schools in accordance with BS9999. On that basis, there appears to be no evidence that the many factors affecting the level of property protection and business continuity risk for new schools are being systematically considered on a case-by-case basis.

**4.17** Whilst appropriate levels of business interruption insurance appear to be in place, this measure only addresses some of the financial impact of serious school

fires. It does not deal, in any meaningful way, with the potential social, educational or practical consequences of such fires.

**4.18** IPRC members believe that this is an unacceptable situation which should be rectified.

***Recommendation 9: ECC should introduce a requirement for property protection and business continuity risk assessments to be undertaken as an element of all future design briefs for new buildings.***

**4.19** During the course of gathering evidence in relation to the design and construction of new buildings, IPRC members heard concerns being consistently expressed about the lack of formal mechanisms for assuring the competence of contractors responsible for installing fire safety features in new buildings. In particular, it was felt that there is a need to raise the levels of competence and establish formal arrangements for accreditation of those engaged in the construction of new buildings.

**4.20** Concerns were also expressed about the potential for the practice of private sector Approved Inspectors to be adversely influenced by a possible conflict of interest between the requirement to ensure compliance with the building regulations, and the need for them to maintain a positive commercial relationship with companies who are, essentially, paying Approved Inspectors to regulate their construction projects. It was also noted that Approved Inspectors are not subject to the provisions of the Freedom of Information Act, leaving a potential gap in their accountability when compared with local authority building control departments.

**4.21** Whilst IPRC members accepted that it was not within their purview to directly address either of these important issues, they did welcome the fact that both feature prominently in the Review of Building Regulations and Fire Safety currently being undertaken by Dame Judith Hackitt in the aftermath of the Grenfell Tower fire.

## **5. Fire Safety Standards in existing ECC buildings**

### **Background**

**5.1** Fire safety standards in most buildings, including all those within the definition of 'ECC Buildings' for the purposes of the IPRC, are controlled under the Regulatory Reform (Fire Safety) Order 2005 ('RRO').

**5.2** The RRO replaced previous legislative fire safety requirements with a 'self-compliant' regime. This is based on the principle that those responsible for the day-to-day management of buildings should also be responsible for ensuring that necessary fire safety arrangements are in place. The 'Responsible Person' (usually the employer of those working in the building) is required to ensure that a 'suitable and sufficient' fire risk assessment is undertaken. They must then similarly ensure that the findings from the assessment are implemented in order to manage fire risk down to a reasonable level. Whilst the legal duties falling to a 'Responsible Person' cannot be assigned to a third-party, the legislation does allow for 'competent persons' to be engaged as advisors to support the discharge of their statutory responsibilities.

**5.3** Fire and rescue authorities are responsible for enforcing the RRO, and do so by undertaking risk-based inspection programmes. These involve carrying out audits of fire safety arrangements in premises that fire officers consider to present the greatest risk.

### **IPRC Findings and Recommendations**

**5.4** In examining fire safety standards in existing ECC buildings, the IPRC received written and verbal evidence from ECC officers. It also heard from Mite Property Services, and a fire safety engineer from ECFRS. In addition, IPRC members visited Southwark Council to explore with officers how lessons learnt from the 2009 Lakanal House fire, in which six people lost their lives, had been used to improve fire safety standards in buildings for which the council is responsible.

**5.5** IPRC members were concerned by a lack of regulation associated with the competence and accreditation of contractors who carry out work that has the potential to compromise fire safety standards in existing buildings. Colleagues from Southwark shared details of the tragic consequences of changes that had been made to the internal layout of Lakanal House without any regard for their impact on smoke travel and means of escape. Both IPRC members and officers from Southwark agreed that regulation would be required to address this critical problem, and welcomed the fact that it was identified as a key issue in the recently-published interim report of the Review of Building Regulations and Fire Safety being undertaken by Dame Judith Hackitt.

**5.6** Having reviewed the written submission provided by ECC officers, much of the IPRC's focus in this area was on the competence of those carrying out fire risk assessments in ECC buildings; the quality of the assessments being produced; and

arrangements for ensuring that a systematic approach was being taken to the planning and completion of remedial fire safety works identified as being necessary through the fire risk assessment programme. In combination, these factors were considered crucial by IPRC members – not least because of the potential for standards to ‘drift’ over time, if modifications are made to buildings without the fire safety implications being carefully considered and effectively managed.

#### **i. Competence of Fire Risk Assessors**

**5.7** For buildings comprising its Core Estate, ECC is designated as the ‘Responsible Person’ under the Regulatory Reform (Fire Safety) Order, on the basis that it employs the majority of staff working within them. In practice, the designation of ‘Responsible Person’ for individual buildings is assigned to a named ECC employee in a managerial role. As the ‘Responsible Person’, the individual in question, on behalf of the organisation, is required to ensure that a suitable and sufficient fire risk assessment is completed for their building. This responsibility is discharged through a contract with Mitie. Under the contract, Mitie is required to ensure that fire risk assessments are completed and periodically reviewed by ‘competent persons’. In practice, initial fire risk assessments are carried out by a team of six specialist fire risk assessors, and the reviews by Assistant Facilities Managers, as an element of annual compliance audits which examine a range of issues including fire safety.

**5.8** The contract also requires the competent persons in question to report the findings of the assessments/reviews, so that remedial works identified as being necessary can be considered and, either, programmed for delivery or held in abeyance if not regarded as being of sufficient priority, based on the level of risk presented.

**5.9** Mitie’s fire risk assessors and Assistant Facilities Managers hold formal fire safety qualifications. However, their competence as assessors is not currently maintained against a formally recognised standard, nor are they, or Mitie, affiliated to any third-party accreditation scheme. IPRC members accept that such arrangements for maintenance of competence and accreditation are not requirements; however, they are regarded as good practice, and may well become mandatory through the Review of Building Regulations and Fire Safety being undertaken by Dame Judith Hackitt. On that basis, IPRC members were heartened by the news that Mitie are currently preparing to make an application for third-party accreditation through one of a number of potential schemes. They were equally pleased to be advised that Mitie are in the final stages of agreeing a “unique” Primary Authority Agreement with Tyne and Wear Fire and Rescue Service (TWFRS). The agreement will see TWFRS providing fire risk assessment training, fire safety technical support, and quality assurance of the Mitie fire risk assessment methodology.

**5.10** IPRC members welcome these potential improvements to arrangements for ensuring the competence of those involved in fire risk assessment, and believe that ECC should review progress associated with their completion in due course.



***Recommendation 10: Three months after publication of this report, ECC should review progress on the steps being taken by Mitie to improve arrangements for ensuring the competence of those involved in undertaking fire risk assessments, as well as reviews of such assessments.***

## **ii. The quality of Fire Risk Assessments and completion of remedial works**

**5.11** During the visit to Southwark Council, IPRC members discussed the arrangements in ECC for the delivery of its fire risk assessment programme through a contract with Mitie. By contrast, Southwark employs an in-house team of fire risk assessors.

**5.12** Although colleagues from Southwark fully accepted that such an ‘out-sourced’ arrangement could work effectively, they highlighted the importance of having robust quality assurance arrangements in place on the client-side of associated contracts. This was a point with which IPRC members wholeheartedly agreed.

**5.13** According to the written submission provided to the IPRC by ECC officers, quality assurance arrangements, and those associated with undertaking remedial works arising from fire risk assessments, operate as follows:

*“To ensure ECC scrutinise this process [the programme of annual risk assessment reviews] a representative from ECC infrastructure and delivery attends a random selection of these audits to review the processes carried out. Actions identified during audit are assigned to relevant individuals (this could be Mitie or ECC site management) to complete within 28 days. These actions are captured in a tracker, a revised version of which is submitted to ECC QHSE manager following the 28 day period. The outcome of these actions is also submitted to the ECC commercial team via the monthly report submitted by Mitie to ECC.”*

**5.14** In reality, the ‘scrutiny’ referred to above only extends to checking that a current fire risk assessment is in place and that required actions are being undertaken or are programmed to be undertaken. The individual in question does not assess the quality of the fire risk assessment.

**5.15** That being the case, no formal quality assurance is currently being undertaken in connection with either the baseline fire risk assessments completed by Mitie’s team of specialists, or the annual reviews of these assessments being undertaken by Mitie Assistant Facilities Managers. IPRC members believe that this constitutes a material gap in quality assurance arrangements which needs to be addressed as a matter of urgency.

**5.16** Furthermore, in order to ensure that the quality assurance process is effective, IPRC members would expect the level of expertise of those involved to be at least equivalent to that required for members of the Mitie specialist fire risk assessment team.

**5.17** The importance of improving quality assurance arrangements was underlined through a review undertaken by the IPRC Chair of fire risk assessment activity for Seax House. The review exposed weaknesses that might be indicative of a broader problem with the quality of current fire risk assessments and/or associated documentation.

**5.18** In terms of addressing remedial works identified as being necessary through the programme of fire risk assessments, the review undertaken by the IPRC Chair of Seax House also highlighted significant delays in addressing remedial works identified as being necessary in baseline fire risk assessments and subsequent reviews. Such works should either be programmed and completed within a reasonable period, or a decision taken, and recorded, that they will be held in abeyance on the basis of the 'tolerable' level of risk presented.

***Recommendation 11: ECC should undertake a detailed review of arrangements for quality assuring its programme of fire risk assessments, and the annual reviews of these assessments.***

***Recommendation 12: ECC should review its approach to ensure that remedial fire safety works recorded as being necessary in fire risk assessment documentation are addressed within a reasonable period.***

## 6. Fire Safety Standards in ECC buildings undergoing refurbishment

### Background

**6.1** Refurbishment projects will often involve 'building work', as defined in Regulation 3 of the Building Regulations 2010. Where this is the case, Building Regulations approval will be required, and responsibility for ensuring compliance with the Regulations will rest with a local authority building control office or Approved Inspector. Where it is not, responsibility for ensuring that fire safety issues are adequately addressed will rest solely with the 'Responsible Person' for the building in which the refurbishment work is taking place.

### IPRC Findings and Recommendations

**6.2** In undertaking this aspect of its work, the IPRC received written (see and verbal evidence from ECC officers. IPRC members also visited Parkside Court, a high-rise residential tower block in Chelmsford, which had fire sprinklers retro-fitted as part of a refurbishment project in the aftermath of the 2009 Lakanal House fire that occurred in Southwark, London.

**6.3** For buildings in the ECC Core Estate, IPRC members were provided with persuasive evidence that effective arrangements are in place to manage fire safety in buildings undergoing refurbishment.

**6.4** Such evidence was not, however, available in connection with the ECC Maintained Schools estate. A comprehensive report was provided to the IPRC by the Infrastructure Delivery team in which a number of scenarios were outlined which have the potential to compromise fire safety standards in schools where self-commissioned and managed maintenance and construction projects are undertaken. The two scenarios that IPRC members felt to be of most concern can be summarised as follows:

- 1. Capital maintenance projects with a value of less than £10k, or projects with a greater value that are being self-funded by schools.** ECC does not currently deliver any projects that are self-funded or fall below the £10k threshold. Consequently, the responsibility for procurement and delivery of such projects rests with the relevant school. Due to the fact that very few schools employ a property specialist, a number of risks can arise.
- 2. Self-funded enhancement projects.** This is where schools have saved sufficient funds to deliver enhancement projects, such as extensions and refurbishments. ECC has limited ability to monitor delivery of these projects or even, on occasion, to know anything about them. This generates a risk to ECC, both in terms of ensuring that its built assets are protected, and in connection with its responsibility for providing a safe learning environment for children.

**6.5** In addition to outlining the above scenarios and associated risks, the report suggested a number of potential solutions. These focused primarily on a combination of providing improved guidance for schools wishing to undertake self-managed construction projects, and the introduction of construction procurement frameworks that would provide schools with access to competent contractors.

**6.6** IPRC members agree that action needs to be taken to address this important issue, and would encourage officers to complete the work they have started to determine appropriate solutions from the potential options that have been identified.

***Recommendation 13: ECC should complete the work that has been started to mitigate fire safety risks associated with maintenance and construction projects which are commissioned and managed by ECC Maintained schools.***

**6.7** The visit to Parkside Court provided IPRC members with a useful opportunity to tour a building incorporating fire sprinklers that had been retro-fitted as part of a refurbishment project. The system had been installed in the high-rise residential tower block at a total cost of £3k per flat, without the need to temporarily relocate any residents.

**6.8** IPRC members were most impressed by the unobtrusive appearance of the modern sprinkler heads. They were similarly impressed when details were shared of a potentially serious fire that occurred in the building after the fire suppression system had been installed. The fire, which started when a chip pan caught light in a flat on the thirteenth floor, was controlled by the sprinkler system, enabling the occupant to escape safely and call the fire and rescue service. The resulting damage was limited to necessitating some relatively minor redecoration, and the resident was able to immediately return to the flat, avoiding the cost and inconvenience of temporary rehousing.

**6.9** Having visited Parkside Court, IPRC members came to the clear conclusion that the retro-fitting of sprinkler systems in high-rise residential tower blocks could be both practical and cost-effective. On that basis, they very much hope that this approach to improving fire safety in such buildings becomes a centrally important strand of the response to the Grenfell Tower disaster.

## 7. Conclusion

**7.1** During this review, the IPRC has carefully considered ECC's response to specific issues that emerged in the aftermath of the Grenfell Tower disaster. It has also examined the effectiveness of arrangements for ensuring appropriate fire safety standards in the design and construction of new ECC buildings, as well as the management of fire safety in existing ECC buildings and those undergoing refurbishment.

**7.2** In doing so, they saw clear evidence of well-established fire safety management systems, including some examples of good practice. However, they also identified a number of areas in which there is clearly room for improvement.

**7.3** Members of the IPRC believe that this report clearly articulates what they have found; the evidence in support of the findings; and a set of recommendations that provide 'real World' opportunities to secure genuine improvement.

**7.4** The eventual impact of the IPRC's work will, however, be determined by the effectiveness of the response to this report. On that basis, IPRC members believe that a scrutiny exercise should be undertaken in 12 months' time, to assess the extent to which recommendations have been effectively implemented.

***Recommendation 14: Twelve months after publication of this report, ECC should undertake a scrutiny exercise to assess the extent to which the recommendations made have been effectively implemented.***

## 8. Appendices

### Appendix A – IPRC Terms of Reference

## Independent Property Review Commission

### Terms of Reference

#### Original Motion – agreed at Full Council 11/07/17

*'This Council recognises and applauds the heroic effort of the London Fire Service attending the horrific Grenfell Tower fire; action which demonstrates the very best of public service. We further pay tribute to and commend the community and voluntary organisations who pulled together to support the victims of this tragic fire in their hour of need.*

*This Council believes that all councils must take action to ensure people are safe and remain safe. Therefore this Council asks the Leader to arrange for a thorough investigation into all buildings owned and maintained by Essex County Council to be undertaken to ensure that any cladding is reviewed as appropriate and action taken.*

*In addition, the Council calls for the Leader to establish an independently chaired all-party commission involving partner organisations to look into the whole system of fire safety for employees and other users of our buildings. This would take into account the size, scale, location and use of the particular building and consider the tools and technologies available to protect human life and the building.'*

#### **Purpose of the Independent Property Review Commission (the Commission)**

To conduct a comprehensive review of the Essex County Council (ECC) estate to:

- 1. Ensure that any external cladding on ECC buildings is reviewed, and necessary action taken to ensure appropriate fire safety standards; and*
- 2. Undertake a whole system review of fire safety for employees and other users of ECC buildings, taking into account the size, scale, location and use of the buildings in question, and consider the tools and technologies available to protect human life and the buildings themselves.*

The Commission will be invited to put forward recommendations to Cabinet at the conclusion of the review, and provide an update to Council.

#### **Scope of the Commission**

For the purposes of the Commission, 'ECC buildings' are all those owned and/or occupied by ECC, and other buildings within which third parties deliver services on behalf of the Council. Individual private dwellings, i.e. those not covered by the Regulatory Reform (Fire Safety) Order 2005, are out of the scope for the Commission.

#### **Membership of the Commission**

The Commission will consist of six members and an independent Chair. Members have been drawn from a list of nominees provided by political group leaders – one each from the Liberal Democrat, Labour & Non-aligned groups, and three from the Conservative group.

Membership has been confirmed as follows:

<b>Independent Chairman</b>	Andy Fry
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<b>Conservative group representative</b>	Cllr Lesley Wagland
<b>Conservative group representative</b>	Cllr Michael Hardware
<b>Conservative group representative</b>	Cllr Anthony Jackson
<b>Labour group representative</b>	Cllr Julie Young
<b>Liberal Democrat group representative</b>	Cllr Barry Aspinell
<b>Non-Aligned group representative</b>	Cllr Chris Pond

## **Quorum**

Four members, including the Chair, must be in attendance for the Commission to sit

## **Meeting Frequency**

The Commission panel will meet four times between October and January 2017. In addition, Commission members may undertake a number of site visits to facilitate and/or enhance the process of gathering necessary evidence and information.

## **Advisory status**

The Commission is a purely advisory body, and has no constitutional decision-making powers. Formal decisions to implement any recommendations made by the Commission will be taken and actioned in accordance with the ECC Constitution.

## **Role**

The role of the Commission will be twofold:

- 1) To scrutinise the fire safety of ECC buildings by exploring written evidence, hearing testimony from experts, and attending site visits; and
- 2) To approve a final report setting out the findings of the scrutiny exercise and associated recommendations, for submission according to the agreed governance route.

## **Key Lines of Enquiry**

The Commission will follow the key lines of enquiry set out below as it scrutinises the fire safety of ECC buildings. These will guide how the Commission gathers and analyses the evidence that will inform the content of the report it has been tasked with producing.

- 1.0 **Management of fire safety issues associated with external cladding on ECC buildings.**
- 1.1 Has an effective audit been undertaken to establish which ECC buildings incorporate Aluminium Composite Material (ACM) external cladding systems?
- 1.2 Has the audit reliably determined which of these buildings incorporate ACM external cladding systems that do not pass the 'post Grenfell' fire test introduced by central government?
- 1.3 In ECC buildings incorporating ACM external cladding that has not passed the above test, have interim steps been taken to ensure the necessary safety of people who resort to the buildings in question?
- 1.4 In ECC buildings incorporating ACM external cladding that has not passed the above test, are effective plans being put in place to ensure that interim fire safety arrangements will be replaced by substantive, alternative fire safety measures within a reasonable timescale?

This information is issued by:

**Essex County Council  
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and/or made available in alternative  
formats, on request.

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