



Home Office

# **Fire Safety Act Commencement**

## **Prioritisation guidance**

May 2022



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# Introduction

## Purpose of this guidance

1. This guidance is issued by the Secretary of State in accordance with Article 50 of the Regulatory Reform (Fire Safety) Order 2005 (the FSO).
2. This guidance is intended to be used by responsible persons (or anyone who has, to any extent, control of those buildings) for the purpose of complying with their duties in the Regulatory Reform (Fire Safety) Order 2005 (FSO) further to the amendments made by the Fire Safety Act 2021. A “responsible person” is defined in Article 3 of the FSO. The guidance may also be referred to by enforcing authorities in consideration of their enforcement duties.
3. This guidance is not intended for use for any other purpose, other than described at paragraph 2, including as part of any assessment process for financial products associated with buildings, either individually or collectively.
4. The Fire Safety Act 2021 extends to England and Wales. This guidance applies to premises in England only.
5. This guidance is provided to support responsible persons to develop a strategy to prioritise their buildings to update their fire risk assessments to include external walls. There is no legal requirement to follow this guidance. However, a court can consider whether a responsible person has complied (or not) with their duties under the Fire Safety Order by following this guidance.
6. **If you have already reviewed the fire risk assessment for a particular building to cover Section 1 of the Fire Safety Act (as outlined in paragraphs 8-10 below) then you do not need to review it again following commencement of the Act.**  
Responsible Persons should though be mindful of Article 9 (3) of the FSO to regularly review and update the fire risk assessment if there is reason to suspect it is no longer valid or if there has been a specific change to the premises or its use, for example the building has been extended or has been partly refurbished.
7. This guidance will be reviewed further when other guidance products are made available online.

## The Fire Safety Act 2021

8. Sections 1 (premises to which the FSO applies) and 3 (risk-based guidance about the discharge of duties under the FSO) of the Fire Safety Act 2021 commenced on 16 May 2022.
9. The Fire Safety Act 2021 amends the FSO to clarify that, in buildings with two or more sets of domestic premises, the FSO applies to these two elements:
  - the structure and external walls of the building, including cladding, balconies and windows; and
  - all doors between the domestic premises and the common parts (e.g. entrance doors to individual flats which open on to common parts).
10. The effect of the Act will be to require fire risk assessments of buildings with two or more sets of domestic premises to be updated to take account of structure, external walls and doors, as described above, if they have not already done so. Further detail is provided on this in the following sections.

# Impact on responsible persons

11. To comply with the FSO as amended by the Act, responsible persons should regularly review the fire risk assessment of their building(s), particularly if there is reason to suspect that it is no longer valid, or there has been a significant change in the matters to which it relates. Responsible persons for buildings with two or more sets of domestic premises must now - unless they have done so already – review and where necessary update their fire risk assessments to take account of the structure, external walls and flat entrance doors.
12. Some responsible persons will already have included these [elements](#) in their existing fire risk assessments. It is not necessary to re-do a fire risk assessment if it already complies with the requirements of the FSO (as amended by the Fire Safety Act 2021). Where responsible persons have already sought recent advice from a suitably competent professional on their building's structure, external walls and flat entrance doors, this can be used to update the fire risk assessment.
13. The responsible person/fire risk assessor should also consider whether a more in-depth assessment of the external walls is required. In many cases it will be manifestly obvious to a competent fire risk assessor that the risk to life from external fire spread is not such as to warrant a [PAS 9980](#) assessment. This is particularly true in buildings with brick or masonry external walls or low risk buildings which do not present any significant risk of fire spread. In these cases, the fire risk assessor will normally address compliance of external wall construction with the Fire Safety Order as part of the routine Fire Risk Assessment process.

## Finding a competent professional to update a fire risk assessment

14. It is for responsible persons to meet their legal obligations under the FSO and in that context they should decide who should carry out a fire risk assessment for their building(s). It is important that the person undertaking the fire risk assessment is competent, including for the assessment of external walls. For example, assessing whether the external wall materials are combustible is a specialist discipline and requires competent specialist assessors. The responsible person should establish the competence of the assessors prior to appointment.
15. The Fire Sector Federation makes available [guidance](#) on how to select a competent fire risk assessor. Fire and rescue authorities do not undertake fire risk assessments on behalf of the responsible person. However, fire and rescue authorities may give responsible persons advice (upon request) about how to identify the help they might

need as well as give advice on general fire safety matters. The Fire Sector Federation makes available guidance on how to select a competent fire risk assessor.

16. The demand for competent professionals to update fire risk assessments will be understandably high in the months following commencement of the Fire Safety Act 2021. To prioritise demand on competent professionals, it is important that priority is given to the buildings deemed highest priority. To help with this, the Fire Risk Assessment Prioritisation Tool has been developed and further detail on this is in the following section.
17. For buildings with combustible external wall materials in the medium to very high priority categories (Tiers 1-3), the assessor should be part of a professional body that is within a scheme able to demonstrate third party accreditation or validation, from the UK Accreditation Service (UKAS) or UK Engineering Council (EngC). The assessor should also be conversant with and able to apply the “Fire Risk Appraisal of External Wall Construction and Cladding of existing blocks of flats – Code of Practice” (the PAS9980). This Code of Practice provides advice on the risk of fire spread via external wall construction and sets out a methodology for competent professionals to conduct and record fire risk appraisals of external walls.

# Prioritising fire risk assessment updates

18. The Government has produced a [Fire Risk Assessment Prioritisation Tool](#) that takes responsible persons through a series of specific questions, which are each carefully scored to assist them to determine the priority of their buildings for the purpose of reviewing their fire risk assessments. The tool does this by allocating each building to one of five priority tiers.
19. The tool is part of the package of risk-based guidance that when complied, it will help a responsible person show that they have undertaken appropriate steps towards establishing compliance with the FSO. These steps will then need to be followed up in accordance with the priority rating given to the building.
20. **The Fire Risk Assessment Prioritisation Tool is not a risk rating tool for buildings and does not constitute a fire risk assessment.** Rather, the Fire Risk Assessment Prioritisation Tool supports the responsible person to identify what steps they need to take and how they could prioritise their buildings to update their fire risk assessment to include external walls. The use of the Fire Risk Assessment Prioritisation Tool, together with this guidance, will be beneficial to responsible persons to show due diligence, and assist in establishing in any proceedings, that they are meeting their obligations under the FSO (as amended by the Fire Safety Act 2021).
21. The use of the Fire Risk Assessment Prioritisation Tool is also not a mandatory requirement and it is not necessary to use the tool before reviewing or updating a fire risk assessment.

## Information needed to complete the Fire Risk Assessment Prioritisation Tool questions

22. The tool asks responsible persons key information about the building, which should be gathered before completing the questions. This includes:
- ✓ The height of the building (in storeys)
  - ✓ If known, the composition of the external wall and covering materials (if relevant).
  - ✓ The most recent fire risk assessment
  - ✓ Whether there are balconies and the composition of windows
  - ✓ Number of staircases
  - ✓ Details of whether the building has been recently refurbished
  - ✓ The type of evacuation strategy in place
  - ✓ Whether the building has fire safety systems, like sprinklers or communal fire alarms
  - ✓ Whether vulnerable residents live in your building
  - ✓ Details of whether there have been any recent fires or serious antisocial behaviour



23. The Fire Risk Assessment Prioritisation Tool will provide a score and priority rating for the building based on the information you enter into the tool. It is your responsibility, as the responsible person, to ensure that the information you gather is accurate so the Fire Risk Assessment Prioritisation Tool can provide a reliable score and priority rating for your building.
24. You can however select “don’t know” as a response for the following questions:
- The type of materials predominantly on the external walls
  - Whether materials on the external walls are likely to ignite and spread fire easily
  - Whether materials on balconies are likely to ignite and spread fire easily
  - The type of materials mainly used on window frames
25. If you select “don’t know” as a response, you will get the maximum score available for the question. The potential consequence is that your building could get a higher overall score than otherwise might be the case with complete information. It is therefore essential that as much accurate information is gathered as possible before you complete the Fire Risk Assessment Prioritisation Tool.
26. The Fire Risk Assessment Prioritisation Tool allocates buildings into five priority categories, based on their weighted numerical scores, to help with the prioritisation of fire risk assessments:
- Tier 1 – very high priority
  - Tier 2 – high priority
  - Tier 3 – medium priority
  - Tier 4 – low priority
  - Tier 5 – very low priority
27. The full set of Fire Risk Assessment Prioritisation Tool questions, responses and scores are at Annex A. The score ranges for each tier (the bandings) are at Annex B.

# Illustration of Fire Risk Assessment Prioritisation Tool assessment process

28. Buildings are placed in one of five priority Tiers for the purposes of updating fire risk assessments to include external walls.

29. The list is provided below. Responsible persons should also take account of any other factors that may compromise fire safety.

## Very high priority (Tier 1)

30. Buildings in this category will have achieved a score between 71 to 82 because (based on the responses provided) the building has a significant number of risk factors.

31. Buildings could also be placed in Tier 1 in the following instance:

- If the building scores between 59 to 70; and
- The responsible person provides the following responses:
  - The number of storeys in the building is either 7-11; 11-18 or 18+
  - Either “yes” or “don’t know” to the question “Are the materials on the externals likely to ignite or spread fire easily?”
  - The condition of flat entrance doors is “poor”
  - The condition of communal (fire) doors is “poor”

32. The Fire Risk Assessment Prioritisation Tool categorises these buildings as Tier 1 because the responses suggest that there is a risk of external fire spread in a high-rise building in addition to compartmentation likely to be breached. Therefore, the responsible person should treat these buildings with very high priority.

33. If you believe your building could be in Tier 1 you should review your fire risk assessment without delay and not wait to complete the Fire Risk Assessment Prioritisation Tool.

## **Next steps**

34. Responsible persons for Tier 1 buildings should take **immediate action** to engage a competent professional who can advise on external walls and update their fire risk assessment (if they have not already done so prior to commencement of the Act). Priority should be given to these buildings.

## High priority (Tier 2)

35. Buildings in this category will have achieved a score between 59 to 70 because (based on the responses provided) the building has a high number of risk factors.

36. Buildings could also be placed in Tier 2 in the following instance:

- If the building scores 58 or below and
- The responsible person provides all of the following responses:
  - The number of storeys in the building is either 7-11; 11-18 or 18+
  - Either “yes” or “don’t know” to the question “Are the materials on the externals likely to ignite or spread fire easily?”
  - The condition of flat entrance doors is “poor”
  - The condition of communal (fire) doors is “poor”

37. The Fire Risk Assessment Prioritisation Tool categorises these buildings as Tier 2 because the responses suggest that there is a risk of external fire spread in a high-rise building, in addition to compartmentation likely to be breached. Therefore, the responsible person should treat these buildings with high priority.

### **Next steps**

38. Responsible persons for Tier 2 buildings should take action **as soon as practically possible** to engage a competent professional and update their fire risk assessment. Priority should be given to these buildings over those allocated a lower rating (Tiers 3-5).

## Medium priority (Tier 3)

39. Buildings in this category will have achieved a score between 44 to 58 because (based on the responses provided) the building has some risk factors.

40. Buildings could also be placed in Tier 3 in the following instance:

- If the building scores 43 or below and
- The responsible person provides all of the following responses:
  - The number of storeys in the building is either 7-11; 11-18 or 18+
  - Either “yes” or “don’t know” to the question “Are the materials on the externals likely to ignite or spread fire easily?”
  - The condition of flat entrance doors and communal doors is a combination of “good” and “poor”

41. The Fire Risk Assessment Prioritisation Tool categorises these buildings as Tier 3 because the responses suggest that there is a risk of external fire spread.

### **Next steps**

42. Although the building could have a number of mitigating measures (based on the responses provided), the responsible person should appoint the services of a competent professional **when they are able to do so, reflecting the availability of competent fire safety professionals.**

43. Competent fire safety professionals are expected to prioritise buildings in Tiers 1 or 2 and therefore, it may take some time before a competent professional can be appointed for Tier 3 buildings.

### **Low priority (Tier 4)**

44. Buildings in this category will have achieved a score between 23 to 43 because (based on the responses provided) the building has limited risk factors.

### **Next steps**

45. For Tier 4 buildings, it is not expected that the responsible person will need to appoint a competent professional to assess the external walls. However, the tool has identified some risk factors (based on the responses) which is why the building is in Tier 4 (low priority) rather than Tier 5 (very low priority). Therefore, the responsible person may wish to bring forward reviewing their fire risk assessment for Tier 4 buildings ahead of buildings deemed to be in Tier 5.

### **Very low priority (Tier 5)**

46. Buildings in this category will have achieved a score of -10 to 22 because (based on the responses provided) the building has very limited risk factors.

### **Next steps**

47. For these buildings, the responsible person should consider those duties in the FSO amended by the Fire Safety Act when they next review their fire risk assessment.

### **When to take action**

48. Responsible persons do not need to wait for the Fire Risk Assessment Prioritisation Tool to review and/or update their fire risk assessments. Where responsible persons consider their building falls within Tier 1, through considering the indications above and/or drawing on any other known information, they should engage a competent professional immediately.

49. If the responsible person feels they can undertake the fire risk assessment review without appointing a competent professional – for example, the responsible person has the capability to review the fire risk assessment – then they should complete that review without delay.
50. The responsibility for the fire risk assessment rests with the responsible person. The Government expects competent professionals to prioritise the highest priority buildings (Tier 1 and Tier 2) and so recognise it might take some time before responsible persons can appoint a competent professional (where it is necessary to do so) to consider lower priority buildings as a result of limited capacity of such professionals.

# Demonstrating compliance

51. The use of this guidance (together with the Fire Risk Assessment Prioritisation Tool) is entirely voluntary. However, it may be referred to, and relied upon, in relation to any legal proceedings concerning a responsible person's alleged contravention of the duties in the FSO as amended by the Fire Safety Act. For example, the responsible person could choose to present their prioritisation strategy based on this guidance and accompanying Fire Risk Assessment Prioritisation Tool as evidence to demonstrate how they are taking steps to comply with the FSO, including evidence of how they have sought to engage a competent professional.

## Inspections and Enforcement

52. Fire and rescue authorities in England have a duty to enforce the FSO and should carry out their enforcement functions in accordance with the Regulators Code. Where the responsible person has failed to comply with their duties advice may be provided about the action to be taken or enforcement action may be taken.
53. Enforcing authorities may ask the responsible person to produce evidence that they have considered the amendments made by the Fire Safety Act and how it impacts on their existing fire risk assessment (for example, the external walls).
54. Fire and rescue authorities should set out how they will support responsible persons to ensure compliance with the FSO and in what circumstances they may take enforcement action. Where there has been a failure to comply with the FSO and action is required, the fire and rescue authority may provide advice on the action to be taken or serve an enforcement notice. Under both cases, the fire and rescue authority should specify a realistic timescale to the responsible person to complete the appropriate actions.
55. A failure to comply with a notice served by the fire and rescue authority may lead to prosecution. The responsible person may also be prosecuted if they fail to comply with their duties under the FSO as amended by the Act.

**Annex A - Fire Risk Assessment Prioritisation Tool questions**

Question	Response	Score	Maximum Possible
1. Is the building:			1
	Residential	0	
	Mixed	1	
2. How many storeys are there in the building?			9
	1-3	0	
	4-6	3	
	7-11	5	
	12-18	7	
	Over 18	9	
3. What is the material predominantly used on the external walls?			5
	Masonry	-2	
	Glass	2	
	Render / External thermal systems (ETS)	3	
	Brick slip	3	
	Timber	4	
	High pressure laminate	4	
	Metal	5	
	Don't know	5	
4. Are the materials used on the external wall likely to ignite and spread fire easily?			10
	Yes	10	
	No	0	
	Don't Know	10	
5. Are the materials used to construct balconies likely to ignite and spread fire easily?			6
	No	1	

	Yes	6	
	No balconies	0	
6. What materials are predominantly used for the window frames in your building?			4
	Metal frames	0	
	UPVC	3	
	Wooden frames	4	
	Don't know	4	
7. Does the building have spandrel or infill panels?			4
	No	0	
	Yes	4	
8. How many staircases does the building have?			5
	Single Staircase	5	
	Multiple Staircase	0	
9. What is the general condition of the Flat entrance (fire) doors?			5
	Poor	5	
	Good	0	
	Not applicable	0	
10. What is the condition of the Communal (fire) Doors?			5
	Poor	5	
	Good	0	
	Not applicable	0	
11. Do the flats in the building have a fire detection and/or smoke alarm system installed?			4
	Yes	0	
	No	4	
12. Have any of the intolerable, substantial or moderate risks from your last fire risk assessment been completed			6
	All actions satisfactorily completed	0	



	Some priority actions outstanding	3	
	No actions completed	6	
	No fire risk assessment carried out within the last 3 years	6	
	Not applicable (The FRA carried out within the last 3 years did not raise any actions considered to be intolerable, substantial or moderate)	0	
13. What is the evacuation strategy for your building?			4
	Simultaneous	0	
	Stay put	0	
	Temporary measures	4	
14. Has a compartmentation survey been carried out?			4
	Yes and actions complete	0	
	Yes and actions not complete	3	
	No compartmentation survey undertaken	4	
15. Are residential sprinkler systems fitted?			0
	Yes		-8
	No		0

16. Have there been more than one instance of fire reported in or around the building in the last 12 months?			4
	Yes	4	
	No	0	
17. What category does your building fall under?			3
	General	0	
	Specialised	3	
18. Are there unusual or complex internal structures and/or arrangements in the building that have a significant impact on fire safety? This could include: scissor flats; dwelling over common access areas or split level flats.			3
	Yes	3	
	No	0	
	Don't know	1	
<b>Total Score</b>			<b>82</b>

**Annex B – Fire Risk Assessment Prioritisation Tool Bandings**

<b>Tier</b>	<b>Bandings</b>
Tier 1	71-82
Tier 2	59-70
Tier 3	44-58
Tier 4	23-43
Tier 5	- 10 - 22

