

Consultation on Practical Fire Safety Guidance for existing Specialised Housing and other supported domestic accommodation

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Ministerial Foreword

Fire safety is important for all of us and it is particularly important for those who are most vulnerable to the risk of fire.

Despite a significant downward trend in the last 20 years, most fire deaths and injuries still occur in the home and older people, physically disabled people, people with cognitive difficulties and people with mental health issues are known to be at increased risk.



Following the Grenfell Tower fire, a review of the Fire Safety Regime in Scotland for High Rise Domestic Buildings was initiated. A report was published following this review which can be accessed [here](#). In addition to providing a range of recommendations for high rise domestic buildings (which have themselves been subject to a recent public consultation), it identified a lack of fire safety guidance for the protection of people who are most vulnerable to fire. Although not specific to high rise domestic property, the review consequently recommended the introduction of Scottish guidance for specialised housing.

It is important that those who are involved in the provision of housing and care services in domestic accommodation also consider the risk from fire, as part of their general responsibility to ensure the safety of residents. By using a combination of person-centred and premises based risk assessment approaches, appropriate measures should be put in place to prevent fires and to protect individuals in the event of fire. To help achieve this the Scottish Government has produced draft guidance and is now seeking views from all those with an interest in this area. I encourage you to take this opportunity to give us your views and to help ensure that the guidance is relevant, accessible and will work in practice.

Ash Denham MSP
Minister for Community Safety

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Introduction

What is this consultation about?

The Scottish Government is gathering views on draft Fire Safety Guidance for Specialised Housing (and other supported domestic accommodation). We will use the responses to further develop and refine the guidance.

The Guidance has been drafted to deliver on the sixth recommendation from the ***Review of the Fire Safety Regime for High Rise Domestic Buildings in Scotland***. The Review's other recommendations relate to fire safety in high rise domestic buildings and were agreed by the Scottish Government Ministerial Working Group on Building and Fire Safety that was set up following the tragic fire at Grenfell Tower. The sixth recommendation, "Introduction of Scottish guidance concerning 'Fire safety in specialised housing'", is not specific to high rise domestic buildings but was also agreed by the Ministerial Working Group.

Why Specialised Housing and supported domestic accommodation?

The Scottish fire safety regime review found no major gaps in Scottish legislation but it did identify a lack of guidance related to the consideration of the needs of vulnerable people. It advocated a "person-centred" approach to meet the needs of all individuals that may need additional help in terms of fire safety.

What is Specialised Housing and what else does the guidance apply to?

Most specialised housing is provided for older people, who, with advancing age, may require a degree of care and support. This includes sheltered and very sheltered or extra-care housing. Other forms of specialised housing have evolved for people with specific needs, including housing for adults with physical, sensory, mental health or cognitive impairments who live, to varying degrees, independently within the community in group home environments. In some cases, such residents may require significant care and support (known collectively as "supported housing").

It is also recognised that some people will be receiving home care services in what might be referred to as "general needs" housing. Therefore, the guidance has been drafted with a "person-centred" approach and aims to meet the needs of all individuals that may need additional help in terms of fire safety in the home. The guidance is also applicable to very small, domestic care homes, akin to supported housing.

Who is this consultation for?

The Guidance is primarily to be used by people that provide the housing or care/support services, and those regulators who ensure resident and tenant safety is adequately addressed. However, everyone who lives in specialised housing (or other supported domestic accommodation) and those with fire safety responsibilities are encouraged to respond to the consultation. This includes:

- Residents / tenants
- Independent/private sector housing providers
- Housing associations
- Local authority housing providers
- Managing agents or facilities managers
- Care and support providers
- Local authority service commissioners
- Enforcement Officers in local housing authorities
- Enforcement Officers and Community Safety staff of the Scottish Fire and Rescue Service
- Advice agencies
- Consultants/contractors carrying out fire safety risk assessments
- Other people with responsibility for Fire Safety
- Anyone else with views including relatives of people who live in specialised housing.

Background Information

The Scottish Government established the Ministerial Working Group on Building and Fire Safety following the tragic fire at Grenfell Tower in June 2017. This set up the Review of the Fire Safety Regime in Scotland for High Rise Domestic Buildings (the Review) to focus on the fire safety regime and regulatory framework. The Review report can be found at:

<https://www.gov.scot/publications/scottish-fire-safety-regime-final-review/>.

The Review identified that there are no major gaps in Scottish legislation. It did highlight some areas where improvements could be made to support and clarify existing guidance and legislation and made the following six Recommendations: :

- 1. Specific Fire Safety Guidance aimed at all residents of high rise domestic buildings.*
- 2. Introduction of Scottish Guidance concerning “Fire Safety in purpose-built block of flats”.*
- 3. Introduction of Scottish Guidance concerning Fire Risk Assessments.*
- 4. A consistent position regarding the storage, removal and enforced prohibition of combustible materials in common areas to be devised and agreed by all relevant stakeholders.*
- 5. A Fire Safety campaign relative to common areas.*
- 6. Introduction of Scottish guidance concerning “Fire Safety in specialised housing”.*

In this consultation we are seeking views on Recommendation 6. The other 5 recommendations have already been subject to a public consultation process.

How do I get involved?

To give us your views, please click <https://consult.gov.scot/fire-and-rescue/fire-safety-guidance-specialised-housing>. This consultation is open from 31 July 2019 and closes on 23 October 2019. You can submit a response any time before the closing date.

Am I restricted to answering the questions in the consultation?

No, there are free text boxes in the consultation document which allow you to tell us anything that you believe is important.

Practical Fire Safety Guidance for existing Specialised Housing (and other supported domestic accommodation)

We would very much like your thoughts and comments on the draft **Practical Fire Safety Guidance for existing Specialised Housing (and other supported domestic accommodation)** (the Guidance). It is intended to provide consistent, easily accessible fire safety guidance.

For most domestic premises to which the guidance applies, it is 'good practice' advice and not a legal requirement. The Guidance gives further information on those domestic type premises to which fire safety law *does* apply for example, small, domestic care homes, licensed Houses in Multiple Occupation and some other forms of supported housing.

While there are no plans to extend the range of premises covered by fire safety legislation, we will consider making it a legal requirement if further support is needed. This will be done in part by monitoring and evaluating the implementation and effectiveness of the Guidance.

Who is this Guidance for?

The Guidance can help everyone to be clear on what is needed for fire safety in specialised housing and other supported domestic accommodation. This includes premises that are council, housing association or privately owned/rented. It is primarily to be used by people that provide the housing or care/support services, and those regulators who ensure resident and tenant safety is adequately addressed.

Please read the Fire Safety Guidance before answering the questions in this section. They ask about the Purpose, Clarity and Implementation of the Guidance. The findings from the consultation will improve the Guidance and inform implementation.

Consultation Questions

Please keep in mind when answering, that this Guidance is intended primarily for **those that provide housing and care/support services**, although it may also be useful to individuals receiving such support and their family and carers. Please answer as many questions as you can but you do not need to respond to them all.

(i) General Questions on Guidance

1. Is Fire Safety Guidance for Specialised Housing required in your view?

Yes No

Please select only one answer and let us know why in the box below.

2. Is the purpose of the Fire Safety Guidance for Specialised Housing clear?

Yes No

Please select only one answer and provide any comments in the box below.

3. Is it clear who should use the Guidance?

(See the Preface section of the Guidance – Who is the Guidance For?)

Yes No

Please select only one answer and provide any comments in the box below.

(ii) Scope of the Guidance

For the following questions, please see Scope section in the Guidance.

4. Are there **other** premises that the Guidance could usefully apply to in addition to those stated? Please select only one answer

Yes No

If yes...

Please tell us what type of premises in the box below.

5. Are there premises that the Guidance currently includes in scope, that it does not usefully apply to? Please select only one answer

Yes No

If yes...

Please tell us what type of premises in the box below.

6. In your view, will this Guidance be useful for vulnerable people receiving care services in general needs housing, and their families and carers?

Yes No

Please select only one answer and provide any comments in the box below.

(iii) Fire Safety Content

7. Are the “person-centred” and “premises-based” approaches helpful in assessing fire safety requirements?

(See Preface – Structure of the Guidance; and Parts 1 and 2)

Yes No

Please select only one answer and provide any comments in the box below.

8. Do you think the range of fire safety measures and benchmarks identified in Parts 1 and 2 of the Guidance are helpful?

Yes No

Please select only one answer and provide any comments in the box below.

9. Is it clear in the Guidance which premises are legally required to undertake a fire safety risk assessment under existing fire safety legislation?

(See Preface – Fire Safety Law; and Part 4)

Yes No

Please select only one answer and provide any comments in the box below.

10. Do you think the Guidance clearly points the reader towards other existing guidance where appropriate?

Yes No

Please select only one answer and provide any comments in the box below.

11. Do you think the Appendices are useful?

Appendix 1	Example of Fire Safety Advice for Residents	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Appendix 2	Example of Fire Action Notices	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Appendix 3	Person-Centred FSRA Template	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Appendix 4	Examples of Assistive Technology Options	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Appendix 5	Fire Safety Risk Assessment Template	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Appendix 6	Matrix of Responsibilities	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Appendix 7	Mobility Scooter Guidance	Yes <input type="checkbox"/>	No <input type="checkbox"/>

Please provide any comments and reasons

12. Is there anything missing from the Guidance or further information that should be included?

Yes No

Please select only one answer and provide any comments in the box below.

13. Is there anything further you think should be done to improve fire safety risk assessments in Specialised Housing or their impact?

Yes No

Please select only one answer and provide any comments in the box below.

(iv) Guidance Accessibility and Clarity

14. Do you find this Guidance straightforward to use?

Yes No

Please select only one answer and provide any comments in the box below.

15. Do you think the content is clear and easy to understand?

Yes No

Please select only one answer and provide any comments in the box below.

16. Can you suggest ways to let people know this Guidance is available once it is published?

(v) Potential Benefits and Costs

The following questions are on the possible benefits and costs associated with applying the Guidance. It may be that these are already being met in part or fully. This section is mainly relevant for organisations responding to the consultation and it would be helpful if you could answer them as fully as possible.

17. Do you have data on the number of people/premises you work with that this Guidance will apply to?

Yes No

If yes, how many: People Premises

If you answer “yes” to Questions 18 – 21 below, please provide further detail in Question 22:

18. Are you able to provide **data on the proportion of premises** that you think already have appropriate fire safety measures, taking into account the Guidance?

Yes No

19. If no data is available, are you able to provide **estimates on the proportion of premises** that you think already have appropriate fire safety measures, taking into account the Guidance?

Yes No

20. Are you able to provide **data on the proportion of people** receiving support/care that you think already have appropriate fire safety measures, taking into account the Guidance?

Yes No

21. Are you able to provide **estimates on the proportion of people** receiving support/care that you think already have appropriate fire safety measures, taking into account the Guidance?

Yes No

If yes to any of questions 18-21 please answer the following:

22. Proportion of premises that have appropriate fire safety measures, taking into account the Guidance:

Based on data:

Premises		People	
Less than 50%	<input type="checkbox"/>	Less than 50%	<input type="checkbox"/>
50%- 75%	<input type="checkbox"/>	50%- 75%	<input type="checkbox"/>
76%-100%	<input type="checkbox"/>	76%-100%	<input type="checkbox"/>
Not applicable	<input type="checkbox"/>	Not applicable	<input type="checkbox"/>
Don't Know	<input type="checkbox"/>	Don't Know	<input type="checkbox"/>

Based on Estimates:

Premises		People	
Less than 50%	<input type="checkbox"/>	Less than 50%	<input type="checkbox"/>
50%- 75%	<input type="checkbox"/>	50%- 75%	<input type="checkbox"/>
76%-100%	<input type="checkbox"/>	76%-100%	<input type="checkbox"/>
Not applicable	<input type="checkbox"/>	Not applicable	<input type="checkbox"/>
Don't Know	<input type="checkbox"/>	Don't Know	<input type="checkbox"/>

23. Please provide further information on the number of people or premises that will need additional fire safety measures as a result of applying the Guidance?

24. What are the anticipated benefits, including financial, from implementing the Guidance?

25. Please provide information on the types of improvements you anticipate will be needed? It would be useful to know whether these are person-centred or premises based and whether they are basic measures e.g. smokers apron / self-closing device or more significant e.g. individual fire suppressions systems / separation of roof spaces.

26. What other costs will be incurred in applying the Guidance

27. Do you have access to funding sources currently to improve fire safety in specialised housing e.g. from Community Safety Partnerships

Yes No

Please state what these sources are:

(vi) Impact Assessments

Business and Regulatory Impact Assessment (BRIA)

We intend publish a Business and Regulatory Impact Assessment (BRIA) with the Guidance that will set out any expected impact that implementation might have on business. This will use responses to the above questions.

28. Please give information and views on any business impacts you consider the Guidance might have.

Equality Impact Assessment (EQIA)

We will publish an Equality Impact Assessment (EQIA) that involves assessing the impact of policies, practices or services against the requirements of the public sector equality duty. The duty requires all Scottish public authorities to have due regard to the need to eliminate unlawful discrimination, advance equality of opportunity and foster good relations. It covers people with protected characteristics in respect of all aspects of equality (age, disability, sex, race, religion or belief, sexual orientation, gender reassignment and pregnancy and maternity).

29. Please give information and your views on impacts on groups with protected characteristics as noted above, that implementation of the Guidance might have. This should include both positive and negative.

30. Please provide any further comments you have on the Guidance below.

Responding to this Consultation

Please respond to this consultation using the Scottish Government's consultation hub, Citizen Space (<http://consult.gov.scot>). Access and respond to this consultation online at <https://consult.gov.scot/fire-and-rescue/fire-safety-guidance-specialised-housing>. You can save and return to your responses while the consultation is still open. Please ensure that consultation responses are submitted before the closing date of 22 October 2019.

If you are unable to respond using our consultation hub we will send you a paper copy. To request one please you can contact us to request one:

By post:

Fire and Rescue Unit
Scottish Government
1 West
St Andrew's House
Edinburgh, EH1 3DG

By phone

0131 244 0896

By email

SpecialisedHousing2019@gov.scot

Handling your response

If you respond using the consultation hub, you will be directed to the About You page before submitting your response. Please indicate how you wish your response to be handled and, in particular, whether you are content for your response to be published. If you ask for your response not to be published, we will regard it as confidential, and we will treat it accordingly.

All respondents should be aware that the Scottish Government is subject to the provisions of the Freedom of Information (Scotland) Act 2002 and would therefore have to consider any request made to it under the Act for information relating to responses made to this consultation exercise.

If you are unable to respond via Citizen Space, please complete and return the Respondent Information Form included in this document.

To find out how we handle your personal data, please see our privacy policy:

<https://beta.gov.scot/privacy/>

Next Steps in the Process

Where respondents have given permission for their response to be made public, and after we have checked that they contain no potentially defamatory material, responses will be made available to the public at <http://consult.gov.scot>. If you use the consultation hub to respond, you will receive a copy of your response via email.

Following the closing date, all responses will be analysed and considered along with any other available evidence to help us. Responses will be published where we have been given permission to do so. A report of the analysis of the responses will also be made available (individuals will not be identified in that report).

Comments and Complaints

If you have any comments about how this consultation exercise has been conducted, please send them to the contact addresses noted above.

Scottish Government Consultation Process

Consultation is an essential part of the policy making process. It gives us the opportunity to consider your opinion and expertise on a proposed area of work.

You can find all our consultations online: <http://consult.gov.scot>. Each consultation details the issues under consideration, as well as a way for you to give us your views, either online, by email or by post.

Responses will be analysed and used as part of the decision making process, along with a range of other available information and evidence. We will publish a report of this analysis for every consultation. Depending on the nature of the consultation exercise the responses received may:

- indicate the need for policy development or review
- inform the development of a particular policy
- help decisions to be made between alternative policy proposals
- be used to finalise legislation before it is implemented

While details of particular circumstances described in a response to a consultation exercise may usefully inform the policy process, consultation exercises cannot address individual concerns and comments, which should be directed to the relevant public body.



Consultation on Practical Fire Safety Guidance for existing Specialised Housing and other supported domestic accommodation

RESPONDENT INFORMATION FORM

Please Note this form **must** be completed and returned with your response.

To find out how we handle your personal data, please see our privacy policy:
<https://beta.gov.scot/privacy/>

Are you responding as an individual or an organisation?

- Individual
 Organisation

Full name or organisation's name

Phone number

Address

Postcode

Email

The Scottish Government would like your permission to publish your consultation response. Please indicate your publishing preference:

- Publish response with name
 Publish response only (without name)
 Do not publish response

Information for organisations:

The option 'Publish response only (without name)' is available for individual respondents only. If this option is selected, the organisation name will still be published.

If you choose the option 'Do not publish response', your organisation name may still be listed as having responded to the consultation in, for example, the analysis report.

We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

Yes

No



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