

**Brandon Lewis MP**  
**Parliamentary Under Secretary of State**  
Department for Communities and Local Government  
Eland House  
Bressenden Place  
London  
SW1E 5DU

Cc: Rt Hon Don Foster MP

31<sup>st</sup> August 2012

Dear Mr Lewis,

### **Enforcement of the Regulatory Reform (Fire Safety) Order**

We are writing jointly on behalf of the BWF-CERTIFIRE Fire Door and Doorset Scheme, and the Fire Door Inspection Scheme (FDIS) following your call for comments relating to the enforcement of fire safety regulation.

The BWF-CERTIFIRE Scheme is the UK's leading authority on fire door safety. Through BWF-CERTIFIRE around 1.6 million fire doors are tested and certified in the UK.

The Fire Door Inspection Scheme (FDIS) is the first such scheme in Europe, designed to improve safety and save lives through creating a new pool of expertise and competence related to Fire Doors to help those with legal responsibilities under the Regulatory Reform (Fire Safety) Order (FSO).

In response to the call for comments, we have fed this correspondence into the standard consultation process, but wanted to flag up with you directly in the hope that we can arrange a meeting to discuss the issues addressed.

We recognise that all businesses are under severe cost pressure and applaud the FSO for the impact it has had on making companies aware of their responsibilities with respect to fire. We are, however, concerned that the legislation is at times not effectively communicated or enforced stringently enough.

A fire doorset is a performance engineered product and it only functions properly when installed correctly with all the right components. Many questionable decisions are made during fire risk assessments due to a lack of expertise from individual assessors and inspectors on what constitutes a fire door. This is corroborated by a more general lack of clarity within the FSO and Approved Document B of the Building Regulations. The wording of the FSO is vague in places and can allow an overly subjective definition. Terms such as, "so far as is reasonably practicable" and "where necessary" are used, for example when laying out the obligations of the responsible person. This has enabled building owners to find loopholes within the legislation and we are even aware of local authorities who have been adopting separate 3<sup>rd</sup> party information documents in an attempt to remove subjectivity. We fear that this is often built around convenience

rather than effective practice and could go as far as undermining the intention of the FSO.

BWF-CERTIFIRE has recently written to the minister for building regulations regarding the importance of third party certification and making it more explicit within existing regulations. Our concern is that, particularly in the current climate, building contractors and owners are often pressurised into 'value engineered' specifications. It is vital through the FSO that they are made fully aware of the consequences that not selecting a third party certificated fire door may have. There is opportunity to help clarify the difference between a so-called 'tested product', a product with a certificate, and proper third-party, independently certificated fire doors. Only the latter gives any true guarantee of performance. In too many cases, the wrong product is being specified and installed, and there is also a common failure to comply with Regulation 38 of the Building Regulations, as a result of inadequate or incomplete documentation on fire door performance being passed on to the responsible person.

Beyond selecting the right door, we receive many reports from members flagging up poor installation of fire doors - this would be alleviated if competent person schemes were extended to include the installation of fire doors, possibly as part of a wider fire protection reform. It still seems nonsensical that such critical equipment has no requirement. This will support enforcement of the FSO as standards will improve and inspectors will have better information available to assess the quality of an entire installation.

Once the correct fire doors are installed in any building, the challenge of the FSO then becomes their effective inspection, maintenance and replacement. In almost every prosecution and report relating to the FSO, the lack of understanding of the role and use of fire doors is evident. This year we have seen the prosecution of a Bideford hotel for malfunctioning fire doors, including reports from guests of a terrifying moment in May when fire raged through the hotel and they became trapped in smoke-filled corridors because a door had jammed shut and another had no door handle.

With similar reports of fire door failures cropping up with alarming regularity, we have an ever-growing dossier of cases where fire doors are no longer compliant, have been badly damaged or were simply never given any attention since they were first installed.

We are also concerned that, as a result of unclear advice and seemingly inconsistent rulings on the FSO, some building owners could be led to believe that they do not need to worry about the state of their fire doors if sprinklers or other measures are in place. The respective role of passive and active fire protection must be better recognised.

Although the current guidance issued by DCLG recommends the provision of intumescent strips and smoke seals on bedroom doors in hotels, the market has been confused by contradictory guidance on the need for such measures, particularly in the case of flats and apartments.

In this climate of uncertainty, determinations such as, *"Determination on the suitability and sufficiency of a fire risk assessment in a hotel in respect of the adequacy of the existing bedroom fire doors"* could be selectively misinterpreted to justify the omission of intumescent and smoke seals, driven by financial considerations and not by any informed or objective evaluation of fire risk.

Finally, BWF-CERTIFIRE Scheme members have expressed concerns that fire safety enforcement can be inconsistent from one area to another, and are worried that the level of enforcement is on occasion determined, not by a drive to make the FSO work, but by an understanding that the legal costs and time involved would be prohibitive for the both parties.

All of us who use or occupy any building have a right to expect that we will be safely protected should a fire break out. This is being put at risk by the lack of clear, mandatory and well enforced fire safety instructions. The problem appears to be growing, especially in the capital, with the London Fire Brigade recently noting that an increase in serious fires in new and refurbished buildings has been due to faulty workmanship during and after construction, poor specification of materials and a lack of adequate building control and signoff.

We are hopeful that FDIS provides an industry-led initiative that will help support the Responsible Person in determining the safety of existing Fire Doors and will create a body of expertise here in the UK, however, the FSO enforcement needs to be more stringent and, as with the Building Regulations, clearer to ensure those responsible know where they stand.

We would very much appreciate the opportunity to discuss this in more detail and hear your views on this matter.

With kind regards,

A handwritten signature in black ink, appearing to read 'Gary Amer'.

Gary Amer  
**Chairman**  
**Fire Door Inspection Scheme**

A handwritten signature in black ink, appearing to read 'I. McIlwee'.

Iain McIlwee  
**Chief Executive**  
**British Woodworking Federation**