



On 21st November 2020, The Ministry of Housing, Communities and Local Government issued a press release advising that owners of flats in buildings without cladding will no longer need an EWS1 form to sell or remortgage their properties. The main points from the press release focused on the following:

- Agreement that buildings without cladding will not be subject to the EWS1 process.
- Nearly 450,000 homeowners are set to benefit from this change.
- Government funding has been agreed to train 2000 more building assessors to speed up valuations.
- Government is working with industry to ensure professional indemnity insurance is available for assessors.



The Problem

Developed by industry to assess the potential financial impacts of cladding on high-rise blocks of flats, the external wall fire review process – commonly referred to as ‘EWS1’ – is being applied to other buildings without cladding. This has had the impact of stopping some people from selling or moving home and causing unnecessary anxiety for homeowners.



More Assessors

The Government has announced nearly £700,000 to train more assessors, speeding up the valuation process for homeowners in cases where an EWS1 form is required. This training will be delivered by the Royal Institution of Chartered Surveyors (RICS) from January and will mean up to 200 additional assessors will be qualified to carry out the EWS1 assessment within a month, 900 within three months, and 2,000 within six months.

The Government is also exploring ways to address ongoing concerns around the availability of professional indemnity insurance and welcomes industry’s progress on developing a portal where lenders, valuers and leaseholders will be able to find out if their building already has an existing EWS1, thereby reducing the demand for duplicate forms.



Complying with Current Guidance / Legislation

Despite the changes with the EWS1 process described above, building owners remain legally required to undertake fire risk assessments on all blocks of flats and supplementary guidance has now been published by the Government in this regard (see below).

Furthermore, the RICS will be working with lenders, valuers and fire safety bodies to develop new advice for surveyors, the intention being that this will enable surveyors to take a more

proportionate approach and reduce the number of buildings where an EWS1 assessment is needed.

Supplementary Guidance



The following guidance was published on 21st November 2020 - Supplementary note to *Advice for Building Owners of Multi-storey, Multi-occupied Residential Buildings*, dated January 2020

The main points include:

1. The advice does not need to be used if the building, of any height, meets all the functional requirements of the relevant Building Regulations in force at the time of construction (or refurbishment of external walls or balconies). Particular attention needs to be given to Requirement B4 of Schedule 1 to the Building Regulations, relating to external walls, which applies to all buildings irrespective of height.
2. The advice allows for professional judgement to be made regarding the safety of a building's external wall system. If some combustible materials have been used, replacement may not necessarily be required. This will depend on risks and mitigations present. That should be for professional judgement on a building-by-building basis, taking into account the guidance in the advice note, other relevant guidance, and recent experience from fires both in the UK and overseas.
3. Professionals assessing external wall systems of buildings should consider the height, use, and positioning of the building - as well as the design and fire protection strategy - when making their assessment, to ensure adequate levels of life safety are achieved.
4. ACM cladding (and other metal composite material cladding) with unmodified polyethylene filler (category 3 in screening tests) presents a significant fire hazard on residential buildings at any height with any form of insulation. The advice regarding the need to remediate these unsafe external wall systems and remove this unsafe cladding remains unchanged i.e. action should be taken as soon as possible.
5. Owners of any building that has other forms of cladding should consider the risk of external fire spread and the need for remediation if that building:
 - is 18m or more in height from the top occupied storey; or
 - has residents who need significant assistance to evacuate – such as a care home or hospital – particularly where horizontal, phased evacuation is in place; or
 - does not have – or have provision for – adequate risk mitigation, and has been assessed by a suitably competent person as presenting an unacceptable risk to the life safety of residents, people in the proximity of the building, and firefighters, regardless of the height of the building.



William Martin Compliance Advice

On first reading, people might be forgiven for thinking that the changes to the EWS1 process will now mean that no further inspection work is required for buildings without cladding. This is not the case, as the supplementary guidance states that:

- the functional requirements of the relevant building regulations in force at the time of construction still have to be determined which can only be done through the invasive inspection process;
- the information obtained through the invasive inspection process will be required to enable risk based judgements to be made to determine what further action may / may not be necessary;
- ACM cladding (and other metal composite material cladding) with unmodified polyethylene filler (category 3 in screening tests), on buildings of any height still needs to be removed as soon as possible;
- other cladding forms on buildings 18m or more in height will need to be specifically risk assessed in order to determine the need for remediation.

Whilst it is clear that the focus of the new Government guidance is to free up the housing market in relation to blocks of flats, the focus is very much not to alter the need for building owners to make sure their buildings are fire safe.

Although it is likely that mortgage lenders will reduce the need for EWS1 forms for certain buildings which do not have external cladding, at the present time, their position is not entirely clear as they have stated that they have not yet signed up to these changes.

Furthermore, the whole inspection process is currently being reviewed and the RICS will be issuing additional guidance for surveyors in the near future.

So in conclusion, external façade inspections will still be required and more guidance is anticipated to help in the risk based judgements on what remediation measures may / may not need to be taken, which appears to be in line with the new requirements of the Fire Safety Bill due out next year.



If you need any further information on external façade inspections and the EWS1 process please get in touch with our fire safety team.

For more information please contact us
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or call our team on 0203 819 8829