

Practical Fire Safety Guidance for existing Specialised Housing and similar accommodation

Equality Impact Assessment – Results

January 2020

EQUALITY IMPACT ASSESSMENT - RESULTS

Title of Policy	Practical Fire Safety Guidance for existing Specialised Housing and similar accommodation
Summary of aims and desired outcomes of Policy	The aim is to enhance fire safety in specialised housing and similar premises thereby preventing fires and reducing deaths and injuries from fire where they occur. The main objective is to provide a single source of guidance covering general fire safety and fire safety risk assessment to assist those responsible to determine appropriate fire safety measures for vulnerable people.
Directorate: Division: team	Safer Communities: Fire and Rescue Unit

1. Executive Summary

- 1.1 Following the fire at Grenfell Tower in 2017, the Scottish Government Ministerial Working Group (MWG) on Building and Fire Safety commissioned a Review of the Fire Safety Regime in Scotland for High Rise Domestic Property. The Review made a number of recommendations relating to high rise and a separate recommendation to introduce Scottish Guidance concerning 'Fire safety in specialised housing'.
- 1.2 The Guidance is primarily for those who are responsible for specialised housing and similar premises and for those who provide care and support services in such premises. It provides practical fire safety advice on how to prevent fires and reduce risk from fires.
- 1.3 Its purpose is to strengthen fire safety for people who receive care or support in specialised housing or similar premises. It will also be useful for those receiving "care at home" services or support in "general needs" housing.
- 1.4 Specialised housing includes the following:
 - Sheltered / very sheltered / extra-care housing - mainly (but not exclusively) for older people living at home with different levels of care or support. This ranges from sheltered housing complexes with little on-site management to very sheltered or extra care premises with significant on-site, including 24-hour, care.
 - Supported housing - for people with physical, sensory, mental health or cognitive impairments. The degree of independent living and level of care varies considerably. Residents may live independently or in a group home setting in the community.

- 1.5 The Guidance also applies to small care homes which have been constructed as domestic dwellings and accommodate only a few residents. There is a range of groups that live in these: older people; children and young people; people with learning disabilities; people with drug and alcohol problems; people with mental health problems; and people with physical and sensory impairment.
- 1.6 A public consultation between July and October 2019 included a specific question on equality impacts. Available data on people receiving support and/or care was identified and analysed according to protected characteristics where possible.
- 1.7 As part of the equality impact assessment (EQIA) process, the Scottish Government has considered the potential impacts of the guidance on people with one or more protected characteristics. The EQIA concluded that the implementation of the Guidance is neither directly nor indirectly discriminatory on the basis of age, disability, sex, pregnancy and maternity, gender reassignment, sexual orientation, race, religion or belief, and marriage and civil partnership. No mitigating action is therefore required.
- 1.8 The EQIA has identified positive outcomes from implementation of the Guidance, particularly for people with the protected characteristics of age, disability and sex.
- 1.9 There is evidence that older and disabled people are at higher risk from fire than the general population; and there are more older females than males, but greater risk attached to males. The Specialised Housing Guidance, based on the person-centred and premises based fire safety risk assessment methodologies, will reduce risk, particularly for disabled people, older people and both females and males and will improve equality in fire safety.

2 Background

- 2.1 Following the fire at Grenfell Tower in 2017, the Scottish Government established a Ministerial Working Group (MWG) to review building and fire safety regulatory frameworks. The Review of the Fire Safety Regime in Scotland for High Rise Domestic Property (the Review) was one of three MWG Reviews.
- 2.2 The 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.
- 2.3 The Guidance is aimed at those who own, operate and manage buildings used for specialised housing, and at those who give advice on, or enforce standards in such housing. Typically this will include:
 - Housing providers.
 - Care providers.

- Housing and Care Regulators.
- Local housing enforcement officers.
- Commissioners of care services.
- Building owners.
- Managing agents.
- Fire risk assessors.
- SFRS.
- Personal assistants.
- Families, friends and care/support volunteers.

2.4 The main objective of the Guidance is to ensure those responsible for fire safety in specialised housing and similar premises are able to determine appropriate fire safety measures for vulnerable people by providing a single source of guidance covering general fire safety and fire safety risk assessment.

2.5 This contributes to the Scottish Government's National outcomes:

We live in communities that are inclusive, empowered, resilient and safe

And the Justice Vision priorities:

We will enable our communities to be safe and supportive, where individuals exercise their rights and responsibilities

3 Who was involved in this EQIA

3.1 This assessment has been completed by fire safety policy leads within the Fire and Rescue Unit (Safer Communities) with input from Justice Analytical Services.

3.2 The Review of Fire Safety in Scotland involved a range of organisations and individuals to draw on their wealth of knowledge and experience. The Review Team comprised the Scottish Fire and Rescue Service (SFRS), Her Majesty's Fire Service Inspectorate (HMFSI) and Scottish Government Officials from:

- Fire and Rescue Unit, Safer Communities
- Better Homes, Building and Fire Safety
- Legal Division

3.3 An Advisory Group was formed with external organisations:

- Convention of Scottish Local Authorities (COSLA)
- Social and private housing providers
- Representative organisations
- Chartered Institute of Housing
- Fire Brigades Union

3.4 Preliminary meetings and a pre-consultation engagement event were held with the following partners and stakeholders prior to drafting the Guidance:

Scottish Government Officials:

- Building Standards Division
- Health & Social Care
- Housing Services
- Better Homes – service policy
- Better Homes – supported accommodation

External Partners / Stakeholders:

- Scottish Housing Regulator
- Care Inspectorate
- COSLA
- Coalition of Care and Support Providers in Scotland (CCPS) – Housing Support Enabling Unit
- Scottish Federation of Housing Associations (SFHA)

3.5 A public consultation on the draft Practical Fire Safety Guidance for existing Specialised Housing and similar accommodation document took place between July and October 2019. 38 respondents provided feedback, which included:

- Housing Associations (and umbrella organisations)
- COSLA
- Local Authorities
- Private Housing Providers
- Care Providers
- Health and Social Care Partnerships
- Care Inspectorate
- SFRS
- Fire Safety / protection / insurance companies
- Individuals

3.6 During the public consultation period, 3 engagement events took place:

- Presentation / Workshop with CCPS Housing Support Enabling Unit on 27 August 2019
- Presentation and questions with SFRS on 18 September 2019
- Presentation and questions with Wheatley Group and other care/support agencies on 8 October 2019

3.7 Question 29 of the consultation asked respondents to “Please give information and your views on impacts on groups with protected characteristics... that implementation of the Guidance might have. This should include both positive and negative.” 8 respondents agreed that groups with protected characteristics would benefit from improvements to fire safety, with a care and support provider confirming that the language used in the Guidance is non-discriminatory.

3.8 One housing association felt that the mobility of older people may be detrimentally affected if the numbers of mobility scooters have to be restricted for reasons of fire safety. In addition one advice agency was concerned that landlords may avoid making improvements for financial reasons, thereby reducing the availability of specialised housing and increasing pressures on care homes and hospitals.

4 Scope of EQIA

4.1 Implementation of the Guidance is intended to have a positive impact on the safety of the residents of specialised housing. Many residents have needs in respect of certain protected characteristics, particularly age and sex. A main driver for this Guidance is recognition that people with support needs, including older people, are amongst the groups at increased risk of fire.

4.2 The Guidance is easily accessible, informative fire safety guidance aimed at those who are responsible for fire safety in specialised housing and similar premises. It will assist them to fulfil their responsibilities in managing fire safety for residents.

What might prevent the desired outcomes being achieved?

4.3 The risk that there is no increase in the number or quality of fire safety risk assessments by those responsible. There are three main reasons that have been addressed as far as possible:

- Lack of awareness of Fire Safety Guidance. The consultation and engagement events focused on raising awareness and ensuring that the Guidance is relevant and accessible. Once the Guidance is published, further work with relevant organisations is planned to raise awareness and to ensure it is used effectively.
- Potential costs of fire safety measures and other demands on budgets. The need to ensure safety for tenants is a well-established requirement for both housing and care providers, often enshrined in regulation and associated policies, and budget prioritised accordingly. The Guidance is good practice and introduces no new requirements.
- A lack of agreement between relevant parties over who is responsible for fire safety – particularly where multiple parties are involved and legislation does not apply. The Guidance recognises this issue and proposes a responsibility matrix, underpinned by contractual obligations.

5 Key Findings

- 5.1 The Guidance will impact positively by strengthening fire safety for people who live in specialised housing and similar accommodation, including for people with protected characteristics.
- 5.2 Excluding those in care homes, there were 190,000 people receiving social care support and services in the latest figures from 2017/18¹ ([Insights into Social Care in Scotland, ISD Scotland 2019 \(p10,12\)](#)). The 40,000 in care homes have been excluded as they are mainly larger care homes covered by existing fire safety guidance.
- 5.3 The largest group receiving support were older and frail people (44%). Those with physical and sensory disability constituted the second largest group (36.9%) (p11). For those in receipt of “home care” in 2018 (includes sheltered housing and equivalent accommodation), elderly and frail account for 49.2% (or 26,798 people) and physical and sensory disability 46.4% (or 25,246 people) [Insights into Social Care in Scotland, ISD Scotland 2019 \(p24\)](#).
- 5.4 There will be overall positive impacts for people with the following characteristics:

Age

- 5.5 Most specialised housing is provided for older people and most people receiving social care support and services are aged over 75 (Insights into Social Care in Scotland, ISD 2019).
- 5.6 There is a strong relationship between older age and death from fire: fire fatalities are more than three times higher for people aged over 80 years and six times higher for those over 90 than the Scotland average ([Scottish Fire and Rescue Service Incident Statistics, 2018-19](#))
- 5.7 In addition, for non-fatal casualties, people aged over 80 have significantly higher rates of injury.

Disability

- 5.8 Much specialised housing is provided for disabled people which is adapted for wheelchair users, ambulant disabled people and other physically disabled people not confined to wheelchairs. There are at least 26031 of these types of homes provided by local authorities ([Housing Statistics Annual Key Trends 2019](#)) and 14559 provided by housing associations ([Scottish Housing Regulator: Stock Provision for Year end March 2019](#)).
- 5.9 It is recognised in the Guidance that the use of mobility scooters is relevant to disabled people. There is a section on fire risks, storage and charging, consent/permissions, insurance and maintenance and testing. Safe charging and storage will reduce fire risk and protect residents, although it is recognised

¹ 230,000 people in receipt of social care support, minus 40,000 in care homes, gives 190,000 people in receipt of social care support , excluding those in care homes

that a lack of storage and charging facilities may affect the housing possibilities for a disabled person that relies on a mobility scooter.

Sex

5.10 There is a higher proportion of females to males receiving social care services/support; approximately 60% to 40% respectively. This is mainly due to longer life expectancy for females (Insights into Social Care in Scotland, ISD Scotland 2019).

5.11 There is evidence that there are more male than female fatalities and casualties in fires (SFRS Incident Statistics, 2019).

- Of the 45 fatal casualties in 2018-19, 29 were male.
- In 2018-19 the rates were 243.1 non-fatal casualties per million population for men (644) and 182.5 for women (509).

5.12 The person-centred and premises based fire safety risk assessment methodologies, set out in the Guidance, requires that both individual factors (including disability, age and/or sex) and generic occupant characteristics are taken into account. These approaches determine the type and extent of fire safety measures necessary which will reduce risk particularly for disabled people, older people and both females and males.

5.13 An analysis by other protected characteristics was not possible as the data set was either not collected or else the sample size was too small to report upon. Given all residents will benefit from improved fire safety, as far as we can assess, in addition to those identified previously, this will include people with the following protected characteristics:

- Race
- Pregnancy and maternity
- Religion or belief
- Sexual Orientation
- Gender reassignment
- Marriage and Civil Partnership

Extent/Level of EQIA required

5.14 We do not believe there is sufficient evidence or a requirement for an in depth EQIA as the impact on those who identify as having one or more of the protected characteristics will only be positive.

6 Recommendations and Conclusion

Have positive or negative impacts been identified for any of the equality groups?	Positive impacts for all equality groups, specifically older people and disabled people. No negative impacts have been identified for any of the equality groups.
Is the policy directly or indirectly discriminatory under the Equality Act 2010 ² ?	There is no evidence that the Guidance is directly or indirectly discriminatory under the Equality Act 2010.
If the policy is indirectly discriminatory, how is it justified under the relevant legislation?	
If not justified, what mitigating action will be undertaken?	

How the Equality Impact analysis has shaped the policy making process

- 6.1 The impact analysis has confirmed the anticipated benefits for older and disabled people and both women and men (for different reasons) i.e. the protected characteristics of age, disability and sex.
- 6.2 It has highlighted the benefits of a person-centred approach and the potential for additional fire safety measures, beyond those required by Building Regulations, to adequately safeguard certain groups.

Monitoring and Review

- 6.3 A monitoring and evaluation plan is being developed with Analytical colleagues. Relevant equalities issues, such as reducing fire risk and impact among older and disabled people will be considered for this.
- 6.4 The EQIA concluded that the introduction of the Guidance is neither directly nor indirectly discriminatory on the basis of age, disability, sex, pregnancy and maternity, gender reassignment, sexual orientation, race, religion or belief, and marriage and civil partnership. No mitigating action is therefore required.

Declaration

I am satisfied with the equality impact assessment that has been undertaken for Strengthening Fire Safety for Domestic High Rise Property and give my authorisation for the results of this assessment to be published on the Scottish Government's website.

Name: Wendy Wilkinson

Position: Deputy Director Safer Communities

Authorisation date: 20 January 2020

² See EQIA – Setting the Scene for further information on the legislation.



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