EXPLANATORY MEMORANDUM TO

THE FIRE SAFETY (RESIDENTIAL EVACUATION PLANS) (ENGLAND) REGULATIONS 2025

2025 No. 797

1. Introduction

1.1 This explanatory memorandum has been prepared by the Ministry of Housing, Communities and Local Government (MHCLG) and is laid before Parliament by Command of His Majesty.

1.2 This memorandum contains information for the Joint Committee on Statutory Instruments.

2. Declaration

2.1 Minister Alex Norris MP, Parliamentary Under-Secretary of State for Building Safety, Fire and Local Growth at the Ministry of Housing, Communities and Local Government confirms that this Explanatory Memorandum meets the required standard.

2.2 Jenna Marsh, SCS Grade 5 Deputy Director for the National Resilience and Fire Safety Unit, at MHCLG confirms that this Explanatory Memorandum meets the required standard.

3. Contact

3.1 Email: FireSafetyPolicy@communities.gov.uk can be contacted with any queries regarding the instrument.

Part One: Explanation, and context, of the Instrument

4. Overview of the Instrument

What does the legislation do?

4.1 The Instrument seeks to support the fire safety of "relevant residents" of specified residential buildings. These are residents whose only or principal residence is the domestic premises in which they reside, and whose ability to evacuate the building without assistance in the event of a fire is compromised as a result of a cognitive or physical impairment or condition. The Instrument applies to high-rise residential buildings (these are residential buildings that are at least 18 metres above ground level or have at least seven storeys) and residential buildings over 11 metres in height that have simultaneous evacuation strategies in place.

4.2 The Instrument imposes new duties on Responsible Persons (RPs) of these buildings. RPs are typically the building owners or managers and are defined under Article 3 of the Regulatory Reform (Fire Safety) Order 2005 ("the Fire Safety Order"). The Fire Safety Order establishes a risk-based regime of self-regulation that requires those responsible for non-domestic premises, and structural and common parts of multi-occupied residential buildings, to carry out certain fire safety duties, including ensuring the general fire precautions are satisfactory and conducting a fire risk assessment. The new duties introduced by this Instrument aim to improve the safety of

relevant residents by requiring the RP to identify and engage them in order to conduct person-centred fire risk assessments (where one is requested), consider potential fire safety measures to implement, and to record and provide the resident with a statement, i.e. a written record of what the resident has agreed to do in the case of a fire. The Instrument also imposes duties that ensure specific information on such residents is provided to the local Fire and Rescue Authority (FRA), if the resident explicitly consents, to support them with their emergency response, including the evacuation and rescue of relevant residents if necessary. The Instrument also imposes a duty that ensures building level evacuation plans are prepared and shared with FRAs.

Where does the legislation extend to, and apply?

4.3 The extent of this Instrument (that is, the jurisdiction(s) which the instrument forms part of the law of) is England and Wales.

4.4 The territorial application of this instrument (that is, where the instrument produces a practical effect) is England only. Whilst the Fire Safety Order extends to England and Wales, this Instrument will apply in England only. Fire safety is a devolved matter in Wales.

5. Policy Context

What is being done and why?

5.1 The Grenfell Tower Inquiry made two recommendations (33.22(e) and (f)) concerning Personal Emergency Evacuation Plans (PEEPs)) and one recommendation (33.22(c)) concerning evacuation plans in its Phase 1 report. The recommendations on PEEPs were that: 'the owner and manager of every high-rise residential building be required by law to prepare personal emergency evacuation plans (PEEPs) for all residents whose ability to self-evacuate may be compromised (such as persons with reduced mobility or cognition)'; and that 'the owner and manager of every high-rise residential building be required by law to include up-to-date information about persons with reduced mobility and their associated PEEPs in the premises information box'. The recommendation on evacuation plans was that 'the owner and manager of every high-rise residential building be required by law to draw up and keep under regular review evacuation plans, copies of which are to be provided in electronic and paper form to their local fire and rescue service and placed in an information box on the premises'. These specific Grenfell Tower Inquiry recommendations explain that they are to be actioned through law. Government agreed to these recommendations in principle.

5.2 The Grenfell fire was a national tragedy that attracted significant attention both nationally and internationally, and disproportionately impacted its vulnerable/disabled residents. Government undertook extensive evidence gathering, encompassing consultations, calls for evidence, workshops and working groups, to understand how best to respond to these recommendations. The consultations attracted over 500 responses in total, from the fire sector, housing sector, industry and general public. Conclusions drawn from the 2021 PEEPs consultation found that, broadly, no PEEP as carried out in a commercial building has successfully been carried out in the general case in a high-rise residential setting and that it is not advisable to mandate PEEPs as found in some workplaces to residential settings due to concerns regarding practicality, proportionality and safety. An alternative set of measures was consequently proposed in the 2022 Emergency Evacuation Information Sharing Plus (EEIS+) Consultation. Conclusions drawn from this consultation are set out in the government response to that consultation, along with the new policy, known as

Residential PEEPs, together with building level evacuation plans. This new policy will support the fire safety and evacuation of disabled/vulnerable residents. The majority of elements of this new policy are being enacted through this Instrument, laying regulations under Article 24 of the Fire Safety Order. One element of the new policy will need to be enacted through primary legislation: this is specifically the requirement for the person-centred fire risk assessment to include a consideration of fire safety and evacuation risks, and potential mitigations, within the domestic premises of the relevant resident. Primary legislation is required because the Fire Safety Order does not apply in relation to domestic premises other than in the limited respects set out in the Order. Article 6 of the Fire Safety Order clarifies its scope in relation to buildings with two or more sets of domestic premises: it applies to the structure, external walls and any common parts, as well as doors on to common parts. Government is considering options for a legislative vehicle to enact the remaining policy element.

5.3 This Instrument requires RPs to: take reasonable steps to identify their relevant residents; carry out a person-centred fire risk assessment for each relevant resident identified who asks for one; consider the outcomes of the assessment, discuss with the resident potential measures to support the resident's fire safety and evacuation, and implement measures relating to the premises to which the Fire Safety Order applies that are reasonable and proportionate (taking into account whether the costs are to be borne by the RP, the resident; or shared by all residents in the building, where the measure benefits all residents and there is a mechanism for the RP to do so); produce and provide the relevant resident with a written statement recording the approach as to what the resident should do in the event of a fire (where it is agreed with the resident), based on the person-centred fire risk assessment process; share certain information on the resident with their local FRA where the resident explicitly consents (the FRA can use this information to assist them in undertaking evacuation and rescue of vulnerable residents where required in the event of a fire); and to regularly review these steps of the Residential PEEPs process.

5.4 In addition to the obligations with respect to Residential PEEPs, this Instrument also includes a provision requiring RPs for buildings in scope to prepare a separate building level evacuation plan, to be kept under review, and share this with their local FRA.

5.5 The scope of the Instrument excludes Ministry of Defence occupied and operated residential buildings housing service personnel and their families, and the two apartments contained within the Palace of Westminster. Fire safety measures are in place in both sets of locations and there are valid security concerns about sharing certain information about a secure estate. Government does not consider it was the intent of the Inquiry to capture the Palace of Westminster in the scope of its recommendations by virtue of the residencies of the Speakers of the Lords and Commons.

What was the previous policy, how is this different?

5.6 Before this policy on Residential PEEPs and building level evacuation plans, there was no legal requirement regarding evacuation of mobility-impaired residents or building level evacuation plans and no requirement under the Fire Safety Order for any form of PEEPs to be implemented.

5.7 While a PEEP was not specifically required under the Fire Safety Order, some RPs in workplaces have implemented PEEPs for vulnerable employees (that is, employees who would not be able otherwise to self-evacuate from a building). Key factors

supporting workplace-style PEEPs are the availability of staff while the building is occupied, and the control over the building and staff.

5.8 Consultations found that similar workplace-style PEEPs have broadly not been implemented in residential buildings due to concerns regarding the practicality, proportionality and safety of workplace-style PEEPs in such buildings. The consultations identified, however, that some RPs for residential buildings (typically within the public sector) were finding alternative ways of supporting vulnerable residents through engagement with them, gathering information on them and implementing various fire safety measures.

5.9 Residential PEEPs avoids the problems inherent in implementing workplace-style PEEPs within residential buildings. This new policy means that vulnerable residents are offered a person-centred fire risk assessment and so may have reasonable and proportionate measures implemented that can support their fire safety and evacuation, following from the RP's assessment of the specific risks they face in self-evacuating from, and otherwise regarding, parts of the premises within scope of the Fire Safety Order, in light of their vulnerabilities, and a clear statement of what they should do in the event of a fire. The new policy also requires the RP to share certain information on vulnerable residents with the local FRA to support the FRA's operational approach in case they need to evacuate or rescue them. Engagement with the process and sharing of information are only with the resident's explicit consent. This new policy also requires building level evacuation plans to be produced and made available to the local FRA. None of this support for vulnerable residents or for FRAs was previously made a statutory requirement.

6. Legislative and Legal Context

How has the law changed?

6.1 The Fire Safety Order requires an RP to undertake, and review regularly, a fire risk assessment of the premises and to put in place and maintain reasonable precautions to ensure the safety of persons lawfully on the premises and those in the immediate vicinity at risk in the event of fire. The Fire Safety Order applies to all non-domestic premises and the common parts in residential buildings (Article 6 details the Order's 'application to premises', which in relation to multi-occupied domestic premises extends to structure, external walls and common parts and doors onto those parts). Regulations made under Article 24 of the Fire Safety Order do not amend the Order nor do they create any new criminal offence or penalties or amend any existing offences. An offence of breaching regulations made under Article 24, where the breach risks death or serious injury in case of fire, already exists. Regulation 14 of this Instrument amends the Fire Safety (England) Regulations 2022 to require that the secure information box required by those Regulations must also be capable of containing the documents required to be placed in it by this Instrument.

Why was this approach taken to change the law?

6.2 A change in legislation is needed to ensure that RPs comply with the requirements of this policy. Other Regulations, such as the Fire Safety (England) Regulations 2022, were made under Article 24 of the Fire Safety Order, so making the current Regulations under the same Article ensures a consistent approach, including to enforcement.

6.3 The level of detail is considered more appropriate for secondary than primary legislation.

6.4 In addition, secondary legislation enables greater flexibility for future evidence-based and technical amendments, for instance to accommodate the addition of further building specifications within scope of the policy, or further methods for information sharing with FRAs.

7. Consultation

Summary of consultation outcome and methodology

7.1 These regulations are the result of two years of evidence gathering, and two consultations: the 2021 PEEPs Consultation,[1] and the 2022 EEIS+ Consultation, which together sought to develop proposals that address three of the recommendations made in the Grenfell Tower Inquiry Phase 1 Report. Two of these recommendations relate to PEEPs, while a third recommendation covers evacuation plans. The government's response to the EEIS+ Consultation, published in December 2024, set out the proposals that have resulted in these regulations.[2]

7.2 Over these two consultations, the Home Office [which owned the policy prior to its transfer to MHCLG] received more than 500 responses from residents, disability groups, Fire and Rescue Services and the wider fire sector, academics, numerous professional bodies, and RPs such as local authorities, housing associations and other housing providers. The Home Office also held two series of large-scale stakeholder workshops and held numerous other meetings with individual stakeholders to garner as diverse a range of views as possible.

7.3 The EEIS+ Consultation was open from 18 May to 21 August 2022. To ensure that all interested parties were able to respond as fully and effectively as possible, an online survey was hosted on GOV.UK with hard copy and alternative formats available on request. The EEIS+ Consultation proposed a five-step process to support the fire safety and evacuation of disabled/vulnerable residents, as a means of addressing the two Inquiry recommendations relating to PEEPs. These five steps outlined in the Consultation broadly received positive responses and will be implemented through this Instrument, with the exception of one element which will need to be delivered through primary legislation as noted above. The Consultation also included a proposal to deliver the third recommendation on evacuation plans, which again will be implemented. Reflecting on the responses to the Consultation, government concluded that the scope of the proposals should be expanded to all high-rise residential buildings as well as buildings between 11 metres and 18 metres in height that have simultaneous evacuation strategies in place. This goes beyond the Inquiry's recommendations which were specific to high-rise residential buildings, and the scope of the proposals in the 2022 consultation.

8. Applicable Guidance

8.1 A Factsheet and first edition of a Toolkit with examples of existing practice are being published to accompany this Instrument, to help Responsible Persons comply. Guidance is being shared in draft with stakeholders following a well-established procedure for Fire Safety Order guidance, and will be made available on GOV.UK by Autumn 2025. The regulations are scheduled to come into force on 6 April 2026.

[1] The government response to the 2021 PEEPs Consultation, published in May 2022, is available here: Personal Emergency Evacuation Plans - GOV.UK (www.gov.uk)

[2] The government response to the EEIS+ Consultation is available here: [Government response: Emergency Evacuation Information Sharing Plus (EEIS+) consultation (accessible) - GOV.UK].

Part Two: Impact and the Better Regulation Framework

9. Impact Assessment

9.1 A full Impact Assessment is submitted with this memorandum and published alongside the Explanatory Memorandum on the legislation.gov.uk website.

Impact on businesses, charities and voluntary bodies

Businesses

9.2 The main impact on business will be incurred by those who act as RPs, such as residential managing agent firms, residential management companies, right to manage companies or landlords. However, it is assumed that private housing RPs will generally pass on costs to the leaseholders through service charges or rent rather than face additional costs themselves, where they are able to do so.

9.3 For RPs in social housing this is not possible due to restrictions around what they can charge for. Without government intervention social RPs may incur the costs of in and out of flat measures themselves. However, a set amount of funding for social housing will be provided by the government which will mitigate the additional costs for these businesses.

9.4 Businesses producing and/or supplying fire safety measures are likely to receive the cost of mitigating measures as a transfer in the form of additional revenue.

Small or micro businesses

9.5 The legislation does impact small or micro businesses. The Association of Residential Managing Agents (ARMA) undertook analysis of their members[3] and found that "the managing agent industry is dominated in terms of number of firms by smaller businesses." It is likely that most residential managing firms have between 10 to 49 employees, as on average a residential managing agent firm employs 29 individuals. These would be defined as small businesses[4].

9.6 Moreover, over 80 per cent of ARMA member firms manage fewer than 4,000 units, and so would likely be small businesses. Only the top ten firms in the industry are very large, managing 500,000 units between them.

9.7 It is acknowledged that not all managing agents in ARMA will manage high-rise buildings or buildings with a simultaneous evacuation strategy, and so the proportion of small and micro-businesses managing these buildings may be different. There is not enough accurate data to estimate the proportion or volume of overall cost that would fall to small and micro-businesses, but it is likely that the majority of businesses impacted will fall into this category.

9.8 Many impacted buildings may be managed by small or micro businesses. The policy is intended to improve the fire safety and evacuation of individuals unable to evacuate themselves. It is not possible to grant small and micro businesses an exemption from these measures while still achieving the policy and strategic objectives. Any exemptions for small and micro-businesses could compromise fire safety in high-rise

[3] ARMA: Page 4-5 https://arma.org.uk/downloader/tx7/ARMA_Overview_of_Block_Management_Sector.pdf. Note that ARMA covers England and Wales, whereas this legislation only covers England.

[4] RPC Guidance: Page 2 RPC SaMBA - August 2019.pdf - https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/827960/RPC_Small_and_Micro_Business_Assessment__SaMBA___August_2019.pdf

buildings and buildings which are over 11m tall with a simultaneous evacuation strategy, and could potentially create loopholes in any potential legislation.

9.9 Business RPs already work in a highly regulated industry and are subject to fire safety regulations, and any properties owned are already subject to the Fire Safety Order. This Instrument builds on the regime in place under the Order, and many businesses will already be taking steps to make sure fire and building safety measures are up-to-date and comply with the latest regulation and best practice guidance.

9.10 As the majority of the additional costs are expected to either be covered by government funding or passed on to private leaseholders (where leases allow), there is unlikely to be a large and disproportionate impact on small and micro businesses.

9.11 The implementation of RPEEPs will create benefits for all businesses that sell the range of mitigating measures that RPs will be required to implement based on the results of the person-centred fire risk assessment. There is potential for businesses to increase the prices of these goods in response to the increase in demand for these measures. Larger businesses may be in a better position to take advantage of this. Smaller businesses may face difficulties in scaling up at short notice.

Impact on Public Sector

9.12 There will be an impact on the public sector, as it is expected that funding will be provided for the social housing sector. The total cost for the social housing sector is estimated to be £342.40 million over 10 years, with a range of £10.03 million to £1,510.37 million. These costs include the administration costs as well as the mitigating measures. The wide range in estimated costs is largely driven by the range in the cost of the measures themselves, as well as the proportion of residents expected to take up the measures.

10. Monitoring and review

What is the approach to monitoring and reviewing this legislation?

10.1 It is likely that this policy will be evaluated in 2028. This will allow time for the measures to come into force and for a useful amount of data to be collected to understand their impact.

10.2 The approach to monitoring this legislation is through engagement with stakeholders, including fire and rescue services.

10.3 The instrument does not include a statutory review clause, as it falls under the Exemptions and Exclusions to the Better Regulation Framework, under ‘Building safety regulatory provisions for the safety of tenants, residents and occupants in buildings that stem from the government’s response to the Grenfell tragedy.

Part Three: Statements and Matters of Particular Interest to Parliament

11. Matters of special interest to Parliament

11.1 The Instrument introduces new duties on Responsible Persons. Part 3 of the Fire Safety Order makes provision for enforcement of the Fire Safety Order and regulations made under it. Under Article 25, the local Fire and Rescue Authority will be responsible for enforcing the requirements of this Instrument. Under Article 30(1), if the Fire and Rescue Authority assesses that the RP has failed to comply with any provision of the Regulations, they may serve them with an enforcement notice. It is an offence under Article 32(1)(d) to fail to comply with any requirement imposed by an enforcement notice. Article 32(1)(b) in Part 4 of the Fire Safety Order provides for an offence of failure to comply with a requirement imposed by regulations made under Article 24 where that failure places one or more relevant persons at risk of death or serious injury in case of fire.

11.2 The Instrument fulfils the commitment to legislate to introduce RPEEPs made to Parliament on several occasions, including on the occasion of the Grenfell Tower Inquiry debate on 2 December 2024, when the Deputy Prime Minister announced the publication of the government response to the EEIS+ Consultation, which provided details of the RPEEPs policy.

12. European Convention on Human Rights

12.1 The Minister for Building Safety, Fire and Local Growth has made the following statement regarding Human Rights:

"In my view the provisions of the Fire Safety (Residential Evacuation Plans) (England) Regulations 2025 are compatible with the Convention rights."

13. The Relevant European Union Acts

13.1 This instrument is not made under the European Union (Withdrawal) Act 2018, the European Union (Future Relationship) Act 2020 or the Retained EU Law (Revocation and Reform) Act 2023 ("relevant European Union Acts").