

Fire Safety (Residential PEEPs) (England) Regulations 2022

Advisory Note

1 Introduction

The Fire Safety (Residential PEEPs) (England) Regulations 2025 come into force in April 2026 and introduce new legal duties to implement Recommendations 33.22e and 33.2f of the Grenfell Tower Inquiry.

The Regulations place additional legal obligations on Responsible Persons to identify and manage fire risks affecting disabled residents, ensuring appropriate support is in place during an evacuation. The aim is to improve the safety of disabled and vulnerable residents.

To strengthen safety and accountability, the Regulations require Person-Centred Fire Risk Assessments (PcFRAs) and Emergency Evacuation Statements, commonly referred to as Personal Emergency Evacuation Plans (PEEPs), for individuals with mobility, sensory, or cognitive impairments living in multi-storey, residential buildings.

It is important to note that, under the Regulatory Reform (Fire Safety) Order 2005, commonly referred to as the Fire Safety Order, it is already a legal requirement for all residents to be able to evacuate a building as quickly and as safely as possible. All guidance supports this requirement.

Under the Fire Safety Order (FSO), providing suitable and sufficient training is a legal requirement of Article 21. **The Government estimates that 28.4% of residents in social housing and 16.4% of those in private multi-storey buildings are evacuation impaired and will be covered by the new Regulations.** This allows organisations to assess how many staff will require training to develop Person-Centred Fire Risk Assessments (PcFRAs) and emergency evacuation plans for residents.

2 Legal Framework

Primary legislation takes precedence over regulations where conflicts arise. Such conflicts between the RPEEPs Regulation and other laws can be found in the Fire Safety Order (FSO), the Equality Act 2010, and the Housing Act 2004.

The RPEEPs Regulation is made under the FSO, which currently excludes domestic premises. However, an amendment to the FSO is anticipated to make PcFRAs a legal requirement for domestic settings.

The FSO is criminal legislation, placing a direct personal duty on managers to ensure compliance. Breaches can result in unlimited fines in a magistrates' court, or in the Crown Court, an unlimited fine and/or up to two years' imprisonment.

For more detail, see *Enforcement and Sanctions for Non-compliance with the Fire Safety Order*, Section 10:

https://assets.publishing.service.gov.uk/media/651435bbb23dad000de7076e/Enforcement_and_sanctions_for_non-compliance.pdf.

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One notable example of enforcement was the case of BUPA Care Services (ANS) Ltd, which was fined £937,500 and ordered to pay £104,000 in prosecution costs for failing to train staff to identify fire safety risks, failures that contributed to a fatal incident.

3 In-scope buildings

The Regulation applies to all residential buildings that:

- are at least 18 metres in height above ground level;
- has at least seven storeys, or
- are more than 11 metres in height above ground level and has a simultaneous evacuation strategy.

4 Relevant Persons

The definition of a relevant person in Regulation 4 conflicts with the FSO, Part 1, 2. Interpretation which states “relevant persons” means—

- (a) any person (including the responsible person) who is or may be lawfully on the premises; and
- (b) any person in the immediate vicinity of the premises who is at risk from a fire on the premises, applies to all people legally on the residential premises."

Organisations are advised to apply the Regulation to all relevant persons as defined in the FSO unless an amendment is made.

5 Consent

The Data (Use and Access) Act 2025 is primary legislation and takes precedence over the Regulations. Section 70: Schedule 4 has introduced a new legal basis for processing personal data under UK GDPR Article 6, allowing certain "recognised legitimate interests" such as safeguarding vulnerable people and emergency response without needing consent.

Read the Government factsheet: <https://www.gov.uk/government/publications/data-use-and-access-act-2025-factsheets/data-use-and-access-act-factsheet-uk-gdpr-and-dpa>.

6 Unmitigated Hazards

The Regulation states that hazards can remain unresolved if a disabled or vulnerable person is unwilling or unable to pay for measures to resolve or reduce the risk.

Hazards may include but are not limited to:

Overloaded sockets used for charging mobility scooters/other devices.

Unsafe cooking practices and white goods.

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Hearing-impaired residents unable to hear alarms.

Unsafe storage of oxygen cylinders and combustible incontinence products.

Disabled residents at risk during an evacuation who cannot afford an assisted escape device.

All identified hazards should be addressed through mitigation or risk reduction as leaving risks unmitigated presents risks to the building, other residents and firefighters.

Unmitigated hazards also have implications for:

Housing Health & Safety Rating System: Inspections relating to Sections 23: Electrical; Section 24: Fire and Section 25: Burns.

Coroner's Inquest: Potential for referral of the Responsible Person for criminal prosecution following a fatality caused by a documented but unmitigated hazard.

Insurance: Damage to the building resulting in insurance claims being refused.

Claims for discrimination: Under the Equality Act 2010. N.B. the upper band on the Vento scale £36,400 to £60,700 (the most serious cases) per claim, with the most exceptional cases capable of exceeding £60,700.

7 Assisted Escape Devices (AEDs)

AEDs are provided to:

- **Remove discrimination** for a disabled resident unable to use the means of escape, such as stairs, available to non-disabled residents.
- **Mitigate the hazard** of being unable to move away from immediate danger and evacuate the building as quickly and as safely as possible.

One size of AED does not fit all situations with an AED depending on the:

- **Occupant (height, weight) and their impairment:** AEDs have occupant weight limits, e.g. A person with Tourette's/brain injury requires an AED to restrain limbs while a person with a spinal injury/osteoporosis requires additional support etc.
- **Operator of the AED:** A friction-based AED requires the operator to be heavier than the occupant to control the AED on the stairs. If not, then a tracked AED with a braking system or a motorised AED is required.
- **Physical environment:** Many AED will not turn the corner on landings or on certain stair surfaces with potential for blocking the escape.

Procurement of AEDs by organisations involve a formal procurement process, including:

- Identification of a supplier with a range of devices.

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- Checks on quality (CE marking), insurance etc.
- Training and maintenance provided as part of the procurement.
- Supplier demonstration that the AED meets the requirement.

Many unregulated devices, new and second-hand, are available for purchase on the internet. Disabled residents required to fund their own AED may decide to purchase their own, resulting in:

- Organisations losing control over the provision, training and maintenance of AEDS.
- Lack of AED maintenance or training for operators
- Unsuitable devices for the occupant, operator or the physical environment blocking the escape route for all residents and fire-fighters.
- Injury to a disabled resident or fire-fighters during an evacuation.

8 Conclusion

The Fire Safety (Residential PEEPs) (England) Regulations 2025 mark a step forward in protecting disabled and vulnerable residents in multi-storey buildings. By mandating PcFRAs and Emergency Statements, the Regulations give some legal force to Recommendations 33.22e and 33.22f of the GTI.

However, the Regulations expose several legislative conflicts. The FSO currently excludes domestic premises, creating ambiguity around enforcement of PcFRAs within individual flats. Until the FSO is amended, Responsible Persons face uncertainty about their legal obligations in these settings. Additionally, the definition of “relevant persons” in Regulation 4 conflicts with the broader interpretation in the FSO, which includes anyone lawfully on the premises or in the immediate vicinity. Organisations are advised to apply the broader FSO definition to avoid gaps in protection.

The Data (Use and Access) Act 2025 further complicates matters by removing the need for consent when processing personal data for safeguarding and emergency response under UK GDPR Article 6. While this supports proactive planning, it requires careful handling of sensitive data to maintain trust and compliance.

Unmitigated hazards present serious risks. The Regulation permits hazards to remain unresolved if a disabled resident is unwilling or unable to pay for mitigation. This includes overloaded sockets, unsafe cooking practices, hearing impairments, and lack of assisted escape devices. Leaving such risks unaddressed endangers not only the individual but also other residents and firefighters. It may also trigger enforcement under the Housing Health and Safety Rating System (HHSRS), criminal prosecution following a coroner’s inquest, insurance claim refusals, and discrimination claims under the Equality Act 2010, where compensation can exceed £60,700 per claim.

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The procurement and use of AEDs is another area of concern. When residents are required to purchase their own devices, organisations lose control over quality, suitability, maintenance, and training. Inappropriate or unregulated devices may block escape routes, injure occupants or responders, and compromise evacuation for all. AEDs must be matched to the occupant's needs, the operator's capacity, and the building's layout. Formal procurement processes are essential to ensure safety and legal compliance.

In summary, while the Regulations goes some way to strengthen fire safety and accountability, they also demand urgent attention to legal clarity, operational readiness, and ethical responsibility. Organisations must act now to train staff, assess risks, and implement inclusive evacuation strategies that uphold the dignity and safety of every resident. Failure to do so risks not only legal consequences but also the erosion of public trust in housing safety.