



Guidance on Cladding

Members will not need reminding of the importance of helping clients to understand the implications of any cladding on the property which they are seeking to purchase.

We have produced the attached guidance to help steer you through what you should be looking for and how you should be advising your clients and their lenders.

With a building safety regulator to be created in the Building Safety Act, it is likely to need regular updating and we will be keeping our eye on how the official guidance is evolving for future editions. For example, the current draft of 'The Higher-Risk Buildings (Descriptions and Supplementary Provisions) Regulations' only reference 18-meter high buildings or those with seven story.

We recommend you also regularly check for updates on the RICS and Gov.UK. websites.

We hope you find it a useful guide to the subject.

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What is an External Wall System Form (EWS1 Form)?

The EWS1 Form was created by RICS, UK Finance and the Buildings Societies Association. The Department of Levelling Up, Housing and Communities were supportive of the approach and process when known as MHCLG.

The EWS1 process will require a fire safety assessment to be conducted by a suitably qualified and competent professional, delivering assurance for lenders, valuers, residents, buyers and sellers. See Annex for a list of suitably qualified professional bodies.

The EWS1 form is not a building safety certificate. The use of an EWS1 form is the way in which a valuer can seek expert opinion on whether a building will need remediation work that is likely to affect the value of the property (and the affordability of mortgage lending for the borrower).

The EWS1 form can be viewed [here](#).

When is an EWS1 Form required?

Not every building will require an EWS1 form. RICS publish guidance for valuers and included is criteria to help decide whether a particular building will need a EWS1 form; of course the lender's own lending policy will prevail.

The RICS criteria consider the height of the building, the type of cladding and (in some circumstances) how much of it there is on the building. There are also criteria relating to balconies and combustible material. There should be a rationale to justify the request for the EWS1 form.

RICS do not envisage residential in scope buildings of one to three storeys in height requiring an EWS1 form, unless the type of occupation of the building significantly increases risk to life in the event of a fire e.g. a care home with elderly people which could not be evacuated quickly and which will necessitate remediation works that will materially affect value.

Some lenders require the EWS1 at any height and if a building is wrapped entirely in cladding, certainly Aluminium Composite Material (ACM) and High Pressure Laminates (HPL), then at any height the EWS1 will be requested.

The RICS position can be seen [here](#).

Why is an EWS1 Form required?

The EWS1 form is designed to be used for residential properties such as blocks of flats (including those owned by housing associations and social housing providers as well as privately owned), student accommodation, dormitories, assisted living, care homes and Houses in Multiple Occupation (HMOs).

The EWS1 form is not specifically designed for use of short-term accommodation such as hotels. EWS1 does, however, apply to an entire building or block so where required, may also be relevant to mixed use.

The EWS1 process, and resulting form, is a set way for a building owner to confirm that an external wall system on residential buildings has been assessed for safety by a suitable expert, in line with Government guidance.

Government has directed in its [building safety programme](#) that ACM external wall systems, in certain circumstances, are to be removed from residential tall buildings.

They also introduced guidance (see MHCLG Advice Note 14) for circumstances where there are other potentially combustible materials on existing tall buildings.

These include but are not limited to: Metal Composite Materials (MCM) faced with other metals such as zinc, copper, and stainless steel; HPL; and rendered insulation systems.

The review of the Building Regulations is ongoing and you should keep abreast of developments.

<https://www.gov.uk/guidance/building-safety-programme>

What is the EWS1 Process?

A pro-forma, EWS1 has been created to be provided to the valuer and lender during the valuation process. The EWS1 form is a clear and transparent pro-forma completed by a competent fire safety expert, on behalf of the building owner, who will advise whether works are required.

Due to legislative differences in Scotland, factors (property managers) need majority approval from individual flat owners to obtain the EWS1. To ensure safety of occupation and ability to buy and sell, flat owners should speak with their factors to discuss how to resolve obtaining the EWS1 form and avoid duplication per block.

The EWS1 form will indicate the opinion of the fire expert based on the following options:

OPTION A – Where external wall materials are unlikely to support combustion

A1 - There are no attachments whose construction includes significant quantities of combustible materials.

A2 - There is an appropriate risk assessment of the attachments confirming that no remedial works are required.

A3 – Where neither of the above two options apply, there may be potential costs of remedial works to attachments.

OPTION B – Where combustible materials are present in external wall

B1 – The expert concluded that in their view the fire risk is sufficiently low that no remedial works are required.

B2 – The expert has concluded that an adequate standard of safety is not achieved and has identified to the client organisation the remedial and interim measures required (documented separately).

Limitation of liability:-

It is likely lenders will provide standard paragraphs for you to use when you either request or have sight of an EWS1 form. You should use the following phrase where this is not available to you. This will allow the borrower to understand your role and responsibilities:

In arriving at the valuation for mortgage purposes, your mortgage lender and the mortgage lender's appointed valuer (where applicable), we have relied on the EWS1 form in good faith by a professionally qualified third party. There is however no liability to the lender, the valuer or to you, the borrower, for any losses or potential losses arising directly and solely from the valuation being provided in reliance upon the EWS1 form. If you require further information then please seek independent advice prior to legal commitment to purchase.

What is the conveyancer's role?

Check the property particulars and ask your client whether there is some form of combustible cladding or combustible material on balconies. If there is, but the property is less than four storeys in height, then advise the client to check the impact of combustible cladding or combustible material on balconies on them.

If there is combustible cladding or combustible balconies and the property is over four storeys, recommend the client check whether the property has an external solid brick wall.

If the external wall is not solid brick, recommend to the client that an EWS1 Form should be obtained to check fire safety. If they are a seller then recommend they obtain one as soon as possible as their buyer will want to see it and work may be required.

If the EWS1 is provided with option A3 or B2 that the client will need to be advised of the potential risk and cost of remediation and provide their instructions.

Conveyancer Checklist

- Refer to the [RICS fire safety](#) web pages for the latest guidance.
- Check whether an EWS1 is required.
- Obtain copy of the EWS1 form; the lenders and Fire Industry Association have created a [portal](#) which you can search.
- Check that the person who has completed the EWS1 is registered and that it has not been fraudulently signed. You can check that they appear on the relevant professional body's website – see the Appendix attached.
- If fire expert has selected Option A3 or B2 or remedial work is required:-
 - Ask the lease administrator for proposals for undertaking the works.
 - Establish the cost and timescales of the works.
 - Establish whether the cost of the works has still to be collected from the Lessees and if so put the appropriate allowance on completion in place for the costs due from the incoming lessee.
 - Establish whether the insurer has had sight of the EWS1 form and proposals and whether it impacts the insurance cover.
 - Ensure that the client and any applicable lender are aware of the proposals and wish to proceed.

NB the conveyancer should be clear that they are not an expert and do not accept liability if the EWS1 form is completely fraudulently or incorrect.

Does the EWS1 Form have a shelf-life?

During the development of the form it was decided that it would be reasonable to refer to the EWS1 Form for five years after it was created. However, RICS recommends its members should request a new EWS1 Form if it is thought alterations have been made, such that the EWS1 Form may no longer provide a reasonable assessment of the external wall system and/or balcony.

Who Completes an EWS1 Form?

The EWS1 form must only be completed by competent chartered professionals with suitable fire expertise. The valuer does not complete this form or select which option is suitable. The fire expert does this and it is for the fire expert to assess which option is most appropriate.

RICS Members and Firms with suitable fire expertise may be involved in the completion of an EWS1 Form.

Appendix - List of Relevant Professional Bodies Able to Complete an EWS1

Those involved in the EWS1 process must have sufficient expertise to identify the relevant materials within the external wall and attachments and whether fire-resisting cavity barriers and fire stopping have been installed correctly if completing Option A of the Form, in addition, for Option B, expertise in the assessment of the fire risk presented by external wall materials.

For Option A

The EWS1 form must be completed by a fully qualified member of a relevant professional body within the construction industry with sufficient expertise to identify the relevant materials within the external wall and attachments and whether fire-resisting cavity barriers and fire stopping have been installed correctly. However, this would not necessarily include the need for expertise in fire engineering.

The following list are bodies recognised in 2020 as operating in the built environment. This list is not exhaustive, nor does it constitute an endorsement or approval from RICS, UKF or BSA and other bodies with relevant expertise may be able to assist. Anybody instructing an EWS1 form must be satisfied that the signatory meets the requirements as described above.

Qualified members of:

- Architects Registration Board (ARB).
- Association of Consultant Approved Inspectors (ACAI).
- Chartered Association of Building Engineers (CABE).
- Chartered Institute of Architectural Technologists (CIAT).
- Chartered Institute of Building (CIOB).
- Chartered Institution of Building Services Engineers (CIBSE).
- Construction Industry Council Approved Inspectors Register (CICAIR).
- Institute of Clerks of Works and Construction Inspectorate (ICWCI).
- Institution of Civil Engineers (ICE).
- Institution of Fire Engineers (IFE).

- Institute of Fire Safety Managers (IFSM).
- Institution of Structural Engineers (IStructE).
- Local Authority Building Control (LABC).
- Royal Institute of British Architects (RIBA).
- Royal Institution of Chartered Surveyors (RICS).
- Society of Façade Engineers (SFE).

For Option B

The signatory would need a higher level of expertise in the assessment of the fire risk presented by external wall materials and should be a fully qualified member of a relevant professional body that deals with fire safety in the built environment. This should be a Chartered Engineer with the Institution of Fire Engineers or equivalent.

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