



Llywodraeth Cymru
Welsh Government

Building Regulations Wales

Circular

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Regulatory requirements in relation to automatic fire suppression systems in care homes for children.

1. There have been a number of enquiries recently in relation to care homes for children and whether the requirements for automatic fire suppression systems apply to this occupancy type. This circular provides guidance on the current regulatory requirements. To simplify the regulatory framework we will consider bringing forward the requirements for automatic fire suppression systems in care homes for children into the Building Regulations 2010 (Building Regulations) at the earliest opportunity.
2. The requirement to provide automatic fire suppression systems in residences is contained in the Domestic (Fire Safety) Wales Measure (the Measure). The Measure was made in April 2011 at a time before the Building Act and the Regulations were devolved to the Welsh Ministers in respect of Wales.
3. On 22 October 2013 certain provisions in the Measure were brought into force by the Domestic Fire Safety (Wales) Measure 2011 (Commencement No. 1) Order 2013 ([Wales Statutory Instruments 2013 No. 2727 \(W. 262\)](#)). Requirements relating to the Measure have subsequently been prescribed by the Building Regulations &c. (Amendment No. 3) and Domestic Fire Safety (Wales) Regulations 2013 ([Wales Statutory Instruments 2013 No. 2730 \(W. 264\)](#)) and amendments have been made by the Domestic Fire Safety (Definition of Residence) (Wales) Order 2013 ([Wales Statutory Instruments 2013 No. 2723 \(W. 261\)](#)).
4. Included among the provisions brought into force in 2013 was section 1(3)(b) which requires the provision of automatic fire suppression systems. The Measure only applies where the Building Regulations do not already impose any requirements to the building work.
5. Regulation 37A of the Building Regulations requires that automatic fire suppression systems are provided in certain buildings. This includes a requirement to provide automatic fire suppression systems in care homes but only those care homes provided wholly or mainly to persons aged 18 or over¹.
6. Section 6 of the Measure defines residences to which the Measure applies and included among these residences are care homes for children within the meaning given in Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016¹. The requirements for care homes for children relate to children under the age of 18. The requirements in Regulation 37A of the Building Regulations in relation to the provision of automatic fire suppression systems do not apply to care homes for children. The requirements are applied through the Measure.

Responsibility of compliance

7. In accordance with Section 1(1) of the Measure where it is proposed to construct, convert, subdivide or amalgamate buildings to create a care home for children the care home must have an automatic fire suppression system installed.

¹ The Measure made reference to Section 1 for Children's Homes and the Building Regulations made reference to Section 3 for Care Homes under the Care Standards Act 2000, however following the commencement of the Regulation and Inspection of Social Care (Wales) Act 2016 consequential amendments were made by the Regulation and Inspection of Social Care (Wales) Act 2016 (Consequential Amendments to Secondary Legislation) Regulations 2018. These Regulations only amend the Measure and Building Regulations to correct the reference, they do not alter the effect of either provision.

8. Therefore people who carry out design or building work (e.g. designer, builder or installer) have a responsibility to ensure that the work complies with any requirements relevant to that building. Responsibility ultimately lies with the building owner and this includes ensuring compliance with the Measure.
9. Care Inspectorate Wales (CIW) regulates care homes for children in Wales. For registration of a care home for children CIW needs to be satisfied that the service will be provided in such a way that it complies with all relevant legislation. CIW consider that the Building Regulations and the Measure² are relevant legislation for this purpose.

Compliant standard

10. Compliance with section 1(4) of the Measure requires that:
 - a) each care home for children must be provided with an automatic fire suppression system³;
 - b) the system is operating effectively; and
 - c) the system complies with such requirements as may be prescribed.
11. An automatic fire suppression system is considered to be compliant with the Measure if it follows the requirements set out in Approved Document B for automatic fire suppression systems that are required by Part 7A of the Building Regulations.
12. The Welsh Ministers recognise this situation is complicated and are considering bringing care homes for children under the remit of the Building Regulations which would then remove them from the remit of the Measure.

Enquiries:

13. Any enquiries on this Circular Letter should be addressed to:

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Yours faithfully



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² <https://careinspectorate.wales/sites/default/files/2020-02/200131-risca2016-reg-guidance-en.pdf>

³ References to an automatic fire suppression system also include any supply of energy, water, or other substance, necessary for the effective functioning of the system.