

Update on External Wall Fire Review (Form EWS1)



On 17 January 2020 we published an article on the [introduction of Form EWS1](#) which was introduced to provide certainty and clarity post Grenfell on the make-up of external wall systems (such as cladding) installed on tall buildings.

It was thought that having a uniform process for certifying the make-up of external wall systems would ease concerns of prospective purchasers and mortgagees and unfreeze the market for flats in tall buildings.

While such an approach has a lot for it in theory, an unintended consequence of the introduction of EWS1 was that it was being requested (and in some cases required) by purchasers and mortgagees in all transactions involving tall buildings, irrespective of the make-up of the external walls and whether or not external cladding was installed.

Following further consultation between the Government, RICS, UK Finance and the Building Societies Association, agreement has been reached and advice now published to confirm that form EWS1 will no longer be required in order to sell or re-mortgage flats in tall buildings which have no external cladding.

The theory is that this agreement and advice will enable such properties to be more readily sold. While this latest announcement provides some comfort for those who are seeking to buy or sell flats within tall buildings without cladding (and the owners of such buildings), questions still remain:

- While the latest advice is that EWS1 is no longer required in the case of tall buildings without cladding, will mortgagees be prepared to lend with no information on such external wall systems, or will it lead to a variety of different requests or requirements being raised, which in and of itself may lead to uncertainty caused by the lack of a uniform approach.

- One of the concerns in introducing EWS1 was the availability of suitably qualified surveyors to provide such certifications. The Government has announced that a further £700,000 will be made available to train assessors, but how long will that take to feed into the system and sufficiently increase the pool of available surveyors?
- Arguably the shortage of suitably qualified surveyors is not down to training but down to a lack of insurance. An EWS1 certification lasts for 5 years. While it is expressly stated within the EWS1 form that the surveyor does not owe duties to individual lessees or their mortgagees, it is understood that professional indemnity insurers are wary of providing cover for EWS1 certifications for fear of exposure to claims. The latest announcement recognises the challenge for surveyors obtaining such cover but no concrete solutions are proposed.

The clarification provided by this latest announcement is to be welcomed by all those concerned with tall buildings that do not have cladding systems installed. However, it should not be seen as the answer to all of the problems experienced by the use and application of EWS1 thus far.

Firstly, so far as tall buildings without cladding are concerned, the application of this new guidance should be kept under review to assess how it is being applied in the market and to ensure that any unintended adverse consequences are addressed. Secondly and more importantly, more needs to be done to ensure that, for cladded tall buildings where EWS1 continues to be the way forward, the problems with the process that we have seen are addressed and workable solutions identified and then implemented.

How we can help

Please get in touch with our [residential property team](#) if you would like to discuss this topic.



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