

Guidance on Form EWS1 at property sales.

1. Obtaining Form EWS1

The valuation surveyor who has been commissioned to carry out the Home Report, may state that the owner needs to obtain Form EWS1 for the potential purchaser's mortgage purposes.

Following advice notes issued by The Ministry of Housing, Communities & Local Government (MHCLG), UK Finance, BSA, and The Royal Institute of Chartered Surveyors (RICS), a standardised document called Form EWS1 has been produced to inform potential mortgage lenders of how the building has been constructed, and how the external walls could perform in the event of a fire.

Originally envisaged to concern only flatted premises **over 18 metres** tall with any kind of external wall cladding or wall insulation, most recent combined advice notes from the MHCLG recommend that the owners of all flatted premises of any height, assure themselves of the materials used in the construction of the premises and their combustibility in the event of a fire. This now means that in many cases, although your building or block may be lower than 18 metres, and despite reference to buildings over 18 metres tall on Form EWS1 (version 1 – December 2019), your building may be flagged by your valuation surveyor as requiring to have Form EWS1 for mortgage purposes.

Whilst guidelines arising from English departmental government advice aren't necessarily applicable in Scotland, UK Finance and BSA have insisted that properties in Scotland should also be surveyed in line with the guidance issued in England, and as such, Form EWS1 is required to be completed by an appropriately qualified person.

This recommendation is regardless of whether your property currently meets Scottish building standards. Your property will have met Scottish building standards at the time of construction, and will continue to meet these standards. New building standards are generally not applied retrospectively.

Form EWS1 can only be signed off by a suitably qualified fire safety expert, who must be a member of a professional body, recognised by MHCLG. In signing off the form, they are certifying whether or not, in their opinion, the wall system on a building has limited combustibility.

Due to issues with the professional indemnity (PI) insurance carried by the specialist surveyors who would complete these forms, the surveyor will likely only sign the form in respect of the "owner" of the flat or building involved. This is because the amount of insurance cover available to the surveyor or fire engineer is limited and it cannot cover multiple owners in the form of a block Form EWS1.

While this new process may sound relatively straightforward, it is made more complicated by the way properties (such as flats) are owned in Scotland compared with what happens in England and Wales.

In England, the system of leasehold allows an individual or organisation to be identified as the overall “owner” of a building containing many flats. In Scotland, individual flats are owned outright by the individual owners. There is therefore no single “owner” of a block of flats who can instruct the completion of Form EWS1 on behalf of ALL flats in the building.

Therefore, in terms of the practicalities of instructing Form EWS1, and in part due to the limitations of the surveyor’s PI insurance, in Scotland an owner wishing to sell or re-mortgage their property must personally appoint their own specialist fire safety expert to commission Form EWS1.

If it can be shown on Form EWS1 that the property is suitable for security purposes, it may lead to a lender deciding to lend on the property, however, it is worth mentioning that it is up to each lender to decide their lending criteria.

2. Cladding at Your Property

Form EWS1 is not a pass or fail style document, it is an advisory note by which the lender will form an opinion, and decide ultimately whether they will lend or not.

If the surveyor or fire engineer tasked with producing Form EWS1 raises concerns over materials used on the block, they may require to establish what these materials are.

WSPM can provide you with the warranty certificate for the cladding which describes the system used at your block. This would inform the EWS1 provider of the construction method and materials used. The provider can then check this against safety certificates issued by The British Board of Agrément for the product. This would hopefully prevent any requirement to carry out a full investigative survey or necessity for sampling.

Our fee for providing a copy of the warranty certificate from our archives would be £35.00. We can also provide the certificate and all local authority certificates relating to the improvement works for the fee of £116.10. You should consult with your solicitor and/or fire safety expert who will determine whether they require any or all of these documents.

As far as we are aware, the system used at your block is low risk in terms of fire safety, however, lenders will usually insist on the Form EWS1 being provided.

Please note, WSPM cannot recommend or endorse a surveyor or fire engineer in respect of Form EWS1, as we are not qualified to do so. Owners should make their own enquiries on this matter.