



Ministry of Housing,
Communities &
Local Government

Building a Safer Future: Consulting on a new regulatory system for building safety

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Grenfell Tower Inquiry

Grenfell Tragedy & Inquiry

Deadliest fire in Britain since the start of the 20th century; 72 lives lost and 151 homes.

Within days, became clear that key factors believed to have contributed to the spread of fire may be widespread.

Building Safety Programme established to:

- Ensure residents are safe and feel safe now and in the future.
- Remediate ACM cladding and reform the regulatory system.

Inquiry chaired by Sir Martin Moore-Bick (former Court of Appeal judge).

- Phase 1 (covering events on the night of the fire) – hearings from June-December 2018; report and recommendations expected in October.
- Phase 2 (wider systemic issues) – Hearings are expected to begin early next year.



Remediation – Progress to Date

433 high-rise buildings with unsafe Aluminium Composite Material (ACM) cladding (as at 31 May 2019).

- All have interim safety measures in place;
 - 105 remediated;
 - 107 have work underway;
 - 176 have plans or commitments in place.
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- £600m available to social and private sector landlords to fund removal and replacement of dangerous ACM cladding.
 - £259m allocated across 140 buildings to date.

Additional support for local authority enforcement

Building a Safer Future: The Independent Review and Implementation Plan

The Independent Review of Building Regulations and Fire Safety – the ‘Hackitt’ review.

- Commissioned July 2017; Final report published May 2018.

Review found that the regulatory system for high-rise and complex buildings was not fit for purpose. Found the following reasons for system failure:

- Ignorance.
- Indifference.
- Lack of clarity on roles and responsibilities.
- Inadequate regulatory oversight and enforcement tools.

Resulting in a “race to the bottom”.

Government response – Implementation Plan – published on 18 December 2018.

- Committed to delivering meaningful and lasting change, giving residents a stronger voice and putting clear responsibility and accountability at the heart of a more effective system.
- Taking forward **all** of the Independent Review recommendations.
- Bringing forward legislation, taking action in the meantime to make changes on the ground. More detailed consultation promised for spring 2019.



Building a Safer Future: A Consultation



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Building a Safer Future

Proposals for reform of the building safety
regulatory system

A consultation

June 2019
Ministry of Housing, Communities and Local Government

Detailed consultation to inform legislation published on 6 June.

Consultation closed 31 July. Received over 800 responses.
Legislation as soon as practicable.

Five key areas of reform:

1. The **scope of a new, more stringent regulatory regime**
2. **Dutyholders who have clear responsibilities** throughout design, construction, occupation and refurbishment
3. **Residents who have a stronger voice** in the system so that their concerns are not ignored
4. **A single building safety regulator to oversee the new regime**
5. **Stronger enforcement and sanctions** that deter and punish those who fail to do the right thing



The scope of a new, more stringent regulatory regime

- Our guiding principle is to **apply proportionately more rigour to regulating the safety of buildings that are at greater risk of catastrophic incidents involving multiple fatalities.**
- Go further than Dame Judith Hackitt's proposal (to start with all high-rise residential buildings of 30 metres/ 10 storeys or more in height) by including in scope **all multi-occupied residential buildings of 18 metres/ 6 storeys or more in height.**
- **Over time, additional buildings *may* be brought into scope** – for example, buildings where vulnerable people sleep - if further work to understand the risk in those buildings demonstrates this to be proportionate.
- **The regime covers whole life cycle of building:** design, construction, occupation and refurbishment.



Dutyholders with clear responsibilities (design and construction)

- **Five dutyholder roles during design and construction:** Client, Principal Designer, Principal Contractor, Designer, Contractor.
- **Dutyholders will be individuals or legal entities who will be legally responsible for building safety.** Duties include:
 - Ensuring **compliance with the Building Regulations**.
 - Demonstrating to regulator that they are **managing safety risks appropriately at three 'gateway' points:**
 - Employing people who are **competent** to undertake the work.
 - **Cooperating and sharing information** with the regulator.
 - **Promoting building safety** and the safety of persons in and around buildings.
 - Additional **role-specific duties**.

Gateways

- **Gateway 1 (before planning permission can be granted):** dutyholder must provide regulator with fire statement on fire service vehicle access and access to water supplies. Local Planning Authority must consult Fire and Rescue Authority before making decision on planning permission.
- **Gateway 2 (before construction can begin):** dutyholder must demonstrate to regulator that building has been designed to be safe using full plans and supporting documentation (including 3D digital model, fire and emergency file, construction control plan). Gateway is a hard stop but construction can be phased at discretion of the regulator.
- **Gateway 3 (before occupation can begin):** dutyholder must demonstrate to regulator that building has been constructed to be safe and will be safely managed once occupied. Gateway is a hard stop but occupation can be phased at discretion of the regulator.

Gateways – the proposed approach

- The new gateways are intended to ensure safety by design. At each gateway, the developer will be required to demonstrate to the regulator that they are aware of the potential fire and structural risks to residents that might occur and are designing them out or designing in measures to mitigate them. They will also need to demonstrate strong change control processes.
- We intend for the gateways and the staged approach to be a dialogue between the regulator and the development team. We are keen that discussions on design happen early and are ongoing throughout the development process. Key aspects of the design should be agreed collectively, as should an inspection regime to oversee the development.
- We intend for the process to be as seamless and swift as possible and are interested in hearing your ideas about how to make that a reality.



Dutyholders with clear responsibilities (occupation)

- **One dutyholder role during occupation: Accountable Person** (an individual or legal entity) responsible for ensuring that fire and structural safety risks are reduced so far as is reasonably practicable while people are living in the building.
- Supported by a **named, competent Building Safety Manager** responsible for day-to-day work to keep the building safe.
- **Duties include:**
 - **Registering** the building, the identities of the Accountable Person of the Building Safety Manager with the regulator.
 - **Complying with the safety conditions captured on the Building Safety Certificate.**
 - **Providing residents with building safety information** and implement a resident engagement strategy.
 - **Appointing a competent Building Safety Manager** and giving them the funding and support necessary to function.
 - **Regularly (at least every five years) carrying out a ‘safety case’ to demonstrate to the regulator that they are reducing the building safety risk so far as is reasonably practicable**, and satisfying the regulator that safety issues have been remedied.



Residents who have a stronger voice in the system

- Residents' views and concerns must never be ignored by those responsible for managing the safety of their buildings.
- The **Accountable Person** in an occupied high-rise residential building will have duties to:
 - **Provide residents with the information they need** to understand the safety measures in their building, who is accountable for the safety of the building and how to report concerns.
 - **Develop and implement a Resident Engagement Strategy**, setting out how they are going to engage with residents on building safety and how residents can get involved and benefit from doing so.
- Residents will be able to **escalate concerns to the building safety regulator**.
- We are **consulting on whether there should be a requirement on residents to cooperate with the Accountable Person and/ or Building Safety Manager** to help them to ensure that the building is safe, such as by providing information or allowing access for inspections with reasonable notice.



A single building safety regulator to oversee the new regime

- Propose to create a **building safety regulator** responsible for overseeing the design and management of buildings, with a focus on ensuring that the new, more stringent regime for high-rise, multi-occupied residential buildings is enforced.
- **Its functions extend beyond the ‘Joint Competent Authority’ proposed by Dame Judith’s Review:**
 - **Operate and enforce the new regime for high rise residential buildings:** registering buildings in scope, guidance to dutyholders, advising government on what buildings should be included in the scope of the new regime, dealing with resident concerns.
 - **Oversee safety and performance of all buildings.**
 - **Set and oversee technical guidance.**
 - **Oversee competence of the professionals who work on buildings** (supported by industry-led committee and PAS to codify industry competence framework) **and of those who inspect and regulate those buildings.**
 - **End ability of developers to choose which building control body oversees construction of their building** (for the buildings in scope), **while retaining the capacity of local authority and Approved Inspector capacity in the system.**
- (Stronger regulation of **construction products safety** and regular **healthchecks of whole regulatory system** to be done elsewhere).



Stronger enforcement and sanctions

- The Hackitt Review found that those responsible for the safety of buildings are not deterred from failing to comply with their responsibilities as they are not effectively held to account.
- We want to change this culture and want to encourage those responsible for the building safety to comply with their responsibilities. We also propose to take a tougher approach to those that do not comply with their responsibilities.
- In addition to the **financial and reputational risk of not passing through the regulatory gateways during design and construction** and/ or **having the Building Safety Certificate revoked during occupation**, we are consulting on:
 - Creating **new criminal offences** to ensure that those responsible for the safety of high-rise residential buildings comply with their responsibilities.
 - Giving the regulator the power to take **quick and effective action, through monetary penalties such as fines**, when the requirements of the new regime have not been met.
 - **Giving local authorities more time to serve enforcement notices under the Building Act 1984.**
 - **Enabling private individuals to make a claim for damages** where work on a building has not complied with building regulations standards and they have suffered harm as a result.



Early Implementation

In addition to remediation work and implementing all of the recommendations of the Independent Review, Government has acted on a number of other fronts:

- Call for evidence on the Regulatory Reform (Fire Safety Order) 2005.
- Review of the Housing Health and Safety Rating System.
- Published clarified version of Approved Document B (the Building Regulations guidance on fire safety).
- Full technical review of Approved Document B.
- Banned combustible cladding in high-rise buildings.
- Restricted assessments in lieu of tests (desktop studies).
- How residents are supported to keep buildings safe.
- Joint Regulators Group.
- Early Adopters.
- Residents' Reference Panel.
- Industry Safety Steering Group.

Final Points

“There is no reason to wait for legal change to start the process of behaviour change once it is clear what is coming and what is expected. A sense of urgency and commitment from everyone is needed.”

Dame Judith Hackitt DBE FREng

“We must create a culture that truly puts people and their safety first, that inspires confidence and, yes, rebuilds public trust.”

The Rt Hon James Brokenshire MP

All of our information and advice is on the web at www.gov.uk/guidance/building-safety-programme, along with details of how to respond to the consultation – and the Home Office’s call for evidence on the Fire Safety Order.



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I jobshare with Izzy Connell. I work Monday to Wednesday. Izzy works Wednesday to Friday.

