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# Fire safety implications in UK since 2017 Grenfell disaster, the Independent review and the proposed Building Safety Bill

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# Building a Safer Future

- **August 2017** - Independent Review commissioned in the wake of the Grenfell Tower fire but with a broader remit to look at the regulatory system for high rise buildings
- Reported to Housing Secretary and Home Secretary
- Separate from the Public Inquiry



# Building a Safer Future

- December 2017 - Interim Report published
- May 2018 - Final Report published
- May to December 2018 - Listening exercise
- December 2018 - Implementation Plan published
- June 2019 – Proposals for Reform – public consultation
- July 2020 - Draft Building Safety Bill
- 2023? - Building Safety Bill



# Hackitt Review – Interim report

## Building a Safer Future

Independent Review of Building  
Regulations and Fire Safety:  
**Interim Report**

December 2017  
Dame Judith Hackitt DBE FREng

Cm 9551

“the current regulatory system for ensuring fire safety in high-rise and complex buildings is not fit for purpose”

Dame Judith Hackitt - Building a Safer Future, 18 December 2017

Six key themes form the basis for interim recommendations, the direction of travel for change, and the development of recommendations for the final report, due in Spring 2018:

- **Regulations and guidance** are complex and unclear
- **Roles and responsibilities** are unclear
- Inadequate means of ensuring **competence** of key people
- **Compliance, enforcement and sanctions** are weak
- Routes for **residents’ voice and raising concerns** are inadequate
- System for **quality assurance and products** is inadequate



# Final Report

- 53 recommendations signalling significant change for high risk residential buildings
- A stronger and tougher regulatory regime
- Clearer requirement to actively assess on-going safety during occupation
- Greater clarity on dutyholders and their responsibilities
- Introduction of mandatory gateways for approvals
- Strengthen competence of professionals and agree credible proposal within a year
- Improve residents engagement

## Building a Safer Future

Independent Review of Building Regulations and Fire Safety:  
**Final Report**

# Building a Safer Future

## Independent Review of Building Regulations and Fire Safety: Final Report

May 2018

Dame Judith Hackitt DBE FREng

Cm 9607

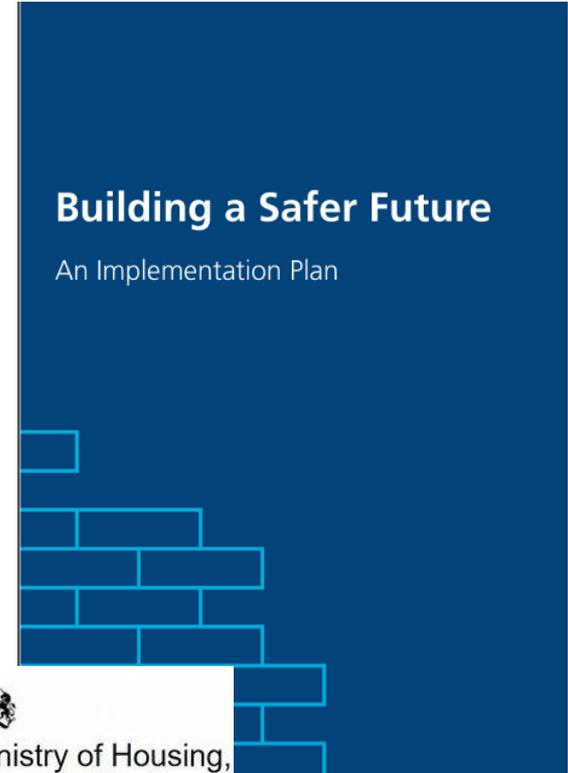
# Status of the final report

- Independent Review
- Acknowledged by government
- Government do not have to accept reviews findings, but
  - Would need to explain why they did not
- Industry views invited on next steps



# Building a Safer Future – Implementation Plan

- Published 18 December 2018
- Government response - The implementation plan sets out how the elements of the new framework will be developed over the coming months leading to legislative changes at the earliest opportunity



Ministry of Housing,  
Communities &  
Local Government



# Building a Safer Future

An Implementation Plan

## Building a Safer Future – Implementation Plan

- The plan commits the government to a programme of reform over the coming years which will:
  - Create a stronger and **more effective regulatory and accountability framework**
  - Provide **clearer standards and guidance** to support better understanding of what is required to ensure buildings are safe, as well as **improving the rigour of the product labelling, testing and marketing process**
  - ensure **residents are at the heart of the new regulatory framework** through better engagement as well as providing more effective routes for escalation and redress when things go wrong
  - drive **culture change to increase responsibility for building safety**, including improving the **competence** of those undertaking building work



# Building a Safer Future – a Consultation



Ministry of Housing,  
Communities &  
Local Government

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 –**  
published 6 June 2019  
closed 31 July 2019

## 5 key areas of reform

1

The scope  
of a new, more  
stringent  
regulatory regime

2

Duty holders  
with clear  
responsibilities

3

Residents to  
have a stronger  
voice

4

A single building  
safety regulator  
to oversee the  
new regime

5

Stronger  
enforcement  
and  
sanctions



# The scope of a new, more stringent regulatory regime

1

- Guiding principle - apply proportionately more rigour to regulating the safety of buildings that are at greater risk
- Go further than Hackitt's proposal – include all multi-occupied residential buildings of 18 metres/6 storeys or more
- Over time, additional buildings may be brought into scope
- The regime covers whole life cycle of building

# Duty holders with clear responsibilities

2

**5 key 'duty holders' to be identified – client, principal designer, principal contractor, designer and contractor**

- Clear responsibilities
  - Set out in new regulations
  - Ensure compliance with building regulations
  - Duty to promote building safety
  - Corporate entities may require named individuals

# Duty holders with clear responsibilities

2

**Demonstrate to regulator that they are managing safety risks appropriately at three 'gateway' points:**

**Gateway 1 - before planning permission can be granted**

- Duty holder must provide regulator with fire statement

**Gateway 2 - before construction can begin**

- Duty holder must demonstrate that building has been designed to be safe

**Gateway 3 - before occupation can begin**

- Duty holder must demonstrate that building has been constructed to be safe and will be safely managed once occupied

# Duty holders with clear responsibilities

2

**Accountable Person responsible for ensuring fire and structural safety risks are reduced**

**Supported by a named, competent Building Safety Manager**

- Duties include:
  - registering the building
  - displaying the Building Safety Certificate
  - providing residents with building safety information
  - regularly carrying out a 'safety case' review

# A single Building Safety regulator

4

- Create a building safety regulator
- Regulator's functions extend Hackitt recommendations
  - Operate and enforce new regime for high rise residential buildings
  - Oversee safety and performance of all buildings
  - Set and oversee technical guidance
  - Oversee competence of the professionals
- End ability of developers to choose their building control body for high rise residential buildings
  - But retain local authority and Approved Inspector capacity

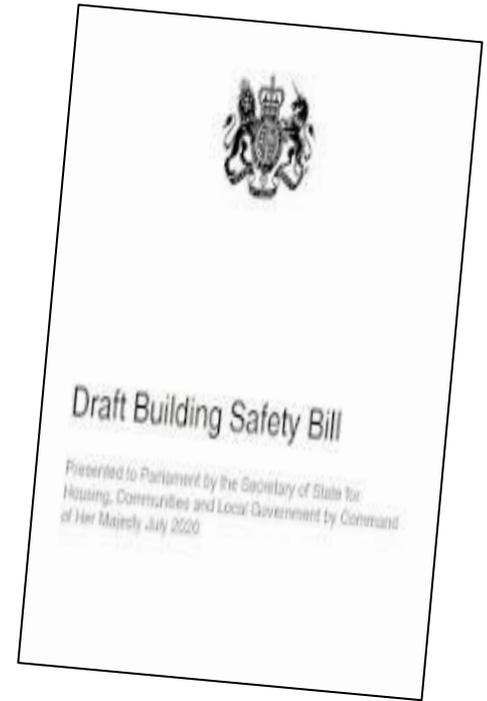
# Stronger enforcement and sanctions

5

- Current lack of deterrent
- Culture change needed with tougher approach for non-compliance
- In addition to financial and reputational risks of failing to pass through gateways, the consultation covers:
  - creating new criminal offences
  - giving regulator power to take quick and effective action
  - giving local authorities more time to serve enforcement notices
  - enabling private individuals to make a claim for damages

# Building Safety Bill

- The Building Safety Bill takes forward recommendations made in the Hackitt Review of Building Regulations and Fire Safety
- Biggest changes to building safety regulation in a generation
- The provisions target 'higher risk' buildings, but the bill will introduce a stricter safety regime with implications for all buildings and the whole construction supply chain
- 'Higher risk' buildings includes all multi-occupancy residential buildings over 18 metres (7 storeys) in England (it is likely that many provisions will also apply in Wales)
- Care homes and hospitals are now considered within this scope, but only during the design and construction stages
- Will requires culture change across the industry



# Building Safety Regulator (BSR)

This will provide the formal legal basis needed to establish the regulatory regime for HRBs.

Allows HSE – BSR to move from initial shadow form to a fully operational legal entity

Legal definitions and duties for duty-holders

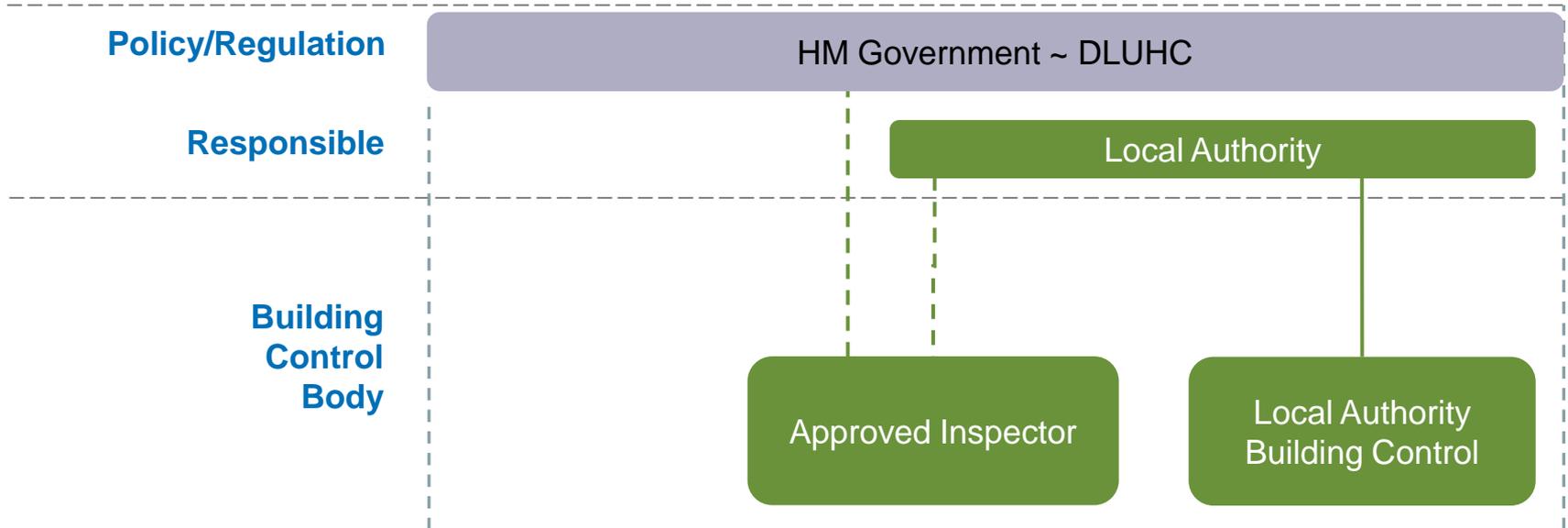
Tougher sanctions for those that do not comply

Place stronger requirements on building development from inception through entire lifecycle.

Roles and responsibilities throughout building lifecycle - CDM

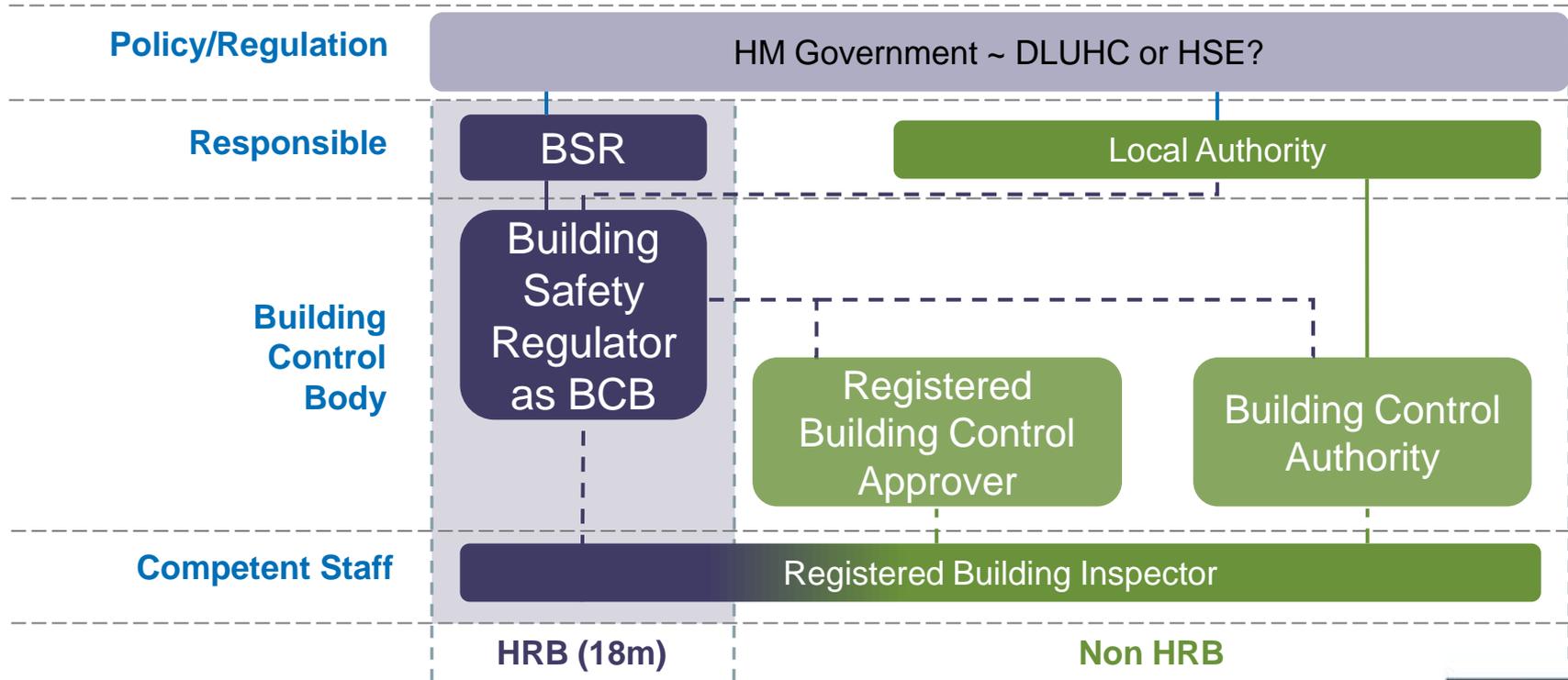
# Building Control system

CURRENT

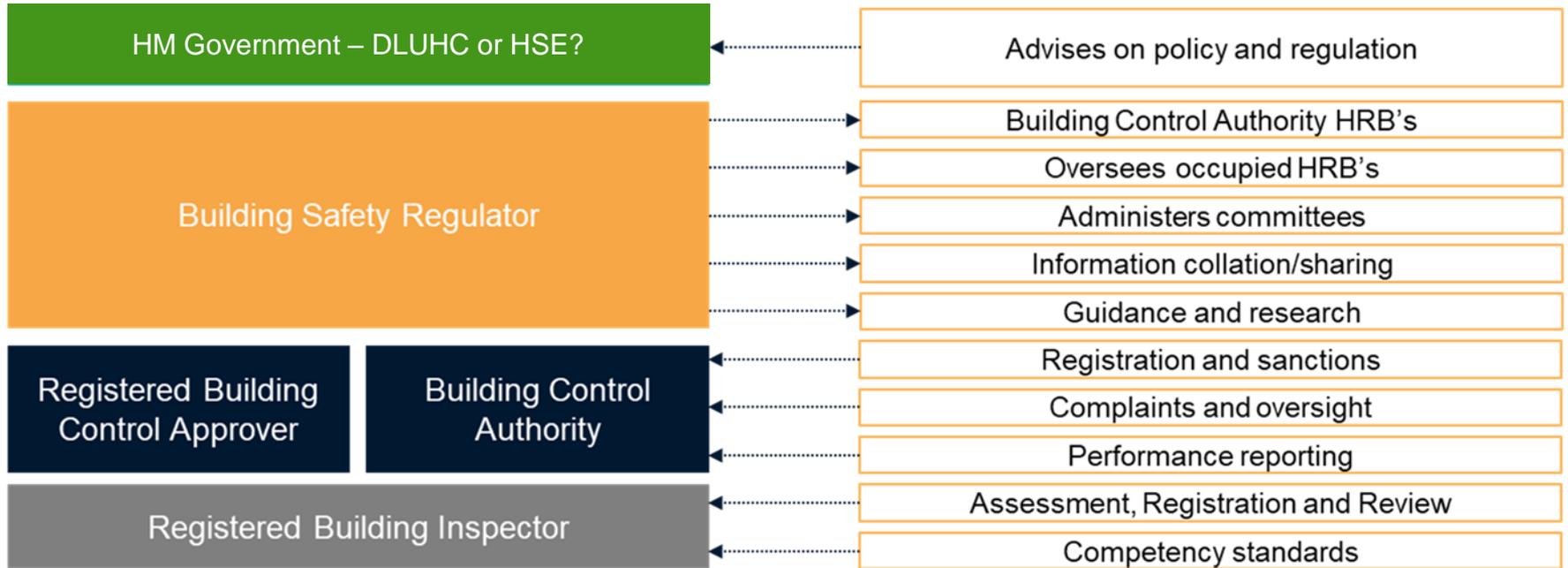


# Building Control system

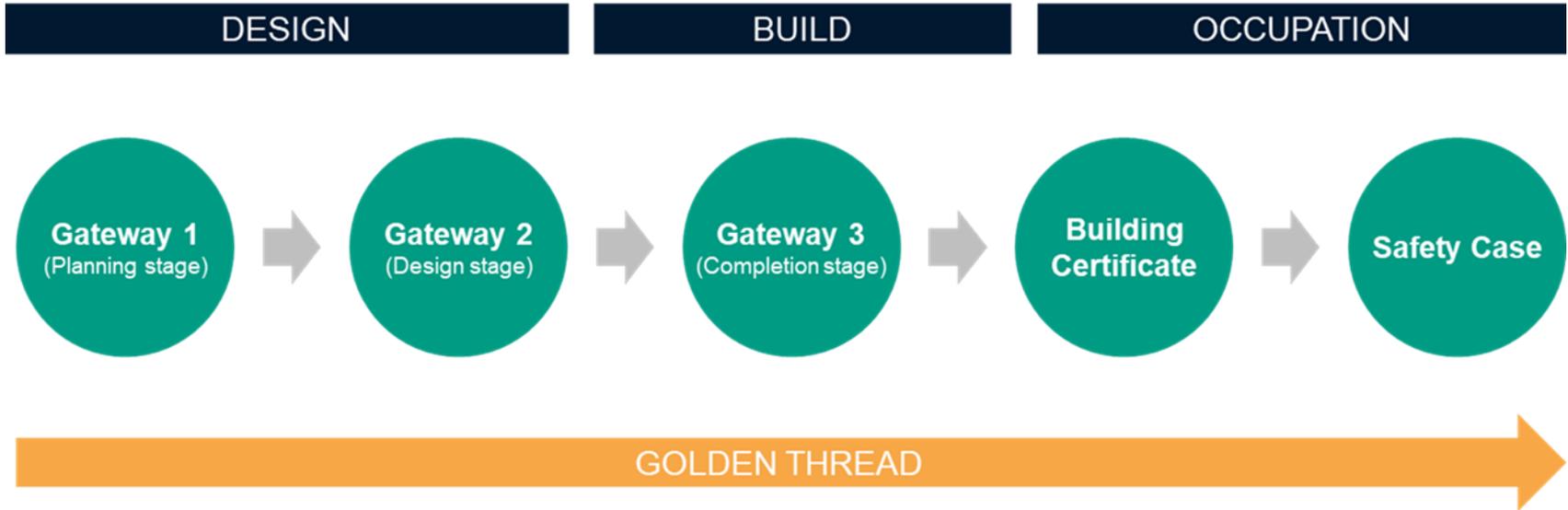
**PROPOSED**



# Building Safety Regulator functions



# New Regime for High Risk Buildings



# Implications for all building control

- Registered Building Inspector
  - Personal registration with BSR
  - Demonstrate competence to level of registration
  - Regular re-assessment (not just CPD)
- Builders will not be able to choose their building control body for “Buildings in Scope”
  - Public & Private sector can offer a service to the Building Safety Regulator
  - Competition remains for rest of the market
  - Future expansion of definition of HRBs?
- New processes when acting for the BSR

# Implications for all building control

- Private sector will become a Building Control Approver
  - New Regulator and Building Control legislation
  - Increased demand for competent people and availability in the market of competent staff
- Local Authorities
  - Continue to operate within LA boundaries
  - Continue to carry out other functions
- Other changes
  - Certification of products
  - Office of Product Safety and Standards
  - Competence of Builders and Developers

# Impact for Builders

- Duty holders defined in law
- Increased fines and imprisonment
- Competence of employees, suppliers, sub-contractors
- Changes to legislation
  - General duty of care
  - Extension of liability period – 15 years (backdated for Defective Premises Act)
- Construction products
- Buildings in scope
  - Gateway process – hard stops
  - Removal of choice of BCB
  - Golden thread
  - Accountable Person and Building Safety Manager
  - Building Levy



# On going engagement

- Regular meetings with DLUHC and HSE (shadow BSR)
- Liaison with other stakeholders including customers
- Representation on Interim Industry Competence Committee
- New Homes Quality Board
- Engagement with MP's and Committee process

# On going monitoring

- The Bill
- Bill amendments
- DLUHC Fact Sheets
- BSR Fact Sheets
- Draft Regulations
- Ministerial Statements
- Comments from House of Lords/Commons
- Outcome of the Public Inquiry

# In the meantime...

Timeline of changes in Building Regulations since March 2018

- 05/2018: Consultation on changes to assessments in lieu of tests
- 08/2018: Consultation on banning the combustible materials
- 10/2018: Consultation on clarification of Approved Document B
- **12/2018: Ban on Combustible Materials in External Walls**
- 01/2019: New guidance on use of Assessment in Lieu of Tests
- 03/2019: Call for evidence of technical review of Approved Document B

# Timeline of changes in Building Regulations since March 2018

- 05/2019: Consultation on Building Bulletin 100 (fire safety schools)
- 07/2019: Consultation on Regulatory Reform (Fire Safety) Order 2005 – Call for Evidence
- 09/2019: Welsh Government Consultation on assessments in lieu of tests.
- **11/2019: Sprinklers and other measures in new high-rise blocks of flats**
- 01/2020: Consultation Review of the ban on the use of combustible materials in and on the external walls of buildings including attachments

# Timeline of changes in Building Regulations since March 2018

- 03/2021: Consultation Approved document B Call for Evidence on Guidance with modern building
- 06/2021: Consultation Personal Emergency Evacuation Plans (PEEPs)
- 07/2021: Consultation on Building Bulletin 100
- **07/2021: Building safety bill introduced to Parliament**
- **08/2021: New Gateway one introduced for higher risk buildings**

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**Thank you**

**Any questions?**

