

# Building Safety Reform What's coming?

**Sean Elson, Partner**

**Louise Mansfield, Associate**

**Pinsent Masons LLP**

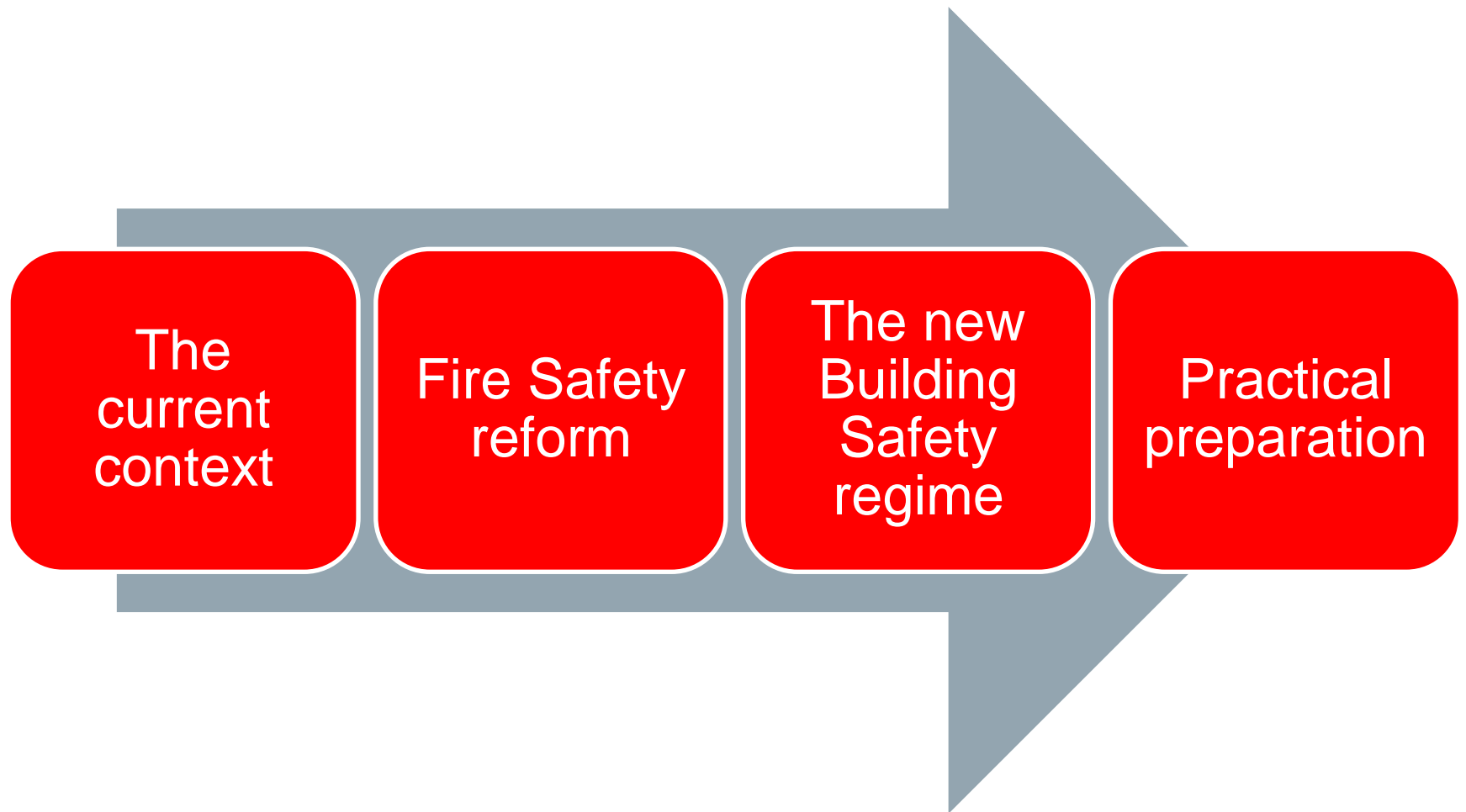


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# Introduction

- What is Building Safety?
- The Building Regulations 2010 / Building Act 1984
- Minimum standards - Approved Documents
- What is building work?
- Procedure for demonstrating compliance:
  - Application / notice to Local Authority
  - Inspections / approval (Local Authority / Approved Inspectors)
  - Completion certificate
- Local Authority enforcement powers
- Other duties to manage buildings – not just about construction
- What is wrong with it and what is being done about it?

# Agenda



# The current context

Grenfell fire – third anniversary approaches

Government appetite for ambitious reform

Implementation slow and at times disjointed

Remediation of buildings is complex

Interim measures are costly

Concerning fires continue

Sale of property is challenging

Coronavirus

The journey  
so far ...



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# Timeline

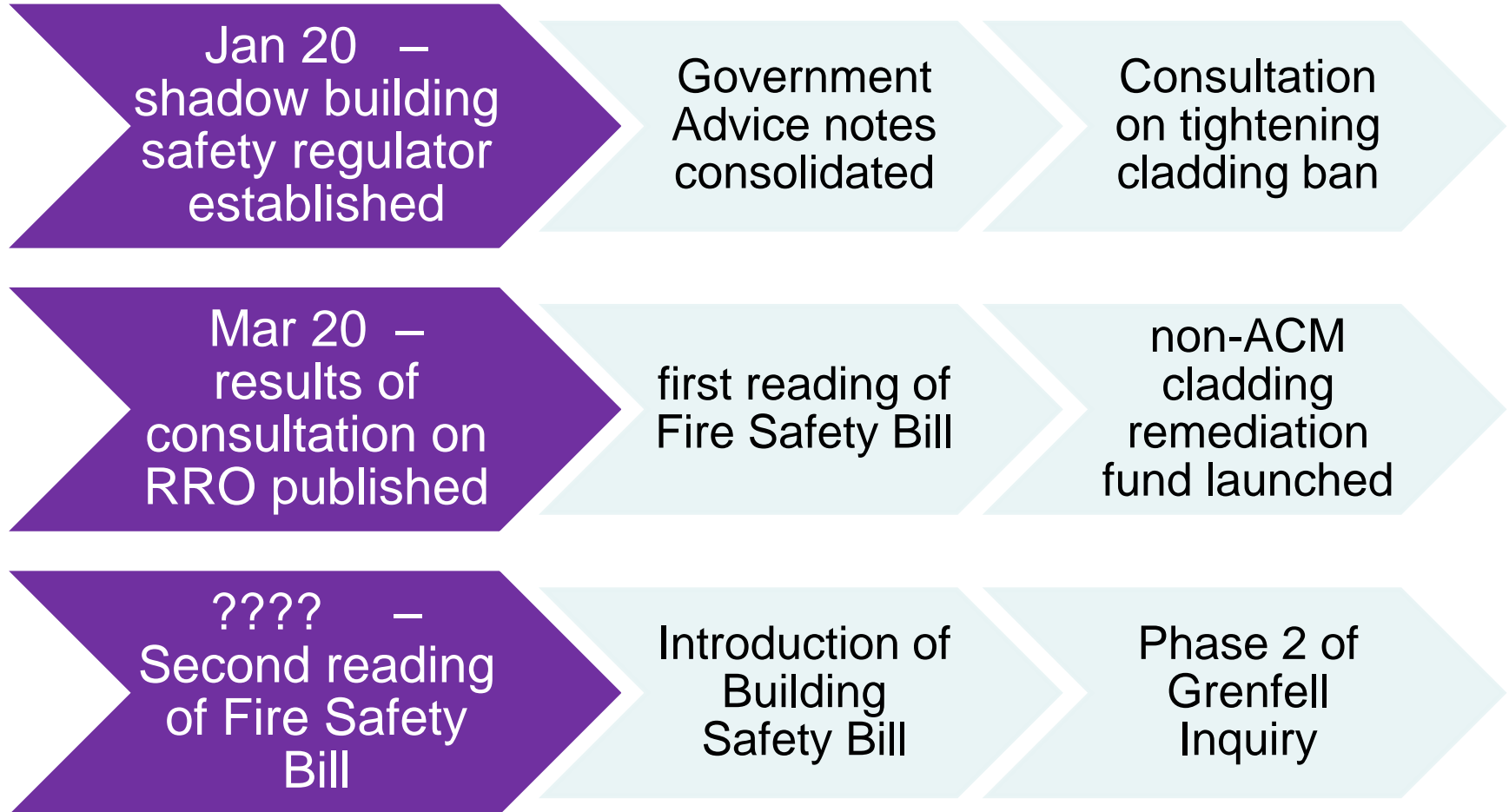
Dec 17 - Hackitt Interim Report

May 18 - Hackitt Final Report

Dec 18 - cladding ban

Oct 19 – Grenfell Inquiry Phase 1 recommendations

# Timeline (2)



# Fire Safety reform





# Fire Safety Bill

Aims to amend and clarify the RRO

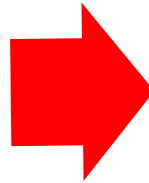
The Responsible Person for multi-occupied, residential buildings must manage and reduce the risk of fire for the following:

the structure and external walls of the building, including cladding, balconies and windows;

entrance doors to individual flats that open into common parts.

# Fire Safety Bill (2)

Further reform likely to clarify who is the responsible person and align fire safety and building safety



Also allows secondary legislation to implement recommendations from Grenfell Tower phase 1 report

- Fire doors
- Lifts
- Signage
- Fire service info – design and materials of external walls, plans, premises information boxes,
- Evacuation plans, PEEPS, signals

# Building safety reform



# Hackitt Report – Recommendations

- A new regulatory framework which will drive culture change and new behaviours
- A clear model of risk ownership - clear responsibilities for Client, Designer, Contractor, Owner and Manager
- Outcomes based - not prescriptive rules and complex guidance
- Applies to High Risk Residential Buildings (“HRRBs”) and buildings with sleeping risk

# Duty Holders

During design/construction and refurbishment:

- Aligned with CDM
- Client, Principal Designer and Principal Contractor etc.
- Over-arching duties to ensure building safety and to certify compliance with the Building Regulations

During occupation:

- New “accountable person” – usually the owner
- An appointed building manager

Named directors where duty holders are organisations

# Gateway System – Overview

Duty holders must demonstrate how they are ensuring building safety to gain approval of the new regulator to proceed to the next stage to development.

## Gateways:

- Gateway 1 – Before planning permission is granted
- Gateway 2 – Before construction begins
- Gateway 3 – Before occupation begins

# During occupation – safety case

- Identifies hazards
- Describes how risk are controlled
- Details safety management system, including emergency procedures
- Reviewed every five years
- Only the building safety regulator may transfer the Accountable Person's accountability under the building safety certificate to a third party – implications for sale and restructuring
- Same rules for the Building Manager

# Existing Buildings

- Applied on a phased basis
- Safety case required
- An intrusive survey is recommended as a first step to build an accurate record to support the safety case, e.g. a Type 4 fire risk assessment
- Implementation of a safety management system
- Major refurbishment will trigger Gateway 2 process



# “Golden Thread”

Maintained and held digitally

To capture the original design intent and any subsequent changes

Compliance with BIM standards

Government will define standards via guidance.

Key dataset to be stored in spreadsheet format to allow the regulator to compare data. This should be open and accessible by default.

# Construction Phase information products

## The digital record (Client, PD, PC)

- Record of the building and products used to underpin effective understanding of constructed building throughout lifecycle.

## The Fire and Emergency File (client, PD, PC)

- Sets out key building safety info, to be given to building owner
- Will be provided to anyone carrying out works- shows fire strategy ('golden thread')

## Full Plans (PD primary resp)

- Detailed plans/ Spec of building works re structural safety
- Must be viewed as sufficient by the JCA

## Construction Control Plan (PC primary resp)

- Describes building safety and compliance through construction

# Competence

- Industry-led – gone full circle in construction terms
- Organisations in roles of PD, PC and building safety manager must have a nominated individual registered with the regulator as competent
- Professional and trade bodies to create an overarching competence framework for anyone working on buildings in scope – See: “Raising the Bar Interim Report”
- Appropriate level of fire and structural safety knowledge
- Overseen by a separate, independent, stakeholder-led standards committee under auspices of the regulator

# Building Safety Bill

- This is expected to be published before the summer.
- “will be the biggest change to our building safety regime for 40 years” (Robert Jenrick, SoS MHCLG)

# Regulator

The Hackitt Report recommended a new “Joint competent authority”.

Pilot scheme held between HSE, Fire and Rescue Services, Local Authority Building Control.

Unsuccessful- different approaches and expertise.

The Government responded to this by imposing an interim ‘protection board’.

20 January- government announced that with immediate effect this role would be carried out by the HSE.

# Regulator – Role

## Oversight role

- Building regulatory system
- Industry competence initiatives
- Mandatory occurrence reporting
- Ombudsman-type role for resident complaints

We can expect enforcement action to be pursued by HSE, this is a role they are very familiar with.

Can expect guidance (and ACOP's?) to support new legislation, again familiar to the HSE.

# The shape of things to come?

Dame Judith Hackitt:

“Every reason to expect that the body is going to operate in exactly the same way as the HSE”.

“It will be under the HSE umbrella and you know how the HSE operates. They don't tell you what to do, they ask you to demonstrate that you are doing what is reasonable. You also know how the HSE operates in terms of being a firm but fair regulatory body – and it won't be a minor rap across the knuckles when you get it wrong any more.”

# Model for future enforcement

Improvement/ Correction  
Notices

Prohibition Notices

Withdrawal, or conditions  
attached to building safety  
certificate

Civil and criminal sanctions:

- Carrying out work without Gateway approval
- Not applying for a building safety certificate
- Non-compliance with certificate conditions

Extension of time bar for  
breach of building regs –  
either 6 or 10 years



# PRACTICAL PREPARATION

# Who needs to engage?

Contractors building HRRB's or maintaining them

Designers

Developers

Construction clients

Freeholders and leaseholders

Managing agents

# Practical steps you can take now

Identify now – will this be an issue for buildings we are involved in

Review FRA's AND the process for undertaking those in the future (appointments/scope/frequency) to deliver services

Internal and external competencies/appointments

Gathering information relevant to the building history

Review insurance positions

Funders and lawyers to consider future issues regarding warranties/indemnities and due diligence – review contract provisions

# How to lead on building safety?

Keep up to date with government building safety measures- sign up for updates.

Be ahead of the curve, anticipate what is next and take action towards that sooner rather than later.

Engage with construction or property industry bodies & guidance. E.g. CIC or BPF.

# Questions?

**Sean Elson**

*sean.elson@pinsentmasons.com*

07734225317