



Building a Safer Future – Independent Review of Building Regulations and Fire Safety

An overview of the report contents

MAY 2018

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Introduction

The opening words and personal view from Dame Judith Hackett are pretty hard-hitting. In her interim report published in December 2017 she described how the regulatory system covering high-rise and complex buildings was not fit for purpose. In the intervening period, we have seen further evidence confirming the deep flaws in the current system and Dame Judith feels it is important to emphasise that subsequent events following the Grenfell Tower tragedy have reinforced the findings of the interim report, and strengthened her conviction that there is a need for a radical rethink of the whole system and how it works. Moreover, she says that this is most definitely not just a question of the specification of cladding systems, but of an industry that has not reflected and learned for itself, nor looked to other sectors.

She goes on to say that this does not mean that all buildings are unsafe, and she is correct of course; interim mitigation and remediation measures have been put in place where necessary for existing high-rise residential buildings to assure residents of their safety regarding fire risk.

She confirms what we have all been saying in that it is essential that this industry now works to implement a truly robust and assured approach to building the increasingly complex structures in which people live.

According to Dame Judith, the key issues underpinning the system failure include:

- **Ignorance** – regulations and guidance are not always read by those who need to, and when they do the guidance is misunderstood and misinterpreted
- **Indifference** – the primary motivation is to do things as quickly and cheaply as possible rather than to deliver quality homes which are safe for people to live in. When concerns are raised, by others involved in building work or by residents, they are often ignored. Some of those undertaking building work fail to prioritise safety, using the ambiguity of regulations and guidance to game the system
- **Lack of clarity on roles and responsibilities** – there is ambiguity over where responsibility lies, exacerbated by a level of fragmentation within the industry, and precluding robust ownership of accountability
- **Inadequate regulatory oversight and enforcement tools** – the size or complexity of a project does not seem to inform the way in which it is overseen by the regulator. Where enforcement is necessary, it is often not pursued. Where it is pursued, the penalties are so small as to be an ineffective deterrent.

She states that the above issues ‘have helped to create a cultural issue across the sector, which can be described as a ‘race to the bottom’ caused either through ignorance, indifference, or because the system does not facilitate good practice. There is insufficient focus on delivering the best quality building possible, in order to ensure that residents are safe, and feel safe’.

A principled approach for change

At the heart of this report are the principles for a new regulatory framework which will drive real culture change and the right behaviours. Dame Judith states that we need to adopt a very different approach to the regulatory framework covering the design, construction and maintenance of high-rise residential buildings which recognises that they are complex systems where the actions of many different people can compromise the integrity of that system.

This review concludes that there is a strong case for the full effect of the key principle of risk ownership and management to be applied alongside building regulations and this report recommends a very **clear model of risk ownership**, with clear responsibilities for the Client, Designer, Contractor and Owner to demonstrate the delivery and maintenance of safe buildings, overseen and held to account by a new Joint Competent Authority (JCA).

The new regulatory framework must be simpler and more effective. It must be truly **outcomes based** (rather than based on prescriptive rules and complex guidance) and it must have real teeth, so that it can drive the right behaviours. This will create an environment where there are incentives to do the right thing and serious penalties for those who choose to game the system and, as a result, put the users of the 'product' at risk. This approach also acknowledges that prescriptive regulation and guidance are not helpful in designing and building complex buildings, especially in an environment where building technology and practices continue to evolve, and will prevent those undertaking building work from taking responsibility for their actions.

An outcomes-based framework requires people who are part of the system to be competent, to think for themselves rather than blindly following guidance, and to understand their responsibilities to deliver and maintain safety and integrity throughout the life cycle of a building. Dame Judith states that we must also begin thinking about buildings as a system so that we can consider the different layers of protection that may be required to make that building safe on a case-by-case basis.

A risk-based approach to the level of regulatory oversight based on a clear risk matrix will be most effective in delivering safe building outcomes. Complex systems that are designed for residential multi-occupancy must be subject to a higher level of regulatory oversight that is proportionate to the number of people who are potentially put at risk.

Transparency of information and an audit trail all the way through the life cycle of a building from the planning stage to occupation and maintenance is essential to provide reassurance and evidence that a building has been built safe and continues to be safe. For example, the current process for testing and 'certifying' products for use in construction is disjointed, confusing, unhelpful, and lacks any sort of transparency. Just as the process of constructing the building itself must be subject to greater scrutiny, the classification and testing of the products need to undergo a radical overhaul to be clearer and more proactive.

Where concerns are identified through testing or incident investigation, these findings must be made public and action needs to be taken if these issues are putting people at risk.

A radical overhaul to futureproof the system

While this review recommends a different approach, it is far from being a leap of faith. It is built upon confidence of what we know works here in our culture in other sectors, and more importantly in the construction sector; other industry sectors have developed a mature and proportionate way to manage and regulate higher-risk and complex installations.

These approaches now need to be repeated in relation to the safety and quality of complex buildings and to the safety of those who live in them.

There are many people who stand ready and willing to help deliver this level of radical change and are ready to take on the key principles:

- What is described in this report is an **integrated systemic change** not a shopping list of changes which can be picked out on a selective basis
- To **embed this systemic change will require legislative change** and therefore take time to fully implement. 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
- We must find a way to **apply these principles to the existing stock** of complex high-rise residential buildings as well as new builds. That is a moral obligation to those who are now living in buildings which they bought or rented in good faith assuming them to be safe and where there is now reason to doubt that. This will take time and there will be a cost attached to it. It is beyond the scope of this review to determine how remedial work is funded but this cannot be allowed to stand in the way of assuring public safety
- We need to **maintain the spirit of collaboration and partnership** which has been a feature of the review process to date
- The ideas proposed in this report have **broader application** to a wider range of buildings and to drive change more broadly
- There will be those who will be fearful that the change will slow down the build of much needed new housing; however, there is every reason to believe that the opposite will be true. More rigour and oversight at the front end of the process can lead to significant increases in productivity, reduction in ongoing costs and to better outcomes for all in the latter and ongoing stages of the process. Improving the procurement process will play a large part in setting the tone for any construction project. This is where the drive for quality and good outcomes, rather than lowest cost, must start.

The new regulatory framework

The new regulatory framework set out in this report must address all of the weaknesses identified in the interim report, if there is to be a stronger focus on creating and maintaining safe buildings:

- It must strengthen regulatory oversight to create both positive incentives to comply with building safety requirements and to effectively deter non-compliance
- It must clarify roles and responsibilities
- It must raise and assure competence levels, as well as improving the quality and performance of construction products
- Residents must feel safe and be safe, and must be listened to when concerns about building safety are raised.

This new regulatory **framework must be delivered as a package**. The framework will be based around a series of interdependent, mutually reinforcing changes where one new measure drives another. In doing so it reflects the reality of most high-rise buildings which operate as a complex inter-locking system.

The new framework is designed to:

- Create a more simple and effective mechanism for driving building safety – a clear and proportionate package of responsibilities for dutyholders across the building life cycle. This means more time will be spent upfront on getting building design and ongoing safety right for the buildings in scope
- Provide stronger oversight of dutyholders with incentives for the right behaviours, and effective sanctions for poor performance – more rigorous oversight of dutyholders will be created through a single coherent regulatory body that oversees dutyholders' management of buildings in scope across their entire lifecycle. A strengthened set of intervention points will be created with more effective change control processes and information provision
- Reassert the role of residents - a no risk route for redress will be created and greater reassurances about the safety of their home will be offered, as well as ensuring that residents understand their role and responsibilities for keeping their building safe for themselves and their neighbours.

In making these changes, the new framework will also radically enhance the current model of responsibility so that:

- Those who **procure, design, create and maintain** buildings are responsible for ensuring that those buildings are safe for those who live and work in them
- **Government** will set clear outcome based requirements for the building safety standards which must be achieved
- **The regulator** will hold dutyholders to account, ensure that the standards are met and take action against those who fail to meet the requirements
- **Residents** will actively participate in the ongoing safety of the building and must be recognised by others as having a voice.

The summarised recommendations for this new framework;

The key parameters of a new regulatory framework (set out in Chapter 1) will establish:

- A new regulatory framework focused, in the first instance, on multi-occupancy higher risk residential buildings (HRRBs) that are 10 storeys or more in height
- A new Joint Competent Authority (JCA) comprising local authority Building Standards, fire and rescue authorities and the Health and Safety Executive to oversee better management of safety risks in these buildings (through safety cases) across their entire life cycle
- A mandatory incident reporting mechanism for dutyholders with concerns about the safety of a HRRB.

Improving the focus on building safety during the design, construction and refurbishment phases (set out in Chapter 2) through:

- A set of rigorous and demanding dutyholder roles and responsibilities to ensure a stronger focus on building safety. These roles and responsibilities will broadly align with those set out in the Construction (Design and Management) Regulations 2015
- A series of robust gateway points to strengthen regulatory oversight that will require dutyholders to show to the JCA that their plans are detailed and robust; that their understanding and management of building safety is appropriate; and that they can properly account for the safety of the completed building in order to gain permission to move onto the next phase of work and, in due course, allow their building to be occupied

- A stronger change control process that will require robust record-keeping by the dutyholder of all changes made to the detailed plans previously signed off by the JCA. More significant changes will require permission from the JCA to proceed
- A single, more streamlined, regulatory route to oversee building standards as part of the JCA to ensure that regulatory oversight of these buildings is independent from clients, designers and contractors and that enforcement can and does take place where that is necessary. Oversight of HRRBs will only be provided through local authority Building Standards⁴ as part of the JCA, with Approved Inspectors available to expand local authority capacity/expertise or to newly provide accredited verification and consultancy services to dutyholders
- More rigorous enforcement powers. A wider and more flexible range of powers will be created to focus incentives on the creation of reliably safe buildings from the outset. This also means more serious penalties for those who choose to game the system and place residents at risk.

Improving the focus on building safety during the occupation phase (set out in Chapter 3) through:

- A clear and identifiable dutyholder with responsibility for building safety of the whole building. The dutyholder during occupation and maintenance should maintain the fire and structural safety of the whole building, and identify and make improvements where reasonable and practicable
- A requirement on the dutyholder to present a safety case to the JCA at regular intervals to check that building safety risks are being managed so far as is reasonably practicable
- Clearer rights and obligations for residents to maintain the fire safety of individual dwellings, working in partnership with the dutyholder. This will include a combination of transparency of information and an expectation that residents support the dutyholder to manage the risk across the whole building; and A regulator for the whole of the building (the JCA) in relation to fire and structural safety in occupation who can take a proactive, holistic view of building safety and hold dutyholders to account with robust sanctions where necessary.

Giving residents a voice in the system (set out in Chapter 4) through:

Providing reassurance and recourse for residents of all tenures by providing:

- Greater transparency of information on building safety;
- Better involvement in decision-making, through the support of residents associations and tenant panels, and;
- A no-risk route for residents to escalate concerns on fire safety where necessary, through an independent statutory body that can provide support where service providers have failed to take action, building on ongoing work across Government.

Setting out demanding expectations around improved levels of competence (set out in Chapter 5) through:

- The construction sector and fire safety sector demonstrating more effective leadership for ensuring building safety amongst key roles including an overarching body to provide oversight of competence requirements.

Creating a more effective balance between government ownership of building standards and industry ownership of technical guidance (set out in Chapter 6) by:

- Moving towards a system where ownership of technical guidance rests with industry as the intelligent lead in delivering building safety and providing it with the flexibility to ensure that guidance keeps pace with changing practices with continuing oversight from an organisation prescribed by government
- A package of regulations and guidance that is simpler to navigate but that genuinely reflects the level of complexity of the building work. This new approach will reinforce the concept of delivering building safety as a system rather than by considering a series of competing or isolated objectives.

Creating a more robust and transparent construction products regime (set out in Chapter 7) through:

- A more effective testing regime with clearer labelling and product traceability, including a periodic review process of test methods and the range of standards in order to drive continuous improvement and higher performance and encourage innovative product and system design under better quality control. This regime would be underpinned by a more effective market surveillance system operating at a national level.

Creating a golden thread of information about each HRRB (set out in Chapter 8) by:

- Obligating the creation of a digital record for new HRRBs from initial design intent through to construction and including any changes that occur throughout occupation. This package of building information will be used by the dutyholders to demonstrate to the regulator the safety of the building throughout its life cycle.

And, in addition:

Tackling poor procurement practices (set out in Chapter 9):

- Including through the roles and responsibilities set out above, to drive the right behaviours to make sure that high-safety, low-risk options are prioritised and full life cycle cost is considered when a building is procured.

Ensuring continuous improvement and best practice learning through membership of an international body (set out in Chapter 10)

- The recommendations in this report relate predominantly to HRRBs which will be overseen by the JCA. However, it is made clear in the following chapters where the review believes that there would be merit in certain aspects of the new regulatory framework applying to a wider set of buildings.

Recommendations made in this report

Parameters and principles of a new regulatory framework

Recommendation 1.1:

The new regulatory framework should apply to residential properties which are **10 or more storeys high** in the first instance. New HRRBs should be identified by the Local Planning Authority and notified to the regulator. Existing buildings in scope should be identified through other means, learning from the MHCLG Building Safety Programme experience.

Recommendation 1.2:

The government should set up a '**Joint Competent Authority**'. This should comprise local authority Building Standards, fire and rescue authorities and the Health and Safety Executive, working together to maximise the focus on building safety within HRRBs across their entire life cycle. The optimum model for ensuring effective joint working should be discussed with all relevant parties, but should draw on the model set out above. The JCA should design and operate a full cost recovery model.

Recommendation 1.3:

The regulatory framework should treat the building as a single entity (a system encompassing sub-systems) and a **new over-arching Approved Document should be published** describing the system and the holistic analyses that must be completed when undertaking building work. This should define the requirement to understand the interactions of the system and its comprising subsystems in both normal operation and outside normal conditions.

Recommendation 1.4:

- A system of mandatory occurrence reporting to the JCA similar to that employed by the Civil Aviation Authority should be set up for HRRBs. The requirement to report should be for key identified dutyholders on a no-blame basis. The outputs of these reports (and statistical analysis of this data) should be publicly available. Non-reporting should be regarded as non-compliance and sanctions applied appropriately
- It would be appropriate for the JCA to be a prescribed person under PIDA
- For all other buildings the current CROSS scheme should be extended and strengthened to cover all engineering safety concerns and should be subject to formal review and reporting at least annually.

Design, construction and refurbishment

Recommendation 2.1:

Government should specify the key roles that will ensure that the procurement, design and construction process results in HRRBs that are safe. These should be, as a minimum, (those identified in Table 1 within the report) – Key roles under the CDM Regulations. The definition of these roles should reflect those in the CDM Regulations to avoid unnecessary confusion.

Recommendation 2.2:

Government should allocate broad responsibilities to Clients, Principal Designers and Principal Contractors responsible for HRRBs (as set out in Table 2 in this report) – Key responsibilities of dutyholders.

Recommendation 2.3:

Government should make the creation, maintenance and handover of relevant information an integral part of the legal responsibilities on Clients, Principal Designers and Principal Contractors undertaking building work on HRRBs. The four information products (the digital record, the Fire and Emergency File, Full Plans and Construction Control Plan) represent a minimum requirement.

Recommendation 2.4:

Government should consider applying the key roles and responsibilities and information product recommendations to other multi-occupancy residential buildings and to institutional residential buildings whilst bearing in mind necessary adjustments to keep the requirements proportionate.

Recommendation 2.5:

The LPA should be required in law to undertake a consultation with the JCA where it identifies that a building is a HRRB. This process should also apply where planning permission for another building in the near vicinity is sought (where such a building might impact on fire service access to a HRRB). This is the first Gateway Point.

Recommendation 2.6:

Government should ensure that there is thorough assessment by the JCA of detailed design plans for HRRBs and sufficient assurance that dutyholders are in place and relevant responsibilities are being met in order to give permission for building work to legally commence. This 'Full Plans Approval' is the second Gateway Point.

Recommendation 2.7:

Government should ensure that:

- The JCA undertakes a thorough test of the dutyholders' as-built construction of HRRBs, supported by clear documentary evidence from the Principal Contractor that the design intent has been delivered as proposed (and any changes are documented and justifiable) and that handover of key golden thread information has occurred; and
- The building owner must have completed a pre-occupation Fire Risk Assessment and resident engagement strategy. All of this must be signed off by the JCA (and a safety case review cycle established) to enable occupation to commence. This 'Completion Certificate' process is the third Gateway Point.

Recommendation 2.8:

Government should consider also applying Gateway Points 2 and 3 to other multi-occupancy residential buildings and to institutional residential buildings.

Recommendation 2.9:

There should be a clearer, statutory change control process that places requirements on the relevant dutyholder to notify the regulators of significant changes post-Full Plans sign-off. Within that context, two types of changes should be defined – ‘major’ and ‘minor’.

- ‘Major’ changes would be a limited list of significant changes for example:
 - Changes in use, changes in number of storeys, changes in number of units, or;
 - Changes which could impact on previously signed-off building safety plans.

Major changes would require an update from the dutyholder to the JCA (for reconsideration) before such work is commenced.

- ‘Minor’ changes (ie, all other changes) would need to be recorded and identifiable at the completion of the work for dutyholders to demonstrate that Building Regulations are still satisfied.
 - Government should consider also applying this change control process to other multi-occupancy residential buildings and to institutional residential buildings.

Recommendation 2.10:

In HRRBs, building work that is carried out by ‘persons in a competent person’s scheme’ should be subject to full oversight by the JCA to enable it to fully discharge its duties.

Recommendation 2.11:

- a) It should not be possible for a client to choose their own regulator or for a regulator to be unable to apply sanctions against a dutyholder where such action is warranted
- b) As part of the JCA oversight of HRRBs there should be a single, streamlined, regulatory route for the provision of building control with oversight solely provided through local authority Building Control
- c) The Approved Inspector regime should be utilised such that it can:
 - Provide accredited verification and consultancy services to dutyholders, and also;
 - Expand LABCs’ expertise/capacity (whilst always operating under LABCs rules and standards)

- d) But no AI can be used to provide both functions in respect of the same building work (ie, where regulatory oversight is provided the AI must be completely independent of dutyholders)
- e) This avoidance of conflict of interest should apply to all actors in the regulatory system – so no fire and rescue authority should be able to support the JCA in its oversight of a particular building if it (ie, the individual or the company) has provided professional design services in respect of that building through its commercial arm
- f) Recommendations a), b) and c) should also apply to all other multi-occupancy residential buildings and to institutional residential buildings. Recommendation d) and e) should apply to all building work
- g) Local authority Building Control should be renamed the local authority Building Standards given their new role.

Recommendation 2.12:

- As part of the establishment of the JCA, the fire and rescue authorities need to be engaged in a more consistent manner with a robust dispute resolution mechanism established for use by the organisations within it
- Comparable processes should also be adopted for other multi-occupancy residential buildings and to institutional residential buildings where local authority Building Standards and fire and rescue authority will also need to interact to ensure Building Regulation requirements are met.

Recommendation 2.13:

The sanctions and enforcement regime should be reinforced so that penalties are an effective deterrent against non-compliance. These stronger enforcement tools should generally look to replicate and align with the approach in the Health and Safety at Work Act. More specifically:

- The JCA/local authority Building Standards should have additional powers to issue formal Improvement and Prohibition (or ‘Stop’) Notices to dutyholders where there is a sufficient concern about, for example, the degree of oversight of the work; accurate record-keeping; or the likelihood of meeting Building Regulations requirements
- The JCA/local authority Building Standards should have the clear power to require changes to work that fail to meet the Building Regulations requirements alongside any broader penalties sought

- Time limits for bringing prosecutions against dutyholders should be increased to five or six years for ‘major’ deficiencies in building requirements identified at a later date
- The JCA cost recovery model should be weighed appropriately to create a fund for enforcement action to be taken where needed; and e. the new powers should be available, wherever appropriate, to support either the JCA or local authority Building Standards in respect of all non-compliant building work.

Recommendation 2.14:

Where a HRRB has not yet had its first safety case review and seeks to carry out refurbishment work then this should trigger a full safety case review. Once the safety case review cycle is established, then further major refurbishments may also bring forward the next safety case review.

Occupation and maintenance

Recommendation 3.1:

- Government should specify that responsibility for the safety of all parts of a HRRB must be held by a clear, senior dutyholder which should be the building owner or superior landlord
- The JCA and residents must be kept notified of the name and UK-based contact information of the dutyholder (whether that is an entity or a named person)
- The dutyholder must nominate a named ‘building safety manager’ with relevant skills, knowledge and expertise to be responsible for the day-to-day management of the building and act as a point of contact for residents. The building safety manager’s name and contact information must be notified to the JCA and to residents and should be displayed in the building.

Recommendation 3.2:

Government should allocate clear responsibilities to dutyholders of HRRBs to:

- Take such safety precautions as may reasonably be required to ensure building safety risk is reduced so far as is reasonably practicable
- Ensure that information management systems are in place in order to maintain relevant documentation and compile and maintain a safety case file
- Ensure that there is a resident engagement strategy and that residents receive information on fire safety in an accessible manner, and;
- Handover all of the relevant information to a new dutyholder when a building changes hands.

Recommendation 3.3:

The dutyholder for a HRRB should proactively demonstrate to the JCA through a safety case at regular intervals (as determined by level of risk) that they are discharging their responsibilities. The safety case must identify the hazards and risks, describe how risks are controlled, and describe the safety management system in place.

Recommendation 3.4:

- The dutyholder for a HRRB should demonstrate that the fire risk assessment for the whole building has been undertaken by someone with relevant skills, knowledge and experience and reviewed regularly (dependent on risk and as agreed with the regulator) so as to keep it up to date and particularly if:
 - There is a reason to suspect it is no longer valid
 - They have received a notice from a regulator, or;
 - There has been a significant change to the premises.
- The dutyholder should ensure that any recommendations/requirements outlined in the fire risk assessment are undertaken and completed in a timely manner. Fire risk assessments should be reviewed at least annually until a first safety case review has been completed, where this applies
- The government should consider applying this requirement to other multi-occupancy residential buildings.

Recommendation 3.5:

- For HRRBs, residents should have clearer obligations in relation to maintaining safety of flats and should co-operate with the dutyholder (or building safety manager) to the extent necessary to enable them to fulfil their duty to keep the building safe for all those living there
- The dutyholder should educate, influence and inspect to ensure residents meet these obligations and the JCA should be able to intervene where there is any immediate risks to persons
- The government should consider applying this good practice on rights and responsibilities to other multi-occupancy residential buildings.

Recommendation 3.6:

The JCA should be empowered to regulate across all parts of a HRRB, be clearly identifiable to dutyholders and residents, and should have the following roles in the occupation and maintenance phase:

- Hold a register of dutyholders
- Ensure that dutyholders meet their responsibilities through effective inspection, assessment and enforcement, and;
- Deal with immediate risk – the JCA should have powers of access to inspect the whole building and take action where necessary.

Recommendation 3.7:

- For HRRBs, Environmental Health Officers should raise any fire and structural safety concerns to the JCA
- For other multi-occupancy residential buildings, local authorities and fire and rescue authorities should work more closely to ensure that the fire safety of the whole building is assessed and regulated effectively.

Recommendation 3.8:

For HRRBs there should be robust sanctions and strong incentives in place to drive compliance by dutyholders during occupation. The JCA should use a staged approach comprising education, statutory notices, fines and ultimately criminal sanctions.

Residents' voice

Recommendation 4.1:

- The dutyholder for a HRRB should have a statutory duty to proactively provide residents with a set of information that supports residents to understand the layers of protection in place to keep their building safe
- The government should consider applying this requirement to other multi-occupancy residential buildings.

Recommendation 4.2:

- Residents of HRRBs should have the right to access fire risk assessments, safety case documentation and information on maintenance and asset management that relates to the safety of their homes
- The government should consider applying this requirement to other multi-occupancy residential buildings.

Recommendation 4.3:

- The dutyholder for a HRRB should have a resident engagement strategy in place to support the principles of transparency of information and partnership with residents. The strategy should outline how the dutyholder will share information with residents, how they inform them of their rights and responsibilities, and how they involve residents in decision making on changes to the building that could impact on safety
- The government should consider applying this requirement to other multi-occupancy residential buildings.

Recommendation 4.4:

- Government should provide funding for organisations working at both local and national level to provide advice, guidance and support to residents, landlords and building owners on effective resident involvement and engagement in order to develop a national culture of engagement for residents of all tenures
- This recommendation should not be limited to the residents of HRRBs – culture change for the residents of these buildings will only happen as part of a wider process of change across the sector.

Recommendation 4.5:

- After internal processes have been exhausted, if residents still have safety concerns about their homes, there should be a clear and quick escalation and redress route available for residents of all tenures to an independent body with access to appropriate knowledge, resources and enforcement powers
- This route of redress should be open to all residents of all tenures, and not limited to those living in HRRBs.

Recommendation 4.6:

- The dutyholder for a HRRB should provide residents with clear information about their obligations in relation to building and fire safety, and residents should meet their obligations to ensure their own safety and that of their neighbours.
- The government should consider applying this requirement to other multi-occupancy residential buildings.

Competence

Recommendation 5.1:

The construction sector and fire safety sector should:

- Demonstrate more effective leadership in relation to developing a responsible approach to delivering building safety and integrity
- Work with other sectors to learn and translate good practice and implement it within the sector, and;
- Develop continuous improvement approaches to competence levels.

Recommendation 5.2:

- The professional and accreditation bodies working within the construction and fire safety sectors should continue the work started in response to the interim report and present a coherent proposal to government within one year. As a minimum, this proposal should cover the role and remit of an overarching body to provide oversight of competence requirements and support the delivery of competent people working on HRRBs, including:
 - The professional bodies, professions and disciplines in scope
 - Its membership and governance
 - Its role in receiving, agreeing and monitoring the individual competence frameworks for those bodies, professions and disciplines in scope for individuals within their membership or on their register, and/or whether a single competence framework for professional bodies in scope should be established
 - Its role in agreeing and monitoring accreditation and reaccreditation, and the period within which the competence of individuals should be reassessed and reaccredited
 - Its role in establishing a method for demonstrating or proving competence;
 - How the correct balance between construction sector skills and fire safety skills should be balanced, and;
 - Whether the competence requirements for those working on HRRBs should also be extended to cover other multi-occupancy residential buildings and to institutional residential buildings.
- Progress should be monitored by government, with the professional and accreditation bodies providing government with quarterly progress reports
- If government does not consider that the proposed approach provides the necessary assurance to the JCA, or there is evidence that the fragmented approach to the

oversight of competence will continue, then government should mandate a body to establish the competence levels required and oversee its implementation.

Recommendation 5.3:

Relevant parties, along with the relevant professional bodies, should:

- Continue to work together to develop a new common approach and competence framework which meets the requirements of the new regulatory framework and the new skills required of Building Standards Inspectors when working on HRRBs, and those offering consultancy and verification services to dutyholders
- This framework should apply to all Building Standards Inspectors whether they are LABS Inspectors and part of the JCA or AIs offering their services to Building Standards or to dutyholders
- Consider whether these competence requirements for Building Standards Inspectors working on HRRBs, and AIs, should also be extended to cover those working on other multi-occupancy residential buildings and institutional residential buildings.

Recommendation 5.4:

Relevant parties should work together, along with the relevant professional bodies, to develop and define a robust, comprehensive and coherent system for:

- The competence requirements for the role of building safety manager of HRRBs, and;
- The remit of this role in introducing and overseeing the process by which residents in HRRBs would be able to access fire safety awareness training.

Guidance and monitoring to support building safety

Recommendation 6.1:

- Government should work towards a long term aim that guidance on how to meet the building regulations is to be owned by industry, while government sets out regulatory requirements and provides oversight of the regulatory system
- Government should reserve the right to create guidance if industry has not proven that it is able or is deemed unable to produce suitable guidance.

Recommendation 6.2:

- The government should create a new structure to validate and assure guidance, oversee the performance of the built environment sector and provide expert advice

- There should be a periodic review (at least every five years) of the effectiveness of the overall system of building regulation including accountabilities, responsibilities, guidance, and the effectiveness of the regulator.

Recommendation 6.3:

The Government should take forward the recommendations made by the Expert Group (included at Appendix F of the main report). To summarise, these are:

- Clear user friendly language and formatting of the guidance (including Approved Document B)
- Multiple points of entry for different users to the document set, to provide clear advice for different types of building work
- Facilitating the prioritisation of fire and structural safety while encouraging a holistic approach that considers all building safety objectives, and;
- A building regulation manual to explain the role of the Approved Documents.

Products

Recommendation 7.1:

- A clearer, more transparent and more effective specification and testing regime of construction products must be developed. This should include products as they are put together as part of a system
- Clear statements on what systems products can and cannot be used for should be developed and their use made essential. This should ensure significantly reduced scope for substitution of any products used in a system without further full testing. Until such time, manufacturers should ensure that they adhere to the current limitations set out in classification reports in the current regime
- The scope of testing, the application of products in systems, and the resulting implications must be more clearly communicated in plain, consistent, non-technical language.

Recommendation 7.2:

- Manufacturers must retest products that are critical to the safety of HRRBs at least every three years. Manufacturers should consider the need to test more frequently, focusing especially on the testing of products as they operate in systems rather than individual elements

- The testing of products that are critical to the safety of HRRBs should be subject to independent third party certification
- The introduction of the JCA should drive the introduction of reactive testing when particular issues of concern arise regarding products installed that are critical to the safety of HRRBs
- Additional test houses should be established and certified
- All test houses should produce an annual report providing summary details of tests carried out and the number of passes and failures reported.

Recommendation 7.3:

A **simpler, more streamlined set of standards** relating to the testing of products used in HRRBs, and the health and safety of people in and around those buildings, needs to be developed. This should ensure that where new standards are required, these are identified quickly and in the case of conflicting standards, that these are identified and reviewed.

Recommendation 7.4:

Test methods and standards should be maintained under a periodic review process in order to drive continuous improvement and higher performance through the development of new test methods, and encourage innovative product and system design under better quality control.

Recommendation 7.5:

- The construction products industry should work together to develop and agree a consistent labelling and traceability system, making use of the digital technologies that are already available and learning from other sectors
- The dutyholder for any given HRRB should ensure that the documentation that supports the performance claims for products and systems incorporated within the HRRB should be maintained throughout the life cycle of a building through the golden thread of building information (Chapter 8).

Recommendation 7.6:

- Government should ensure that there is a more effective enforcement, complaint investigation and market surveillance regime with national oversight to cover construction product safety
- Government should consider whether this could be achieved by extending the remit of the Office for Product Safety and Standards
- The introduction of national level market surveillance should drive the introduction of risk-based testing of products that are critical to the safety of HRRBs. Golden thread of building information

Recommendation 8.1:

- Government should mandate a digital (by default) standard of record-keeping for the design, construction and during the occupation of new HRRBs. This is to include any subsequent refurbishments within those buildings
- Digital records are to be in a format which is appropriately open and non-proprietary with proportionate security controls.

Recommendation 8.2:

Government should work with industry to agree what information must be held in the digital record for new HRRBs.

Recommendation 8.3:

- Government should work with industry to agree the type of information to be collected and maintained digitally (by default) to enable the safe building management of existing HRRBs
- Dutyholders must identify and record where gaps in the above information exist and the strategy for updating that relevant information.

Recommendation 8.4:

- Dutyholders must hold, transfer and update information throughout the life cycle of the HRRB
- Information from this record is to be provided to the JCA in the event that this may be required.

Procurement and supply

Recommendation 9.1:

- For higher risk residential buildings (HRRBs), principal contractors and clients should devise contracts that specifically state that safety requirements must not be compromised for cost reduction
- The government should consider applying this requirement to other multi-occupancy residential buildings and to institutional residential buildings.

Recommendation 9.2:

- For HRRBs, tenders should set out how the solution that is proposed will produce safe building outcomes, approaching the building as a system. Those procuring should use the tender review process to test whether this is the case
- The government should consider applying this requirement to other multi-occupancy residential buildings and to institutional residential buildings.

Recommendation 9.3:

For HRRBs the information in the contracting documentation relating to the safety aspects should be included in the digital record (Chapter 8).

International examples

Recommendation 10.1:

The government should re-join the Inter-jurisdictional Regulatory Collaboration Committee (IRCC).

Industry involvement for a successful culture change

The effectiveness of regulatory frameworks appears to be largely dependent on how individuals working within the framework interact with it. Trust in the framework may also impact its effectiveness.

In the legislative process, consultation with industry stakeholders can result in more effective alternatives, lower administration costs, better compliance and faster regulation. Ensuring dialogue between the government, the regulator and industry beyond the consultation phase is important.

The regulator should play an active role in this as leadership is needed to drive culture change.

Conclusion

The review has identified many shared issues and challenges through its consideration of other countries' regulatory frameworks. Prescriptive controls alone are not adequate to ensure the effectiveness of the regulatory framework. Outcomes-based frameworks must be supported by sufficiently competent people and robust systems of accreditation and enforcement to ensure adequate accountability in the wider framework.

The partnership between those regulated and those regulating is important. Active leadership from both government and industry can have a significant impact on driving change, and further comparative learning is required to better understand how to drive culture change in this way.

Regulatory frameworks are often rooted in historical events and local practices, and as such they cannot be easily transferred from one jurisdiction to another. Identifying best practice, however, is important. There is much to be learned from work being undertaken across the globe as a result of the Grenfell Tower fire; it is clear that there is no single solution, and that it would be beneficial to find effective ways of sharing learning and good practice.

Whilst the recommendations in each chapter are crucial, in isolation they will fail to achieve the systemic change sought. The framework operates as a mutually reinforcing package and requires the implementation of its interdependent components in order for this to be achieved.

Final thoughts

The mapping exercise which was explained extensively in the interim report has had a profound effect on thinking and has identified a real opportunity to put joined-up regulation into practice.

There is no need for a new regulator to deliver this new regime but there is a need for existing regulators to come together and bring their collective expertise and knowledge to bear in a very different way to deliver a stronger and better regime that will benefit everyone.

The ultimate test of this new framework will be the rebuilding of public confidence in the system. The people who matter most in all of this are the residents of these buildings. The new framework needs to be much more transparent; potential purchasers and tenants need to have clear sight of the true condition of the space they are buying and the integrity of the building system they will be part of.

The relationship between landlords and tenants, in whatever ownership model exists in a given building, needs to be one of partnership and collaboration to maintain the integrity of the system and keep people safe. There must be a clear and easy route of redress to achieve resolution in cases where there is disagreement.

The full report plus appendices can be downloaded via the government website, [here](#).

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