



Chartered
Institute of
Housing

What you need to know about the independent review of building regulations and fire safety



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On 17th May, almost a year after the horrific fire at Grenfell Tower, Dame Judith Hackitt published her [final report into the review of building regulations](#).

It builds on the findings of [interim report](#) by highlighting an inherent 'system failure' and 'culture of indifference' in the delivery of buildings and reiterating that the current system of building regulations and fire safety is not fit for purpose.

The report sets out a range of issues including:

- The roles and responsibilities of those procuring, designing, constructing and maintaining buildings are unclear
- The package of regulations and guidance (in the form of Approved Documents) can be ambiguous and inconsistent
- The processes that drive compliance with building safety requirements are weak and complex with record-keeping and change management ranging from poor to non-existent
- Overall competence across the system is patchy
- The product testing, labelling and marketing regime is opaque and insufficient
- The voice of residents often goes unheard, even when safety issues are identified.

The recommendations (summarised in full on pp122-128 of the full report) cover the following broad areas:

1. The introduction of a new regulatory framework

- A new regulatory framework should be established and focused, in the first instance, on multi-occupancy, higher-risk residential buildings (HRRBs) that are 10 storeys or more in height
- The new regulatory framework will be overseen by a new Joint Competent Authority (JCA), which will comprise Local Authority Building Standards, fire and

rescue authorities (FRA) and the Health and Safety Executive which will oversee the management of safety risks in buildings across a their life cycle

- The introduction of a mandatory incident reporting system for dutyholders with concerns about the safety of a HRRB
- Government should set out regulatory requirements and provide oversight of the regulatory system but guidance on how to meet the building regulations should be owned by the industry

2. Improving focus on building design, construction and refurbishment

- Establish a set of rigorous and demanding dutyholder roles and responsibilities - to broadly align with those set out in CDM (Construction (Design & Management) Regulations 2015)
- Introduce a series of robust gateway points to strengthen regulatory oversight
- Put in place stronger change control process and a single, more streamlined route to oversee building standards
- Introduce more rigorous enforcement powers





3. Occupation and maintenance

- Establish a clear and identifiable dutyholder with responsibility for building safety of the whole building (including individual flats) during occupation. The dutyholder (who should be the building owner or superior landlord) must nominate a 'building safety manager' with the relevant skills, knowledge and expertise to assist in discharging their duties
- The regulator (JCA) to have responsibility for the whole of the building in relation to fire safety in occupation
- Residents to have clearer rights and obligations to maintain the fire safety of their individual dwellings

4. Giving residents a voice

- Provide residents with more transparent information on building safety
- Enable better involvement in decision making through residents' associations/ panels
- The duty holder should ensure that residents have access to fire risk assessments and information on repairs and asset management that relates to the safety of their homes.



- The duty holder should have a resident engagement strategy in place that outlines how they will communicate information about residents' rights and responsibilities, how changes will be communicated and consultation will take place
- Develop of a "no-risk" route for residents to escalate concerns on fire safety through an independent statutory body
- 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.

5. Competence

- Create an overarching body to provide oversight of competence requirements (construction and fire safety sectors)
- A competency framework for contractors, the proposed content for this should be put forward by construction professional and accredited bodies.
- Ownership of technical guidance to be "owned" by industry (rather than government as at present)

Other areas covered in the final report include guidance, **products, building information** and **procurement**

- Development of a more effective testing regime including better and more effective methods for testing building materials, including periodic reviews of test methods
- Creation and maintenance of a digital record for all HRRBs which should include design and construction information and any changes that occur during its occupation. This will be used to demonstrate the ongoing safety of a building to the regulator



- Principal contractors and clients should devise contracts that specifically state that safety requirements must not be compromised for cost reduction

Initial CIH response

The Hackitt Review rightly recommends a wholesale overhaul of the building regulations and fire safety system covering high-rise buildings. It is absolutely vital that we increase accountability for everyone involved in building and managing homes and make sure that residents have a stronger voice. It is now almost a year since the horrendous events at Grenfell Tower when 71 people lost their lives - we urge the government to consider the review's recommendations carefully and act on them swiftly.

Everyone who works in housing must reflect on the recommendations and we will be doing everything we can to make sure that our members understand the changes coming their way so they can put them into practice quickly and effectively.

We recognise that there has been a lot of discussion and debate on whether the report should have explicitly recommended a ban on the use of combustible cladding. We can absolutely understand why people would want certain materials banned, but we also understand the point made by Dame Judith Hackitt and indeed the London Fire Brigade that a ban might not actually prove effective in the long-term. There has clearly been an issue with the use of combustible materials, but the problems identified are so far-reaching that the only way to make sure something like this never happens again is to create a new system of regulation, testing and management which increases accountability across the board. We welcome the announcement that the UK government is going to explore this issue further through its consultation on combustible cladding.

Funding for removal of cladding

On 16th May, the Prime Minister has announced that the government will fully fund the cost of removing dangerous cladding from tower blocks owned by local authorities and housing associations, estimated to be around £400 million. CIH had been calling on the government to provide extra funding to help landlords make sure that buildings are safe, so we welcome the Prime Minister's announcement to enable social landlords to be able to carry out vital safety work without undermining their existing repairs and maintenance programmes or their work to build new homes. We look forward to seeing more detail on how the funding will be allocated.

