Independent Review of Building Regulations and Fire Safety

13th February 2019

Dr Hywel Davies, Technical Director
Chartered Institution of Building Services Engineers

Follow @CIBSE
Summary

It is a time of unprecedented change in our sector. Dame Judith Hackitt has undertaken the most far reaching review of legislation covering how we build and how we manage safety and operation of buildings in a working lifetime and government is committed to take forward her recommendations. Dame Judith’s report is leading to radical change.
Background

Following the Grenfell Tower fire on 14th June 2017, in which 72 people lost their lives, there are three distinct strands of activity.

The Metropolitan Police have an ongoing enquiry, now expected to continue into 2019.

Sir Martin Moore Bick is leading the public enquiry, also expected to last into 2019.
Background

In the immediate aftermath of the Grenfell Tower tragedy, Dame Judith Hackitt FREng undertook the most far reaching review of legislation covering how we build and how we manage safety and operation of buildings in a working lifetime: the Independent Review of Building Regulations and Fire Safety.
My aim tonight is NOT to discuss what happened at Grenfell.

My focus is on the consequences of Grenfell.

In particular, the review of Building Regulations and Fire Safety and its findings in relation to both Building Regulations and Fire Safety management of occupied buildings in England, and the lessons we are learning from that Review.

There is a widely held view that the Review is a once in two generations opportunity to reform the way our industry works.
There is an awful lot already going on:

**Current legislative activity:**
Changes to Regulation 7, banning combustible materials from external walls of residential buildings over 18m, introduced in December.
Full technical review of Part B.
Spencer St fire and ongoing concerns with Aluminium Cladding Materials in Australia
Commitment to update Parts L and F, to address overheating risk.
Review of Part M to complement work already underway on accessible toilets.
A ‘workplan’ for other technical requirements, such as Part P, ‘in the new year’.

We are not short of things to do on Building Regulations.

**Other policy work:**
UK Clean Air Strategy
London Plan
Electric vehicles and the infrastructure to support them.
Future strategy for heating buildings as well as lighting them, including the possible switch to hydrogen from gas.
Terms of Reference for the Independent Review

Dame Judith was commissioned to focus on “High Rise Residential Buildings” – HRRBs.

A twofold purpose to the review:

• to make recommendations that will ensure we have a sufficiently robust regulatory system for the future and

• to provide further assurance to residents that the complete system is working to ensure the buildings they live in are safe and remain so.
Dame Judith was asked to:

- map the current regulatory system (i.e. the regulations, guidance and processes) as it applies to new and existing buildings through planning, design, construction, maintenance, refurbishment and change management;
- consider the competencies, duties and balance of responsibilities of key individuals within the system in ensuring that fire safety standards are adhered to;
- assess the theoretical coherence of the current regulatory system and how it operates in practice
- compare this with other international regulatory systems for buildings and regulatory systems in other sectors with similar safety risks;
- make recommendations that ensure the regulatory system is fit for purpose with a particular focus on multi-occupancy high-rise residential buildings.
Building a Safer Future

Independent Review of Building Regulations and Fire Safety:
Final Report
The current system is “broken”
In Dame Judith’s words:

“In my interim report published in December 2017 I 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:

• lack of an audit trail as to whether essential safety work was carried out on the Ledbury Estate, and other large panel systems tower blocks;
• a door marketed as a 30-minute fire door failed prior to 30 minutes when tested, revealing concerns around quality assurance and the ability to trace other fire doors manufactured to that specification;
• another tower block fire where fire spread between floors via wooden balconies; and
• a major fire in a car park in Liverpool which came close to encroaching on a block of flats nearby.”
Key issues underpinning system failure

**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.
What is a regulation?

STATUTORY INSTRUMENTS

2010 No. 2214

BUILDING AND BUILDINGS, ENGLAND AND WALES

The Building Regulations 2010

Made - 6th September 2010
Laid before Parliament - 9th September 2010
Coming into force - 1st October 2010

CONTENTS

PART 1
General
1. Citation and commencement
2. Interpretation

PART 2
Control of Building Work
3. Meaning of building work
4. Requirements relating to building work
5. Meaning of material change of use
6. Requirements relating to material change of use
7. Materials and workmanship
8. Limitation on requirements
9. Exempt buildings and work
10. Exemption of the Metropolitan Police Authority from procedural requirements
11. Power to dispense with or relax requirements

PART 3
Notices, Plans and Certificates
12. Giving of a building notice or deposit of plans
13. Particulars and plans where a building notice is given
14. Full plans
15. Consultation with sewage undertaker
16. Notice of commencement and completion of certain stages of work
17. Completion certificates
18. Unauthorised building work
The Building Regulations 2010

Conservation of fuel and power

L2A Conservation of fuel and power in new buildings other than dwellings

2013 edition – for use in England*
Key issues underpinning system failure (2)

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.
Key findings and recommendations

• Creation of a regulatory body consisting of building control, fire and rescue and the health and safety executive to jointly oversee HRRBs

• Reform of the system of building control to limit choice of regulator and cost based competition between inspectors
Key findings and recommendations (2)

• A system of approval gateways up to handover
  At the planning stage
  At detailed plans stage
  At handover

• A “golden thread of information” to be created during design and construction and handed over at completion to inform the management and operation of the building
Key findings and recommendations (3)

Clearer and more effective product specification and testing

- 7.14 The scope of testing, the application of products in systems and the resulting implications must be more clearly communicated in plain, non-technical and consistent language to ensure the information is accessible and readily understandable by those specifying the products. Part 3 of this chapter also makes recommendations for an improved labelling regime which will facilitate the right products being put together as systems and enable more effective record keeping of this information through the golden thread of building information.
Key findings and recommendations (4)

Recommendation 7.1

• a. A clearer, more transparent and more effective specification and testing regime of construction products must be developed. To include products as they are put together as part of a system.

• b. 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.

• c. 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.
Key findings and recommendations (5)

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.
Professional Competence

Recommendation 5.2

a. 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.
Professional Competence (2)

b. Progress should be monitored by government, with the professional and accreditation bodies providing government with quarterly progress reports.

c. 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.
Implementation

Government has published its Implementation plan
This commits to:
- take immediate action to establish a radically-new system for the future
- bringing forward legislation at the earliest opportunity to carry out the necessary reforms

“This implementation plan sets out what the far-reaching overhaul of the system will involve over the coming years.”
Dame Judith’s legacy

Business as usual is not an option

Radical change is expected

There is no alternative
The End of the Beginning
Thank you for listening
Any Questions?
hdavies@cibse.org