

Independent Review

Building Regulations and Fire Safety

Call for Evidence

12 September 2017

Table of Contents

1. Introduction	2
2. Questions	4
3. How to respond.....	7
4. Confidentiality and data protection.....	8
5. Help with queries	8
ANNEX A	9
ANNEX B	11

1. Introduction

In the wake of the Grenfell Tower disaster Government has put in place a substantial programme of work to ensure that residents of high-rise buildings are safe – and feel safe – from the risk of fire, now and in the future.

It is identifying high-rise residential buildings with unsafe cladding systems and is ensuring that owners of such buildings are making them safe.

The tragedy and the subsequent testing process have identified potential shortcomings in the current regulatory system for ensuring fire safety. In light of these potential systemic failures the Government has commissioned the Independent Review of Building Regulations and Fire Safety led by Dame Judith Hackitt. The Terms of Reference for the Review were published on the 30th August 2017 and are attached at **Annex A**.

The Review aims to make recommendations to ensure a sufficiently robust regulatory system for the future and to provide further assurance to residents that the buildings they live in are safe and will remain so.

By regulatory system we mean the current framework of building, housing and fire safety legislation and associated guidance which create a framework through which fire safety is embedded, assessed and assured through the full life cycle of a building. This includes but is not limited to the documents provided in **Annex B**. The Review is interested in anything that may impact on that lifecycle including any wider cultural issues which impact on the focus given to maximising fire safety.

In particular we mean the totality of the system that is constructed from the following parts:

- **The legal requirements** – the specific requirements which legislation and guidance set out as needing to be met to ensure fire safety at all key stages in the life-cycle of a building. This includes both the planning, design, procurement and construction of new builds and the refurbishment of existing buildings and the on-going management and maintenance of those buildings;
- **Roles & Responsibilities** –the roles & responsibilities of different individuals/organisations at each key stage of the process above to either (a) ensure that all of the relevant requirements have been fulfilled or (b) to formally assess (i.e. to make the statutory assessment) that this is the case;
- **Compliance processes** - the formal processes such individuals/organisations with specific responsibilities have to go through to prove compliance and the culture surrounding compliance;

- **Competency** –the competency requirements placed on all of those with responsibilities to ensure or formally assess compliance (i.e. skills, technical qualifications, any CPD/ re-accreditation requirements);
- **Enforcement & Sanctions** – the enforcement & sanctions regime and culture that applies where building/fire safety requirements are assessed to have not been complied with;
- **Quality Assurance** - The broader processes whereby specific products used in the building, refurbishment and maintenance of the buildings are certified as meeting particular safety standards

There is a particular focus in this Review on the regulatory system insofar as it applies to multi occupancy high-rise residential buildings. However respondents should not limit themselves to these types of buildings if there are broader points they wish to make.

2. Questions

We are particularly interested to hear from respondents on aspects of **the current regulatory system that are working well and aspects that could be reformed to enhance fire safety**, particularly in the context of high-rise multi occupancy residential buildings. The 'regulatory system' is explained in Chapter 1 and incorporates wider cultural issues which impact on the focus given to maximising fire safety within the current system.

More specifically we would **encourage respondents to answer the specific questions set out below**. We invite respondents to answer those individual questions as broadly as possible and to make suggestions for future improvements as well as identifying areas that currently work well/less well.

Respondents should feel free to make use of a range of sources (for example published/ unpublished reports or case studies) to underpin their response:

The overarching legal requirements

Q1 To what extent are the current building, housing and fire safety legislation and associated guidance clear and understood by those who need to follow them? In particular:

- What parts are clear and well understood by those who need to follow them?; and, if appropriate
- Where specifically do you think there are gaps, inconsistencies and/or overlaps (including between different parts of the legislation and guidance)? What changes would be necessary to address these and what are the benefits of doing so?

Roles & Responsibilities

Q2 Are the roles, responsibilities & accountabilities of different individuals (in relation to adhering to fire safety¹ requirements or assessing compliance) at each key stage of the building process² clear, effective and timely? In particular:

- Where are responsibilities clear, effective and timely and well understood by those who need to adhere to them/assess them?; and, if appropriate
- Where specifically do you think the regime is not effective?
- What changes would be necessary to address these and what are the benefits of doing so?

Q3 Does the current system place a clear over-arching responsibility on named parties for maintaining/ ensuring fire safety requirements are met in a high-rise multi occupancy building? Where could this be made clearer? What would be the benefits of doing so?

¹ References to 'fire safety' requirements in Q2 & 3 should be taken to cover the range of requirements set out across Building Regulations, the Fire Safety Order etc.

² In other words the planning, design, procurement and construction of new builds and the refurbishment of existing buildings and the ongoing management and maintenance of those buildings

Competencies of key players

Q4 What evidence is there that those³ with responsibility for:

- Demonstrating compliance (with building regulations, housing & fire safety requirements) at various stages in the life cycle of a building;
- Assessing compliance with those requirements

are appropriately trained and accredited and are adequately resourced to perform their role effectively (including whether there are enough qualified professionals in each key area)? If gaps exist how can they be addressed and what would be the benefits of doing so?

Enforcement & Sanctions

Q5 Is the current checking and inspection regime adequately backed up through enforcement and sanctions? In particular

- Where does the regime already adequately drive compliance or ensure remedial action is always taken in a timely manner where needed?
- Where does the system fail to do so? Are changes required to address this and what would be the benefits of doing so?

Tenants' & Residents' Voice in the current system

Q6 Is there an effective means for tenants and other residents to raise concerns about the fire safety of their buildings and to receive feedback? Where might changes be required to ensure tenants'/residents' voices on fire safety can be heard in the future?

Quality Assurance and Testing of Materials

Q7 Does the way building components are safety checked, certified and marketed in relation to building regulations requirements need to change? In particular:

- Where is the system sufficiently robust and reliable in maximising fire safety and, if appropriate
- Where specifically do you think there are weaknesses/gaps? What changes would be necessary to address these and what would be the benefits of doing so?

Differentiation within the current Regulatory System

Q8 What would be the advantages/disadvantages of creating a greater degree of differentiation in the regulatory system between high-rise multi occupancy residential buildings and other less complex types of residential/non-residential buildings⁴?

³ For example, architects, those with responsibility for installing products, those undertaking Building Control sign-off or fire protection and enforcement work

⁴For example in terms of higher competency requirements, pro-activity/frequency of safety sign-off

Where specifically do you think further differentiation might assist in ensuring adequate fire safety and what would be the benefits of such changes?

International Comparisons and Other Sectors

Q9 What examples exist from outside England of good practice in regulatory systems that aim to ensure fire safety in similar buildings? What aspects should be specifically considered and why?

Q10 What examples of good practice from regulatory regimes in other industries/sectors that are dependent on high quality safety environments are there that we could learn from? What key lessons are there for enhancing fire safety?

<p>Reminder - Respondents should answer questions as broadly as possible and focus on making suggestions for future improvements as well as identifying areas that currently work well.</p>
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3. How to respond

We welcome all responses to this Call for Evidence. When responding, please state whether you are responding as an individual or representing the views of an organisation. If you are responding on behalf of an organisation, please make it clear where applicable, how the views of members were assembled.

We would prefer respondents to email their submissions to:

BuildingRegulationsandFireSafetyReview@communities.gsi.gov.uk

Written submissions can be posted to:

Independent Review of Building Regulations and Fire Safety

3rd Floor Fry Building

2 Marsham Street

London

SW1P 4DF.

Please submit your response by **13 October 2017**.

4. Confidentiality and data protection

Information provided in response to this consultation, including personal information, may be subject to publication or release to other parties such as to the Public Inquiry into the Grenfell Tower Fire or to disclosure in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 1998 (DPA) and the Environmental Information Regulations 2004). If you want information, including personal data that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence.

In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the department.

5. Help with queries

Queries about the document can be emailed to:

BuildingRegulationsandFireSafetyReview@communities.gsi.gov.uk

or alternatively, posted to:

Independent Review of Building Regulations and Fire Safety

3rd Floor Fry Building

2 Marsham Street

London

SW1P 4DF.

ANNEX A

Terms of Reference

The following Terms of Reference for the Review were published on **30 August 2017**:

In the light of the system failures which have been revealed by testing carried out in the wake of the Grenfell Tower disaster, Government has commissioned an urgent, independent review of building and fire safety regulations and their effectiveness.

The purpose is twofold - 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.

The Review will draw upon international experience of regulatory frameworks and the frameworks covering other industries where exceptional events can lead to the risk of large scale fatalities.

The independent Review will be carried out by Dame Judith Hackitt. In reaching its conclusions, the Review will:

- 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.

The Review will seek the input of relevant stakeholders and will work closely with other Government Departments. It will make recommendations in light of the evidence gathered. These recommendations can cover changes or clarifications required to any part of the system or recommendations for further work Government needs to carry out. In doing so it will consider the implications of changes on wider government objectives (including housing supply and rent levels).

The Review will run in parallel with the work of the Statutory Inquiry headed up by Sir Martin Moore-Bick and will co-operate fully with the Public Inquiry. The review will submit an interim report to the Secretary of State for Communities and Local Government and the Home Secretary in Autumn 2017. The Government will work closely with the Chair to identify whether there are changes in this report that can be implemented while the

Review's work continues. The Government will provide an initial written response alongside the report laid before Parliament. The Review will submit its final report jointly to the Secretary of State for Communities and Local Government and the Home Secretary in Spring 2018. The Government's response to the final report will also be laid before Parliament.

The Terms of Reference are also available on:

www.gov.uk/government/uploads/system/uploads/attachment_data/file/640790/Hackitt_Review_terms_of_reference.pdf

ANNEX B

The current framework of building and fire safety regulations/orders and guidance is primarily made up of the following key documents:

- **The Housing Act 2004**
<https://www.legislation.gov.uk/ukpga/2004/34/contents>
- **Building Regulations 2010 and subsequent amendments**
<http://www.legislation.gov.uk/uksi/2010/2214/contents/made>
- **Approved Document A and B**
<https://www.gov.uk/government/collections/approved-documents>
- **Regulatory Reform (Fire Safety) Order 2005**
<http://www.legislation.gov.uk/uksi/2005/1541/contents/made>
- **Housing Health and Safety Rating System (England) Regulations 2005**
<http://www.legislation.gov.uk/uksi/2005/3208/contents/made>
- **Management of Houses in Multiple-Occupation (England) Regulations 2006**
<http://www.legislation.gov.uk/uksi/2006/372/contents/made>
- **Smoke and Carbon Monoxide Regulations 2015**
<https://www.legislation.gov.uk/ukdsi/2015/9780111133439/contents>
- **Local Government Association guidance, 'Fire Safety in purpose-built flats', 2011**
<https://www.local.gov.uk/sites/default/files/documents/fire-safety-purpose-built-04b.pdf>
- **HMG Fire Safety Risk Assessment : sleeping accommodation guidance**
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/422192/9281_Sleeping_Accommodation_v2.pdf
- **'Guidance on fire safety provisions for certain types of existing housing', produced by the Local Authorities Coordinators of Regulatory Services**
http://www.cieh.org/library/Knowledge/Housing/National_fire_safety_guidance_08.pdf
- **'Housing health and safety rating system: guidance for landlords and property-related professionals'**

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/9425/150940.pdf

- 'Fire safety in construction', produced by the Health and Safety Executive

<http://www.hse.gov.uk/pUbns/priced/hsg168.pdf>