FIRE SAFETY REVIEW – SEPTEMBER 2018

APPENDIX 2

Dame Judith Hackitt's 'Independent Review of Building Regulations and Fire Safety' was published on 17 May 2018. There are 53 recommendations contained in the review, some of the key ones are summarised below:

1. New regulatory framework

A new regulatory framework for buildings more than 10 storeys high which, includes the creation of a Joint Competent Authority (JCA) made up of Local Authority Building Standards, fire and rescue authorities and the Health and Safety Executive. The JCA will hold a database of all high-risk residential buildings (HHRBs), whether in construction or already occupied. It will oversee the sign-off of HHRBs with dutyholders having to show that their plans are "detailed and robust".

High-rise residential buildings are defined as being 10 storeys and higher, rather than 18m. The Review also calls for many key recommendations to be extended to other multiple occupancy residential buildings covered by the Fire Safety Order, and some other institutional residential buildings where people sleep, including care homes

2. Clear responsibilities

Hackitt warns that a lack of clarity on roles and responsibilities when it comes to building safety was one of the circumstances that led to the Grenfell Tower disaster. She is recommending a clear and identifiable "dutyholder" with responsibility for building safety for the whole building. That dutyholder will have to present a safety case to the JCA at regular intervals. The key roles that are most important initiating, overseeing and influencing activity throughout the procurement, design and construction of a building should also be identified. The key roles for prioritising building safety will be the same as those identified in the Construction Design and Management (CDM) Regulations 2015 to avoid confusion.

3. Three 'gateways'

There should be three 'gateway' points where those responsible for a building's safety will have to prove to the new JCA that they are complying with regulations. The first gateway point is to satisfy the JCA that the building is accessible by the fire service, which must be determined before the building gets planning permission. Secondly, the dutyholder must satisfy the JCA that key building safety risks are understood and will be managed and that "robust" processes are in place, before building work can start. Thirdly, the JCA must be satisfied that the signed-off design has been followed before occupation can start.

4. More rigorous enforcement

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. Stronger enforcement powers should align with the Health and Safety at Work Act. The JCA/Local Authority Building Standards should have additional powers to issue

improvement and prohibition notices, as well as clear powers to require changes to work that meet Building Regulations. Time limits for bringing prosecutions should be increased to five or six years for "major deficiencies".

5. Higher levels of competency

The construction sector and fire safety sector will have to demonstrate more effective leadership for ensuring building safety among key roles including an overarching body to provide oversight of competency requirements. The aim is to move towards a system where ownership of technical guidance rests with the industry as the intelligent lead in delivering building safety and providing it with the flexibility to ensure that guidance keeps pace with changing practices.

6. More effective product testing

A clearer, more transparent and more effective specification and testing regime of construction products must be developed, including products as they are put together as part of a system. There should be clear statements on what systems products can and cannot be used for, with their use made essential. The scope of testing, the application of products in systems, and the resulting implications must be more clearly communicated in plain, consistent and non-technical information. Additional test houses should be established and certified, while test methods and standards should be maintained under a periodic review process.

7. Better information

The review identifies four "key information products" integral to oversight on building safety. They are:

- the digital record,
- the fire and emergency file,
- full plans, and
- the construction control plan.

Hackitt recommends that the creation, maintenance and handover of relevant information should be an "integral part" of the legal responsibilities of clients, principal designers, and principal contractors undertaking works on HRRBs.

For existing buildings, the duty holder must undertake an information-gathering exercise to build a record of how the building is constructed and how safety should be managed. This may require invasive building surveys. A phased programme for this should be developed by the JCA.

Whole-building Fire Risk Assessments (FRAs) should be carried out annually until the JCA has reviewed a building's safety case documents, at which point an appropriate routine can be agreed between the JCA and duty holder.

8. Residents

Residents should have the right to access FRA's and safety case documents. Duty holders should have a resident engagement strategy setting out how information will be shared with residents.

Residents should have clearer obligations to maintain their flat's safety and should cooperate with the duty holder and building safety manager. The intention of this recommendation relates to access to residents' properties where there are safety concerns.

9. Better procurement

Principal contractors and clients for HHRBs should devise contracts that specifically state that safety requirements must not be compromised for cost reduction. Tenders should set out how the proposed solution will produce safe building outcomes. Contracting documentation relating to the safety aspects of the building should be included in the digital record.