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Building Safety

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What I'm going to cover



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- Building/ fire safety legislation
 - Summary
 - Select Committee
 - Timelines
- Social Housing White Paper
 - Overview
 - Chapter 1: to be safe in your home
 - Key safety outcomes
 - TSMs
- What you should be doing now
- Competency



Legislation changing



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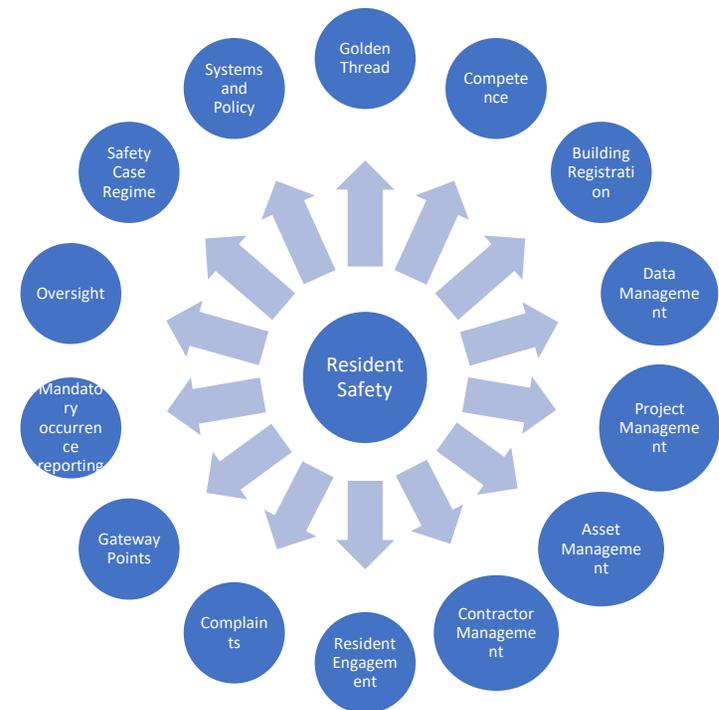
- Building Act
- Health and Safety at Work Act
- Housing Act
- Landlord and Tenant Act
- Regulatory Reform (Fire Safety) Order
- Building Regulations Review

Building Safety Bill 2020



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“The objectives of the draft Bill are to learn the lessons from the Grenfell Tower fire and to remedy the systemic issues identified by Dame Judith Hackitt by strengthening the whole regulatory system for building safety”.



Building Safety Bill



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- Draft Bill –detailed and comprehensive legislation
- Seismic change in regulatory expectations – duty on AP to prove/ make argument that building safe – shift in emphasis
- The new regulatory framework (relating to driving improvements in building safety and performance standards) will apply to **ALL** buildings – not just those as defined “in scope”
- Bill largely enabling legislation - detail and practice will be set out through secondary legislation
 - Enables flexibility/ amendments
- Initial scope defined as 18 metres (6 storeys)



Key roles



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Accountable Person

“a person who holds a legal estate in possession in any part of the common parts or a person who is under a relevant repairing obligation in relation to any part of the common parts.”

Building Safety Manager

“The accountable person for a higher-risk building must before the building becomes occupied appoint a person to be the building safety manager for the building”

Sits alongside....



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Fire Safety Act (March 2020 –Royal Assent April 2021)

Amends the Fire Safety Order 2005 to clarify that the responsible person or duty holder for multi-occupied, residential buildings must manage and reduce the risk of fire for:

- the structure and external walls of the building, including cladding, balconies and windows
- entrance doors to individual flats that open into common parts

Fire safety consultation (July 2020 – closed October 2020)

- strengthen the Regulatory Reform (Fire Safety) Order 2005 and improve compliance
- implement the Grenfell Tower Inquiry Phase 1 Report recommendations
- improve how building control bodies work with Fire and Rescue Authorities



The detail.....



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Further detail on	Mechanism
Definition of higher-risk buildings	Regulations
Industry competence	Statutory guidance
Building Assurance Certificate	Regulations
Golden thread to support Safety Case Report	Statutory guidance
Planning Gateway One	Secondary legislation (TCPA 1990) and statutory guidance
Mandatory occurrence reporting	Secondary legislation and guidance
Resident engagement strategy	Secondary legislation and good practice guidance
AP duty to establish complaints process	Secondary legislation
BSR complaints procedure	Secondary legislation
Clarity on AP	Guidance

Other things still to resolve/ consider



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Timings, order and transition periods

Interim guidance to support sector to act ahead of legislation (e.g. safety case report)

Little on individual and organisational competency

Higher risk occupancy v high rise buildings

Register of competent people – not referenced in Bill

Powers of access for emergencies (“duty to prevent major incident”)

Clarity about what “lawfully resides” means in practice

Who pays for remediation/ historic repairs – the big leaseholder issue?

Links with FSO (including relationship with RP/AP) – Duty to cooperate

Who the AP will be in complex ownership models

Professional indemnity insurance – BSM?



Select committee pre-legislative scrutiny – 20 Nov 2020



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Leaseholders & historical safety defects

- guarantee that leaseholders will not have to pay
- come up with alternative proposals for financing the remediation work
- explore ways of making building companies pay for fixing problems they created

Buildings in scope

- height alone was a poor measure of risk and that the Government should consider other factors, in particular:
 - the vulnerability of resident
 - people's ability to evacuate the building

The accountable person

- multiple accountable persons be given a general duty to co-operate with each other to avoid any confusion and complexity

The building safety manager

- the competence framework for building safety managers is published alongside the final Bill
- the final Bill enables a system of accreditation and registration for building safety manager

Costs?



- The impact assessment of the Building Safety Bill includes a 'best estimate' of costs of £442m a year over 15 years and an overall estimated total of £6,085m
- The Early Adopters Group has estimated that the ongoing costs of implementing the new regulatory system could be as much as £90,000 per building in scope per year
- Based on 52 buildings in scope a London borough council has estimated compliance costs of around £75m in years 1-5 with costs of around £15,000-35,000 per building for the safety case review alone
- BSM – between £50-70K
- 14 of largest housing associations projecting safety bills £1.19bn (now to 2025)

Building Safety Bill – expected timeline for implementation



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Activity	Date
Building Safety Bill introduced	July 2020
Responses due	14 th September 2020
Select Committee sittings	November 2020
Select Committee report	24 th November 2020
MHCLG response	May/ June 2021
Introduction of Bill	No later than July 2021
Passage through Houses	June/ July 2022
Royal assent	July 2022
Secondary legislation	From October 2021 - Oct 2022
Go live	July 2023
Transition period (assume 7 years based on BSR review and inspection timeframe)	2023 -2030
Fully "live"	2030 onwards

Why a White Paper?



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- The **Grenfell Tower tragedy** on 14 June 2017 led to changes to MHCLGs programmes of work and approach to social housing
- In setting the terms for the Public Inquiry, it was agreed that Ministers would look at **wider concerns raised** by the tragedy, particularly the **relationship between landlords and tenants**
- They ran wide-ranging consultation where Ministers engaged with over **1,000 people across the country and 7,000 more online**, asking residents about what really mattered to them
- This led to the **Social Housing Green Paper** and a **Call for Evidence on Social Housing Regulation** in August 2018
- In the consultation supporting the Green Paper MHCLG met a further **500 people and received 1,000 views online**

The Social Housing White Paper



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1. To be **safe** in your home
2. To know how your landlord is **performing**
3. To have your complaints dealt with **promptly and fairly**
4. To be treated with **respect**
5. To have your **voice heard** by your landlord
6. To have a **good quality** home and neighbourhood to live in
7. To be supported to take your first step to **ownership**



Chapter 1 - To be safe in your home



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- Safety will be explicit in RSH's consumer regulation objectives
- Landlords to nominate a person responsible for H&S
- RSH & HSE to prepare 'memorandum of understanding' to ensure effective information sharing with Building Safety Regulator (BSR)
- Consult on mandating smoke alarms & CO detectors plus measures around electrical safety
- Effective engagement with residents on safety issues to support them to feel safer in their homes



Key “safety” outcomes



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1. To be safe in your home

- expand the RSH’s consumer regulation objectives to include safety
- require landlords to have a nominated person responsible for health and safety compliance
- Sharing information between RSH and HSE and Building Safety Regulator
- continue to work with the Social Sector (Building Safety) Engagement Best Practice Group and the Building Safety Regulator to ensure resident voices are heard
- consult on requiring smoke alarms in social housing, new expectations for carbon monoxide alarms and electrical safety

2. To know how your landlord is performing

- new tenant satisfaction measures for landlords including safety and compliance
- report on these at least annual, using technology
- an ‘access to information’ scheme
- requirement for landlords to identify a senior person in responsible for ensuring compliance with RSH consumer standards

3. To have your complaints dealt with promptly and fairly

- Range of new and recent actions to improve access to the Housing Ombudsman and its performance, including:
 - direct and faster access to the Ombudsman for residents
 - the Ombudsman will start publishing details of cases determined, to make landlords more accountable
 - legislation to ensure stronger co-operation between the Ombudsman and the Regulator
 - effective co-operation between the RSH and the Building Safety Regulator on matters of building safety

Key “safety” outcomes



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4. To be treated fairly and with respect, backed by a strong consumer regulator for tenants

- consumer regulation role of RSH will be ‘transformed’
- improved consumer standards backed up by proactive regulation
- new inspections every 4 years for landlords with 1000+ homes
- potential for new Code of Practice so RSH can give guidance to landlords on how to delivery consumer standards

5. To have your voice heard by your landlord

- regulator will require landlords to seek out best practice and consider how they continually improve tenant engagement
- new ‘opportunities and empowerment programme’ to give residents stronger skills to hold landlords accountable
- review of professional training and development to improve customer service quality

6. To have a good quality home and neighbourhood to live in

- review the Decent Homes Standard, including access to and quality of green space
- better support for tenants to challenge ASB
- reforms to allocation system

Draft tenant satisfaction measures



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Keeping properties in good repair	Decent Homes Standard compliance
	Responsive repairs completed right first time
	Tenant satisfaction with landlord's repairs and maintenance service
Maintaining building safety	Compliance with health and safety obligations: <ul style="list-style-type: none"> • Gas safety • Electrical safety • Fire safety • Asbestos • Water safety • Lift safety
	Tenant satisfaction with the health and safety of their home

Effective handling of complaints	Number of complaints relative to the size of the landlord
	% of complaints resolved within agreed timescale
	Tenant satisfaction with landlord's complaints handling
Respectful and helpful engagement	Number of complaints relating to fairness and/or respect, relative to the size of the landlord
	Tenant satisfaction that their landlord listens to their views and takes notice of them
	Tenant satisfaction with landlord's engagement with tenants

Responsible neighbourhood management	% of communal areas meeting the required standard
	Number of complaints relating to communal areas, relative to the size of the landlord
	Tenant satisfaction with landlord actions to keep communal areas clean and safe
	Tenant satisfaction with landlord contribution to the neighbourhood associated with their home
	Number of complaints relating to anti-social behaviour, relative to the size of the landlord
Overall	Tenant satisfaction with landlord's handling of anti-social behaviour
	Tenant overall satisfaction with the service their landlord provides

What should you be doing to prepare?



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Assess remedial works required to make ALL existing building safe

Develop a training and awareness strategy

Decide which buildings will be in scope over and above regulatory regime

Determine who will be the accountable person for each building in scope

Plan for the introduction of the BSM – JD, salary?

Undertake a risk assessment of the building safety risk (for each building in scope)

Collate the full body of evidence required for the safety case and subsequent SCR (one per building in scope)

Begin to develop your resident engagement strategies (one per building in scope)



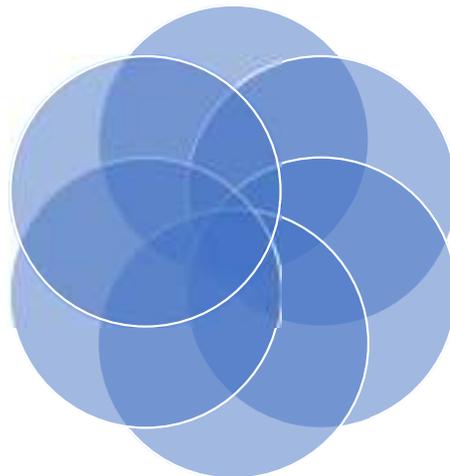
Knowledge, skills and behaviour and experience



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Knowledge and skills
audit

Competency



Leadership and
culture change

Training

- Frontline:
- ET/ board:
- Technical training:
specialist staff

Assurance and
engagement with
residents

Good practice:
learning from others



Competency



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Overarching system of competency:

- a new competence committee sitting within the Building Safety Regulator
- a national suite of competence standards a mechanism to ensure that those assessing and certifying against the standards have appropriate levels of oversight

The national suite of competence standards will encompass:

- an overarching framework for building safety competence of individuals - BSI Flex 8670
- a framework for competence of individual Building Safety Managers and Nominated Individual Building Safety Managers – PAS 8673 (consultation exp July 2021; publication exp Dec 2021)



Discussion/ questions?



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