



HOUSING BRIGHTON

8 - 9 MAY 2024



Welcome to Housing Brighton

**David Smith, Director of Strategic
Partnerships, South East Consortium**



Refurb, Redevelop or Dispose?



Ali Bennet, Director of New Homes, Raven Housing Trust

**Deborah Casey, Head of Affordable Housing Growth,
Homes England**

**Chair: Michael David, Strategic Advisor, UK Business
Council for Sustainable Development**





Time to network and meet our exhibitors!

*Complimentary refreshments are available in the
exhibition hall. The next sessions begin at 11:45.*



Resident Engagement with Building Safety



Lee Russell, Partner, Housing Management and Property Litigation, Devonshires

**Hannah Keane, Associate, Housing Management and Property Litigation,
Devonshires**

Kumari Mensah-Dapaah, Head of Regulatory Change, Southern Housing Group

Brendan O'Loughlin, Tenant, Southern Housing Group

Matthew Baird, Founder, The social Housing Round Table





Resident Engagement With Building Safety: Resident Engagement Strategies

Lee Russell – Partner,
Devonshires
Hannah Keane – Associate,
Devonshires

Resident Engagement Strategy

- The provisions relating to resident engagement appear at section 91 of the Building Safety Act ('the Act') and provide that the Principle Accountable Person ('PAP') for an occupied Higher-Risk Building ('HRB') must:
 - as soon as reasonably practicable after the relevant time prepare a RES for promoting the participation of relevant persons in the making of building safety decisions;
 - review the RES at prescribed times, and revise it if they consider it necessary or appropriate to do so;
 - in prescribed circumstances, consult relevant persons and prescribed persons on the RES and take any representations made on the consultation into account when next reviewing the RES;
 - act in accordance with the RES.

Resident Engagement Strategy

- The primary function of the RES is to promote participation of residents in making 'building safety decisions'.
- A 'building safety decision' is a decision by an AP about the management of the building and which is in connection with the duties of an AP under the Act.
- Each AP must distribute the RES to all residents over the age of 16 and owners of units in the parts of the building that they are responsible for.
- APs must take all reasonable steps to know who lives in their part of the building.

Resident Engagement Strategy

- PAP obligations:
 - prepare the RES
 - act in accordance with the RES
 - review and revise the strategy and keep a record of the reviews
 - provide the latest version to each AP
 - when necessary, consult residents, owners of residential units, and APs about the RES and take their opinions into account

Resident Engagement Strategy

- AP obligations:
 - provide the latest version of the strategy to residents and owners of residential units
 - tell residents about building safety work
 - tell them about who will carry out the work

Resident Engagement Strategy

- The RES must include:
 - The information which will be provided to residents about decisions relating to the management of the building;
 - When residents can be expected to be consulted about those decisions;
 - Arrangements for consultation and obtaining views from residents;
 - Means for measuring and keeping under review appropriateness of methods used by the AP.
- Sections 92 - 94 of the Act do not directly relate to the RES but might be usefully and properly included reference to (note government guidance) in an effective RES. They provide for:
 - The right of residents to request prescribed information from an AP;
 - The PAP must establish a complaints system to deal with complaints relating to building safety risks or compliance of any AP with their duties.

Resident Engagement Strategy

- An RES must also contain:
 - a requirement that the PAP must inform residents when works resulting from a building safety decision will be carried out, and the purpose of the works;
 - unless works are required to commence on an emergency basis and it would be impracticable to consult relevant persons, where works taking place for a period of more than one day arising from a building safety decision, will limit access to any part of a building, or otherwise cause a nuisance to residents, a requirement that the PAP must consult relevant persons about the days and times when works are to take place, and how to mitigate disruption to relevant persons from the works;
 - a requirement that the PAP must give due consideration to the responses to any consultation;
 - provision for the keeping of records of reviews carried out by the PAP;
 - provision for setting out in writing to residents how consultations are to be carried out on the RES and on building safety decisions.

Resident Engagement Strategy

- Relevant Regulations - the Higher-Risk Buildings (Management of Safety Risks etc.) (England) Regulations 2023 ('Management of Safety Risks Regs.') - Regulation 10.
- The Regulations came into force at the same time as Section 83 of the Act (*Assessment of Building Safety Risks*).
- Pursuant to Regulation 10, a RES must be reviewed:
 - at least every two years;
 - within a reasonable period following conclusion of consultation under Section 91(1) (c) of the Act;
 - within a reasonable period after a 'mandatory occurrence report' is submitted to the BSR under section 87 of the Act;
 - Within a reasonable period after completion of significant material alterations to the building (unless the impact has been considered as part of a review due to one of the above/ within the previous two years).

Resident Engagement Strategy

- ‘Significant material alterations’ includes work which:
 - increases or decreases the external height or width of the building;
 - changes the number of storeys the building has (including adding or removing a mezzanine or gallery floor);
 - changes the number of residential units contained in the building;
 - changes the number of, or width of, the staircases in the building or which changes the number of, or width of, any other escape routes within the building;
 - work to the external wall of the building excluding work which consists only of materials of a description specified in Regulation 7(3) of the Building Regulations 2010 becoming part of the wall;
 - changes the internal layout of the building.

Resident Engagement Strategy

- Consultation is required on the strategy and any representations made on the consultation must be taken into account when next reviewing the strategy - Regulation 10(3) of the Management of Safety Risks Regs.
- Consultation is with relevant persons (residents aged 16 or over and owners of residential units) and prescribed persons (see later):
 - when the RES is first prepared, or
 - If there is revision to the RES unless the revision was in consequence to consultation.
- For the purposes of first preparing a RES where a building becomes occupied in stages, the requirement under Section 91(1)(c) of the Act “to consult in prescribed circumstances” is met if the PAP carries out consultation in stages corresponding to the occupation of the building, or, if the PAP considers it appropriate, at a point where a majority of relevant persons are able to participate.

Resident Engagement Strategy

- The persons prescribed for the purposes of Section 91(1)(c) of the Act:

“in prescribed circumstances, consult relevant persons and prescribed persons on the strategy and take any representations made on the consultation into account when next reviewing the strategy”

are any APs for the building other than the PAP.

- The persons prescribed for the purposes of Section 91(4)(c) of the Act:

“As soon as reasonably practicable after the strategy is prepared or revised, each accountable person for the building must give a copy of the strategy to... (c) any prescribed person”

are any APs for the building other than the PAP.

Resident Engagement Strategy

- Consultations must:
 - include appropriate and reasonable methodologies which may include digital, postal or in-person events;
 - involve taking reasonable steps to ensure that any relevant person likely to be affected by the matter to which the consultation relates is aware of the consultation;
 - be for a reasonable period, and in the case of a consultation on the RES, for a period of no less than three weeks (it can be longer, and it must be set out in the RES how long the consultations will be).

Resident Engagement Strategy

- New government guidance from the Health and Safety Executive - relevant to PAPs and APs and designed to help them understand what a RES is and what their duties are. First published 19 September 2023 and updated on 21 September 2023:

<https://www.gov.uk/guidance/preparing-a-resident-engagement-strategy>

- A RES should be a concise, clear and up to date living document.
- There will need to be a written version of the RES to include in the Building Safety Case but also consider using other additional formats.
- It is key to look at the needs of the building's residents and agree a format that works at a local level.
- Attempt a positive culture and legacy of resident engagement.

Resident Engagement Strategy

- Although there is a set list of things to include, the actual information will be different for each building, and extra information may need to be added - it can (will?) be fluid – no one size fits all.
- Transparency is important - set the expectation levels for residents as well as providing accessible information and diverse opportunities for all to become involved. The more opportunity, the better the engagement.
- It will be important to stress the role that residents, the Landlord, the PAP (if different) will need to play. Some of these will be set out in tenancy agreements and leases, but the Act gives the PAP extra responsibilities and powers – use as an opportunity to reshape relationship? What is expected from both sides.
- Setting out the importance of not only keeping people safe, but helping people to feel safe, rather than focussing on the strict legal requirements - may be a useful angle to consider?

Resident Engagement Strategy

- The right balance between ensuring that residents are aware of the relevant fire risks and their responsibilities, and how those responsibilities will be enforced through contravention notices needs to be struck.
- Co-operation is always better (and cheaper) than enforcement.
- What the plan is now and what future intentions are for resident consultation is key. Ideas may include:
 - Planned or routine roadshows/visits/drop-ins/walkabouts/coffee mornings etc.
 - Specifically developed or existing groups
 - Periodic or transactional surveys
 - Organisational strategic building safety groups
 - Learning from complaints panels/groups

Resident Engagement Strategy

- Assessment and evaluation – how will you monitor an effective RES?
- Potential ways to assess success:
 - How safe people feel living in the building – using a scale rating?
 - Numbers of residents that interact with the engagement framework (use of an app or similar?)
 - Number/ increased or decreased frequency of reports of building safety issues
 - Number/ increased or decreased frequency of complaints received and/or number of contravention notices issued.
- Any opinions received from residents and owners of residential units about the RES must be fairly considered but, there is no legal requirement to achieve an outcome from such. Need to show working out and audit trail.

Resident Engagement with Building Safety



Lee Russell, Partner, Housing Management and Property Litigation, Devonshires

**Hannah Keane, Associate, Housing Management and Property Litigation,
Devonshires**

Kumari Mensah-Dapaah, Head of Regulatory Change, Southern Housing Group

Brendan O'Loughlin, Tenant, Southern Housing Group

Matthew Baird, Founder, The social Housing Round Table





Time to network and meet our exhibitors!

*Complimentary refreshments are available in the
exhibition hall. The next sessions begin at 15:35.*

