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Institute of  
Housing

# What you need to know about the consultation on building a safer future: proposals for reform of the building safety regulatory system

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This WYNTK highlights the specific sections in the consultation that relate to existing buildings in occupation. There are, in addition, recommendations that address building safety in relation to the design, construction and refurbishment phases that are not covered here.

On 17 May, almost a year after the horrific fire at Grenfell Tower, Dame Judith Hackitt published her [final report](#) into the review of building regulations. It built on the findings of her interim report which highlighted an inherent 'system failure' and 'culture of indifference' in the delivery of buildings and reiterated that the current system of building regulations and fire safety is not fit for purpose.

Broadly, Dame Judith's recommendations were to:

- Create a more effective regulatory and accountability framework to provide greater oversight of the industry
- Introduce clearer standards and guidance, including establishing a new standards committee to advise on construction product and system standards and regulations;
- Put residents at the heart of the new system of building safety, empowering them with more effective routes for engagement and redress
- Help to create a culture change and a more responsible building industry, from design, through to construction and management.

This consultation document builds upon the final report and related industry [implementation plan](#) by outlining the areas the government wishes to consult on. It is published alongside a 'call for evidence' to the fire safety sector on the Regulatory Reform (Fire Safety) Order 2005. The government has also commissioned a full review of the housing health and safety rating system (HHSRS).

The government now wishes to make changes to the building safety system. The consultation sets out how it plans to overhaul the system for high rise residential buildings by:

- Mandating clearer responsibilities for those building or managing these buildings
- Giving a stronger voice in the system and better information for residents
- Having greater oversight by regulators; and
- Tougher enforcement when things go wrong.

The consultation runs for six weeks, from 6 June 2019 to 31 July 2019.

## Overview of the consultation

**Chapter 1:** Sets out what the government has already done and is currently doing to make buildings safer.

**Chapter 2:** Describes which buildings government proposes to bring in scope, initially and going forward.

**Chapter 3:** Describes what the government want to do to make sure there are clear **dutyholders** looking after buildings at all stages – from design to demolition. **Section B** sets out proposals for when buildings in scope are in occupation

It also proposes the creation of a 'golden thread' of information (held digitally) about the building.



**Chapter 4:** Describes how tenants will be empowered by giving them the right safety information about their building and by making sure that they can raise any views or concerns about the safety of their building.

**Chapter 5:** Sets out how there will be effective oversight of the regulatory system by creating a new building safety regulator. This regulator will be responsible for making sure everyone follows the new regulations, and that those responsible for buildings have the right skills and knowledge for the job. It will also have oversight of building safety across England.

**Chapter 6:** Sets out the government's proposals to make sure those working on buildings follow the requirements, and where that doesn't happen that there is an effective way to hold them to account, including sanctions to punish those who don't follow the regulations.

The changes the government proposes will overhaul the current building safety system. The Government has also committed to ensuring that the new regulatory system is flexible, so it can adapt and expand to cover more buildings over time. The new system will be regularly reviewed to see where improvements should be made and whether the regulatory regime should apply to other complex buildings.



## Summary of key proposals in the consultation

Many of the proposals in the consultation matched what we expected to see including:

- Introduction of dutyholders across the life cycle of the building
- Introduction of a building safety manager (BSM)
- Introduction of a safety case approach
- A new building safety regulator
- Requirement for the accountable person to produce and run a "comprehensive" resident engagement strategy
- Mandatory occurrence reporting
- Stronger civil and criminal penalties
- Registration of multi-occupied residential buildings in scope

However, there were some changes and new proposals that are worth highlighting:

- Reducing the scope of higher risk residential buildings from 30 metres (10 storeys) to 18 metres (six storeys)
- Identification of the five dutyholder stages aligned to CDM – client, principal designer, principal contractor, designer and contractor
- Introduction of new "accountable person" during the occupation phase (effectively the dutyholder)
- A new requirement on residents to cooperate with the accountable person in discharging their duties to keep buildings safe
- The regulator will have broader responsibilities than initially proposed – including oversight of the work to drive increased competencies



- Legal requirement for a building safety certificate to be reviewed at least every five years
- Placing a duty on all dutyholders (including the accountable person) to promote building safety and the safety of those in and around buildings

Still to be determined:

- Model, structure, home, lines of reporting, capacity and expertise of building safety regulator
- Competency requirements for key roles (specifically principal designer, principal contractor and BSM)
- Need for an overarching system for overseeing competency requirements
- Routes and mechanisms for how residents' concerns can be escalated

## What CIH thinks

We are pleased to finally see the full consultation on the reform of building safety regulation announced today - almost two years after the horrendous events at Grenfell Tower when 72 people lost their lives

This is a comprehensive and well thought out consultation. We are pleased to see that the many of the proposals that go further than the initial Hackitt recommendations are things that we have been discussing closely with government - for example extending buildings in scope from 10 to six storeys.

It is good to see more detail and clarity on the government's proposals - including the new dutyholder regime and the role of the BSM (building safety manager). We also welcome the proposals to put residents at the heart of the new regulatory system. There is a lot of detail to be absorbed, and we will work closely with our members to ensure the views of housing professionals are reflected in our response to the consultation.

However, we are worried that the government is only allowing eight weeks for this consultation rather than the statutory 12-week period.

Given the many important issues it raises and the level of technical detail it covers, such a short timescale risks denying many groups, including residents, the chance to contribute in a meaningful way. We urge government to think again about this.

CIH chief executive Terrie Alafat said: "We welcome the consultation and will work closely with our members, the sector and the government to ensure that the proposed reforms are robust and practical and, once agreed, are implemented swiftly and effectively, so we never have a tragedy like Grenfell again."

