

BUILDING A SAFER FUTURE
Independent Review of Building Regulations and Fire Safety
- an update on progress

LGA Conference 7th February 2019
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The Independent Review was commissioned in the wake of the Grenfell Tower fire but with a broader remit to look at the regulatory system for high rise buildings

The brief

- Review announced on 28 July 2017.
- Reporting jointly to Housing Secretary and Home Secretary.
- End-to-end review - system and people.
- Assess effectiveness of current building and fire safety regulations, focusing on high-rise residential buildings.
- Make recommendations that will ensure we have a sufficiently robust regulatory system for the future.
- Analysis of the system but not the detail or how it evolved – matters for the Public Inquiry

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A challenging remit

- End to end review of the whole system
- Mindful of other reviews and processes taking place eg Expert panel and Public Inquiry into Grenfell
- Consideration of new build and life cycle management of occupied buildings including refurbishment work and ongoing integrity management throughout the lifecycle

My credentials

- Many years experience as an engineer in industry in a highly regulated environment
- Decade of leading HSE – a world class regulator
- No previous detailed engagement in Construction
- No political interests
- Independent, objective

Since July 2017, the review covered a lot of ground and reported on schedule...

Timeline

- 30 August 2017 – Terms of Reference
- Autumn 2017 – Mapping, call for evidence, stakeholder bilaterals, industry and resident roundtables
- December 2017 – Interim Report published
 - Clear statement of direction of travel
- 17 May 2018 – Final Report published
 - 53 recommendations which will result in a simpler but more robust regulatory framework and overall system for high rise buildings
- 17th December 2018 – Government response announces intention to implement recommendations in full

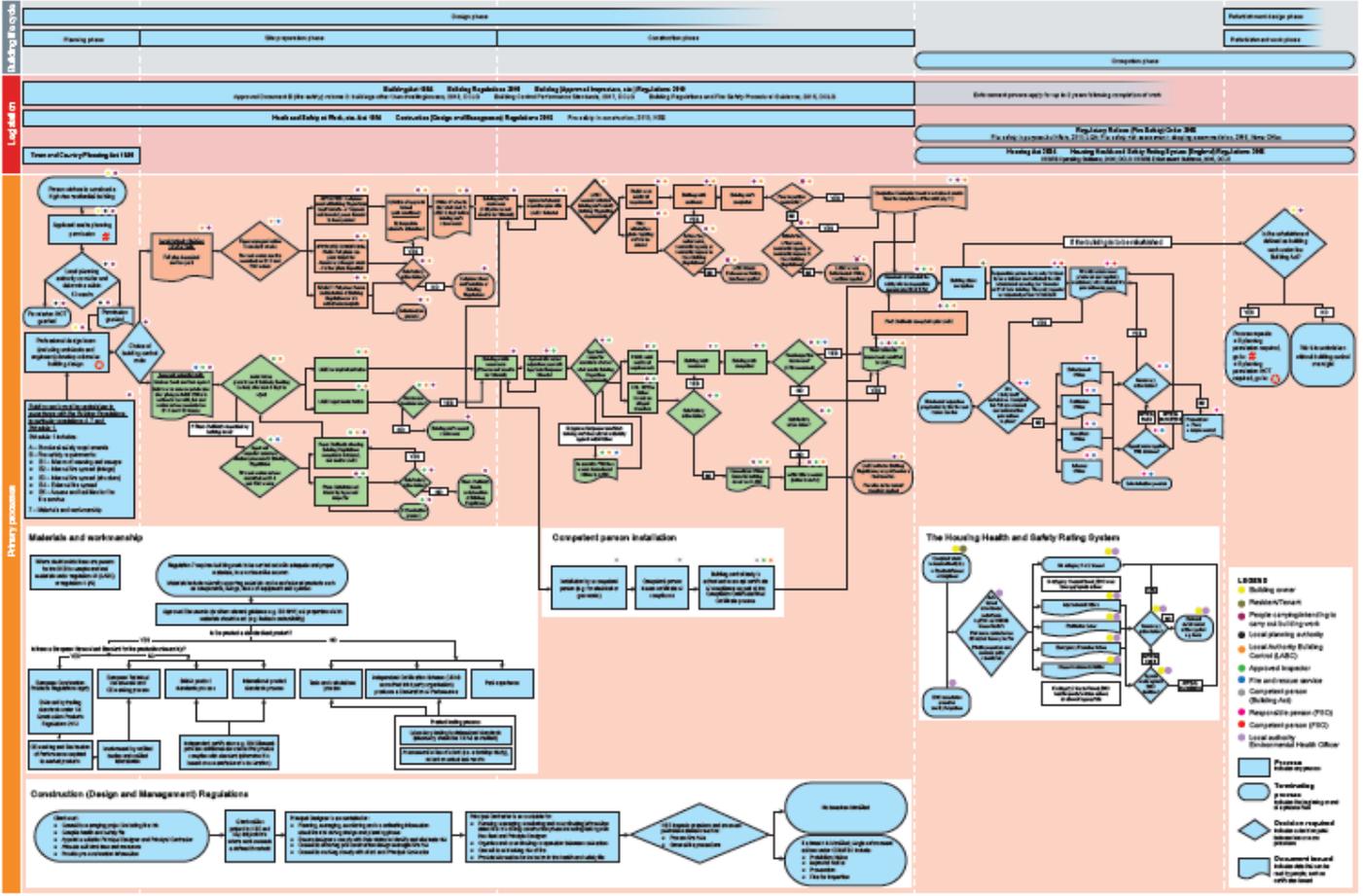
The system is clearly broken and not fit for purpose

Interim report findings

- Current regulatory system for ensuring fire safety in high rise and complex buildings is weak and ineffective.
- Industry behaviour characterised as a “race to the bottom” with significant evidence of gaming the system
- Guidance is prescriptive but siloed, confusing and inconsistent
- Design and change management is poor, both during construction, occupation and refurbishment
- Experts are not listened to
- Residents are not listened to and have no reliable means to recourse
- Problems are connected to the culture of the construction industry, building management and the ineffectiveness of the regulators that oversee
- Product testing, marketing, labelling and approval processes are flawed, unreliable and behind the times

The Independent Review mapped the current regulatory system..

Mapping the building and fire safety regulatory system – high-rise residential buildings



....and the final report recommended fundamental reform of the system.

- A stronger and tougher regulatory regime:
 - Joint Competent Authority comprising the Health and Safety Executive, Local Authority Building Control, Fire and Rescue Authorities
 - A stronger enforcement and sanctioning package – criminal sanctions and large fines
 - Introduction of a safety case approach and permissioning regime which will only allow buildings which are demonstrated to be safe to be constructed and occupied
 - Consideration of high rise buildings as a complex holistic system
 - Removal of conflict of interest in role of AIs
- Clear responsibilities to actively manage on-going safety during occupation:
 - Continued 'safety case' regime whereby building owners will need to demonstrate to the regulator that safety risks in their buildings are managed and controlled and buildings remain safe for occupation
 - A nominated a 'building safety manager' whose contact information would be displayed at the building and should be the day-to-day contact for residents on building safety matters

..and the final report recommended fundamental reform of the system.

- Fundamental overhaul of guidance
 - Simpler, clearer and easier to use to support a systems approach to building safety
 - More rigorous requirements where needed
 - particularly for high rise residential buildings
 - standards set by regulator/government
 - Industry to be engaged in producing detailed guidance on how to meet standards but under scrutiny/control of new regulatory body
- Industry to lead on strengthening competence of professionals and set out a credible proposal within a year.
 - Industry to determine a coherent competence framework and assured accreditation
- Stronger testing, labelling and traceability of products used in construction which are critical to building safety.
 - Transparency on testing house performance

....and the final report
recommended fundamental reform
of the system.

- Empowered residents:
 - Greater access to and transparency of safety information by building owners.
 - A culture of engagement and government funding to support residents' associations.
 - An independent, no-risk route for redress on safety issues.
 - Responsibilities to maintain safety features in their dwellings.
- Analysis and follow up of dangerous occurrences through confidential reporting and whistleblowing

The review set out important key principles...

- Clear accountability and responsibility at the heart of the system
- A joined up permissioning approach to regulation of high rise complex buildings through a tougher outcomes focussed single regulatory body
- Holding dutyholders to account
 - Simpler but more robust
 - A preventative approach with serious penalties for those who fail to comply **before** an incident or tragedy occurs
 - Incentivises good practice and responsible behaviour
- Mechanisms in place to react to learnings and information quickly
- An outcomes-based approach to encourage real ownership and accountability
 - those undertaking building work and managing buildings must be responsible for delivering and maintaining safe buildings.

This is a major step in the right direction but will not be enough on its own

- This is a big change, but not a leap into the unknown.
- Immediate actions to be undertaken by both government and industry to maintain the momentum for change
- Implementing the package of recommendations will take time, and some recommendations will require legislative change but this needs to be prioritised.
- The programme of change needs dedicated management and leadership.
- Collaboration and partnership with and across industry will be crucial for delivering consistent solutions and real culture change.
- Further lessons and learning may need to be incorporated in the light of further evidence from the Public Inquiry

Some broader lessons and concerns to reflect on

- Construction safety is too focused on the workforce not those who will use the buildings
- Failure to see buildings as complex integrated systems
- Public expectations of “quick fixes”/simple solutions
- Cross sector learning is clearly not happening effectively – lessons of this review have already been seen in other sectors
- Siloed thinking leads to siloed responsibilities – “not my concern”
- Procurement processes which drive cost and corner cutting
- Industry and regulatory fragmentation must be addressed
- More collaboration and focus on outcomes – stop the backbiting and infighting!
- Everyone has to raise their game

Progress so far...

- Confirmation that the recommendations will be implemented in full
- Select Committee strongly support the direction of travel but want more
- Competence working groups
- Joint Regulatory group set up
- Industry Safety Steering group set up
- MHCLG portfolio board
- Ban on cladding now in place
- Pilot projects underway
- Early adopters

- Still lots to do and a long way to go

An international challenge not just for UK

- The UK is not alone in facing this challenge
- Other failures elsewhere in the world have led to similar concerns
- There is a real opportunity for us to set a new standard and implement a new approach
- The regulatory framework is key to driving change but everyone needs to recognise the need for change and improvement
- Achieving culture change that is needed may need structural change to make it happen and most definitely requires greater collaboration and teamwork

Closing thoughts

- We are making progress but its not fast enough
- Impressed by some of the leadership which is emerging
- Still too many vested interests and hidden agendas
- Not enough focus on really making change for the benefit of those who matter – The Residents

- We must make this culture change and deliver a system which works.

- Thank you.