

 <p>Northwards Housing North Manchester's Council Homes</p>		Report to: Northwards Housing Board 2 nd July 2019		Item No: <h1>11d</h1>	
Title:		<i>Building A Safer Future</i> Government Consultation - Implications for Northwards Housing			
Date:		25 th June 2019			
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Confidential:		No			
For: (Please tick action required)		NOTING	DISCUSSION	APPROVAL ✓	
PURPOSE OF REPORT					
The report will consider how Northwards Housing will implement the recommendations of the <i>Hackitt Review – Building a Safer Future</i>					
RECOMMENDATION					
That the contents of this report are given consideration and used to prepare for the implementation of the <i>Hackitt Review – Building a Safer Future</i> recommendations.					
IMPLICATIONS					
Risk Management		Fire is a fundamental risk which Northwards must mitigate so far as is reasonably practicable.			
Regulatory & legal compliance		The Ministry of Housing, Communities and Local Government, the Council and the Fire Authority expect Northwards to comply with all legislation (Regulatory Reform (Fire Safety) Order 2005) relating to fire safety and to begin the process of implementing the recommendations of the <i>Building a Safer Future</i> report, which are expected to become mandatory in 2020.			

Consultation/Consideration:

	Yes, No or N/A:	Name:	Date:
Sub-Committee:	No		
Task Groups:	No		
Ward Councillors:	No		

1.0 Purpose of the Report:

- 1.1 The Ministry of Housing, Communities and Local Government (MHCLG) have published a consultation document (June 2019.) which looks to build on the recommendations contained within *Dame Judith Hackitt's Building a Safer Future – the independent review of Building Regulations and Fire Safety* and the subsequent implementation plan (December 2018).

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/806892/BSP_consultation.pdf

- 1.2 This report will examine the proposals included in the consultation document and how their implementation should be prioritised by Northwards Housing.
- 1.3 The recommendations contained within this report have been considered in the context of the buildings currently managed by Northwards Housing and included in the scope of the consultation document (20 x multi storey blocks).
- 1.4 Northwards Housings' 20 x multi storey blocks are the immediate consideration of this report. Further consideration will be given to how the proposals included in the consultation document can/will be applied to Northwards Housings' ten retirement blocks should they be included in a revised scope (see 3.2).
- 1.5 Other blocks, such as the Tenant Management Organisation (TMO) in Newton Heath and MCC's Homeless block, Woodward Court would need to be separately commissioned for Northwards to take on the Duty Holder role (see 4.0). Additional resources would need to be made available if Northwards Housing were required to deliver compliance with the proposal contained in the consultation document in these blocks. (see 3.3)

2.0 Background:

- 2.1 The independent review of Building Regulations and Fire Safety found that the current system is not fit for purpose, as it provides the opportunity for those who wish to take short cuts to do so. In the implementation plan the MHCLG set out proposals for establishing a new building safety framework, which would promote both cultural and systematic change.

3.0 Scope of the *Building a Safer Future - the independent review of Building Regulations and Fire Safety* Report:

- 3.1 *The Building a Safer Future* Report originally proposed that all buildings over 30 meters in height (approximately 10 storeys) should fall within the scope of the report, its recommendations and be classified as High Risk Residential Buildings (HRRBs). However, the government proposes to exceed these recommendations, including buildings 18 meters (approximately 6 storeys) and over within the scope of the recommendations.
- 3.2 The consultation document reiterates the intention to further extend the scope of the recommendations by including additional buildings "where vulnerable people sleep", which can only be considered as a clear reference to the future inclusion of specialised housing – in Northwards case our 10 Retirement blocks.

3.3 Northwards also carries out various safety critical delegated management responsibilities at the four blocks in Newton Heath (Avro Hollows) on behalf of Manchester City Council (MCC) and is delivering various fire safety related works at a Manchester Homeless block of flats (Woodward Court). The proposals included in consultation document will apply to these blocks.

4.0 System Reform and the Role of Duty Holders:

4.1 Ultimate responsibility for the HRRB will be held by the Duty Holder which will be a different entity during the lifecycle of the building. This is based on the principle that responsibility for managing risks will remain with the person or entity who created the risk and/or has control of the building.

4.2 The occupation phase of the buildings' lifecycle poses the most immediate challenge for Northwards Housing, but there will be Duty Holder responsibilities associated with any design, build and refurbishment work undertaken. These responsibilities will be similar in nature to those included with the Construction (Design and Management) Regulations 2015.

4.3 Duty Holders will have to demonstrate they are actively managing risk through a safety case approach at a series of new gateway points before any building can be occupied.

4.4 In occupied buildings the Duty Holder will be known as the "Accountable Person" And will have legal responsibility for ensuring structural and fire safety risks are reduced so far as is reasonably practicable. It is considered acceptable that the Duty Holder/Accountable Person is a legal entity but the proposals state there should be a "single accountable person at board level"

4.5 The Accountable Person must register their buildings with the Building Safety Regulator and comply with the requirements of a Building Safety Certificate, issued by the regulator, once satisfactory evidence relating to effective risk management and building safety has been made available via the Safety Case.

4.6 In order to obtain the Building Safety Certificate the Accountable Person must demonstrate to the Regulator how they meet the requirements of the Building Safety Case and how they have reduced and continue to manage risk. The Accountable Person must apply to register a building with the Regulator. The Accountable Person will pay a fee to do so.

4.7 The Safety Case will be periodically reviewed, with conditions for remediation attached to Building Safety Certificate if necessary. The Building Safety Certificate will be displayed in each premises in a prominent position and include the details of the Accountable Person and the Building Safety Manager.

4.8 The working assumption is that Northwards will become the Duty Holder, on behalf of the Council but this will need explicit instruction and if this is the Councils wish, it will need to formally commission Northwards to take on this role.

5.0 Building Safety Case:

5.1 The Building Safety Case will:

- Provide the necessary information, in a structured way, concerning the hazards affecting the building.

- Be an arrangement that goes beyond a risk assessment and demonstrates that fire and structural risks, and any measures in place to manage those risks, are being managed so far as is reasonably practicable.
- Be supported by a body of appropriate evidence.
- Use plain language (to facilitate communication with those who need to understand the safety systems in buildings). and
- Be kept under constant review.

5.2 Building Safety Case will include:

- A comprehensive description of the building – including information on preventive measures (preventing hazards from being realised) and protective systems (providing protection in case hazards are realised).
- An understanding of the life-critical risks (for fire and structural safety) and evidence how they are being proactively and proportionally managed for safe occupation.
- Evidence gained through regular inspection, reviews and maintenance of the building.
- The safety management system for the building, which sets out the management structure employed.
- Evidence of continuous improvement over time i.e. a living document that references the most up-to-date versions of supporting evidence.
- Mandatory occurrence reporting.
- Emergency preparedness (akin to a business continuity plan) so that appropriate actions are taken to mitigate hazards and minimise incidents.
- Evidence that legislation, requirements, standards and policies applicable, have been met or complied with.
- Reference to other documents, such as a Resident Engagement Strategy (see section 9.0), a Fire and Emergency File and any relevant structural or fire safety inspections, and (where other documents are needed to support the argument), those documents may be referenced within the safety case.

5.3 A review of the Safety Case will take place periodically.

6. Building Safety Manager:

6.1 The Accountable Person must appoint named, competent Building Safety Manager(s) and provide them with the necessary resources to carry out their role. The Building Safety Manager will ensure (on behalf of the Accountable Person) that the building(s) are safely managed on a day to day basis, promoting a culture of openness and cooperation with residents. Risks must be actively managed on an ongoing basis.

6.2 Should the Accountable Person not appoint a suitable, competent Building Safety Manager, the Regulator will be able to appoint on their behalf; the cost of which will be met by the Accountable Person. Failure to appoint a suitably qualified Building Safety Manager will be a criminal offence.

6.3 This is a critical role in implementing and maintaining compliance with all the proposals within the consultation paper

7.0 Golden Thread of Information:

7.1 The Accountable Person must be able to demonstrate a golden thread of building information, which will be held digitally.

- 7.2 For occupied buildings the information that is included within the golden thread will be different than that required for new buildings. For occupied buildings in scope, the content of the golden thread will be started during the building safety registration process, and its creation and maintenance will be a mandatory condition of the Building Safety Certificate.
- 7.3 It is accepted that producing a golden thread for existing buildings will take longer to implement, as information on these buildings may be difficult to find and access. Compiling the key dataset should be the priority and is expected that this be created and submitted as part of the building safety registration process.
- 7.4 Key dataset

The consultation paper sets out what information should be readily available to enable analysis of key characteristics across buildings in scope, a 'key dataset' will be maintained through the lifecycle of the building. This dataset will be a subset of the information contained in the golden thread. This could include:

- Unique building identifier
- Location
- Size (e.g. height, storeys, footprint, number of dwellings)
- Building type/purpose
- Years built and refurbished
- Minimal information (e.g. quantity and location) on safety-related features (e.g. fire doors, sprinkler systems). Identification of which products should be included in the dataset will be based on the individual physical layers of protection that each form part of an integrated safety strategy for the building
- Façade and structure information
- Dates and outcomes of gateway points and safety case reviews
- Current and past Duty Holders, Accountable Persons and Building Safety Manager.

8. Building Safety Regulator:

- 8.1 The specific organisational model for the Building Safety Regulator, how it will be structured, where it will be housed, lines of accountability, and the sourcing of necessary capacity and expertise have still to be determined. Concerns have raised across the sector about potential duplication with the Regulator for Social Housings' Consumer Standards.
- 8.2 The following functions would be undertaken by the Building Safety Regulator:
- Overseeing the enforcement of a more stringent regulatory regime for buildings in scope of the new regime.
 - Maintaining a register of buildings in scope and who the dutyholder(s) are for those buildings.
 - Ensuring an effective system is in place for inspecting buildings and building safety information to ensure that Duty Holders are complying with the regime throughout the lifetime of the building (using gateways, safety cases and other mechanisms).
 - Providing guidance for Duty Holders relating to buildings in scope.

- Ensuring that whistle-blowing, resident concerns and mandatory occurrence reports are effectively collected and acted upon by regulators in a similar way to how RIDDOR operates currently.
- Advising Government on changes that should be made to the scope of the more stringent regime.
- Overseeing competence of professions and trades working on buildings.
- Establishing a committee, comprising of industry bodies, independent experts, building owners, and residents to provide cross-discipline peer review, support and challenge functions to drive competence.
- Maintaining a register of those competent to undertake key roles in the new regulatory system for buildings in scope of the new regime (Principal Designer, Principal Contractor and Building Safety Manager).
- Providing guidance on selecting competent people and signposting Duty Holders to organisations which approve competent individuals to work on buildings in scope.
- Overseeing the building safety and wider regulatory system as a whole
- Monitoring and driving improved performance across the building safety and wider regulatory system.
- Advising on and preparing proposals for changes to building regulations as needed.
- Overseeing development of appropriate technical guidance, either preparing guidance directly for approval by the Secretary of State, or validating.
- Assuring technical guidance for the construction industry.
- Championing building safety and quality, and the interests of residents.
- Working with the construction industry to spread best practice and encourage innovation.
- Advising industry and Government on research into new or emerging risks.
- Working with other regulators and enforcement bodies to achieve safety and other outcomes for buildings.
- Reporting regularly on the performance and overall health of the building regulatory system.

9. Residents Must Have a Voice:

- 9.1 The Accountable Person, through their appointed Building Safety Manager, will ensure that residents receive the information they need in a clear and accessible format.
- 9.2 The Building Safety Manager will put in place an open and transparent Resident Engagement Strategy, which will be a mandatory condition of the Building Safety Certificate.
- 9.3 As a minimum the following information should be provided to residents in an understandable way:
- Measures in place to mitigate potential fire and building safety risks to residents, e.g. fire precautions.
 - How to reduce the risk of fire in individual dwellings e.g. by not storing flammable materials.
 - Process for reporting a fire risk and/or raising any other safety concerns.
 - Procedures to follow where a fire occurs in the building, including for evacuation.
 - The different roles and responsibilities of the Accountable Person, Building Safety Manager and residents.

- Key information from the Resident Engagement Strategy e.g. contact details of the Accountable Person and Building Safety Manager.

9.4 Where necessary, the Accountable Person will need to make proportionate special provision for residents who may be vulnerable or have additional needs. For example, residents who have a physical or visual impairment, have other disabilities or who do not speak English.

9.5 The Accountable Person/Building Safety Manager must create a culture of openness and therefore will be required to provide more detailed information for residents who wish to access it.

9.6 Examples of information the Accountable Person must make available on request may include:

- Full, current and historical fire risk assessments
- Planned maintenance and repairs schedules
- Outcome of building safety inspection checks
- How assets in the building are managed, e.g. frequency of lift maintenance
- Details of preventive measures, e.g. smoke alarms
- Fire protection measures in place, e.g. sprinklers, fire extinguishers
- Information on the maintenance of fire safety systems
- The fire strategy for the building
- Structural assessments
- Planned and historical changes to the building.

9.7 Building Safety information will be accessible by default.

9.8 Residents' rights to information will be underpinned by a requirement on the Accountable Person to produce and run a comprehensive Resident Engagement Strategy. The Resident Engagement Strategy should have two parts:

- A management summary setting out how the accountable person will deliver resident involvement and participation in their buildings and their approach to communication and to measuring the success of their resident engagement.
- An engagement plan for residents setting out how the strategy will work in practice in their building, what residents can expect by way of communication and how they can get involved and raise concerns

9.9 The Resident Engagement Strategy will need to include details of how residents raise safety concerns with their Accountable Person.

9.10 The Building Safety Regulator will review, approve and sign off the Resident Engagement Strategy when approving the Safety Case.

9.11 Northwards intend to engage with the High Rise Living Forum (HRLF) regarding making the implementation of these recommendations a reality and how we might build trust and confidence of the wider resident (tenants and leaseholders) population.

10. Delivery and Timescales:

10.1 The Building a Safer Future Implementation Plan, published in December 2018

reiterates the need for Duty Holders to make improvements now and not wait for legislation to make change mandatory.

- 10.2 Should, as is expected the proposals contained within the consultation document become enshrined in legislation, it is critical that Northwards Housing begins the process of implementation at the first opportunity.
- 10.3 The need to meet these requirements, such as collating the information needed to satisfy the Safety Case and draft a comprehensive building safety focussed Resident Engagement Strategy are critical to the Northwards Housing business model. Northwards Housing must submit this information in order to register buildings within scope with the Regulator. Failure to make acceptable applications could see a delay in the issue of Building Safety Certificates, which would be a considerable cause of concern for residents and have significant reputational consequences for Northwards Housing and MCC.

11. Building Safety Team – Structure and Recruitment:

- 11.1 The Building Safety Team structure required for the longer term will be reviewed within the context of the wider building compliance issues across the Property Services directorate.
- 11.2 Although, some of the information required to set up the Safety Case Files and key data sets currently exist, the way the documentation and data is held will need a comprehensive overhaul. There is key asset data currently held on QL, Promaster, RiskHub and bespoke spreadsheets. In addition, many key documents are kept in shared drives, filed by activity and date rather than location, making retrieval difficult and slow.
- 11.3 In order to demonstrate that Northwards is fit for the future, we need to start to redesign our file structures, quality checking for completeness and accuracy and pull together Safety Case Files and key data sets in advance of in of these proposals being brought into legislation.
- 11.2 In the absence of any clear guidance of how many Building Safety Managers may be required longer term, it is proposed that we recruit one, supported by a dedicated administrator to do the work set out above, to lead on consultation with residents via the High Rise Living Forum and to draft policy and procedural documents for periodic inspections of blocks. We would aim to put these staff in post by October 2019, by which time we should have the government's response to the consultation and begin the review of structure across the teams already delivering compliance within the Property Services directorate.
- 11.3 It is likely that initial recruitment of Building Safety Manager will necessitate consideration of applicants from a number of backgrounds, which could conceivably include individuals with a background in housing management, facilities management, surveying or risk management. This could be suitable for internal or external candidates.
- 11.3 The availability of suitable Building Safety Manager candidates is an area of concern, as the whole housing sector (private and social) will potentially be mobilising this role at the same time.

12.0 Cost Implications:

12.1 The FTE annual salary levels anticipated are shown below;

New Post	Scale	Start	Top
Building Safety Manager	Grade 7	£29,636	£32,878
Administration Assistant	Grade 5+	£22,012	£26,317
Before On Costs		£51,648	£59,195
Total inc. On Costs @ 31%		£67,658	£77,545

12.2 These suggested salaries are not market tested, but are based on similar compliance roles that are currently in place within the social housing sector.

12.3 There is no provision in the current management fee to deliver this function. Northwards Housing will need to seek additional funds from MCC in order to meet the requirements of the *Building a Safer Future* recommendations as outlined in the consultation document.

12. The implication for 2019/20 will be approximately 50% of the figures shown, However, it is highly likely that additional roles will be required during 2020/21, therefore, this needs to be a key consideration in agreeing the management fee for the next 3 years and during the annual budget setting process. Previous reports have indicated that the annual cost is likely to be c. £175k.

13. Recommendation:

13.1 That Board notes the contents of this report and supports the implementation of the recommendations as contained within the *Building a Safer Future* consultation document.

13.2 That Board approves the request for additional staff needed to ensure that Northwards start to plan and prepare for the recommendations as contained within the *Building a Safer Future* consultation document.

13.3 That Board support the request for additional provision to be included in the management fee, in order that the requirements of the proposed regulatory system can be implemented.