



## COMBINED FIRE AUTHORITY

17 JULY 2018

### **'BUILDING A SAFER FUTURE' INDEPENDENT REVIEW OF BUILDING REGULATIONS AND FIRE SAFETY: FINAL REPORT – DAME JUDITH HACKITT**

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#### **REPORT OF HEAD OF COMMUNITY RISK MANAGEMENT**

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#### **PURPOSE OF REPORT**

1. To provide members with an overview of the final report following the review of building regulations and fire safety (the Hackitt Review) outlining the potential implications for the Service.

#### **BACKGROUND**

2. In the early hours of 14 June 2017, a fire spread through Grenfell Tower; seventy-one people died, many homes were destroyed and countless lives affected.
3. Dame Judith Hackitt was asked to conduct an Independent Review of Building Regulations and Fire Safety with a particular focus on their application to high-rise residential buildings (HRRBs) but to also include other complex buildings.
4. The focus of the report is to create a better system for the future which will be easier to work with, deliver better solutions everywhere and rebuild confidence. Dame Judith set out to look at the whole system including the roles and responsibilities of all those who interact with the system during the use of a building.
5. An interim report was published in December 2017 which led to working groups being established to develop innovative solutions, in six key areas, to feed into Dame Judith's final report.
6. The National Fire Chiefs Council (NFCC) requested assistance from fire services to assist in these groups. County Durham and Darlington Fire and Rescue Service (CDDFRS) has supported this request as Station Manager Chris Hockaday is an active participant in the first of these groups - *Design, construction and refurbishment - establishing what industry and regulators need to do to fully embed building safety during the design and construction phase.*
7. Dame Judith published her final report on 17 May 2018.

## OVERVIEW OF THE FINAL REPORT

8. The report initially focusses on high rise premises of which CDDFRS have only one - Northgate House in Darlington, which is currently unoccupied. In some cases, the review also suggests applying specific recommendations to all complex buildings.
9. Some of the key recommendations from the report which are relevant to the fire service are summarised below:
  - a. The government should set up a 'Joint Competent Authority' (JCA), this should comprise Local Authority Building Control (LABC), Fire and Rescue Authorities (FRA) and the Health and Safety Executive, working together to maximise the focus on building safety across their entire life cycle.
  - b. The way in which LABCs currently interact with FRAs should be improved. Key fire safety information needs to be shared in a much more effective manner. FRAs should also have the explicit ability to delay JCA clearance at any 'Gateway Point' if the information provided by the duty holder does not enable them to undertake a proper assessment, this will require:
    - i. More rigorous enforcement powers;
    - ii. A new dispute resolution process.
  - c. The introduction of notices which can be served on duty holders by the JCA, these include:
    - i. Improvement/Correction Notices;
    - ii. Prohibition or 'Stop' Notices.
  - d. Failure by relevant duty holders to comply with either type of notice would be a criminal offence.
  - e. The Fire Safety Order is non-prescriptive and already requires the Responsible Person to take fire precautions as may be reasonably required in areas of the building that the Order applies to (common areas but not inside residential dwellings), to ensure the premises are safe.
  - f. The new approach would build on these principles but ensure that the whole building is properly, regularly and proactively considered by the duty holder against the principles of what is reasonably practicable to reduce risk. Compliance will be more effectively driven by establishing a JCA to cover the whole building and undertake regular safety case reviews. This new approach will also remove the uncertainty and overlap of the Housing Act 2004 and the Fire Safety Order in relation to fire safety.
  - g. The JCA should have the power to ensure that the duty holder fully discharges their duties during the occupation and maintenance phase.
  - h. As the regulator for building safety in these buildings, the JCA must also have powers to intervene where there are immediate risks to safety. The regulator must have access to the whole building including dwellings where there is reasonable evidence that building and life safety is at risk.
  - i. For HRRBs, Environmental Health Officers should raise any fire and structural safety concerns to the JCA. For other multi-occupancy residential buildings, local authorities

and FRAs should work more closely to ensure that the fire safety of the whole building is assessed and regulated effectively.

- j. Develop and introduce an enhanced level of competence for fire risk assessors undertaking work on HRRBs. This will require the NFCC to continue with their work to ascertain the competence requirements for Business Safety Regulators with the following proposal:
  - i. The NFCC should seek to ensure that fire and rescue services comply with the Competency Framework for Business Safety Regulators;
  - ii. The Competency Framework for Business Safety Regulators should be developed through a national standard for England that could be adopted throughout the United Kingdom;
  - iii. Fire and rescue services should ensure that they have sufficient capacity through suitably qualified Fire Safety Officers to effectively implement Integrated Risk Management Plans, Risk Based Inspection Programmes and discharge their statutory fire safety duties in relation to:
    - (i) inspection and audit;
    - (ii) statutory consultations;
    - (iii) undertaking enforcement action as appropriate; and
    - (iv) carrying out any additional activities which may be introduced as part of this Independent Review.
  - iv. NFCC should work with a suitable body to ensure fire and rescue services can introduce third party accreditation of the competence of Inspecting Officers with a recognised accreditation or professional body.

10. Although at first glance the final report appears to be very comprehensive, there is a view amongst fire safety professionals that it was a little disappointing and could have gone further, such as making recommendations to ban certain combustible building materials and make a strong recommendation for the installation of sprinklers in certain property types.

## **POTENTIAL IMPACT ON THE SERVICE**

- 11. It should be noted that this report sets out recommendations only to the Government and the wider built environment sector and there have been no changes in legislation, professional standards or duties introduced yet which would impact on the fire and rescue service.
- 12. There is also other work underway with the Grenfell public inquiry which could have far reaching consequences on the fire and rescue service as well as other organisations and private sector contractors. Early indications show that this enquiry could take 18 months to conclude. It is not known if any changes will occur prior to the enquiry ending.
- 13. It is anticipated that formal, third party accredited qualifications will be introduced for Business Safety Regulators. The Service's central Business Fire Safety team are all highly qualified and have delivered internal training to our Emergency Response crews. In anticipation of the requirement for formal qualifications, training to a level 4 certificate in fire safety is currently being arranged for Emergency Response staff to ensure we can maintain delivery and performance.
- 14. There is potential for changes in legislation and an expansion of the duties and responsibilities placed on FRAs, either under or in addition to the Fire Safety Order. The Service will ensure that we maintain a Fire Safety Manager with formal qualifications to advise the Chief Fire Officer and the CFA and capacity to deliver against fire safety duties will be kept under review.

## RECOMMENDATIONS

15. Members are requested to:

- a. **note** the contents of the report and agree to receive further updates once additional information is known.

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