

Building Safety Co-ordinator WG8 Final Report to IRG March 2019

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February 2019

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1. Building Safety Manager - Position paper

Introduction

- 1.1 An Industry Response Group was established by the Ministry of Housing, Communities and Local Government (MHCLG) in early July 2017 to provide access to technical expertise from the Built Environment and to stand ready to mobilise industry to support a programme of remediation if necessary, amongst others.
- 1.2 Following the publication of 'Building a Safer Future: Independent Review of Building Regulations and Fire Safety: Final Report (Hackitt Review)', industry established the Competency Steering Group and sub-working groups covering professions and trades to develop proposals for an overarching body to assure the competency of those working on 'Hackitt Buildings'.
- 1.3 Working Group 8 (WG8) was established as one of the sub-groups, to realise the competence related recommendations in the Hackitt Review, specifically focusing on the competency framework for the Building Safety Manager. WG8 members cover a wide range of residential and commercial expertise for the occupation phase, with participating members coming from social housing sector, commercial management, facilities managers, health and safety experts and fire safety experts.
- 1.4 This position paper outlines the main high-level principles reflected in greater detail in the Final Report. The Final Report goes beyond the Group's Terms of Reference because a wider context had to be explored to enable us to resolve those Terms of Reference.

Remit

- 1.5 WG8 was asked to explore the competency requirements for Higher Risk Residential Building's (HRRB) Building Safety Manager (BSM), and any appropriate scheme, governance and potential sanctions for non-compliance.

WG8 Key principles and recommendations

- 1.6 The recommendations for the BSM function were developed to ensure two key outcomes - resident (or rather occupier) safety and engagement and the realisation of the culture change required. Central to all our recommendations is resident/occupier safety and engagement, even in those recommendations that do not mention residents/occupiers. While the Hackitt Review talks about a competency profile that covers knowledge, skills and experience, WG8 also bring in core behaviours as those are key to delivering the culture change sought.
- 1.7 Critical to our considerations were also, what is the right thing to do and how can WG8 ensure that the BSM function can be delivered in today's and tomorrow's society.

Scope

- 1.8 WG8 have looked at the effect of our recommendations beyond HRRBs in the expectation that the changes made in Law will be progressively rolled-out to all residential buildings (except owner occupied detached/semi-detached properties). As such, WG8 would strongly recommend the roll out of the BSM in other building types, once the new regime has been bedded in for HRRB's.
- 1.9 Dame Hackitt recommended the BSM was a 'named person', with skills, knowledge and expertise to be generally responsible for the day-to-day management of the building and so that residents would have a clear point of contact to address any safety concerns in their building.
- 1.10 The scope of the BSM's competences however is very extensive, and it is reasonable to expect that a single BSM would have several buildings within their remit. In addition, specific building types will also require specific, specialist competencies. For those reasons, WG8 concluded that an organisational structure would often be better suitable to deliver the BSM function, provided that such Residential Accommodation Operator (RAO) employ suitably competent BSMs. The competency required will always be delivered by a natural, licenced person.
- 1.11 Having considered the expansive scope of the function, a more appropriate name than originally proposed by Hackitt is 'Building Safety Co-Ordinator' (BSC). The role is accepted as too extensive for an individual to be an expert in everything, rather they will be a Co-Ordinator with the competence to understand what needs to be done, by whom and to understand what information they are provided with, (by appropriate subject experts), what to do with it, what the right questions and challenges are.

Necessary preconditions for BSC success- Access and Golden Thread of information

- 1.12 The greatest risk of fire in multi-occupancy high rise buildings lies within occupiers' flats. It is often impossible to assess this risk in accommodation as there is currently no proportionate and reasonable access. Without addressing this lack of access, the BSC will not be able to mitigate risk appropriately or sufficiently.
- 1.13 The availability of the right correct and up to date building information will be critical to enable the BSC to execute their function. This information should be maintained within a Safety Case, with a structure mandated in law. This mandated structure could then be verified at each Gateway point and form the basis of the Safety Case Review by the Joint Competent Authority (JCA). The BSC would manage this Safety Case in occupation, which would include the Fire and Emergency File (FEF), as built plans, Health and Safety file, residency engagement strategy..., each which in turn have their own regulatory mandated structure. While already a requirement, this information is currently often unavailable or absent.
- 1.14 While the Safety Case requirement could be rolled out to different building classifications over time (beyond HRRB), the FEF must be mandated to all residential buildings (except single unit owner-occupied detached/semi-detached buildings). This will be one of the most important single factors to improve life safety.

Licensing and Building classification – how it works

- 1.15 Each multi-occupied, multi-unit building with any residential accommodation will be provided with a licence defining the “classification” of the building. The licence will not be issued until the JCA has approved it.
- 1.16 Each building holds a classification (which defines the competency requirements of those working within it). Each ‘Licenced Duty Holder’ (owner or potentially owners) requires a licence to own a residential building. Those responsible for the management of the building, whether a BSC, the Licenced Duty Holder assuming the function of the BSC, or the RAO, require a licence demonstrating appropriate competencies relating to the building.
- 1.17 The JCA would issue the different licences for the buildings, Licenced Duty Holders and RAOs. The BSC licence would be issued by the Overarching Competency Body (OCB), for and on behalf of the JCA, based upon inclusion in their Competency Register.

Resident voice and engagement

- 1.18 Residents need the opportunity to voice their concerns- the BSC needs to outline the different options through their resident engagement strategy.
- 1.19 Optimal building safety is possible if occupiers are supported with information about their role towards it. Not only should information be made readily available, residents/occupiers in buildings should be engaged in positive engagement with the Licenced Duty Holder and BSC.
- 1.19 To achieve a true behavioural step change, Government should take forward a long-term public broadcast behavioural change campaign. Opportunity lies in driving a new norm and empowering occupiers to achieve safety for them and fellow occupiers.

Delivering competency

- 1.20 The new competency framework would be delivered by a dual system:
 - 1.20.1 The JCA would deliver a Joint Regulator that would issue licences, hold the register of Licenced Duty Holders, building classifications and RAOs, have a whistleblowing system and an enforcement and intervention regime.
 - 1.20.2 Through the Safety Case Review, the JCA would also be able to assess the BSC's performance in managing and processing the information within the Safety Case.
 - 1.20.3 The OCB would deliver competent professionals through assessing them against the industry competence framework of standards which they own and maintain. The OCB would manage the register of competent and licenced people.



2 Recommendations, authorities and glossary

Collated Recommendations

Number	Subject Matter	Recommendation
Outstanding matters requiring cross WG Liaison		
1		That a specific working group be set the task to determine the list of building 'classifications', taking into account the building's unique hazard profile.
2		That further consideration needs to be given to the definition of 'Whole Building' and, within this context, to the BSC role in the event of a partially occupied building, or potentially multiple 'Whole Buildings' in one development.
3		That further consideration needs to be given to the role of the BSC in relation to any requirement to 'sign-off' on works, and the relationship to 3rd party suppliers of both services and products.
4		Work by the MHCLG leasehold reform teams, the 13th Law Commission, Lord Best's inquiry and the Hackitt response team is ongoing independent from each other while there is significant overlap. These workstream should be brought together to ensure consistent outcomes.
5		<p>Terminology used across the wider built environment is not consistent. Often the same term means different things. To ensure consistency terminology used within the fire safety sector must be prescribed in Primary Legislation, including:</p> <ul style="list-style-type: none"> • Fire Policy, • Fire Strategy, • Fire Safety Manual, • Fire Log Book <p>WG8, after wider industry consultation, put its recommendation to the IRG for the establishment of an industry wide working group to agree on the terminology and then consequently include them in legislation.</p> <ul style="list-style-type: none"> •
6		The below detailed over-arching competency framework should be adopted for use across the different IRG competency working groups. Further work should be done to identify the detailed competencies for each strand across all working group(s). WG8 applied the competency framework for the Building Safety Co-ordinator function.
Buildings		
7		That each individual building with any residential accommodation should be provided with a licence defining the 'classification' of building. The Classification would be defined based on its unique hazard profile, which is derived from a (possibly extensive) list of building types and their occupation, and thereby their 'complexity' in fire engineering terms, and 'risk factor', including the risk derived from occupation. The 'Building Classification' would be finally determined from the list, by the JCA, at Gateway 3 or during Safety Case Reviews, and by their nature would pre-determine the competence required of those responsible for it. Primary legislation should determine this classification promptly, and this classification could be used as a method for determining the phasing in of the new Legislation to non-HRRBs and designated buildings.
Tenure Reform / Access		
8		That Primary legislation should include "Reasonable and proportionate power of access", as one of the important concepts that should be included in primary legislation.

9		That consideration be given to strengthen the capability/right of the BSC (and other appropriate personnel) for reasonable and proportionate access into individual residential units.
10		Notwithstanding the risk that occupiers may not understand their legal obligations, we recommend that a small number of 'standard' clauses be developed to be inserted into all residential occupier contracts regarding clarifying their responsibilities and obligations to their landlords, the BSC and other occupiers of the building. Similar clauses should be put into primary legislation to ensure that existing tenure arrangements are appropriately included.
Management Structure		
	Owner/Landlord Licenced Duty Holder O/LL Licenced Duty Holder	
11		A named natural person should be identified as 'Licenced Duty Holder' to be held responsible and accountable for building safety and resident engagement. An application for a 'Licenced Duty Holder' licence should be made to the JCA, the JCA would then grant the licence having deliberated that the applicant is 'fit and proper' to hold the licence. This requirement would ensure that, at an appropriate time, the petitioner would need to fully comprehend their obligations as Licenced Duty Holder. The 'Licenced Duty Holder' (DH) licence should be held by the legal entity, with an appointed person named 'for and on behalf of' the legal entity, alternatively, where the 'entity' is an individual the individual person can hold the licence in their own name. Referred to as a 'Licenced Duty Holder Licence' within this document. Along with the other key stakeholders in this document, this Licenced Duty Holder role should be mandated in primary legislation.
12		That a 'Licenced Duty Holder' (see glossary) will be an individual or an organisation with a named individual acting 'for and on behalf of' the organisation.
	Residential Accommodation Operator	
13		That any Organisation (that is 'operating' residential accommodation), should be licenced to operate residential accommodation, [appropriate to the building type(s)/Occupant(s)] and in line with the Hackitt report. To ensure transparency for residents, and to provide an identifiable contact person, a senior manager within the organisation should be named as the 'RAO for and on behalf of' the [Licenced] organisation. Referred to as the 'Residential Accommodation Operator's Licence' (RAO) in this document.
14		In regard to the term 'senior manager' WG8 would see this aligned in a similar vein as existing H&S and other statutory duties imposed on organisations. That the 'natural person', (the individual signing 'for and on behalf of' the organisation), would be the Managing Director/Chief Operating Officer or other senior manager, at partner level and above, who could be held accountable due to their responsibilities within the organisation. This would include the assurance of adequate resources, including competences, being made available to deliver their organisations 'undertakings' in a safe and proper manner. For the sake of clarity, while the RAO and its senior manager would take on the many liabilities accompanying the BSC function, to ensure the competency, they would employ relevant (to the required building class) appropriate BSCs. Without those relevant, natural people, BSCs in place, they would not be able to deliver the BSC function as a RAO. Both these roles (RAO and individual BSC), for delivery of the BSC function, should be included in primary legislation.

15		It should be made a statutory obligation on the (RAO) organisation to ensure appropriate resources (in time, personnel and financial terms) are always made available to ensure that their obligations under the licence can be executed suitably and sufficiently.
	Building Safety Co-ordinator	
16		An individual role should be created the 'Building Safety Co-ordinator' (BSC) and that these individuals will need to hold a 'permissioning licence', similar to a driving licence, which sets out 'classifications' of building types/occupancy within which the individual is deemed competent to undertake their overall fire and safety co-ordination role. Referred to as the 'Building Safety Co-ordinator'. This function, along with the other key roles, their licensing systems and what they entail, should be written into primary legislation.
17		That the Competency Framework for the Building safety co-ordinator as set out in Section 5 of this document is adopted in full.
	Occupiers	
18		<p>Occupiers should be better informed about building safety and their role in supporting it. This could be achieved by the issue, and regular reissue, of Public Service Broadcast 'basic fire and safety in residential buildings' films/videos /brochures etc. These should include foreign languages/braille etc. This material should be made freely available to the 'building industry' for further distribution through tenant 'handbooks'/occupier information packs and the FEF (by way of links to YouTube etc.). Given the importance of raising awareness on life safety, the public awareness raising campaign should be included in legislation.</p> <p>Any such campaign information materials should be placed into secondary schools and Scouting and WI</p> <p>Only the uniformity and authority of such Public Service Broadcasting would lead to long term and lasting change in occupiers' behaviours in respect of fire and general building safety. The information would need to be universally understood (including by young adults, occupants who do not have English as a mother tongue, occupants who are visually impaired, etc) and would follow along the lines of past initiatives such as HIV, smoking, clunk/click, Change4Life and 5Alive.</p>
Register of Licences		
19		<p>WG8 recommends that the JCA would maintain a national register of Licenced Duty Holders, RAOs and building classifications. Licenced Duty Holder. The Overarching Competence Body (OCB) will be responsible for setting, maintaining, assessing and delivering competency standards for and on behalf of JCA. They will manage the register of Competent people and will issue the licences of competent people for and on behalf of the JCA. It will function in a similar fashion as the existing OSHCR Register. Competencies can be evidenced by the relevant professional bodies (e.g.: IRPM/IWFM/RICS/IOSH/CIH etc) and monitored by the OCB. The OCB will apply appropriate governance, for example, Licences can be withdrawn on failure to maintain CPD, or due to misdemeanour.</p>
Golden Thread		
	Safety Case	
20		The availability of the right, correct and up to date building information will be critical to enable the BSC to execute their function. This information should be maintained within a Safety Case, with a structure mandated in law, and with greater prescription than can be seen in the current Health and Safety file. This mandated structure could then be verified at each Gateway point and form the basis of the Safety Case Review by the Joint Competent Authority (JCA). The BSC would manage this

		<p>Safety Case in occupation, which would include the separate Fire and Emergency File (FEF), as built plans, Health and Safety file, residency engagement strategy... , each which in turn have their own regulatory mandated structure. This information is currently often unavailable or absent.</p> <p>While the Safety Case requirement could be rolled out to different building classifications over time (beyond HRRB), the FEF must be mandated to all residential buildings (except single unit owner-occupied detached/semi-detached properties).</p>
	Fire & Emergency File	
21		That every building with residential accommodation, except detached and semi-detached domestic dwellings will require a Fire and Emergency File, appropriate and proportionate to the building and its occupants. This recommendations should be promptly implemented irrespective of any Safety Case roll out. Existing buildings must be in scope within a short amount of time, proportionate to the risk determined by the building classifications.
22		<p>The Fire & Emergency File will form part of the overall information necessary for a BSC to operate effectively. A formal structure should be imposed by Law. This structure should be significantly more prescriptive than the H&S File. The structure of the FEF (i.e.: index) should be prescriptive, the type, style and detail of information required from competent engineers (of all disciplines) must not be prescriptive.</p> <p>Section 1- Building Information, Ownership, Occupiers Section 2 - Overview of Building Fire Safety Management Arrangements Section 3 - Fire Risk Management Policy Section 4 - Occupied Building Fire Strategy Section 5 - Fire Risk Management and Fire Fighting Operational Arrangements Section 6 - Fire Safety Manual Section 7 – Fire Risk Assessment records Section 8 - Fire Safety Log Book Section 9 - Tenant Engagement Strategy</p>
23		A single repository should be set up and all the documentation already required is, simply, now placed in that single repository.
24		<p>It is preferable that records are all maintained in electronic format. Whether electronic or hardcopy all Fire and Emergency Files are to be indexed according to a legally required specification. It is anticipated that HMG will deliver a national database, similar to the EPC, to hold all Fire and Emergency Files (and Safety Cases).</p> <p>The FEF should be a government sponsored electronic national database for FEFs (similar to the existing EPC system). This would facilitate:</p> <ul style="list-style-type: none"> • Clear, and common, taxonomy for expert engineers developing documents. • Easy access to detailed information for: <ul style="list-style-type: none"> ○ Licenced Duty Holders ○ BSC ○ Tenants/Occupiers (as necessary) ○ Fire and Emergency Services ○ Conveyancing Lawyers (to consult while undertaking due diligence for acquisitions) ○ Designers and architects when undertaking refurbishments ○ Consultants and others who need ready access • Commonality as to where to find specific information, (i.e.: to find specific information on any building the user (BSM) should be able to know exactly where to find it in any FEF.)
25		That the Fire and Emergency File must be consulted and considered at the design stage of any refurbishment, or other 'small works', to ensure that the proposed works do not compromise existing Fire and Emergency arrangements.

Authorities and Oversight

Organisation	Name	Role
JCA	<u>Joint Competent Authority</u> Government and statutory authorities and appropriate advisors Assume that JRG will be temporary and will eventually be subsumed into the JCA.	Regulatory body and Ultimate Authority for Building Safety Oversight of OCB Enforcement and intervention Safety Case (Review) and Fire and Emergency File Whistleblowing scheme Responsible for Building Classification, Licenced Duty Holder <ul style="list-style-type: none"> Register of Licences: <ul style="list-style-type: none"> Licenced Duty Holders RAO Register of Building Classifications Register of Safety Case Files/Fire and Emergency Files Own and Mandate the competency standards
OCB	<u>Overarching Competence Body</u> Professional and statutory schemes e.g. Gas safe system, Fire systems installation and competent advisors, third party certification of competent systems	Independent industry body responsible for setting, maintaining, assessing and delivering competency standards for and on behalf of JCA. Manage the register of Competent people Issue of licences to competent people for and on behalf of the JCA

Note: At the time of writing these were our assumptions of the two bodies JCA /OCB and the report and references reflect the responsibilities as detailed above.

Glossary of Key Parties

Licenced Duty Holder

The Licensed Duty Holder will be the named, natural person, that will be held responsible and accountable for building safety by the Joint Competent Authority. They will not always be the owner of the building because of the many different ownership and lease arrangements in place within the world of residential accommodation provision. The Licenced Duty Holder will need to demonstrate to the JCA that they are ‘fit and proper’ and have a basic understanding of the responsibilities that come with ‘ownership’.

Freeholder (Licensed Duty Holder) - situation where freehold and ‘control’ of the building remain together

The ultimate legal ‘owner’ of the freehold of a building. If that is an individual, then that individual will be the ‘named person’, taking on the Licensed Duty Holder role. If the freehold is held by an organisation (legal entity), then that organisation will be required to name a senior individual (e.g. Director or Chairperson) to take responsibility for the Licenced Duty Holder on behalf of that organisation. In either case, the named, natural, individual must be resident in England or Wales. The freeholder or the named person for the organisation will need to demonstrate that they are ‘fit and proper’ and have a basic understanding of the responsibilities that come with ownership.

Licenced Duty Holder - situation where freehold and ‘control’ has separated

Often the Duty Holder refers to the legal entity that has the responsibility in law for the management functions. This could be the Freeholder (an individual or an organisation- as above). However it is common for the management responsibility to have been transferred to another party by way of either:

- A document recognised in existing legislation as transferring management responsibility - e.g. a lease, or common-hold community association document
- A right in law to take on management responsibility, e.g. right to manage

In all cases, where a legal entity (organisation) has management responsibility, a named senior individual (e.g. Director or Chairperson), residing in England and Wales, must take responsibility for the licence on behalf of that party. Should an individual not be forthcoming then that legal entity *or the officers of that legal entity* should remain accountable in law (jointly and severally) and legislation will be required granting authority to the JCA to take appropriate action. This, it is suggested, may include a financial penalty or in extreme cases making a forced appointment of a third party manager/Licensed Duty Holder (the precedent for which is established in First Tier Tribunal).

Residential Accommodation Operator

The entity (could be a company or individual) who is appointed by the Licensed Duty Holder to carry out the management functions on behalf of the Licensed Duty Holder. Again, there will need to be a nominated 'named person' who must be resident in England and Wales. The entity (individual or company) will need to demonstrate that they are competent to manage each particular classification of building(s) under their control. The licensed RAO will need to employ one or more Building Safety Coordinator(s) who has the relevant skills for a particular building classification.

Building Safety Co-Ordinator

The named 'building safety co-ordinator' with the relevant skills, knowledge and expertise to be responsible for overseeing the safety of the building and act as a point of contact for the residents. They would be licensed for a particular building classification. They may be employed by a Residential Accommodation Operator but their appointment would be signed off by the Licensed Duty Holder, i.e. the party that has legal responsibility for the management function. Where no Residential Accommodation Operator had been appointed, they would be appointed by the Duty Holder. In all cases, the BSC must have a direct line communication to the Duty Holder for the purposes of good governance.

Residents (to include occupiers, visitors, contractors for example)

Residents will need to be 'educated' as they are a crucial part of the safety management of a building. The resident on the lease is not always the person living there which is why at times we talk about the occupiers, where this person is the target audience of any measures.

Building

Building is meaning all designated properties and includes any residential accommodation except single unit, owner-occupied domestic detached, and semi-detached property.

3. Buildings

Overview

- 3.1 In the simplest terms, the proposed structure for the governance of HRRB management and Building Safety Co-Ordinators is set out as follows through the operation of a licencing scheme:
- 3.2 Each building holds a classification, based upon its primary use and other critical features, which defines the competency requirements of those working within it, among other matters.
- 3.3 Each individual residential building, except single unit, owner-occupied domestic detached, and semi-detached property., should be given a classification. Note: reference should be made to the 13th Law Commission, who are seeking to clarify the definition of a house. As noted elsewhere in this report we recommend that the outcome from the Hackitt work must strive for consistent taxonomy at all times.
- 3.4 Each 'Licenced Duty Holder' requires a Licence to derive revenue from a residential building.
- 3.5 Within the structure for residential building management, ownership of a residential building may come in many guises. The term 'Licenced Duty Holder' aims to capture them all (see glossary and appendix B).
- 3.6 The Licenced Duty Holder may operate the building directly or appoint a 'Residential Accommodation Operator', for example a managing agent, letting agent or estate agent, to do so on their behalf. These organisations would require a Residential Accommodation Operators' Licence (RAO), with a named senior officer as the designated person for and on behalf of the organisation. If the Licenced Duty Holder operates the building directly, they will need the RAO licence in addition.
- 3.7 For each building there must be an appointed Building Safety Co-Ordinator (BSC). This person will also require a licence to perform the role. The licence will be graduated to reflect the classification of building(s) for which they are responsible. A BSC will be appointed by the Licenced Duty Holder, will be a named individual, and may, or may not be, an employee of a RAO.
- 3.8 Having considered the nature of the role it is also suggested that a more appropriate name than that originally proposed by Hackitt is 'Building Safety Co-Ordinator' (BSC). The role is accepted as too extensive for an individual to be an expert in everything, rather a Co-Ordinator with the competence to understand what needs to be done, by whom and to understand what information they are provided with, (by appropriate subject experts), what to do with it, what the right questions and challenges are.

Classification of Buildings

- 3.9 Although the Hackitt report is concerned directly with HRRBs, this should over time apply to all buildings as defined in the glossary, not least due to promoting common requirements across all residential accommodation.

- 3.10 It was agreed to leave the definition of a 'Whole Building' to others, which will include the work currently being undertaken by the 13th law commission, on the provision that any definition of whole building, should mean that, and include any 'Common Parts' attached, or functioning as part of, the whole building. The group considered that it would be useful to establish a method of determining a 'Building Unique Hazard Profile', in the context of complexity, safety, fire safety and management, and the inclusion of 'sleeping risk'. However: A Building Unique Hazard Profile will, inevitably, also influence:
- 3.10.1 Insurers/Insurance premiums
 - 3.10.2 Value (including willingness of supported occupiers to live in 'higher risk' buildings?)
 - 3.10.3 Rental value/ability to rent at all
- 3.11 Perhaps any reference to hazards is unhelpful, and rather a term such as a of 'Classifications of Residential Building Licence' would be more useful, based on occupancy type and 'complexity' criteria. This classification of buildings is very necessary but outside the remit of WG8.
- 3.12 A building (which may be a sub-division of a 'whole building') could be classified in relation to its 'type' and its 'complexity' (as related to fire engineering terms and occupational challenges). One such existing list that could be considered being the Business Rating system, or perhaps the model 'Use Class' Order [The Town and Country Planning Use Classes Order 1987 puts uses of land and buildings into various categories known as 'Use Classes'].
- 3.13 The residential building would be assigned, and/or have the classification finally confirmed, at Gateway 3, or if already constructed, at the Safety Case Review, by the JCA. The classification, once the list is determined, could also be extended to existing buildings by the Fire & Emergency Services, or Local Authorities.
- 3.14 The 'Classification' of building would, by the nature of the assignation, pre-determine the competencies needed to operate the building safely, and therefore can be used to determine the resources necessary to award a BSC/Residential Accommodation Operator licence, (see below) and the corresponding BSC's competency requirements.
- 3.15 *We recommend that each individual building with any residential accommodation should be provided with a licence defining the 'classification' of building. The Classification would be defined from a list of building types and their occupation, and thereby their 'complexity' in fire engineering terms, and 'risk factor', including the risk derived from occupation. The 'Building Classification' would be finally determined from the list, by the JCA, at Gateway 3 or during Safety Case Reviews, and by their nature would pre-determine the competence required of those responsible for it. Primary legislation should determine this classification, which could be used as a method for determining the phasing in of the new Legislation.*
- 3.16 Appropriate sanctions will be necessary should a classified building be deemed 'unsafe' to operate. Potential sanctions may include:
- 3.16.1 Suspending the Licence of the Licenced Duty Holder (DH) /Residential Accommodation Operator (RAO)and/or BSC when defaulting on their obligations.

- 3.16.2 Placing the Building under the control of an 'approved' RAO/BSC
- 3.16.3 Fines
- 3.16.4 Potential criminal consequences for the incumbent DH, RAO, or BSC

Access

- 3.17 Dame Judith Hackitt's report seeks safety of entire buildings, that will include entry through front door of leasehold/commonhold residential units. Leasehold/commonhold units are units that have been purchased by their owners, who are not culturally accustomed to the notion that the owner of the common areas has any jurisdiction over their home. Going beyond the front door and entering the unit rarely occurs and any access to individual units was identified as a severe problem for those needing ready access to monitor or assess risk and condition. Building managers, landlords, agents or BSC seeking to do so will require new powers of entry, which would be reasonable and proportionate.
- 3.18 Once a DH or their representative (i.e. a BSC) is inside the following will also be necessary:
 - 3.18.1 The right to inspect, invasively if necessary is required.
 - 3.18.2 The right to require leaseholder/occupier to do work.
 - 3.18.3 The right for the DH to do work, if the occupier refuses.
 - 3.18.4 The right to recover costs of inspecting and doing work, either directly from the unit owner or through the service charge.
- 3.19 Statutory intervention is needed to enable timely access, notwithstanding property rights. Consideration may need to be given to the appropriate regulation of those empowered to exercise access rights. Access is generally available to the owner/agent in contract terms but is exceedingly difficult to arrange/execute in practise. (Indeed, can be made quite difficult on purpose by occupiers at both ends of the social spectrum). Most will have no comprehension as to fire (or other safety) principles and their place in the matter.
 - 3.19.1 Recent experience in Courts has underlined the extensive time and costs that can be incurred in seeking to make individual occupiers address fire safety matters.
- 3.20 Having also considered the responsibilities to, and of, all occupiers, there is a huge number of both long term and shorter-term contracts already in place with no opportunity to change the terms of the agreement due to existing leaseholder's, (particularly), legal protections. A method to impose the proposed 'common duties clauses', (once agreed), by regulation should also be considered. WG8 suggest the following subject matters be included within new clauses:
 - 3.20.1 Access Obligations, a right to inspect, invasively if necessary, is required. [e.g. Housing [fit for habitation] Act 2018 has in it a clause requiring access regardless of tenancy agreements.]
 - 3.20.2 Maintaining Fire Safety Arrangements jointly.
 - 3.20.3 Whistleblowing/access to redress for Occupiers.

- 3.20.4 An obligation on leaseholders and occupiers to cooperate with the DH and BSC which sits above any existing lease/contract.
- 3.20.5 Not to undertake any 'works' without appropriate consultation with BSC, (and perhaps an obligation to consider the building fire strategy in the Fire and Emergency File (FEF) in any event).
- 3.20.6 A right to require leaseholder to do work.
- 3.20.7 A right for the Landlord to do work, if the occupier refuses.
- 3.20.8 A right to recover costs of inspecting and doing work, directly or through the service charge.
- 3.20.9 *Notwithstanding the risk that occupiers may not understand their legal obligations, we recommend that a small number of 'standard' clauses be developed to be inserted into all residential occupier contracts regarding clarifying their responsibilities and obligations to their landlords, the BSC and other occupiers of the building. Similar clauses should be put into primary legislation to ensure that existing tenure arrangements are overridden.*
- 3.20.10 Further to the above recommendation and commentary, further legal consideration needs to be given to what sanctions may be realistically visited upon an Occupier, potentially with a long-standing lease, in the event they do not meet their obligations. It is the view of WG8 that even the 'court route' is difficult to enforce in practise.

Leases / Tenancy Agreements

- 3.21 There is a wide range of contract arrangements which will have an impact on the way in which a residential building is operated, and therefore managed.
- 3.22 Additionally, other parties too, may have rights in a block of flats, for example commonhold associations, Right to Manage or Residents' Management Companies. [please refer to Section 4]
- 3.23 There is a wide variety of types of leases and tenancy agreements, with all the associated complexities of rights and obligations to establish. This could include short term tenants on assured shorthold, assured or contracted tenancies, or licences. 'Head Lessees', tenants with long leases (typically 99yrs or more at the outset, where the owners of the leasehold interest consider themselves to have bought their home rather than being a tenant) and while there will be a 'Freeholder', potentially taking small 'Ground Rents', the Freeholders' capability, in law and contract, to effect change or be 'in control' may be difficult to determine and affect.
- 3.24 Recent experience in Courts have underlined the extensive time and costs that can be incurred in seeking to make individual occupiers address fire safety matters.
- 3.25 Similar to the obligations being placed on residential occupiers, commercial occupiers must be required to co-operate and co-ordinate with the DH and BSC including provision of access and documentation where it is in the interest of "Whole Building" Safety

Occupier communication and engagement

- 3.26 WG8 note that the tenant may not be the occupier. As such it is recommended that the 'Engagement Strategy' be titled and aimed at 'Occupiers'.
- 3.27 It must be seen that the responsibility for building safety resides with all parties including the owner/landlord and the occupiers, whom need to work collaboratively to ensure the safety of a building and those who live in it.
- 3.28 In practice, there are currently very few tools in place to make occupiers co-operate with building managers to enable them to carry out their job. Occupiers necessarily must be made aware of their obligations and responsibilities, as well as rights, and how they can play a significant role in keeping the premises safe to live in. Occupiers very often do not understand the role they play, nor do they understand fire principles and what the effect of their actions on others may be in certain situations. As a result, the Hackitt report has identified resident engagement as lacking in many instances. There are a few existing best practice examples in the housing sector which have conducted information campaigns to their residents; outlining how residents could help building managers help them and outlining basic principles of fire etc.
- 3.29 We consider there is the need for two layers of obligations
- 3.29.1 The first layer should set out clearly the general obligation for occupiers not to put their fellow occupiers at risk
- 3.29.2 The second layer is likely to set out those powers that are needed to ensure the safety of all residents, including the power of reasonable and proportionate entry/access - what tools does the DH/BSC have to ensure residents/occupiers enact what is needed? One route is to ensure that residents are protected by empowering them to take the right decisions.
- 3.30 Building Safety requires not only that structures and roles are identified to ensure that building operation is fully understood, and information is readily available, but that residents and occupiers within buildings are engaged. If a true behavioural step change is to be achieved, reflecting and supporting new policies, that engagement must be real and positive - changing the way that individuals think, feel and act, rather than potentially disregarding information provided or available as bureaucratic or simply irrelevant.
- 3.31 The Occupier Engagement Strategy (OES) should reflect and effect a real and positive engagement. It is recognised that the OES can only be one of the mechanisms to communicate and communications must reach all occupiers. Therefore, further active engagement activities will need to exist and will need to go live as the new regulations/requirements roll out beyond HRRBs. All communications will need to be designed to embed cultural change.
- 3.32 On-going occupier communication and engagement on fire safety needs to cover:
- 3.32.1 Basic information on fire and smoke dynamics

- 3.32.2 Information on building safety - how the building operates, fire risk assessments, safety case, information on the BSC and other Licenced Duty Holders.
- 3.32.3 Education and awareness raising about the owner/landlord/Licenced Duty Holder and occupiers' roles and responsibilities. This will enable occupiers to have a clearer understanding of hazards and potential hazards and how they can be reported. This could be through a variety of methods including training, leaflets, online learning etc
- 3.32.4 How occupiers can raise concerns/ issues about building safety and how this can be escalated
- 3.32.5 Defining the ongoing relationship between the Licenced Duty Holder, BSC and the occupier and other relevant people
- 3.32.6 Clear parameters on the consequences of breaches/unacceptable behaviour and continuing behaviour that puts buildings and occupiers at risk.
- 3.33 While it may be necessary to prescribe what information is provided to occupiers with the OES, it will be necessary for Licenced Duty Holders to develop their own mechanisms for communication and engagement throughout the portfolio under their control.
- 3.34 It is likely to be necessary to develop a clear set of regulatory expectations including a mechanism for a regulator to enforce these where Licenced Duty Holders are not meeting them. In practice this would mean that organisations would need to proactively demonstrate to a regulator they are meeting this standard, which could cover issues like communicating with residents, involving them in decision making processes and responding effectively to complaints. In the social housing sector, this function could be incorporated into the current remit of the Social Housing Regulator. While the matter will also be part of a Safety Case review for HRRBs and designated property types, it will also need day-to-day regulation within the private sector which could be included within the remit of the JCA .
- 3.35 It is recognised that the existing powers of access and enforcement will need to be strengthened. This is considered in the section on Access above.
- 3.36 There are a range of good practice examples showcasing positive engagement and information campaigns on fire safety across the housing sector, in particular the social housing sector, which can be adapted and used.
- 3.37 While there will be a role for the BSC in supporting engagement and communication, responsibility should remain with all those involved in building safety and be built into the wider engagement practices.
- 3.38 There are highly effective examples of public sector broadcasting, such as "Change for life" and "Clunk Click". There is a clear need and opportunity for strategic behaviour change communication, via long-term public-sector broadcast, provision of information to schools, scouting and, other community-based organisations, for example the WI.

3.39 Strategic communication offers a viable means through which to re-frame the issue, driving a new social norm through positive engagement in the need and desire to participate in building safety at an individual level - getting people to think feel and act differently in line with objectives. [See appendix A]

3.40 Public service broadcasting, education and tenant and licence holders engagement would need to cover the following elements:

Occupier Obligations (reiterated where the obligation is already in Law or lease)	'Licenced Residential Building Owner' with Licenced Duty Holder Licence (DH), or their Operator (RAO) representatives.	Building Safety Co-ordinator
To have 'viewed' Occupier training Including fire dynamics and overview of relevant Law	Provide access to Public Service Broadcast training materials	Provide access to relevant fire and safety information.
Not to block fire exits/fire corridors etc. One suggestion being the issue of prams etc. in hall. Change the law to "leave it - lose it". Simple, singular and visible. It stops arguments and it sends a message that the law is on the BSM's side for a reason.	Tenant liaison.	Resident/occupier contact point Answer occupier queries, or ensuring relevant queries are answered.
Not to undertake unpermitted works	Twice annually issue a tenant information briefing	Tenant association liaison, including liaison with occupiers in regard to proposed works
Not to interfere with Fire compartmentation/doors, including propping of fire doors	Provision of Whistleblowing capacity	Support Whistleblowing arrangements
Ensure reasonable and proportionate access: (high penalties should be sanctioned via legislation; however, consideration will need to include the reality that a Court Order is required to get a Leaseholder to forfeit a lease)	Information as to Classification of Building Licence and all Licence holders. (details will be on national registers held by JCA and OCB)	Assure life safety (including fire safety) management at the building at all times. Assuring that only competent 'workers' are employed to undertake works at the building.

4. Licencing

- 4.1 In the simplest terms, the proposed structure for the governance of HRRB management and Building Safety Co-Ordinators is set out as follows through the operation of a licencing scheme:
- 4.2 Each building holds a classification, based upon its primary use and other critical features, which defines the competency requirements of those working within it, among other matters. (Building Classification has been explained at 3.3 - 3.10).
- 4.3 Each 'Licenced Duty Holder requires a Licence to derive income from a residential building.
- 4.4 The Licenced Duty Holder may operate the building directly or appoint a 'Residential Accommodation Operator', for example a managing agent, letting agent or estate agent, to do so on their behalf. These organisations would require a Residential Accommodation Operators' Licence (RAO), with a named senior officer as the designated person for and on behalf of the organisation.
- 4.5 For each building there must be an appointed Building Safety Co-Ordinator (BSC). This person needs a licence to perform the role. The licence will be graduated to reflect the classification of building(s) for which they are responsible, and the competence obtained. A BSC will be appointed by the Licenced Duty Holder, will be a named individual, and may, or may not be, an employee of a RAO.

Organisational Management and Licencing Structure

- 4.6 *WG8 recommends that the JCA is responsible for a national register of Licenced Duty Holders (and Residential Accommodation Operator- RAOs), while the OCB is responsible for, manages and issues BSC licences for and on behalf of the JCA, having determined the appropriate competencies (scheme potentially similar to the existing OSHCR Register) . The registers should be accessible to the general public so that residents or other interested parties can verify competence or compliance.*
- 4.7 WG8 have discussed at length how a top-to-toe management structure may be created that provides the BSC with a recognised framework, within which they can deliver the role proposed by the Hackitt report (Building A Safer Future, Recommendation 3.1c). The following illustration (Figure 4.1) has been developed subsequent to discussion with representatives of MHCLG. An overview of the recommended management arrangements is set-out in this section, detailed recommendations for the individual Licenced Duty Holder's roles, responsibilities, liabilities and limitations are set-out in later sections of this report.

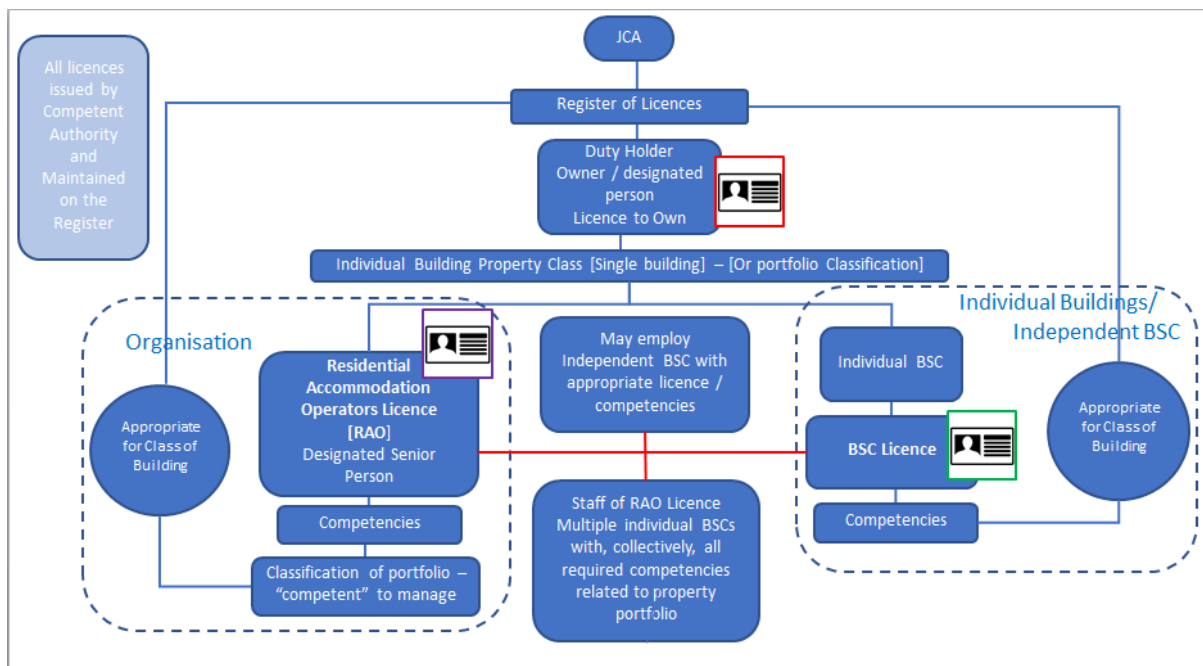


Figure 4.1. Illustrative Structure for the management of residential building.

- 4.8 This illustrative structure is set out to provide a reference point for the detailed recommendations that follow, and illustrates where the three requirements for holding a licence sit:
- 4.8.1 Licenced Duty Holder (which may include multiple individual's RTM and RMC companies see below)
 - 4.8.2 Residential Accommodation Operator (RAO)
 - 4.8.3 Building Safety Co-Ordinator (BSC)
- 4.9 The principle of licencing individuals to be responsible/Licenced Duty Holders for specific types of building (operation) is well established through the licensing systems used for alcohol, gambling or perhaps even the licensing of HMOs, (Houses of Multiple Occupancy licencing scheme operated by local authorities).
- 4.10 Further debate has led to the conclusion that all those that work as a BSC, or work in this role within a Residential Accommodation Operator [RAO] accredited organisation, or as an independent specialist consultant delivering the service, will need to be able to demonstrate that they have the required credentials to support their work. [refer to competency section 5]
- 4.11 WG8 therefore propose that there should be a licencing system to demonstrate their individual / organisational competency, aligned to competencies necessary for particular types of buildings/types of uses.
- 4.12 A BSC may hold competence at a level of a 'simple' building (e.g.: a simple building divided into residential units) and/or the competences required to oversee a more 'complex' building (e.g.: an HRRB). They will only be allowed to operate classifications of building for which they hold the

related, and specific, competences and as evidenced by their licence. (Section 5 sets out the competencies of the BSC for an HRRB. Varying competence levels will be developed, meeting the needs of the varying future building classifications.)

- 4.13 Figures 4.2, 4.3 and 4.4 below represent different operating models that may be adopted by a Licenced Duty Holder. These illustrations are not exhaustive and there are likely several other combinations that could be adopted.
- 4.14 Figure 4.2 shows a Licenced Duty Holder owning multiple buildings. There is a single Residential Accommodation Operator appointed with a separate Building Safety Co-Ordinator at each building.

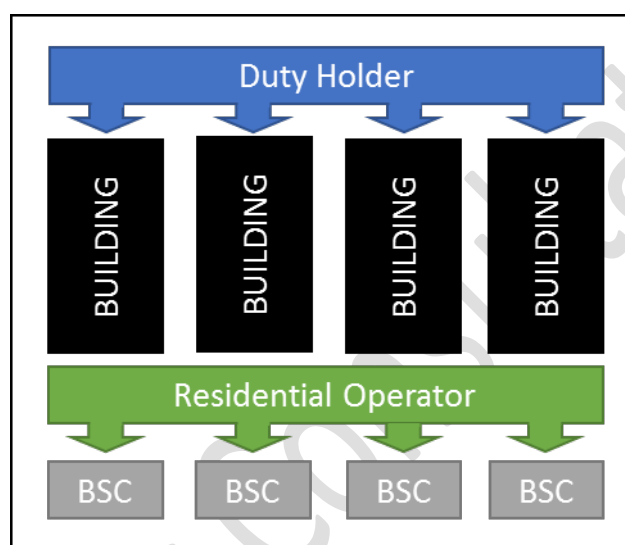


Figure 4.2, RAO with BSC ratio 1:1

- 4.15 Figure 4.3 shows a Licenced Duty Holder owning multiple buildings. There is a single Residential Accommodation operator appointed. Individual Building Safety Co-Ordinators have been appointed at two complex buildings and a single Building Safety Co-Ordinator is responsible for several other buildings.

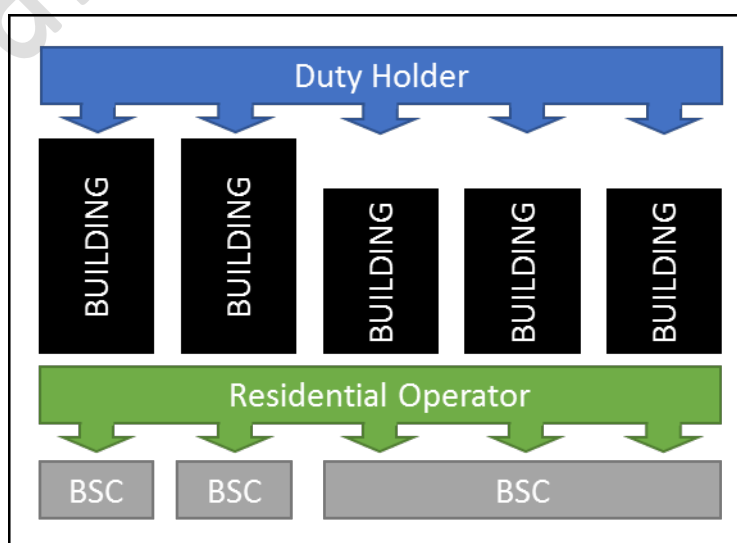


Figure 4.3, RAO with BSC mixed ratio

- 4.16 Figure 4.4 shows a Licenced Duty Holder owning and operating multiple buildings directly. Separate Building Safety Co-Ordinators have been appointed for each building.

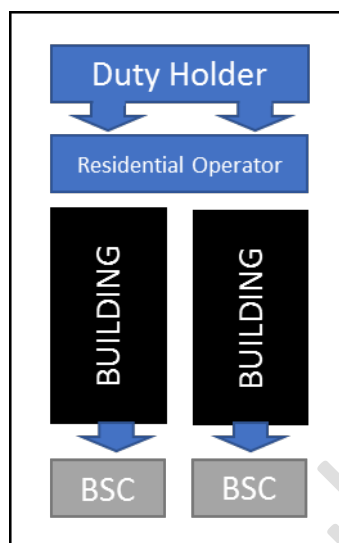


Figure 4.4: Licenced Duty Holder as RAO. BSC ratio 1:1

Licensed Duty Holder

- 4.17 WG8 Recommend: The Owner/Landlord of residential building (whether an individually identified Licenced Duty Holder or joint and several Licenced Duty Holders, i.e. RTM, or those named to the role) should make an application for ‘Licenced Duty Holder’ licence. The licence would then be granted after assessment that the applicant is ‘fit and proper’ to hold the licence. This requirement would ensure that, at an appropriate time, the petitioner would need to fully comprehend their obligations as Licenced Duty Holder. The ‘Licenced Duty Holder’ licence should be held by the legal entity, with an appointed person named ‘for and on behalf of’ the legal entity, alternatively, where the ‘entity’ is an individual the individual person can hold the licence in their own name. [i.e. RTM] Referred to as a ‘Licenced Duty Holder Licence’ within this document. Along with the other key stakeholders in this document, this Licenced Duty Holder role should be included in primary legislation.
- 4.18 WG8 recognise the desire [of the Hackitt Report] to be able to identify an owner or Landlord as the ‘Licenced Duty Holder’ (with UK contact details). Our work has identified this could range from an individual with a small number of HMOs, a block owned and managed by its occupants, a significant private investor, or, increasingly a ‘fund’ set up specifically to invest in this ‘new’ asset classification. This latter situation (a Fund), needs further consideration/consultation by HMG as WG8 are unaware of a funds’ legal entity status and as such the identification of an obvious ‘controlling mind’. Enabling sufficient housing stock is a key priority of HMG, and one of the means of ensuring this is attracting more funds, including pension funds. It has come to our attention that such funds may be reluctant to attract, in their view, ‘additional’ responsibilities.

- 4.19 WG8 considers that it is indeed necessary to identify a controlling mind, (not least as the link to, and the appointing of, the Building Safety Co-Ordinator) and, as such, propose these should be licenced 'to operate', so that Duty Holders, are made aware of their responsibilities and their accountability. This party is referred to as the 'Licenced Duty Holder'.
- 4.20 The Licenced Duty Holder(s) should be required to apply for a licence to 'own' or 'derive revenue from' a residential building, whether a single 'whole building' or a portfolio of 'buildings', or in the case of an RTM a number of stakeholder Owners responsible for one "Whole" building. This is to ensure that they are fit and proper, and that they understand their obligations in UK Law (on ownership of residential building). The Hackitt report recommends that there should be a named person (owner) who is domiciled in the UK. WG8 note that the 'owner' may come in many guises, for example:
- 4.20.1 A private individual (i.e.: owning one or more residential units for let)
 - 4.20.2 A UK based 'fund' investing in residential building for investment purposes.
 - 4.20.3 A foreign based 'fund' investing in residential building for investment purposes.
 - 4.20.4 A hotelier or guest house owner (either a chain or as an individual operator).
 - 4.20.5 A Local Authority
 - 4.20.6 A Social Housing operator
 - 4.20.7 An institution (i.e.: hospital, care home, prison, boarding school or residential home for specific occupants etc.)
 - 4.20.8 Perhaps an 'Official Receiver' (where the actual owner remains the 'distressed' landlord, supported by a bank but under the control of the licenced receiver. Who here has real control as envisaged as a 'Licenced Duty Holder'?)
 - 4.20.9 Members of an RTM, trust, Residents management company, board of directors.
- 4.21 Appendix B Illustrates the different operating models for residential buildings in more detail and the challenges relating to this regarding the identification of the Licenced Duty Holder.
- 4.22 In the simplest of cases, the Licenced Duty Holder will be the Freeholder (an individual or a legal entity). However it is common for the management responsibility to have been transferred to another party by way of either:
- 4.22.1 A document recognised in existing legislation as transferring management responsibility - i.e. a lease, or common-hold community.
 - 4.22.2 A right in law to take on management responsibility, i.e. right to manage.
- 4.23 In all cases, where a legal entity has management responsibility a named senior individual (e.g. Director or Chairperson), residing in the England and Wales, must take responsibility for the licence

on behalf of that party. Should an individual not be forthcoming then that legal entity should remain accountable in law and legislation will be required granting authority to the JCA to take appropriate action. This it is suggested may include a financial penalty or in extreme cases making a forced appointment of a third party manager (the precedent for which is established in First Tier Tribunal).

4.24 In the event that a party 'resigns' their management responsibility i.e. forfeits a lease, or the Right to Manage fails, then management responsibility would pass directly back to the party above them in the chain.

- 4.25 WG8 recognises the complexity of leasing arrangements and ownership structures. Section 3 discusses the different operating models for residential buildings in more detail and the challenges relating to this regarding the identification of the [required] Licensed Duty Holder. [See also glossary and appendix B].
- 4.26 WG8 recognise that the Licenced Duty Holder may choose either to 'operate' the residential building themselves (and employ a BSC directly), or to contract others to 'operate' (manage the daily operation) of the building, (for example a managing, letting or estate agent or facilities management business, as a RAO).
- 4.27 In the event a Licenced Duty Holder chooses to operate their building(s) directly, themselves, would also require:
- 4.27.1 Registration as the operator, (by way of a RAO licence) and
 - 4.27.2 Appointment of an appropriate licenced BSC(s) with all related competence(s) for the relevant building classification.
- 4.28 The Licenced Duty Holder(s) will be responsible to make such appointments as necessary regarding either, or both of, their agent(s) (referred to below as a RAO), and BSC; having undertaken suitable and sufficient due diligence to ensure all contracted parties are competent to undertake their roles in relation to the classification of buildings owned by the Licenced Duty Holder.
- 4.29 The Licenced Duty Holder(s) will be responsible, and accountable, to ensure that the information required by the Operator (or RAO) and the appointed BSC (in relation to Fire and H&S management) is made available or is sourced where not already available. The Licenced Duty Holder will be particularly accountable towards the JCA for ensuring that information management systems are in place to maintain relevant documentation and compile and maintain a safety case file. The uniform and consistent application of this Hackitt recommendation, especially if a strict and single information structure is mandated for the Safety Case, would possibly be the single most important driver of the Hackitt Review to enable a culture change and informed decision making. The following information should together form the basic structure for the Safety Case and its Review at Gateway 3 and any consequent review:

- 4.29.1 Fire and Emergency File information (as recommended Section 6, every residential building should have a FEF.)
- 4.29.2 Wider Safety Case File information (Building A Safer Future, Final Report, Recommendation 2.7b)
- 4.29.3 Building information; digital record (including as built), full plans, construction control plans, ownership structures, etc
- 4.29.4 H&S File (as per CDM Regulations)
- 4.29.5 Asbestos information
- 4.29.6 Environmental file
- 4.29.7 Other Safety related information necessary to operate a residential building. [e.g. Water risk assessments.]
- 4.29.8 Occupier Engagement Strategy (Building A Safer Future, Final Report, Recommendation 2.7b) [please see section 6 for greater detail on the Safety Case and the FEF]
- 4.29.9 The Licenced Duty Holder should be accountable to the JCA to deliver the following information:
 - 4.29.9.1 Address of the building
 - 4.29.9.2 Building description
 - 4.29.9.3 Land registry number(s) for the land on which the building is located
 - 4.29.9.4 Building class
 - 4.29.9.5 Local Authority
 - 4.29.9.6 The name, UK address and licence of the owner / Licenced Duty Holder(s).
 - 4.29.9.7 Where the owner is a company the name and UK address of the appointed person (Licenced Duty Holder(s)) responsible for the management of the building.
 - 4.29.9.8 The name, UK address and licence of the RAO.
 - 4.29.9.9 The name, UK address and licence of the Building Safety Coordinator
- 4.30 The Licenced Duty Holder (s) will always be in a position to identify the parties to leases and other contractual arrangements and their attendant responsibilities. WG8 therefore propose that the Licenced Duty Holder(s) are required to:
 - 4.30.1 Identify those who have control over the management and the maintenance of the building

- 4.30.2 Ensure those who have control over the management and maintenance of the building are aware of their duties and responsibilities.
 - 4.30.3 Ensure that a BSC and Residential Accommodation Operator are appointed to the building (as appropriate) (and as above that this information is logged in the Safety Case)
- 4.31 WG8 recommends that the information is submitted on line. The information could be submitted online in a manner similar to that to submit the F10 Notification to the HSE in accordance with the requirements of CDM 2015.
- 4.32 The Licenced Duty Holder(s) will be responsible to:
 - 4.32.1 appoint a Building Safety Coordinator;
 - 4.32.2 Where appropriate appoint a RAO
 - 4.32.3 shall cooperate with the BSC & RAO so far as is necessary to undertake their duties under this legislation;
 - 4.32.4 authorise all reasonable requests made by the BSC and RAO where action is required to comply with the requirements of relevant health, safety and fire legislation.
- 4.33 Where the Licenced Duty Holder(s) fails to undertake their duty, the BSC or RAO will be expected to promptly whistle blow to the JCA.
- 4.34 The Fire and Emergency File (FEF) is considered by WG8 to be a critical component of the Licenced Duty Holder(s) Licence to operate and the Licenced Duty Holder must demonstrate this is in place as part of their licence application. While each FEF will have the same strict structure [as per section 6] its content will have to be very specific to the individual building. Any deviation from the structure set out in the FEF should be made a criminal offence. This would also have the benefit of further 'encouragement' for those 'in control' to be well aware of the FEF, and to keep it current.
- 4.35 WG8 are also recommending that the FEF is recorded in a national database, held alongside other information supporting the Safety Case (and its Review). The JCA and Fire and Emergency Services/Local Authority could then have access to this information remotely, for enforcement purposes and for fire and rescue. WG8 envisage that only appropriate competent persons will be authorised to upload information into the FEF. The FEF and its operation is detailed in Section 6.
- 4.36 Throughout their ownership and/or control of building, the Licenced Duty Holder will be responsible to 'sign-off' and ensure that works carried out under their direction or control are fit for purpose and the Safety Case/FEF are maintained and updated. It is anticipated that this duty will be delivered 'for and on behalf of' the Licenced Duty Holder by expert contractors supported by independent consultants, likely with oversight by the BSC.

Residential Accommodation Operator (RAO)

- 4.37 WG8 recommend: An Organisation should be licenced to operate residential accommodation, [appropriate to the building type(s)/Occupant(s)] and in line with the Hackitt report. To ensure transparency for residents and to provide an identifiable contact person, a senior manager within the organisation should be named as the 'Residential Accommodation Operator' responsible to the [Licenced] organisation. Referred to as the 'Residential Accommodation Operator's Licence' in this document.
- 4.38 It should be made a statutory obligation on the RAO to ensure appropriate resources (in time, personnel and financial terms) are always made available to ensure that their obligations under the licence can be executed suitably and sufficiently.
- 4.39 The operation of any residential accommodation building, (whether this be an HRRB or a simple multi-unit residential building, or accommodation situated above a retail unit within a high street shopping arcade or a hotel, or similar) requires significant competence in understanding and executing existing statutory obligations including but not limited to H&S, environmental, building risk, safety and fire safety.
- 4.40 In many circumstances these (existing) duties are sub-contracted by the owner of a building to a managing, letting, estate, facilities manager or other such agent.
- 4.41 Typically, such Agents will manage a portfolio of differing building types for and on behalf of the Licenced Duty Holder, therefore these agents need to ensure they have or have access to all the appropriate expertise and knowledge and 'suitable and sufficient' management systems to encompass all the risks relating to the portfolio(s) for which they are contracted to manage.
- 4.42 WG8 debated the practicalities of the appointment of the BSC and considered that the BSC role has a much wider scope and in practice (for many buildings, given their complexity, to meet the required competency) this may only be achieved through an organisation. WG8 concluded that in many circumstances an organisation may be better placed to take on the function than an individual. The breadth and depth of expertise within an organisation may better serve a Licenced Duty Holder and residents to deliver the appropriate level of whole building safety and meet Hackitt's required outcomes.
- 4.42.1 Adopting this approach does not in any way detract from the original proposal as responsibility remains clearly defined to be with a single organisation. That organisation will in turn be accountable to residents, the Licenced Duty Holder and to the JCA to whom they must demonstrate through the Safety Case that 'whole building' safety is managed.
- 4.42.2 WG8 has identified there are a very wide range of competences necessary to execute successful building management, particularly if the inherent risk at the building(s) includes for sleeping accommodation. (see Section 5)

- 4.43 Following the approach of Regulation 8 of CDM 2015, WG8 suggest the 'BSC' "must have the skills, knowledge and experience, and if they are an organisation, the organisational capability, necessary to fulfil the role in a manner that secures the health and safety' of the occupants, visitors and workers in a building".
- 4.44 The principle of organisational responsibility is already enshrined within health and safety legislation, the closest parallel being CDM 2015 where it has been recognised that the skill sets needed to perform the function of Principal Designer are often best served by appointment of an organisation. It is recommended that a model similar to that of CDM 2015 is adopted.
- 4.45 Any proposed legislation, or accompanying guidance, should therefore not prohibit this organisational (dual), approach. WG8 suggest that such organisations become licenced Residential Accommodation Operators. It will be incumbent on such organisations to maintain knowledge of all the classification of residential buildings under their control, and to ensure they have an appropriate number of appropriately competent BSC to manage the portfolio.
- 4.46 The Residential Accommodation Operator will require a licence to operate specific building classifications, although this licence will not be tied to any one building. This is to give confidence to Licenced Duty Holders and Residents that the RAO has the competence to operate all the building classifications they are appointed for. It is recommended that a senior employee (i.e.: Managing Director (MD) Chief Operating Officer (COO) or similar Senior Manager) is named as the 'natural person' acting 'for and on behalf' of the RAO.
- 4.47 In regard to the term 'senior manager' WG8 would see this aligned in a similar vein as existing H&S and other statutory duties imposed on organisations. That the 'natural person', (the individual signing 'for and on behalf of' the organisation), would be the MD / COO or other senior manager, at Director / Partner level and above, who could be held accountable due to their responsibilities within the organisation. This would include the assurance of adequate resources, including competences, being made available to deliver their organisations 'undertakings' in a safe and proper manner.
- 4.48 Allowing this approach (organisation + identifiable person within the RAO(s)) prohibits senior members of an organisation from hiding behind more junior individuals and trying to render an organisation free of liability that it should in fact be accountable for. Notwithstanding other mechanisms, which currently exist, for holding organisations to account through existing legislation.
- 4.49 For the sake of clarity, while the RAO and its senior manager would take on the many liabilities accompanying the BSC function, to ensure the competency, they would still be required to employ (or contract) appropriate BSCs. Without those relevant, natural people, BSCs in place, they would not be able to deliver the management function as a RAO.
- 4.50 Where an organisation is contracted to take the role of RAO, as likely as not in regard to portfolios of buildings with differing occupations types/complexities, the organisation will be required to have (one or more) appropriately licenced BSCs, with all the necessary 'classifications' of competence to accommodate the variety of building licenses held by their client(s). It will be

incumbent upon any organisation owning/managing residential building to have appropriate, working, policies and procedures in place to support their services. This obligation would be assessed and potentially challenged during a safety case review.

Building Safety Co-Ordinator

- 4.51 WG8 recommend: An individual role should be created the 'Building Safety Co-Ordinator' (BSC) and that these individuals will need to hold a 'permissioning licence', similar to a driving licence, which sets out 'classifications' of building within which the individual is deemed competent to undertake their overall safety co-ordination role. Referred to as the 'Building Safety Co-Ordinator' within this document.
- 4.52 This function, along with the other key roles, their licensing systems and what they entail, should be written into primary legislation.
- 4.53 WG8 have considered and agree with Hackitt's view that the BSC function should require oversight of safety as a whole and not be restricted to fire safety only.
- 4.54 A great deal of discussion and debate has been undertaken within WG8 about the extent of the function of Hackitt's Building Safety Manager, and what may be deemed 'fair, just, proportionate and reasonable' in relation to the potential role a BSC may be asked to deliver and be held responsible for. This debate considered responsibilities both on behalf of the Licenced Duty Holder and in partnership and with the support of the JCA. WG8's deliberations have reconfirmed that, in reality, the 'Safety' element of the role should not, (and in practical terms probably cannot), be diluted, as the intent is to create a senior role with total oversight of safety, including fire and structural safety within residential buildings.
- 4.55 Having considered the nature of the role it is also suggested that a more appropriate name than that originally proposed by Hackitt is 'Building Safety Co-Ordinator' (BSC). The role is accepted as too extensive for an individual to be an expert in everything, rather a Co-Ordinator with the competence to understand what needs to be done, by whom and to understand what information they are provided with, (by appropriate subject experts), what to do with it, what the right questions and challenges are.
- 4.56 As has been recommended by the Hackitt Report the BSC should be an appointee of the 'Licenced Duty Holder'. Hackitt also requires that the Licenced Duty Holder will be responsible to appoint a 'Natural Person' as the Building Safety Co-Ordinator. The BSC could be either a named employee of a RAO (whereby the Licenced Duty Holder appoints the RAO to provide the BSC) or an independent named BSC providing services to owners/Licenced Duty Holders of single or small portfolios.
- 4.57 The Building Safety Co-Ordinator(s) will hold a licence (envisioned to be similar to a current UK driving licence or CSCS card) which will detail the building classification they are deemed to be competent to operate in. The licence is in essence the physical 'evidence' of their competence, to inspire confidence in residents/occupiers.

- 4.58 No proposals are made about the volume of buildings that any one BSC is allowed to oversee. It is the responsibility of the organisation (RAO), giving appropriate consideration to the composition, size and volume of the stock, to ensure the necessary number of BSCs required to deliver their duties effectively. It is considered that the Safety Case would make appropriate comment where the BSC is deemed by the JCA to be unable to fulfil their responsibilities as a consequence of overseeing multiple buildings.
- 4.59 Where an organisation (i.e.: rural or SME sized lettings agent) is too small to have all the required competencies to support the role of the BSC they will need to sub-contract to competent named persons. It may be assumed this role may evolve in a manner similar to the initiation and development of the role of a Planning Supervisor or CDM Co-Ordinators (early CDM), and lead to a new discipline of individual professional consultants.
- 4.60 It may therefore be anticipated that a new, independent, discipline will evolve, (or effectively be created,) by the introduction of the BSC.
- 4.61 As has been noted above the competence necessary for an individual to take on the role is exceptional if the building concerned is in anyway a 'complex' or 'higher risk' building. Definition of the core and specialist competencies that would be required by the BSC are detailed thoroughly in Section 5.
- 4.62 As part of the competencies, WG8 have also researched and sought to articulate what the limits to the BSC competencies are. As part of this exercise, it will be important to understand the BSC's relationship with the JCA. For example, at what point will it be acceptable that the BSC escalates matters to the JCA, or at what point should they invoke a whistle blowing scheme? It should be considered whether the JCA will have a separate whistle blowing scheme for BSCs or whether there will be one scheme for all interested parties?
- 4.63 In addition to the above, it is worthwhile pointing out that liabilities for the BSC will be shared with the Licenced Duty Holder and (where appointed) with the RAO. Depending on the definition of a "Whole Building" there remains the possibility of multiple BSC's responsible for a single "whole Building".
- 4.64 Depending on the specific circumstances and the number of separate demises within the 'whole building' it may be assumed this cost would be shared through the service charges.

Implementation of Licencing

- 4.65 WG8 understands that there is intention to establish an Overarching Competency Body which is intended to deliver on the recommendations made by Hackitt. It is therefore foreseen that this overarching body (OCB), or a subset thereof would operate the licencing scheme for and on behalf of the JCA which would hold the register of licences. The operation of the licencing scheme is explained within this context, however regardless of contextual change, the principles laid out should withstand contextual change. In any event it is recommended that the scheme would operate under the regulatory oversight of the JCA.

- 4.66 While the Hackitt report focuses on HRRB's, it recognised that many recommendations should, in due course, become applicable to other types of residential buildings. Primary legislation could provide for this by having a phased implementation whereby HRRB's have a short transition period, with longer transition periods for other classifications of residential buildings, (non-HRRB's). Such a phased approach to implementation would provide businesses with certainty and proportionate time to begin to adopt improved safety and fire management across the wide spectrum of buildings with residential accommodation, and therefore sleeping risk.
- 4.67 Some of the cost of the scheme's operation would come from licencing fees, however it is not anticipated that the full cost could be recovered if only operated for HRRBs. Widening the scheme as detailed above could allow the amount of public funding required to be gradually reduced, while increasing life safety. Whether any of this income should also be directed to the JCA would need to be determined.
- 4.68 Consideration will need to be given to other residential housing licencing schemes (such as those for nursing homes or HMOs) and whether the obligations of Licenced Duty Holders and RAOs for building safety should be combined into existing licences, rather than require additional ones.
- 4.69 Similarly, where local authorities are obliged to provide housing, the purpose of this licencing should be to demonstrate and monitor competency and as such Licenced Duty Holder Licencing is likely to be purely administrative, ensuring that there are accurate records of building management. However, any independent RAO appointed by the local authority should still be licenced.
- 4.70 In both cases (4.65 and 4.66) the requirement for a BSC or a BSC licence exists, regardless of building classification or Licenced Duty Holder responsibilities.
- 4.71 Overtime, it is further recommended that criteria for building safety which aligns with this proposal would be incorporated into multi-unit, multi-use residential licencing regime operated by the relevant authority (JCA).
- 4.72 Licenced Duty Holders, RAOs and BSCs would each be required to apply to the relevant authority (JCA and/or OCB) for their licence(s). Licenced Duty Holders would require a licence for each building that they own. RAOs and BSCs would require a licence which covers each and every building classification they intend to operate.
- 4.73 For new properties it is anticipated that a Licenced Duty Holder would need to obtain a licence prior to the occupation of the building. The BSC and any RAO should be appointed at Gateway 3 (Building a Safer Future, Final Report, Recommendation 2.7).
- 4.74 Following the purchase of an existing building, the necessary licence would need to be obtained by the Licenced Duty Holder within a reasonable period of time. As a minimum WG8 suggests that applications should be submitted within 30 days of the purchase. However, we advise that consideration should be given to whether suitability of the Licenced Duty Holder for ownership of residential accommodation should form a mandatory part of any conveyancing process.

- 4.75 The OCB would review whether the BSC applicant can evidence obtaining the relevant competence and where the criteria are met, subject to payment of the relevant fee and acceptance of a code of conduct, grant the relevant licence for and on behalf of the JCA and maintain a register of competent persons.
- 4.76 For the licencing scheme to be operated correctly and to give the assurance necessary for residents that the scheme will effectively support the delivery of building safety, appropriate safeguards need to be in place for the independent governance of the system. Consideration should be made of third-party review (much like the system in place for the Architects Registration Board) or third-party accreditation of the OCB's processes.
- 4.77 The OCB would also maintain a central register of all competences, the JCA will hold the register of licences for Licenced Duty Holders, RAOs and buildings. Parts of these register could made be made publicly available (via a website), to provide accountability of those licence holders and assurances to residents.
- 4.78 It is intended that Professional Bodies would work with the OCB to deliver common competency standards and encourage behaviours through courses, accreditation schemes, CPD and membership which would be adopted as the primary route for demonstration of competency by BSCs, whereby attainment of specific accreditations would become accepted as evidence of competency. For assurance it is expected that qualifications offered (or accepted) by professional bodies for memberships would satisfy the criteria for provision and assessment set by OFQUAL or similar body.
- 4.79 However, it is recognised that we cannot mandate membership of a professional body and as such it must be possible for individuals to submit evidence of experiences and qualifications which the OCB would assess against defined criteria. Figure 4.5 shows the relationship between Professional Bodies, individuals, and the OCB.

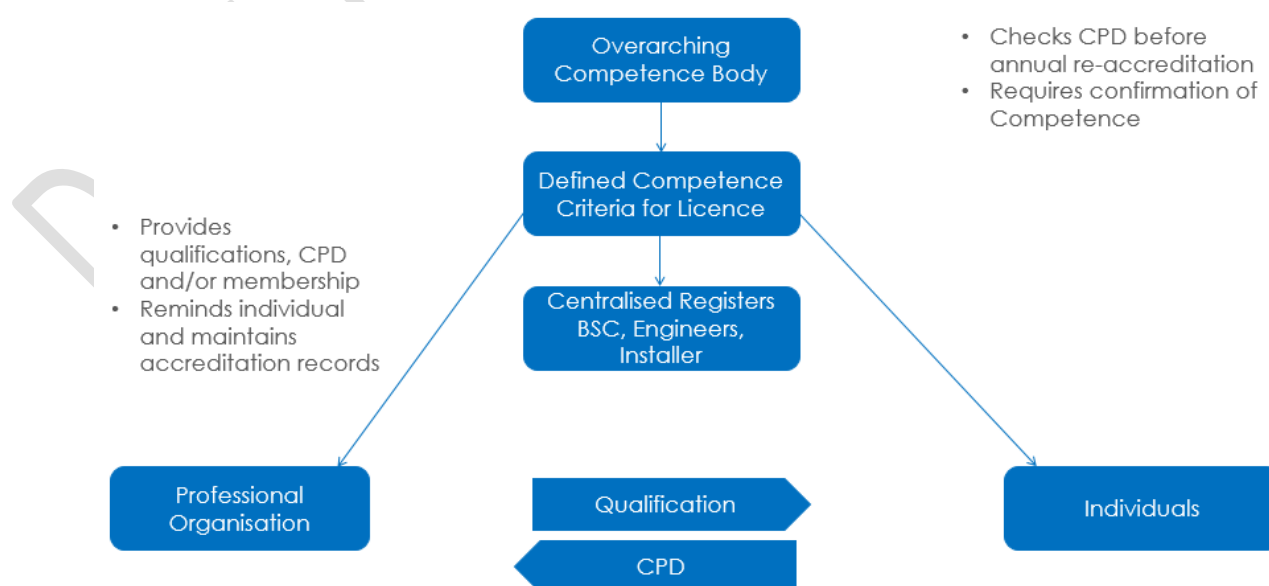


Figure 6.1. Professional Organisations, Individuals and OCB relationship for competency. Note CPD applies to Professional Bodies and those not in these organisations would have other route to proving “continuation and updating of competence”

- 4.80 In all cases, regardless of the route taken it is foreseen that a defined building operation course must be completed by BSCs.. The specific competency requirements are detailed separately in Section 5.
- 4.81 All licences would require periodic renewal, part of which would be an assessment that the required competencies are retained (e.g. renewal of qualifications where required) and that individuals participate in relevant life-long learning. WG8 recommends that the period between review of a licence is no greater than 3 years but may be less depending on building classification.
- 4.82 In the event that a BSC wishes to operate within a new building classification (i.e. not covered by their existing licence), they would be required to apply to the OCB for a new licence demonstrating that additional competency criteria are met.
- 4.83 During the interim period between licence renewal, the suitability of licence holders may be monitored as a consequence of whistleblowing (by way of investigation into a complaint by the JCA, or the bringing forward of a safety case review), or as a consequence of the findings of a safety case review. As such it is recommended that the JCA has statutory powers in relation to the suspension or removal of licence and authority. WG8 recommend that the following sanctions should be available to the JCA in relation to licencing:
- 4.83.1 Issue of a formal caution which would then appear on the public register.
 - 4.83.2 Suspending the Licence of the Licenced Duty Holder /Residential Accommodation Operator (RAO) and/or BSC when defaulting on their obligations, requiring submission of a new licence application.
 - 4.83.3 Instigating a full Safety Case Review.
 - 4.83.4 Fines for failure to: adhere to licencing conditions / hold the correct licence(s) / execute the FEF.
 - 4.83.5 Placing the Building under the temporary control of an ‘approved’ RAO/BSC following suspension or removal of a licence (at the cost of the Licenced Duty Holder). Similar to the appointment of a Manager by the tribunal under ss.21-24 Landlord and Tenant Act 1987 as amended.
- 4.84 It is recommended, that any of the above or any associated enforcement action would then appear on the public register.
- 4.85 Professional bodies are also seen to have a defined role within the monitoring and review process, through both the provision of continued professional development/life long learning to members (and others) and through a requirement that misconduct by members or complaints regarding members should, where relevant be progressed and notified to the OCB. Consideration needs to be given to the risk of double jeopardy i.e. by the JCA, OCB and or the professional body.

- 4.86 WG8 has taken further steps to outline the role of each of the main parties throughout licence application, retention and renewal. The following tables detail this journey for the Building Safety Coordinator.

Table 4.1. Overview of roles within the licencing process

	Minimum requirements for certification	Application for scheme	Assessment, Licence and Registration	Ongoing governance and Renewal	Sanctions
BSC	<ul style="list-style-type: none"> Meet the requirements of the BSC competency framework for building classification Minimum of 3/5 years related experience in managing building risk. (duration dependent on building classification) 	<ul style="list-style-type: none"> Completion of a defined scheme operation course and Demonstration that the requirements of the competency framework are met 	<ul style="list-style-type: none"> Certificate establishing competence should be registered with OCB 	<ul style="list-style-type: none"> 3-yearly review + reaccreditation through top up scheme operation course Demonstration of Life Long Learning directly related to building safety 	<ul style="list-style-type: none"> Loss of certification Caution included on register Criminal prosecution
Professional Body / Organisation	<ul style="list-style-type: none"> Help develop common competency standards and encourage behaviours through, courses and accreditation schemes 	<ul style="list-style-type: none"> Assessors for APEL Operate scheme course Deliver BSC qualification to standard 	Training Courses	<ul style="list-style-type: none"> Ensure members continue to satisfy membership requirements Deal with competency queries Forward complaints / whistleblowing to OCB 	<ul style="list-style-type: none"> Repeal of certification and /or referral to JCA/OCB/police
OCB	<ul style="list-style-type: none"> Define competency framework and standards against which upskilling and LLL/CPD must deliver against 	<ul style="list-style-type: none"> Ensure consistency of standard and its application across industry 	<ul style="list-style-type: none"> Facilitate assessment and provides licence of competent people for and on behalf of JCA 	<ul style="list-style-type: none"> Register competent professionals Industry Wide Code of Conduct Complaints procedure Facilitate assessment and re-registration 	<ul style="list-style-type: none"> Remove / suspend from register Add details of sanctions to register
JCA			<ul style="list-style-type: none"> Regulation of licencing scheme via safety case OCB will issue licence “on behalf of” JCA 	<ul style="list-style-type: none"> Safety case file review Respond to Whistleblowing 	<ul style="list-style-type: none"> Issues sanctions following whistleblowing Refers to Crown Prosecution if necessary Asks OCB to suspend / remove from register
Licensed Duty Holder		Passes a “fit and proper test”	<ul style="list-style-type: none"> Obligation to check if BSC and /or RAO are on the appropriate register. 	<ul style="list-style-type: none"> Provide support and tools to enable responsibility 	Withdrawal of permission /licence by JCA

RAO		Passes a “fit and proper test”	<ul style="list-style-type: none"> Obligation to check if BSC on register upon appointing BSC 	<ul style="list-style-type: none"> Provide support and tools to enable responsibility 	Withdrawal of permission /licence by JCA
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Table 4.2. Minimum competency requirement for licence

BSC	<ul style="list-style-type: none"> Demonstration of recognised professional qualification (to level 4 or equivalent), knowledge and behaviours that meet the requirements of the BSC competency framework. Level appropriate to the type of building. Minimum of 3/5 years related experience in managing building risk. (duration dependant on building classification).
Professional Body / Organisation*	<ul style="list-style-type: none"> Help develop common competency standard, course standard and accreditation scheme Standard developed in cooperation with and maintained by OCB, and to include: <ul style="list-style-type: none"> What is to be assessed How it is undertaken Minimum level of review of existing information What includes a major and minor non-compliance? Assessment templates Evidence requirements Process for assessment Timescale for assessment and sign off non-compliance Ensure robust processes/auditing standards in place to ensure and maintain standards Ensure appropriate assessors - what are their standards and who assesses them? External audit of quality assurance and processes by approved awarding body. Need for additional external quality assurance?
OCB	<ul style="list-style-type: none"> Ensure consistency across industry by defining the competency framework which courses must deliver against Develop Code of Conduct and route/process for assessment against that Code Issue the licences as appropriate “for and on behalf of” the JCA
JRG [then JCA]	<ul style="list-style-type: none"> No specific role - understood role will be enforcement but may be an interim or temporary organisation until the JCA is properly established See notes in table on p11 Learning from the outcome of Safety Case reviews (via OCB) will help maintain an effective competency framework

* Those organisations which have been accepted by the Overarching Competency Body as providing courses or setting membership standards that satisfy the core criteria. These might include: IOSH, CIH, IWF, RICS, IFE, IRPM, FPA etc.

Table 4.3. Minimum Training requirement for licence

BSC	<ul style="list-style-type: none"> • Completion of a defined building operation course and • Submission of application for licence to demonstrate that the requirements of the competency framework are met through: <ol style="list-style-type: none"> 1) Accreditation of Prior Experiential Learning (APEL) / Required Prior Learning 2) Attendance of recognised fire/life/building safety qualification(s) related to competency standard
Professional Body / Organisation	<ul style="list-style-type: none"> • Assessors for APEL • Operate scheme course • Deliver BSC qualification to standard • Both routes will assess the BSC competencies included in the standard; which will have three main components: knowledge, experience and skills and behaviours. Assessment of these components can take place in a variety of manners
OCB	<ul style="list-style-type: none"> • Ensure consistency of standard and its application across industry by monitoring professional body schemes to ensure these continue to deliver qualification aligned to the competency framework.
JRG / JCA see table p11	<ul style="list-style-type: none"> • No specific role - understood role will be enforcement but may be an interim or temporary organisation until the JCA is properly established see note on p11

Table 4.4. Assessment, Licence and Registration

BSC	<ul style="list-style-type: none"> • Application establishing competence for required building classification(s) should be registered with OCB? • Payment of administrative processing fee • Agree to Code of Conduct • Agree to maintain competency through completion of Life Long Learning / CPD
Professional Body / Organisation	<ul style="list-style-type: none"> • Issue certificates demonstrating professional certificates / membership • External audit of quality assurance and processes by approved awarding body.
OCB	<ul style="list-style-type: none"> • Assess that application meets requirements for registration • If criteria are met: <ul style="list-style-type: none"> • Issues licence card “for and on Behalf of” JCA • add individual licence detail to public register
JCA	<ul style="list-style-type: none"> • Regulation of licencing scheme
Duty Holder	<ul style="list-style-type: none"> • Obligation to undertake suitable due diligence, checking if BSC on register, holding appropriate licence for relevant building classification(s) prior to appointment.
RAO	<ul style="list-style-type: none"> • Obligation to undertake suitable due diligence, checking if BSC on register, holding appropriate licence for relevant building classification(s) prior to appointment and if the Duty holder is suitable approved for the specific category of building

Table 4.5. Governance and Renewal

BSC	<ul style="list-style-type: none"> • Submit application for continual accreditation for required building classification(s) every 3 years. • Payment of administration processing fee • Demonstrate adequate LLL / CPD directly related to safety in relevant building classifications. • 3-yearly building operation refresher course (for specified building classifications) • Reconfirm Agreement to Code of Conduct
Professional Body / Organisation	<ul style="list-style-type: none"> • Check CPD / LLL submitted by members • Robust CPD / LLL processes in place • Deal with competency queries • Forward complaints to OCB and/or JCA
OCB	<ul style="list-style-type: none"> • Provide opportunities for LLL for individuals who are not aligned to a professional body • Determine requirements for LLL based on competency framework and monitor adherence by recognised professional bodies. • Determine need for requirements to sit building operation refresher course. • Assess application for continual accreditation including: • Outcome of any safety case reviews involving the BSC under assessment • Outcome of any complaints involving the BSC under assessment • If criteria are met: • Re-Issues licence card “for and on Behalf of” JCA • Update individual licence detail to public register
JCA	<ul style="list-style-type: none"> • Safety case file review, which would in essence include a review of the BSC’s competency based on the safety case file and may dictate: • Suspension of licence • Removal from register • Operate and effect Whistleblowing scheme
Duty Holder / RAO	<ul style="list-style-type: none"> • Provide support and tools to enable responsible execution of duties • Ongoing due diligence, to ensure BSC remains licenced for required building classification(s)

Table 4.6. Sanctions

BSC	<ul style="list-style-type: none"> • Investigation by JRG/OCB/Police of breach and potential enforcement action • A caution could be included on the Register. • Removed from the Register (temporarily requiring re-application for licence) or permanently • Repeal of certification and/or Professional Body Membership
Professional Body / Organisation	<ul style="list-style-type: none"> • Maintain a complaints process • Notify OCB of related complaints • Repeal of BSCs certification and /or professional body membership • Referral to JRG/OCB/police pending breach
OCB	<ul style="list-style-type: none"> • Recommend removal of BSC from register to JCA • Add details of sanction to register • Can receive whistleblowing complaint may pass to JCA if appropriate • Removal of Professional Body Membership / qualification recognition
JCA	<ul style="list-style-type: none"> • Can receive whistleblowing complaint • Instruct Removal / suspension from register of the BSC • Can increase safety case file review/supervision • Referral to CPS • Can initiate formal investigation, take enforcement action and or refer to Police/CPS
Duty Holder	<ul style="list-style-type: none"> • The frequency of safety case review could be increased and / or other properties under management by the same owner / duty-holder with the same BSC be subject to additional review. • The duty holder may also be investigated and then subject to prosecution for failings by the BSC.
RAO	<ul style="list-style-type: none"> • Licence to operate this class of building could be reviewed or withdrawn by JCA, or other properties under management by the same operator with the same BSC be subject to additional review. • The RAO may also be investigated and then subject to prosecution for failings by the BSC.

5. Competencies

Over-arching Competency Framework

- 5.1 The Building Safety Competency Framework has been designed to ensure that whoever works in residential buildings, has the appropriate level of competence when managing, working, maintaining, repairing, constructing, installing or refurbishing any part of a multi-occupancy residential building. This will provide a coherent system which will support delivery across the regulatory framework and beyond, to ensure people are competent and to ensure resident safety is delivered to a very high standard. It should be clear that the safety of “Residents” or “Occupiers” of any building are the fundamental centre of any competence that is or will become mandatory in the care of them and their building.
- 5.2 The framework is built on a series of competency characteristics that have been set to be able to demonstrate that a person is competent. These are:
- To put the occupiers and their safety at the top priority of any action
 - Cultural change ethical behaviour
 - Breadth and Range of Competence
 - Depth and Breadth of Knowledge and Understanding
 - Specialised Capabilities
 - Ability to transfer competence from one context or work environment to another
 - Ability to innovate and cope with routine and non-routine activities
 - Ability to organise and plan work
 - Ability to supervise others
 - Ability to engage with occupiers
- 5.3 A number of existing systems have been considered, including guidance on competency relating to fire safety disciplines, however WG8’s recommended framework sets out the minimum requirements that would need to be achieved at the relevant level to be “competent to work on any multi-occupied residential building”.
- 5.4 The competency framework will be owned, reviewed regularly and administered by the OCB.
- 5.5 The role of the JCA will be in line with the regulatory framework, to test and ensure that appropriate management systems are in place, which will include that appropriate organisations and individuals are competent to deliver the functions or tasks required in a safe and effective

manner. Organisations will play a role in embedding the competency framework within their businesses to ensure safety is delivered effectively.

- 5.6 This competency framework sets out how we recommend individuals and organisations to operate to ensure that cultural change is delivered, ensuring resident and occupier safety and providing a framework that will encourage continuous improvement and the ongoing management of safer buildings.
- 5.7 The competency framework places resident and occupier safety at its heart, supported by 6 core strands of competency, the required behaviours that will deliver the aims of this framework and the four stages of knowledge that can be achieved. The over-arching framework is below:



- 5.8 The competency framework sets out 6 core strands which have some common principles. These principles are mandatory and will allow the framework to be adopted to different areas of the built environment and sectors, setting our core key competencies. An example on how this is applied is set out later in para 5.13.

- 5.9 An outline of the six core strands and the associated principles and core competencies are set out in the below table:

Key Strands and Competencies

Strand	Competencies
Building Systems	Understand how buildings work, the systems within them and understand fire behaviour
Building Operations	Understand the building operating environment, legal framework and golden thread, applying due diligence
Understanding Risk	Understand key principles of good governance and risk, what it is, how its assessed, how it applies, how to control risk and how that relates to risk profile or organisation factors
Leading Safety	Understand how to lead safety and have adequate oversight of risk, understand the needs of stakeholders, know how to define roles and responsibilities, how to adequately resource risk management and be able to set a framework to monitor risks
Delivering Safety	Understand how to engage and provide effective communication, procure goods or services, project manage, deliver safety, manage stakeholders, maintain information systems and provide adequate emergency response arrangements
Monitoring and Control	Understand what needs to be measured and when, how to identify strengths and weakness, audit/check systems, be able to manage actions and track progress, provide feedback and learn from experiences.

- 5.10 The competency framework then defines the required behaviours, which are set out in the below table:

Behaviour	Areas
Honesty	Reliable and Trustworthy, treat others with equality and fairness, consider behaviours of others, be open, transparent and honest. Communication is clear and unambiguous.
Accuracy	Act with care, perform services competently, keep knowledge and skills up to date, assist in the development of others, identify/mitigate/manage risks and not to mislead. Communication is clear and accurate.
Respect	Safety of others is paramount, ensure work is lawful and justified, recognise the importance of alternative views, respect personal information and intellectual property including confidentiality, protect and aim to improve the built and natural environments.
Integrity	Declare and manage conflicts of interest, avoid deception and take steps to prevent/report corrupt practice or professional misconduct, reject bribery and improper influence.
Responsibility	Take Ownership of actions, deliver an effective service to ensure safety is delivered. Provide direction to others and challenge others where safety is impacted or professional concerns are identified.
Capability	Understanding limits of competency, knowledge and capacity. Recognising that ongoing learning is required to maintain competency.

- 5.11 The core strands and behaviours set out the required elements of the competency framework, however for this to be effective and noting the vast array of roles and tasks completed across the built environment, four key knowledge levels have been defined. These are noted below.

Type	Criteria
Foundation	May require guidance and supervision. Start of the learning journey to understand concepts and practices.
Intermediate	Concepts understood, limited supervision, may require guidance. Knows when to seek advice
Advanced	Concepts understood with some technical knowledge. May require guidance. Knows when to seek advice and can identify limits of competency
Specialist	Technical expert. Has a balanced level of technical and non-technical knowledge. Knows limits of competency. Can identify strengths and weaknesses and apply risk management principles.

- 5.12 There is recognition that there will already be defined competencies and or frameworks established and so this framework is designed to enable any good practice already established by industry to be mapped across, however the framework sets out all of the required elements that will ensure safer buildings are delivered in the future and will assist in improving culture as part of the wider steps taken to improve the system. It is suggested that the majority of behaviours already exist in some form with professional bodies.
- 5.13 It is recommended that the above proposed over-arching framework is adopted for use and further work is completed to identify the core competencies for each strand across all working groups. An example of this is noted below in relation to the Building Safety Co-ordinator function.

Competency Matrix Example

- 5.14 For the purposes of identifying competencies and this example, resident/occupier safety and the defined behaviours within the framework have been accepted, so this section will focus on the core competencies and knowledge levels.
- 5.15 For each core strand of the competency framework, we break that strand down into key areas and identify core competencies, we will then set out a matrix example that will demonstrate the different knowledge levels and how they fit into other educational frameworks.
- 5.16 Below is a role matrix example that shows the potential different knowledge levels for each of the strands: [examples for discussion]

Example Role	Building Systems	Building Operations	Understanding Risk	Leading Safety	Delivering Safety	Monitoring and Control
Resident	1	1	1	1	1	1
Employee	1	1	1	1	2	1
Dutyholder	1	1	2	3	1	3
BSC	2	2	3	2	3	2

The table below set out the levels and defines them.

Key	Level	QCF Level	Descriptor
Foundation	1	1	Remembering
Intermediate	2	2	Comprehending
Advanced	3	3	Applying
Specialist	4	4-6	Analysing, Evaluating and Creating

5.17 By applying four numerical levels to the four knowledge levels identified, this allows us to understand how the framework can interact with existing levels e.g. the qualifications curriculum framework and comparative learning descriptors.

5.18

Individual Competencies

5.19 To further expand on the competency framework core strands, this section sets out the key areas and key competencies identified;

Strand	Area(s)	Key Competencies
Building Systems	Construction of Buildings Understanding fire behaviour Compartmentation Fire Strategy Fabric of building and services Interaction of systems	<ul style="list-style-type: none"> Understand and apply principles of building design; features of building, fabric, structures and components and their implications for maintenance Understand the basic principles of factors affecting the life safety, such as building and services condition, performance of life safety systems, compartmentation, water penetration, gas and electrical safety, contamination, asbestos, lifts and combustion, fire growth and fire spread. Have a good understanding of the applicability, principles, objectives, and intent of legislation so far as premises under their control fall within their jurisdiction. Understand the primary causes of failure to life safety systems such as fire (including sources of fuel, sources of ignition and oxygen), water penetration, flooding, air quality and structural failure and their potential impact on each other. Understand the basic principles of the protection of life safety in buildings, including fire science and behaviour. Understand the principles and benefits of an effective fire risk management strategy

Building Operations	<p>Legal Framework</p> <p>Criminal and Civil Law</p> <p>Legal Duties</p> <p>Compliance Drivers</p> <p>Due Diligence Principles</p> <p>Golden Thread Information</p>	<ul style="list-style-type: none"> • Understand the basic legal framework, its impact and the roles and powers of enforcement agencies, including building safety, H&S, CDM and fire • Demonstrate understanding of impact and enforcement of relevant law • Understand and apply the nature and extent of primary compliance drivers such as life safety, building protection, mission continuity, environmental considerations and reputational risks within the context of the organisation. • Understand the principles of due diligence to deliver safety as they apply to obtaining quotations for work, appointing contractors, selecting suppliers, executing work and record keeping • Understand and apply Legal duties clients/Licenced Duty Holder/BSC/stakeholders/JCA • Be aware of the importance of maintaining life safety information and the extent of information required at premises level and organisation level. • Managing the safety case review, its purpose and how to maintain it (the principles of life safety, including fire safety, for the management of the building) • Understand the importance of documented information at organisation and premises level, including advising relevant stakeholders (including DH, JCA) when information is lacking or inadequate
Understanding Risk	<p>Governance</p> <p>Organisational Risk Factors</p> <p>Understanding Risk Profile</p> <p>Risk Management</p> <p>Risk Identification and Evaluation</p>	<ul style="list-style-type: none"> • Understand, develop and implement the basic control measures used to mitigate the risk posed by the threats to life safety. • Understand and apply the difference between strategy, policy and procedure. • Understand and implement the principles and practice of fire risk assessment. • Gain, maintain and apply competencies in fire risk management • Understanding insurance requirements • Design and maintain suitable and sufficient processes to manage physical changes in the building
Leading Safety	<p>Risk Oversight</p> <p>Personnel</p> <p>Business Objectives</p>	<ul style="list-style-type: none"> • Understand the difference between strategy, policy and procedure. • Understand the internal and external issues that are relevant to the organisation.

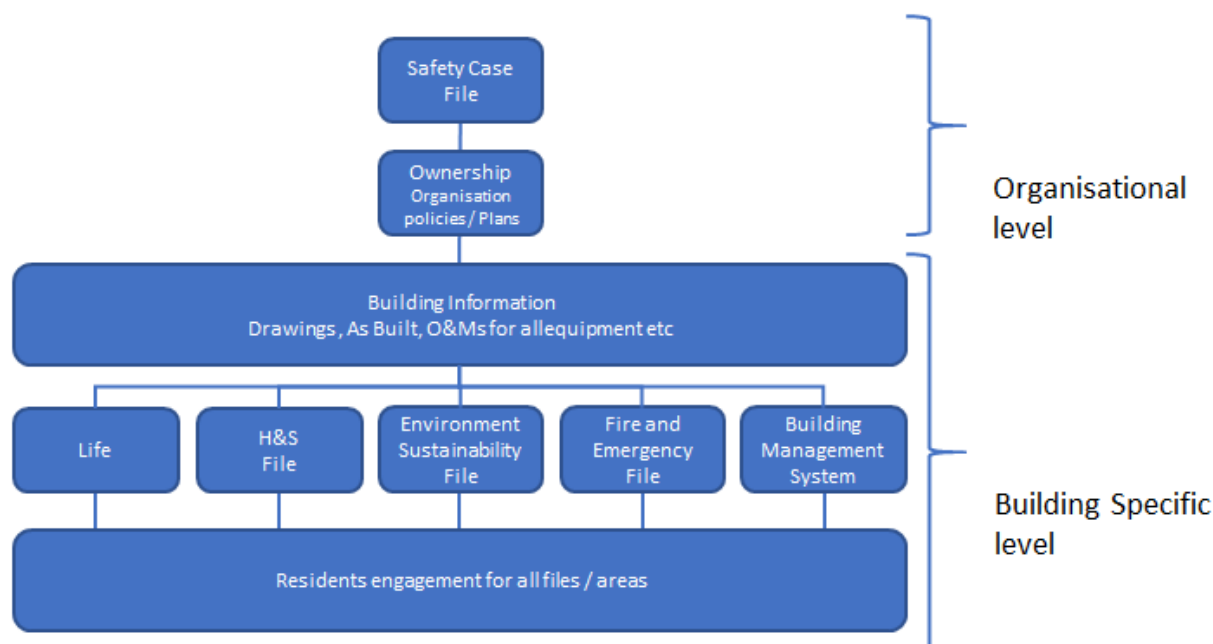
	<p>Prevention and Protection</p> <p>Roles and Responsibilities</p> <p>Resource Planning</p>	<ul style="list-style-type: none"> • Understand the needs of all stakeholders and other interested parties. • Know the boundaries of their jurisdiction and the scope of the fire risk management system under their control. • Understand the importance of aligning fire prevention and protection objectives with the broader objectives of the organisation. • Understand the resource requirements for maintaining governance of fire risk. • Monitor and manage budget. • Know how to define roles and responsibilities. • Have an appropriate knowledge of the identity and status of those with responsibilities and duties in relation to risk. • Understand the importance of setting smart objectives. • Be able to demonstrate how to create SMART objectives.
Delivering Safety	<p>Engagement and Communication</p> <p>Procurement</p> <p>Project Management</p> <p>Key Objectives and Deliverables</p> <p>Information and Data Systems</p> <p>Stakeholder Management</p> <p>Emergency Response</p>	<ul style="list-style-type: none"> • Have knowledge of procurement principles, formulates direction and advice, manages change and leads on objectives, knows when the limits of competence are reached and when to procure required expertise (in addition, ensuring that during any procurement exercise, within their control, building safety is not compromised for cost reduction purposes) • Have good communication skills and use them to effectively engage with internal and external stakeholders, including applying these skills when implementing an inspection regime. • Have knowledge, and applying it, of a safety management and maintenance functions, drafting and implementing the strategies required to achieve safety throughout the building and reporting back to the Licenced Duty Holder when safety management or maintenance functions are not adequate • Understand the issues relating to the control of work onsite in so far as it affects fire risk management or structural safety. • Understand any statutory or manufacturers requirements for testing and maintaining fire prevention and protection systems to ensure they operate correctly. • Understand the need for an effective fire risk assessment programme.

		<ul style="list-style-type: none"> • Understand the importance of appointing competent fire risk assessors and where to seek competency in this area. • Ensure the development and implementation of a resident engagement strategy including the dissemination of information, internal processes for escalation and arranging access to fire safety awareness training • To encourage and support occupants of buildings towards good housekeeping and fire safety practices • Have the knowledge and skills to communicate with all stakeholders. • Understand the need to establish and effect a response in the event of an emergency. • Management of sub-contractors including assessing their competency.
Monitoring and Control	Performance Management Shared Learning / Feedback Loop Active and Passive Monitoring Management Review Internal/External Audit Action Tracking and Planning	<ul style="list-style-type: none"> • Understand what needs to be monitored and measured and how to interpret results. • Establish an effective monitoring programme • Have the competence to conduct internal audits. • Understand what information needs to be conveyed during management reviews. • Understand how to report and act upon non-conformities or corrective actions as necessary to the organizations fire risk management system. • Understand what competency is required of external auditors

6. Fire and Emergency File (FEF)

Overview

- 6.1 The availability of the right correct and up to date building information will be critical to enable the BSC to execute their function. This information should be maintained within a Safety Case, with a structure mandated in law so there is uniformity across the country and everyone needing particular information, would know exactly where to find it. This mandated structure could then be verified at each Gateway point and form the basis of the Safety Case Review by the Joint Competent Authority (JCA).
- 6.2 The BSC would manage this Safety Case in occupation, which would include the Fire and Emergency File (FEF), as built plans, Health and Safety file, residency engagement strategy..., each which in turn have their own regulatory mandated structure. While already a requirement, this information is currently often unavailable or absent. It is recommended that the information would be kept in digital format, so that relevant authorities, including the JCA, could verify the information when necessary.
- 6.3 WG8 see the relationship between the Safety Case, 'occupier', and other fire and safety information as illustrated in the figure below:



- 6.4 While the Safety Case, and its periodic review, certainly in the early stages, will relate to HRRBs and other defined building types only. It is unlikely to become, at least in the early stages of 'Hackitt' changes, a regulatory requirement of other types of residential properties. Nevertheless, WG8 highly recommend that every building with residential accommodation should have a FEF as prescribed below.

- 6.5 WG8 consider that HRRBs should be required to have in place a FEF within a short period subsequent to primary legislation being put in place. All new build properties with accommodation should be required to have a FEF, as prescribed below, on completion. All other (existing stock) properties with accommodation should be phased in over a defined period, in line with the Building Classifications and, therefore, the complexity/risk associated with the building.
- 6.6 As part of the WG8 deliberations it became very apparent that there are a number of widely used terms that are often misunderstood or referred to in error. To mitigate any future confusion WG8 have passed back to the Steering Group a list of definitions that require agreement and, WG8 recommends, once these are agreed these terms are defined and set down in primary legislation.
- 6.7 If these definitions are not set down in legislation WG8 suggest that a British Standard (BS) or PAS (Publicly Available Standard) could be developed. Similarly, a BS or PAS could be developed for the content of the FEF to assist owners in smaller properties to prepare their information in advance of regulatory determination. If HMG would mandate such standards, provisions should be made about accessibility to the information.
- 6.8 While it is recognised and accepted that there already exist many legal requirements for the development and delivery of fire safety related documentation (i.e.: Building Regulations, CDM H&S File', statutory testing records etc.), one of the most significant matters for 'end users' (such as the BSC, Occupiers and Enforcement, let alone emergency response crews), is that the information is held in very diverse forms and in very diverse 'systems', or in some cases does not exist.
- It is therefore WG8s recommendation that a single repository be set up and all the documentation already required is, simply, now placed in a single repository - the Fire & Emergency File.*
- 6.9 It is also noted that the 'Golden Thread' considerations will be likely to include allowance for Building information Modelling (BIM) and its future. WG8 consider that, while BIM is well understood in major construction projects it is less well understood or utilised in smaller projects, or indeed refurbishments. WG8 also suggest BIM is not fully embraced yet across the built environment, and that many of the major Computer Aided Facilities Management [CAFM] systems are as, yet, not configured to pick -up a BIM delivered at Practical Completion and use it effectively to operate the building. While BIM undoubtedly has the opportunity to significantly improve operational building management, we consider it will be many years yet in the practical implementation.
- 6.10 WG8 recognise that almost all the information that is recommended to be included in a FEF should and commonly is already readily available. However, the information is not held centrally and is most often held in incomplete format. Current repositories may include central records, site records, the H&S File (as required by CDM) in hardcopy and digitally (see figure above).

WG8 therefore recommends that the FEF is to be significantly prescribed in format and content and is to be held electronically on a single national database.

- 6.11 WG8 understand that the FEF will form a constituent part of the Safety Case Review, existing H&S Files, and other legally required matters. The Safety Case File, and the requirement to review the Safety Case will require reference to the FEF, as will confirmation during preparation of the CDM H&S File that the FEF is present, correct and complete and cross reference to the database is to be included in the H&S File.
- 6.12 The FEF should contain the following prescribed sections. The [non-exhaustive] illustration of prescribed content thereof is expanded below -
- 6.12.1 Section 1- Building Information, Ownership, Occupiers
 - 6.12.2 Section 2 - Overview of Building Fire Safety Management Arrangements
 - 6.12.3 Section 3 - Fire Risk Management Policy
 - 6.12.4 Section 4 - Occupied Building Fire Strategy
 - 6.12.5 Section 5 - Fire Risk Management and Fire Fighting Operational Arrangements
 - 6.12.6 Section 6 - Fire Safety Manual
 - 6.12.7 Section 7 - Fire Risk Assessment records
 - 6.12.8 Section 8 - Fire Safety Log Book
 - 6.12.9 Section 9 - Tenant Engagement Strategy
- 6.13 The FEF should be proportionate to the building and occupants for which it is developed, and is to include a description, in layman's terms, (section 2) of how the building's fire safety arrangements are designed and what is necessary to ensure they are maintained effective.
- 6.14 *WG8 recommends that the FEF should be a distinct and separate document repository, being a distinct section of the Safety Case and not subsumed in the H&S File.. (preferably held in a national FEF database like the EPC [Energy Performance Certificate] database, already operational)*
- 6.15 WG8 suggest that consideration should be given to the JCA (as part of their register of registers function) having 'ownership' of the National FEF/Safety Case Database, albeit other competent bodies may assist the JCA by providing quality checks and audits.
- 6.16 Only appropriately competent personnel (as defined by the Buildings' Classification) will be able to sign-off and upload content to the FEF database, (thus relieving the 'owner' of the database of the need to quality control the content). The Database will require identification of all that uploading information and record this information by way of an audit trail.
- 6.17 6.17 Part of any fire risk assessment, or assessment review (annual), will include review and assurance that the FEF records on the national database are fit and proper and current.

- 6.18 Review / assurance that the FEF record on the national database as being in place and current will be a requirement of building sale and a function of conveyancing solicitors as part of sale/acquisition processes.

Fire & Emergency File Content

- 6.19 The remainder of this section provides a detailed recommended content for the FEF. It is recognised that this proposal will be subject to debate yet has been included to emphasise the breadth and complexity of the information required for HRRBs. WG8 strongly recommend that any decision to 'water down' this proposal is done so only after making assurances that the FEF will still deliver its intended purpose.

Building Information, Ownership and Occupiers

- 6.20 Section 1: Building Information, Ownership and Occupiers would include information relating to the following:

Building Details
All aspects of the building's location:
Address and Postcode
Building Classification
Brief description of the building (e.g.: height/sq. meters of various uses/car parking and proximate neighbourhood.
Location shown on a local area map
Proximity to, and risk assessment of, any external fire risk (occupation/use of proximate properties).
Occupation and use of the building for which the strategy is being developed.
Activities undertaken (assumed [or perhaps] allowed) by the occupants (including products and services manufactured, delivered from, or consumed within) the whole building.
Lease and other contact/contract/Duty Holding roles and arrangements with all occupiers

- 6.21 Records, site and floor plans should be including in section 1 with information relating to the following:

Building Plans
Description and site plan illustrating access for Fire and Emergency personnel in emergency

Detailed, certified, 'As Built' Plans of the building.
Emergency evacuation arrangements with marked- up plans.
Record Copies of all the Base-Build/Design Stage Fire Safety Strategies

- 6.22 Site plans should illustrate fully the fire and rescue service access facilities, (including water supply and hydrants).
- 6.23 Critical transportation routes for building services should be identified on the site plans. This would include services such as air/smoke duct routes, electrical cable runways and other fluid/gas pipelines utilised in the building associated with these service routes should be the any inherent risk assessment information, complete with any fire protection provided.
- 6.24 Record Copies of all the Base-Build/Design Stage Fire Safety Strategies and all information which describes the fire safety issues within, (and if appropriate proximate to,) the building should be included in this section and how they have been designed to be addressed, including the basis of submissions to approving authorities i.e. Building Control Body and Fire Authority. It will include all identified standards or set performance criteria.
- 6.25 Section 1 should also include Licenced Duty Holder information including:

Building Licenced Duty Holders
Current Licenced Duty Holder [Owner] (including address, and a nominated contact/responsible Person, licence number)
Where appropriate Licenced Duty Holder's UK Contact (including address and a nominated contact/responsible person, Licence Number)
Where appropriate, current Residential Accommodation Operator Licence Holder [Managing/estate/letting Agent] (including address and a nominated contact/responsible person, Licence Number)
Current Building Safety Co-Ordinator (including address, Licence Number and a nominated deputy contact)
Current 'Responsible Person' as designated by Fire Risk Assessment

Overview of Building Fire Safety Management Arrangements

- 6.26 Section 2, Overview of Building Fire Safety Management Arrangements is envisioned as a 'laymen's' guide to how the building is constructed and how the building's fire safety arrangements are designed and what is necessary to ensure they are maintained effective.

Fire Risk Management Policy

- 6.27 Section 3, would contain the fire safety policy, set by the Licenced Duty Holder. A fire policy is defined as the intentions and direction of those responsible for/affected by Fire Safety at the building.
- 6.28 If the building is owned/managed by an Organisation the policy will set out the intentions and direction of the Organisation owning or managing the building and how the organisation manages Fire Safety across their whole portfolio.
- 6.29 The fire safety policy shall be reviewed by competent personnel at planned intervals and maintained as current and effective.
- 6.30 An appropriately authorised and competent person shall sign and authorise the fire safety policy.
- 6.31 The current Fire Safety Policy should be issued to all occupiers.

Occupied Building Fire Strategy

- 6.32 Section 3 will contain the Occupied Building Fire Strategy.
- 6.33 The Designed Fire Strategy will set out how fire safety has been designed into a building and will develop over the construction period, cumulating as a final document setting out in detail the design details, (including, where relevant, calculations) as the 'As Built' Designed Fire Strategy for the individual building. It will include, as appropriate, a description of the philosophy, method of calculation, design and analysis software used, assumptions, records of the inputs and outputs;
- 6.34 Initially developed as part of Base-Build/Design Stage Fire Strategy - for meeting requirements of Building Regs and Gateway 1, developed though the construction and reviewed at Gateway 2, The final draft of the 'Occupied Building Fire Strategy' will be delivered on Practical Completion and Gateway 3 (RIBA stage 6). The document will be finalised and signed-off once the building is occupied. If the building is progressively occupied the document will need review/revision at each additional occupant.
- 6.35 It acts as a guide for future design team(s),
- 6.36 It must be consulted as part of any planning process for future fit-outs/refurbishments
- 6.37 For existing stock of properties with any accommodation a retrospective Occupied Building Fire Strategy will need to be developed which will include the requirement to review existing compartmentation and construction of the building and any components that could affect fire safety (e.g.: windows, doors, and cladding)
- 6.38 Any Fire Risk Assessment or review of such, will be required to consult and confirm that the Occupied Building Fire Strategy remains current and operational.

- 6.39 Any significant refurbishment works would require consultation and consideration of the Occupied Building Fire Strategy, may require the Strategy (and Operational Fire Risk Management Strategy) being updated if the original assumptions are conflicted or compromised.
- 6.40 The following table provides an example of the Content of the Designed Fire Strategy:

Content of the Designed Fire Strategy
Assumed Occupancy (rates and occupation(s))
Smoke spread and control measures
Fire spread and control
Materials used in construction (including cladding)
Emergency Evacuation routes
Use of fire-fighting and fireman's Lifts etc.
Access to fire-fighting water (i.e.: Hydrants, wet & dry risers etc.)
A full description of the levels of passive fire protection provided throughout the building, including provisions for structural protection, compartmentation, protected shafts, fire-fighting shafts, cavities/voids and their respective protective barriers, fire doors, etc.;
Assumed Fire Fighting Plan (including: Fire attack plan (informative))
Liaison and communication with the fire and rescue service
Emergency shut-down of equipment
Any identified fire risks, and particular hazards for fire-fighters (e.g. some types of sandwich panels and other insulation and cladding materials);
Construction of refuges and evacuation lift enclosures
Passive Fire Safety Arrangements
Descriptions of fire compartments on each floor/area, with marked-up plans
Active Fire Safety Management Arrangements
Detection systems with marked-up plans
Protection systems with marked-up plans
Suppression/extinguishing systems with marked-up plans

Fire Risk Management and Fire Fighting Operational Arrangements

- 6.41 Section 4 will detail the Fire Risk Management and Fire Fighting Operational Arrangements which can only be developed once the occupation and usage is known (and may need revision if these two matters change).
- 6.42 The information provided by the Occupied Building Fire Strategy and will set out and define the building's current fire risk management system and should be used to prepare these arrangements.
- 6.43 The arrangements define the method by which the organisation fulfils the function of emergency planning as required under relevant legislation.
- 6.44 The arrangements must only be developed and signed-off by appropriately competent (in fire engineering) personnel in accordance to the buildings' classification
- 6.45 It is expected that arrangements may evolve from any changes made subsequent to the building (i.e. as part of any refurbishment works)
- 6.46 They should be reviewed at appropriate intervals, and prior to all works undertaken at the building.
- 6.47 It is recommended that fire risk management and firefighting operational arrangements would typically include the following information:

Content of the Fire Risk Management and Fire Fighting Operational Arrangements
Responsibilities for ensuring the implementation of these arrangements and providing the resources as necessary to meet the requirements.
Description of the management arrangements for the management of Fire Safety at this building
description as to how management of any potential works (that may affect the integrity of Fire safety) are to be arranged including: Management of Licences/Permissions to Alter Management of any permissions to Isolate Fire Safety Systems Use of Permits to Work
Description as to how Fire Safety Systems are to be monitored maintained and tested (details will be held in the Fire Safety Manual)
Full PPM Schedules for all the Active (and where appropriate Passive) Fire equipment listed in the Fire Safety Manual
Maintenance and testing documentation

Competency requirements for contractors used to maintain/inspect Fire Safety Systems
Safe system of work procedures for non-routine activities where these could increase the risk from fire

Fire Safety Manual

- 6.48 Section 5, The fire safety manual should contain Installation records, manufacturer's literature and specifications etc. for all 'active' fire safety systems installed within the building.
- 6.49 The Fire Safety Manual provides the crucial operational information necessary to maintain the execution of The Fire Risk Management and Fire Fighting Operational Arrangements (See 6.40)
- 6.50 The Licenced Duty Holder for the Building will arrange to plan, document, implement and control the process of gathering the Fire Safety Manual. This will include for during the construction phase of a new development or during work undertaken during refurbishment and smaller works (when the works could impact the integrity of the Fire Safety Strategy.)
- 6.51 The Fire Safety Manual shall list and describe the function for each component part of the Active Fire Safety systems installed at the building.
- 6.52 The Manual should record who the competent engineer (installation manager?) was who has certified that the information submitted is adequate, appropriate. It should accurately define what has been installed into the building and how it is to be maintained, serviced and tested.
- 6.53 The Fire Safety Manual will define the requirements of each component relating to each fire safety system; to ensure that they operate correctly in the event of fire, as part of the buildings Fire Safety Management System. The following table lists the information to be included for each component:

Requirements for fire safety components
Required maintenance
Required servicing
Required testing
Required Statutory testing
Lifecycle replacement information
Guarantees and Certificates
Recommended spare parts

- 6.54 The Fire Safety Manual will include copies of each operations and maintenance manual necessary for the safe operation, maintenance and testing of components.
- 6.55 Ideally the manual would also include a concise description with performance ratings of the active systems employed, specified and identified on appropriate drawings, to reflect the actual components, systems and sub-systems installed in the 'whole' building.

Fire Risk Assessment records

- 6.56 The Fire Risk Assessment Process is in place to identify fire hazards and evaluate the risk to people, building, assets and environment arising from them, taking into account the adequacy of existing fire precautions, and deciding whether or not the fire risk is acceptable without fire precautions.
- 6.57 The Licenced Duty Holders for the building shall establish, implement and maintain a formal documented risk assessment programme that systematically identifies fire hazards and persons especially at risk, analyses fire prevention and fire protection measures, evaluates fire risk and delivers a suitable and sufficient assessment of the risk of fire at the building. Details of this program, along with the records of all Fire Risk Assessments undertaken at this building will form Section 6 of the FEF.
- 6.58 The building fire risk assessment programme will include:
- 6.58.1 a defined scope, including its limitations;
 - 6.58.2 a procedure for the assessment of competency of the fire risk assessors;
- 6.59 It is expected that for any building the following fire risk assessments would be required across its lifespan:
- 6.59.1 Construction Phase Fire Risk Assessment - Records of each Construction Phase Fire Risk Assessment
 - 6.59.2 Pre -Occupation Fire Risk Assessment - Records of each Pre-Occupation Fire Risk Assessment (This form of fire risk assessment will form part of the Gateway 3 process and the Safety Case Review)
 - 6.59.3 Annual Fire Risk Assessment Review(s) - Records of each (no less than annual) Fire Risk Assessment (when the building/or specific demise) is occupied. This form of fire risk assessment will form part of the on-going safety case review process once the building is operational.

- 6.60 The following table details specific information that would be required in a Fire Risk Assessment to satisfy the wider scope of WG8's recommendations. Nb. this list is not intended to specify (even in general terms) the full requirements for a fire risk assessment.

Contents for inclusion in Fire Risk Assessment
The demised area/common parts to which it refers
The Licenced Duty Holder as named on the licence
Where appointed the RAO
The BSC
Reference to the FEF and confirmation that it contains appropriate information and has been used in the assessment of fire safety risk
Any recommendations for improvement
The 'Rating' in accordance with the Building Classification
The Date it was undertaken, and the recommended date for review (if less than 12 calendar months)

Fire Safety Log Book

- 6.61 Section 7 of the FEF should contain the Fire Safety Log Book. It is essential for the safety of the occupants of a building that fire safety equipment (including passive fire protection provisions) are inspected frequently. Records (or the fire log book) should be established and maintained for the recommended testing, maintenance and inspection of all fire safety provision (as noted in the respective fire safety manual, see 6.47).
- 6.62 The records of testing, maintenance and inspection of the fire safety measures will assist in providing evidence of suitable levels of fire safety management and as such should be adopted to more readily evidence legal compliance.
- 6.63 The following table details the information that should be contained in Fire Safety Log Book:

Contents for inclusion in Fire Safety Log Book
A list of all Competent Persons undertaking Testing & Maintenance
Planned Preventative Maintenance Schedule, including Statutory Inspections
Genuine alarms (with location of trigger device and cause, if known)
False alarms (with location of trigger device and cause, if known)
Practices and drills

- 6.64 The Fire Log Book should also be used to record any alterations to systems and equipment, either temporary or permanent, (and, when permanent, update the relevant information of Plans or in the Fire Safety Manual). This would include temporary alterations to the fire detection and fire alarm system made to reduce the likelihood of false alarms, for example, due to contractors' works which generate dust, fumes or smoke.
- 6.65 Intervals between inspections, tests or services should be determined by manufacture's recommendations and risk assessment, however the intervals should not exceed the frequencies listed.
- 6.66 The amount of information that should be recorded for each item will vary depending upon its purpose and complexity. WG8 recommends that the Guide to Recording Data as detailed in the Fire Industry Association 'Fire Safety Log Book' is an appropriate reference document.

Tenant Engagement Strategy

- 6.67 The final section of the FEF, Section 8, should include the Tenant Engagement Strategy.
- 6.68 The core elements of the tenant engagement strategy and how this, and other documents that tenants should have access to are to be communicated should be detailed. The following table list the information this is likely to include. NB WG8 has not discussed the content of Tenant Engagement Strategy in detail (this being the role of other Working Groups).

Tenant engagement strategy information
Name/contact information of BSM, Licenced Duty Holders (Owner, Landlord, managing agent, letting agent etc.
System for logging complaints/defects in Fire Safety
Process/contacts to escalate a complaint
Rights and responsibilities of the occupier
Availability of the last FRA
Pictorial/symbol driven explanations of escape and fire risk obligations
Overview of firefighting/detection equipment (e.g. fire alarm, smoke detection, emergency lighting, AOVs, extinguishers, dry risers, sprinklers, etc.) that are installed in the building and overview as to their function in the building.
Location of emergency escape and exit routes

Fire Action Policy (Evacuate or Defend in place) and related evacuation procedures
Contact details for local Fire Authority
Means/procedures for supporting the needs of vulnerable residents
Means/procedures for supporting residents where English is not their first language
Incident response communication

- 6.69 The Information above could be provided to occupiers via electronic ‘training’ such as presentation slides, video presentation etc. at a level to provide, to occupiers, appropriate awareness of Fire Safety Management throughout the building. Such presentations are to enhance awareness of residents’ responsibilities to each other and to fire safety of all occupants.
- 6.70 If the above method is used a full copy is always to be retained and made available and is to be updated in the event of change.

Appendix A

Saatchi M&C Saatchi – 17.10.18

Overview

Building Safety requires not only that structures and roles are identified (in Building Safety Managers/ Coordinators) to ensure that building operation is fully understood, and information readily available, but that residents and occupiers within buildings are engaged.

If a true behavioural step change is to be achieved, reflecting and supporting new policies, that engagement must be real and positive - changing the way that individuals think, feel and act, rather than potentially disregarding information provided or available as bureaucratic or simply irrelevant.

It is both possible to develop and employ broad scale strategic behaviour change communication to support these objectives, and necessary if the full ambition of change in attitude and behaviour is to be achieved.

Opportunity

The key question is how best to both get information to occupiers where they have a role to play in supporting building safety (within the context of new policies), and to ensure they not only 'receive' the information but also recognise the need to, and want to, adopt the behaviours and actions it points to.

This is challenging in the context of:

- Audience volume: across all forms of 'residential' buildings where people stay from high rises, through prisons to multiple occupier homes
- Audience diversity: leasehold homeowners to social housing, language, geography, ethnicity and culture
- Low audience engagement

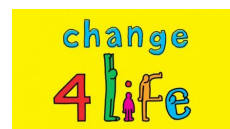
While recognition of the need for Building Safety to be prioritised is heightened in the context of Grenfell, there is no existing social norm of (or recognition of the need for) participation at an individual level, and more broadly a rejection of bureaucratic 'interference' in 'your home'.

It is therefore likely that while information could be disseminated at broad scale (through, for example, information leaflets, information repositories/ hubs etc), this is unlikely to drive widespread adoption of a different set of behaviours and actions in itself.

Strategic Communication, however, offers a viable means through which to re-frame the issue, driving a new social norm through positive engagement in the need (and desire) to participate at an individual level - getting people to think, feel and act differently in line with objectives.

A parallel can be found in Public Health England's anti-obesity campaign, 'Change for Life'. From its inception this campaign succeeded in positively engaging a previously disengaged public through re-framing the issue of obesity in three key ways:

- As people misunderstood obesity as merely 'fat bodies' / a body image issue, this was re-framed this as 'fat in the body' - a hidden danger that can cause nasty diseases like cancer.
- Parents felt blamed for their children's unhealthy weight. To engage them successfully the enemy was defined as modern life - unhealthy convenient foods, TVs and computers, easy transport, etc. As a consequence, everyone could all get behind the cause.
- To ensure participation, the brand established was fun and accessible. It suggests changes that are both 'obvious' and easy.



The coherent 'Change for Life' Masterbrand and message encapsulated this, and served as a positive, unifying, engaging and commonly owned umbrella 'movement' within which specifically targeted messages could be communicated over time.

Correspondingly, an opportunity lies driving a new norm in the way occupiers think about and engage with Building Safety. This in turn would ensure the effectiveness of complementary engagement and communication from Building Safety Officers operating at a building level, driving information to an engaged and receptive audience. And further ensure that the significant and real change desired in underlying norms and therefore behaviour is achieved.

BJ Fogg's Behaviour model provides a useful visual reference point for this. Driving the new social norm would require:

1. Identifying a common, (almost certainly) positive 'macro' message through which to engage and re-frame preconceptions, expectations and intent, and in doing so increasing motivation to act
2. Tailored messages addressing specific audiences and barriers, alongside information and communication at a local and building level would operate as prompts over time
3. Supported by legislation and building information/ understanding driving Ability

A parallel can again usefully be found in Change for Life, where macro messaging has been supported over time through specifically targeted to deliver the full impact and success of the campaign. These have included:

- Messages targeting specific audience segments and barriers, communicated both through campaigns but also programmes (drawing in local authority support, schools etc)
- 'Tips and tools' such as sugar swapper, meal planner etc, which act as useful prompts and easy means of adopting desirable behaviours
- Building a broad-based partner network: Identifying and recruiting on the ground supporters who can deliver the message where it matters most - in the communities, shopping centres and homes of the people at risk

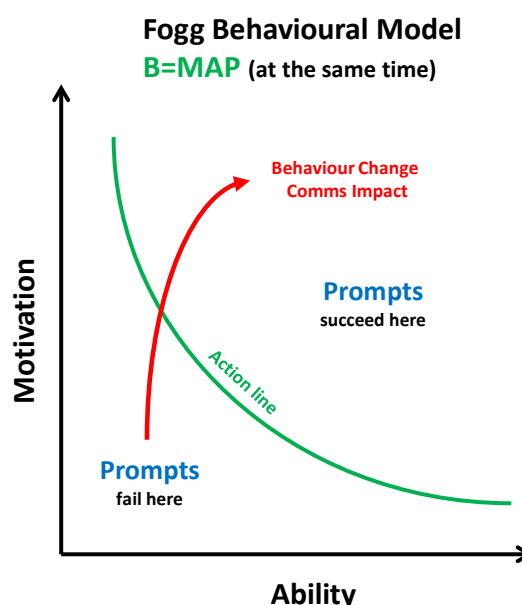
Drawing on the Fogg model, and illustrated through parallel, highly effective examples such as Change for Life, the opportunity is therefore clear for Strategic Behaviour Change Communication to support and drive the underlying objectives at hand.

Approach

Key to success would be research: Formative research to generating audience insight informing strategy and messaging, creative development research to ensure messaging and execution are engaging and impactful, evaluation research both to evaluate but also to input and inform further iteration.

Leaning on this, development of successful Behaviour Change Campaign in support of objectives would follow a six-stage process:

1. Define: Precise definition of desired outcomes and objectives - what we require our audiences to think, feel and do differently over time (what success looks like)
2. Discover: Expert consultation, desk research and most importantly audience research to segment audiences, and identify existing attitudes, barriers and motivators
3. Distil: Development of core 'master' messaging through which to re-frame and engage at a macro level, and specific messages sitting underneath this to address specific audiences and barriers, (over time)
4. Develop: Creative platform and implementational plan through which to reach and engage audiences in identified messaging over time
5. Disseminate: Activate Strategic Behaviour Change Communications programme
6. Diagnose: Evaluate impact to deliver responsive feedback to further campaign development and iteration



Considerations

1. Formative Research is a key first step through which to fully understand audience perspective, motivations, engagement and barriers. Only through doing this can the campaign remain audience-centric and evidence based
2. Broad Strategic Behaviour Change campaigns require considerable investment over time to be successful. We would suggest a benchmarking exercise be undertaken against other public sector campaigns, but would expect required budget to be in the £10-20m bracket over multiple years
3. Timing is an important factor: Grenfell, and its impact on the public consciousness means that there is a 'window' during which the impact and effectiveness of communication is likely to be higher.

Appendix B

Table of lease types tenure types Contracts

Types of contract to occupy a residential building

Occupier type	Agreement type	Length	Who has control?	Who has ultimate control?	Who holds the purse strings?	Additional Comments
Freeholder	Deeds registered at Land Registry	Indefinite	Freeholder	Freeholder	Freeholder	
Head leaseholder (superior leasehold interest)	Long lease	e.g. 50 - 999 years when granted	Most likely to be head leaseholder as building will be held under an FRI lease but could be freeholder	Freeholder	Head leaseholder but could ultimately be freeholder depending on terms of lease (FRI)	
Occupying leaseholder	Long lease	e.g. 50 - 999 years when granted	Head leaseholder /management company/freeholder	Freeholder	Freeholder but l/h reimburses depending on terms of lease	
Occupying leaseholder under tri-partite lease	Long lease	e.g. 50 - 999 years when granted	Management company /manager under the lease	Management Co/manager but possibly freeholder upon default	Management Co/manager under lease but l/h reimburses depending on terms of lease	
Occupying leaseholder where Manager appointed by tribunal	Long lease	e.g. 50 - 999 years when granted	Manager in accordance with terms of Management Order	Manager in accordance with terms of Management Order - can be varied on application by Tribunal. Freeholder after expiry of Management Order	Manager in accordance with terms of Management Order but l/h reimburses. Freeholder after expiry of Management Order but l/h reimburses depending on terms of lease	
Occupying leaseholder under Right to Manage Co	Long lease	e.g. 50 - 999 years when granted	Right to Manage Co	Right to Manage Company. Possibly freeholder upon default	Right to Manage Co but l/h reimburses depending on terms of lease	Occupying l/h likely to be a member of Tromp Co.

Occupier type	Agreement type	Length	Who has control?	Who has ultimate control?	Who holds the purse strings?	Additional Comments
Unit holder	Commonhold	Indefinite	Commonhold Community Association	Commonhold Community Association	Commonhold Community Association	
1954 Act tenants (commercial/mixed use)	Lease	e.g. 10 - 25 years when granted	Head leaseholder/freeholder	Freeholder	If FRI lease, tenant but could ultimately be landlord via dials or forfeiture	
Tenants (Assured, AST, etc)	Tenancy agreement	6 months - 3+ years	Landlord who could be any of the above occupier types	Ultimate landlord under relevant occupier types	Landlord who could be any of the above occupier types	Could include guardians
Social tenants	Tenancy agreement	6 months - 3+ years	Landlord who could be any of the above occupier types	Ultimate landlord under relevant occupier types	Landlord who could be any of the above occupier types	
Shared Ownership	Assured tenancy with option to purchase long leasehold interest	e.g. 99 - 125 years	Head leaseholder*/management company/freeholder	Ultimate landlord under relevant occupier types	Head leaseholder*/management company/freeholder	
Student Housing	Tenancy agreement	6 months - 3 + years	Landlord who could be any of the above occupier types	Ultimate landlord under relevant occupier types	Landlord who could be any of the above occupier types	
Serviced apartments including web-based accommodation providers	Licence to Occupy	e.g. nightly, weekly	Landlord who could be any of the above occupier types	Ultimate landlord under relevant occupier types	Landlord who could be any of the above occupier types	

- Where there is a head lease, it is likely to be very long on FRI terms so probably head lessee has control rather than freeholder

Other contracts likely to be in place in a residential building

Type of contract	For what?	Who has control?	Additional Comments
Contract of employment	For employing on-site staff	Landlord including. Management Co (tripartite lease), Right to Manage Co, head leaseholder, Commonhold Community Association, etc or possibly managing agent	
Contract to Manage	For appointing managing agents	Landlord including. Management Co (tripartite lease), Right to Manage Co, head leaseholder, Commonhold Community Association, etc	If there are long leaseholders and if a long-term contract, s.20 consultation will apply
Maintenance Contract	Routine maintenance of plant and machinery within the building, structure, etc.	Landlord including. Management Co (tripartite lease), Right to Manage Co, head leaseholder, Commonhold Community Association, etc but probably overseen by managing agents	If there are long leaseholders and if a long-term contract, s.20 consultation will apply
Building contract	Major works including redecoration, replacement of plant, etc	Landlord including. Management Co (tripartite lease), Right to Manage Co, head leaseholder, Commonhold Community Association, etc but probably overseen by managing agents	s.20 consultation likely to apply if there are long leaseholders
Engagement contract	Engagement of surveyors, engineers, etc	Landlord including. Management Co (tripartite lease), Right to Manage Co, head leaseholder, Commonhold Community Association, etc but probably overseen by managing agents	Could be a contract for a specific job, e.g. building contract or on-going contract, e.g. lift engineer

Other parties who may have rights in a block of flats:

- Tenant/Resident Associations, either formally recognised or an informal group

Appendix C

WG8 Participants

name	first name	organisation
Taylor (Chair)	Anthony	Avison Young
O'Neill (Joint Secretary)	Jonathan	Fire Protection Assoc (FPA)
Hooper (Joint Secretary)	Sofie	IWFM
Briggs	John	FPA
Gilbert	Adam	Managing Agents Property Health and Safety Forum
Strange	Janie	Consultant
Cripps	Alan	RICS
Ross	Craig	RICS
Allwinkle	Sam	CIAT
Dillon	Melissa	LGA
Scott	Keith	
Simmons	Amy	NHF
Larner	Debbie	CIH
Greenfield	Rob	IWFM
Bradford	Ben	BB7 & Steering Group
Davis	Jamie	BB7
Frankum	Andrew	National Social Housing Fire Group NSHFG
Stevenson-Jones	Sarah	National Social Housing Fire Group NSHFG
Green	Graham	IFSM
Glen	Nigel	ARMA
Snelling	Mark	ARMA
Heneker	William	ARMA
Bulmer	Andrew	IRPM
Kenyon	Steven	NFCC
Bradley	John	NFCC
Bradley	Robin	NFCC
Jaggs	Mike	BRE Group
Osbourne	Jenny	TPAS
Fletcher	Ian	BPF

- a. WG8 wish to acknowledge the contribution made by all the members (as listed above)
- b. WG8's deliberations were also assisted by legal advice from:
 - Mike Appleby of Fischer Scoggins Waters
 - David Egan of DWF
 - Michael Green of Travers & Hamlins
- c. As Chair of this working group I wish to extend my thanks to the many stakeholders that have tirelessly engaged with our meetings and beyond, in particular the civil servants of MHCLG and the Home Office.
- d. As Chair of this working group I wish to extend my gratitude to all members for the consistently hard work that they have contributed to this, our final report

to the Industry Response Group. In particular I wish to extend the thanks of the members of the group to our secretariat for managing complex diaries, interactions with other working groups and keeping our work 'on track'.

- e. We were tasked with delivering the competencies required of a new concept, the 'Building Safety Co-Ordinator', to do this we have thoroughly examined the environment within which they will be expected to deliver their work, and the information that we consider that they will need to make informed decisions. We believe that the recommendations in our response will indeed deliver what Dame Judith Hackitt recommended, however we would caution that the recommendations made come as a 'package' and all matters are highly interdependent. As such delivering part of the recommendations, rather than all, will put the whole function of BSC at risk.

Anthony Taylor

Chair Working Group 8