The Grenfell Inquiry Final Report: What does it mean for Architectural Technology professionals?

On 4 September 2024, the Independent Inquiry into the Grenfell Tower Fire concluded with the publication of its Phase Two Report.[1] This briefing considers the implications of the Report and its recommendations for Chartered Architectural Technologists and other building design professionals.

Introduction

1. The Grenfell Tower fire, which took place on the night of 14 June 2017 was a human tragedy, and CIAT extends its deepest sympathies to all the victims, especially the family and friends of the 72 people who lost their lives.

2. The Grenfell Inquiry Phase Two Report runs to some 1700 pages over seven volumes, in addition to the four-volume, 835-page, Phase One Report. These two reports provide a detailed account of the fire itself and the many factors which led to the disaster. The Inquiry highlighted failings at all levels, including governance and regulatory compliance, procurement processes and project delivery relating to the refurbishment of Grenfell Tower, ongoing maintenance, emergency preparedness and decisions taken in response to the fire itself. As such, the Inquiry presents a significant challenge to the entire built environment sector, with which Architectural Technology professionals must engage openly and constructively.

3. The Phase One Report focused on the events of the fire itself, including how it started, how it spread so rapidly, and how the emergency services responded.[2] In combination with the Independent Review into Building Regulations and Fire Safety led by Dame Judith Hackitt,[3] the Phase One Report made many practical recommendations to improve the safety of high-rise residential buildings. These recommendations have largely been implemented through the passage of the Building Safety Act (2022) and associated secondary legislation.

4. This legislation created new obligations for work on both "higher-risk buildings" (HRBs) and other buildings. In particular, it requires the appointment of a principal designer (PD) for any given project with the skills, knowledge, experience and behaviours necessary to plan, manage, monitor and coordinate design work, taking reasonable steps to ensure that the project as designed complies with regulations.[4] **CIAT has developed a Principal Designer Register and strongly urges Chartered Architectural Technologists who undertake this role to apply to join this Register**, in order to more easily demonstrate their competence to clients, duty holders and other stakeholders. Detailed information on the behavioural competencies required by PDs, including the additional competencies required for work on HRBs, can be found in the CIAT

[1] Grenfell Tower Inquiry, *Phase 2 Report* (August 2024). https://www.grenfelltowerinquiry.org.uk/phase-2-report.
[2] Grenfell Tower Inquiry, *Phase 1 Report* (October 2019). https://www.grenfelltowerinquiry.org.uk/phase-1-report.
[3] *Building a Safer Future, Independent Review of Building Regulations and Fire Safety: Final Repor*t (May 2018). https://assets.publishing.service.gov.uk/media/5afc50c840f0b622e4844ab4/Building_a_Safer_Future_-_web.pdf.
[4] See Part 2A of *The Building Regulations 2010*, as amended by *The Building Regulations etc. (Amendment) (England) Regulations 2023*. https://www.legislation.gov.uk/uksi/2010/2214/part/2A.

Principal Designer Competency Framework.[5] Registrants will also need to demonstrate that they are undertaking relevant CPD, and have their competence re-assessed every five years.

5. The Phase Two Report adds substantially to this picture, with an additional 58 recommendations addressing the systematic failures which allowed a domestic kitchen fire, started by a malfunctioning fridge, to become the worst residential fire since the Second World War. The Government is rightly reviewing the report in detail, and will respond in due course, however it is highly likely that many – perhaps all – of the recommendations will be implemented. The majority of the recommendations are not directly aimed at design professionals themselves; however upstream and downstream changes will have profound implications across the built environment sector. To help professionals begin preparing for possible changes, relevant recommendations are summarised below, alongside CIAT's assessment of the likelihood that recommendations will be implemented and what this might mean for design professionals. ***N.B. the assessments made in this paper are the Institute's own and may not align with the final outcome of the recommendations.***

6. As building regulations and policy are devolved issues, the Inquiry's recommendations would, in the first instance, be implemented at the level of England only. However, governments across the four nations of the UK have been closely monitoring the Inquiry. The Scottish Government has created a Ministerial Working Group to examine the Phase 2 Report and take forward action as appropriate. The Welsh Government has committed to considering the Report's recommendations and if necessary, reflecting recommendations within the Building Safety (Wales) Bill, currently moving through the Senedd (and scheduled for introduction in 2025). The Northern Ireland legislature has stated that it is also reviewing the Report, though new legislation on Building Safety is not expected before 2027. **CIAT will monitor this evolving situation and update the membership on national policy and legislative changes**. CIAT's expectations of all members and affiliates are – and will remain – uniform and consistent regardless of the jurisdiction(s) in which they work.

The regulatory landscape

7. The Inquiry finds that England's system of regulating the construction and refurbishment of high-rise residential buildings at the time of the Grenfell fire was "seriously defective in a number of respects", including poor monitoring of the performance of the regulatory system and complex, fragmented oversight. To address this shortfall, **the Report recommends** that a single regulator for construction be established, which would take on a range of new and existing responsibilities, including:

Materials and testing

a. the regulation of construction products;
b. the development of suitable methods for testing the reaction to fire of materials and products intended for use in construction;
c. the testing and certification of such products;
d. the issue of certificates of compliance of construction products with the requirements of legislation, statutory guidance and industry standards;
e. maintaining a publicly available library of test data and publications;

Processes, procedures and research

f. the regulation and oversight of building control;

[5] CIAT, *Principal Designer Competency Framework* (2024). https://architecturaltechnology.com/resource/ciat-principal-designer-competency-framework-final-pdf.html.

g. monitoring the operation of the Building Regulations and the statutory guidance and advising the Secretary of State on the need for change;
h. carrying out research on matters affecting fire safety in the built environment;
i. collecting information, both in this country and abroad, on matters affecting fire safety;
j. exchanging information with the fire and rescue services on matters affecting fire safety;

Licensing and accreditation

k. accrediting fire risk assessors;
l. the licensing of contractors to work on HRBs.

8. Many of these areas are already regulated – for example Construction Product Regulations were brought in as a Schedule to the Building Safety Act (2022). This recommendation would not change that but would shift responsibility for overseeing all these areas of regulation to a single body. **CIAT expects** that government will act on this recommendation, bringing together many disparate areas of regulation under a single regulatory body. However, rather than establishing a new regulator, CIAT anticipates that the existing Building Safety Regulator will be strengthened to take on these responsibilities. If so, and if it is appropriately resourced to do so, processes for designers could be substantially streamlined, as a "single source of truth" would exist when considering all these regulatory areas, most notably identifying appropriate materials for construction.

9. To improve governance and oversight of the sector, **the Report recommends** the appointment of a Chief Construction Advisor (a role which has existed in the past), to provide advice such as building regulations and statutory guidance, and to highlight emerging areas of concern. **CIAT anticipates** that such a role will be created. **The Report also recommends** that functions relating to fire safety currently exercised by the Ministry for Housing, Communities and Local Government, the Home Office and the Department for Business and Trade, be brought together into one department under a single Secretary of State. As "machinery of government" changes are complex and tend to create as many new challenges as they solve, **the Institute believes** it is likely that the proposed Chief Construction Advisor role will be created as a cross departmental position, thereby providing a degree of joined up working without requiring additional changes to departmental responsibilities.

10. The Inquiry highlighted concerns with the clarity of statutory guidance, particularly that provided in Approved Document B, taking the view that at the time of the Grenfell fire, it did not provide the information needed to design buildings that were safe in fire. As such **the Report recommends** that Approved Document B (and statutory guidance more generally), be reviewed and revised, that the assumption that compartmentation will work to contain a fire be reconsidered, and that approved guidance be subject to annual review. The review also notes that the *guidance* is only that, that the legal requirements are laid out in the building regulations themselves, and that compliance with guidance does not necessarily equate to compliance with regulations. **The Report recommends** clear warnings be provided to this effect within the statutory guidance.

11. It is not clear whether the recommendation to review Approved Document B takes account of recent amendments (including forthcoming changes to requirements around fire safety information, escape routes and performance of materials). Nonetheless **in the view of the Institute,** further changes to the statutory guidance are highly likely given the Prime Minister's commitment (made following the Report's publication) to a "generational shift in the safety and

quality of housing for everyone in this country".[6] Such changes could relate to the structure, fabric, services and means of escape including access and egress for fire and rescue services, and passive and active fire safety requirements. CIAT will monitor any developments in this area, and support members accordingly.

12. Although less likely, there is also a small chance of a wholescale reform to the approach to guidance and the role of approved documents, to create a system where there is greater clarity on the relationship between guidance and regulations. Regardless, designers should be prepared for further changes to guidance, and crucially, should ensure they are familiar with all relevant regulations rather than relying on guidance in approved documents alone, which may not be applicable in all situations.

13. **The Report recommends** that when guidance is reviewed, membership bodies advising on changes involve both academic and industry experts in informing responses. **CIAT supports this recommendation.** When preparing consultation responses and other expert input, the Institute seeks to draw on expertise from a broad cross-section of the membership and will continue to do so.

14. **The Report recommends** that the definition of "higher-risk buildings" under the Building Safety Act 2022 be reviewed. At present, in England HRBs are defined with reference to building height, in combination with residential occupation, and certain building types (including residential care homes, hospital, hotels, military barracks and secure residential institutions) are explicitly excluded from the provisions.[7] Different definitions of HRBs are in place in other nations of the UK. **CIAT advocates** for a definition of HRBs which accounts for the model of occupation and associated risk. This would allow for scrutiny and oversight which is proportionate to that risk. The Labour Government has already committed to bringing forward proposals to improve the fire safety and evacuation of disabled and vulnerable residents in high-rise and higher-risk residential buildings by establishing Personal Emergency Evacuation Plans.[8] In combination with the Prime Minister's commitment to a "generational shift" in building safety, **CIAT believes** that a change to a more risk-based definition of HRBs may now be likely, on the balance of probabilities.

Building design and materials oversight

15. The Report highlights that a building's fire safety strategy should accurately describe its structure and fire protection strategies. Such an accurate description was not provided for the Grenfell Tower. **The Report therefore** recommends that a "fire safety strategy produced by a registered fire engineer be submitted with building control applications (at Gateway 2) for the construction or refurbishment of any higher-risk building and for it to be reviewed and re-submitted at the stage of completion (Gateway 3)". **In the opinion of the Institute**, this recommendation is highly likely to be enacted. CIAT notes that providing accurate design information at Gateways 2 and 3 is a legal requirement for HRBs and best practice for non-HRBs, which should be routine for PDs. All members and affiliates should be prepared to provide accurate information on their areas of work as and when required. Professionals seeking further guidance on the Gateway processes and the

[6] Hansard, *Grenfell Tower Inquiry Phase 2 Report*, Volume 753 (4 September 2024). https://hansard.parliament.uk/Commons/2024-09-04/debates/356A22EA-FE49-44E1-89AF-E91943D1FA20/GrenfellTowerInquiryPhase2Report.

[7] See Regulation 8 of *The Higher-Risk Buildings (Descriptions and Supplementary Provisions) Regulations 2023*, as amended by Part 5 of *The Higher-Risk Buildings (Keeping and Provision of Information etc.) (England) Regulations 2024*. https://www.legislation.gov.uk/uksi/2023/275/regulation/8/made.

[8] See *Building Safety Statement UIN HCWS62*, (2 September 2024). https://questions-statements.parliament.uk/written-statements/detail/2024-09-02/hcws62.

"Golden Thread" of information required for HRBs should consult the Construction Leadership Council's guidance on delivering the Golden Thread.[9]

16. The Inquiry notes that the performance of external wall systems is complex and was the primary factor in the rapid spread of fire at the Grenfell Tower. The Report is critical of both materials suppliers and testing bodies including the Building Research Establishment and British Board of Agrément. Finding that current test methods do not provide the information needed to assess external wall systems holistically, **the Report recommends** new test methods be developed. In view of what it describes as "misleading marketing" by product manufacturers, **the Report recommends** responsibility for assessing and certifying the conformity of products to legislation, guidance and industry standards be given to the construction regulator. **The Report further recommends** that copies of test results be included in certificates, that full testing histories be provided to the regulator, and that full records of testing be provided to on request by manufacturers. **CIAT believes** these changes are highly likely. The Institute recommends that designers be prepared for a significant upheaval in the testing and certification regimes, while noting that any such change will take time to be fully implemented. The enhanced Construction Product Regulations[10] and subsequent amendments are likely to assist specifiers in this area. CIAT continues to advocate for more relevant technical information to support building design professionals.

17. To ensure that designers have access to a reliable body of information on potential materials, **the Report recommends** that a construction materials library be set up, to provide a resource for designers and other professionals. **The Institute anticipates** that such a library may evolve from a new product regulation system, and this resource could assist professionals with assessing the suitability of materials. However, this would take time to implement at scale, and government may prefer to require use of existing commercial specification services, while exploring a construction materials library as a means of maintaining detailed information on materials which are no longer commercially available. Whatever changes are implemented to product information and specification requirements, CIAT reminds Chartered Members and other Architectural Technology professionals of their responsibility for taking reasonable steps to ensure that materials selected are appropriate for their purpose and meet any regulatory requirements.

18. The Inquiry also notes that BS 9414, which provides guidance on the interpretation of data derived from BS 8414 tests (which test fire performance of external cladding systems), may encourage people without appropriate expertise to think they can safely assess the performance of external wall systems by extrapolation from test data. **The Report recommends** that it should be made clear that BS 9414 should not be used as a substitute for an assessment by a suitably qualified fire engineer. **CIAT understands** that BS 9414 may be revised in the future following any revisions to BS 8414, but notes that BS 9414 already states it should be used by suitably qualified and experienced professionals. **CIAT emphasises** that members and affiliates without appropriate expertise in assessing fire performance should always seek expert input to assess the suitability of external wall systems, in line with the use of such standards and the CIAT Code of Conduct.

19. In addition to the specialist role of fire engineers (discussed below), the Inquiry notes the importance of all construction professionals understanding the principles of fire engineering as they apply to the built environment. This would enable construction professionals to seek

[9] Construction Leadership Council*, Delivering the Golden Thread: Guidance for dutyholders and accountable persons* (August 2024). https://www.constructionleadershipcouncil.co.uk/wp-content/uploads/2024/08/CLC-Golden-Thread-Guidance.pdf.

[10] See Schedule 11 of *The Building Safety Act 2022*. https://www.legislation.gov.uk/ukpga/2022/30/schedule/11.

sufficient and appropriate information and support from fire engineers. As such, **the Report recommends** increased CPD addressing the principles of fire engineering for construction professionals. **CIAT supports this recommendation** and encourages members and affiliates to develop and maintain relevant knowledge, skills, and experience (competences) in this area.

20. Architectural Technology professionals seeking CPD in this area are directed to CIAT's Building Safety Hub for current guidance, publications and information as well as the AT CPD Register, an online directory of courses which have been assessed and certified against CIAT's criteria. The Institute continues to increase its CPD provision in relation to key topics such as fire engineering and the PD Building Regulations role.

Fire engineering and risk assessment

21. The **Report makes several recommendations** to strengthen the role of fire engineer as a profession which supports the design and delivery of safe buildings. These recommendations include increasing the number of master's level educational courses in fire engineering to enhance underpinning knowledge in this field, forming an expert group to define the competences required of a fire engineer, and establishing an independent regulatory body to regulate and protect the profession. **CIAT notes** that the process of fully regulating the profession will be complex and will require time to implement; CIAT will engage closely with any developments in this area, to ensure they support safety and quality in the built environment.

22. **The Report also recommends** that Approved Document B draws attention to the need for a fire engineer to consider when an evacuation strategy would appropriately supersede a "stay put" strategy, when assessing a building. **CIAT believes** that this guidance would more appropriately sit outside Approved Document B (which should be focused on enabling compliance with building regulations), but notes that designers should be prepared for changes to the scope of Approved Document B, above and beyond potential changes to the specific details of the document (as discussed in paragraph 10).

23. Assuming the role of fire engineer is strengthened and regulated as recommended, this may result in a greater role for fire engineers within building design. **CIAT reiterates** that design professionals, particularly those taking on the role of Principal Designer for the purpose of the Building Regulations, should take steps to assure themselves that fire engineers involved in a project have appropriate skills, knowledge, experience and behaviours, whatever their regulatory status. Whilst it may be a prudent approach to managing the potential risks when dealing with the fire safety aspects of a project, **CIAT also notes** that some insurers may require fire engineers to be appointed independently by the client. As a result, members are encouraged to review their insurance policies and/or consult with their insurers should they be in any doubt regarding these arrangements.

24. The Report also considers the role of fire risk assessors, highlighting concerns about the lack of regulation in these roles. **The Report recommends** government establish mandatory accreditation of fire risk assessors, with standards for qualification and CPD, and **the Institute anticipates** that such a regulatory regime for these roles may be established.

Building designers and contractors

25. The Inquiry is highly critical of the architectural practice which led the refurbishment of the Grenfell Tower, and of other contractors involved. It finds a "casual approach" to contracting, a "lack of competence" and "lack of concern about fire safety generally", "piecemeal and disordered" communications with building control, and a "failure… to take proper responsibility for ensuring that the design of the external wall and the choice of materials it contained complied

with the Building Regulations". Misleading product information, inadequate materials testing and unclear guidance notwithstanding, the Report concludes that the work of the architectural practice "fell significantly below the standard reasonably expected".

26. In response to these failings, **the Report recommends** that the Architects Registration Board and the Royal Institute of British Architects review changes already made to the education and training of architects. CIAT is currently revising its Professional Standards Framework (PSF) which sets the standards for education, practice and professionalism for Chartered Architectural Technologists. The PSF is informed by the Quality Assurance Agency's Subject Benchmark Statement (SBS), which was updated in 2022 with a greater focus on building safety. The SBS also informs the Institute's Accreditation criteria for honours and master's degree qualifications. As the regulator for Chartered Architectural Technologists and the lead professional body for Architectural Technology, **CIAT reminds all members and affiliates of their obligations to uphold professional standards, maintain currency of their knowledge, skills and experience (competence), accurately represent the services they offer, and decline to provide services which they knowingly lack appropriate resources to deliver, as detailed within the CIAT Code of Conduct.**

27. **The Report recommends** that applications for building control approval for construction or refurbishment of HRBs (Gateway 2) be accompanied by a statement from the principal designer that "all reasonable steps have been taken to ensure that on completion, the building as designed will be safe as is required by the Building Regulations". **It is CIAT's view** that it is highly likely that some form of written declaration will be required in future, which will reinforce the ultimate responsibility (and liability) already held by PDs by virtue of The Building Regulations etc. (Amendment) (England) Regulations 2023. This is a significant undertaking, and **the Institute continues to advocate** for greater support for principal designers to ensure that their skills remain current and appropriate for the role (whether working on HRBs or not), and for a regulatory regime which realistically reflects the complexity and specialised skills required for modern construction projects.

28. The Report notes organisational failings on the part of the principal contractor for the Grenfell Tower refurbishment. Without making specific recommendations on the design and build contracting model, the Report notes that the principal contractor failed to make it clear which contractor was responsible for which aspects of the project. **CIAT reminds all design professionals** that they should take care to fully understand their contractual obligations, whatever contracting model is employed.

29. To provide better oversight of contractors, **the Report recommends** a licensing scheme be introduced for principal contractors (PCs) working on HRBs, and that, as with PDs, PCs provide a written undertaking that they will take all reasonable steps to ensure that on completion, the building is safe as required by regulations. **In CIAT's view,** the requirement for a written declaration is highly likely to be implemented, however implementing a licensing scheme would be a substantial and time-consuming undertaking and may therefore be less likely.

Building control

30. In considering building control, the Inquiry notes that in the period leading up to the Grenfell fire, building control was seen as a source of advice and assistance, rather than as a body enforcing regulations. The Report notes that this position has shifted significantly since the fire but remains critical of conflicts of interest arising from the increasingly commercial model of inspectors. **The Report recommends** government appoint an independent panel to consider whether the current commercial model for building control is in the public interest, and whether building control

functions should be carried out by a national authority. **CIAT anticipates** that this review may well take place and will keep the membership informed of any changes to the building control regime.

Other areas addressed

31. The Inquiry made specific recommendations regarding issues of less relevance to design professionals, including:

    - addressing issues of variation in lift fire control switches;
    - ensuring gas pipeline isolation valves be regularly inspected for accessibility;
    - addressing a wide range of planning and operational failings identified within the London Fire Brigade; and
    - reviewing the Civil Contingencies Act and improving Local Authority responses both during and in the aftermath of emergencies.

Implications for professional indemnity

32. Whilst wide ranging, **CIAT does not expect** that implementation of the Report's recommendations would significantly alter the professional responsibilities of architectural design professionals, above and beyond those changes resulting from the Building Safety Act (2022) and associated secondary legislation. As such, CIAT does not anticipate that the report will affect the levels of professional liability facing individual designers or practices, or the level of indemnity cover required.

33. Additionally, **CIAT Insurance Services believes** the duties imposed on Principal Designers under the Building Regulations etc. (Amendment) (England) Regulations 2023 for non-HRBs are unlikely to be to be considered radically different from expectations of Insurers in respect of pre-existing professional duties. Therefore, there is currently no suggestion from the insurance market generally, or by the insurers under the CIAT Insurance Services policy, that existing cover under the professional indemnity insurance policies will be insufficient for work on non-HRBs moving forwards.

34. Notwithstanding the above, as the position in respect of the PD role and the obligations and duties arising out of recent legislative changes are still developing, this position may change at future renewals. CIAT Insurance Services will endeavour to keep scheme members advised of any changes in the insurance market and the impact that it may have in the future. Where the role of Principal Designer is undertaken on HRBs, liability would be assessed on a case-by-case basis, and it is likely that more information would be required by insurers than might be usually expected.

35. It should be noted that, given the duties arising out of the new PD role, insurers are likely to place a greater emphasis on ensuring that professionals maintain appropriate and robust procedures and that terms and conditions are adequate. CIAT recommends that terms and conditions are reviewed by members, affiliates and their insurers to ensure that they are suitable. Additionally, members undertaking the role of PD are strongly encouraged to join CIAT's Principal Designer Register. Joining the Register is not mandatory but would provide evidence of competency to provide these services.

36. CIAT and CIAT Insurance Services continue to work together to ensure that members of the group scheme receive appropriate and good value professional indemnity insurance tailored to their needs.

Final comments

37. The scale of the Grenfell Fire tragedy has rightly already led to significant changes in the way the building design and construction industry operates, and it seems highly probable that further changes will follow the Phase 2 Report, likely delivered through a strengthening of the Building Safety Regulator. The Labour Government has already committed to reviewing the Report's recommendations in detail and has strongly indicated that it anticipates acting on many of the recommendations, with a commitment to a "generational shift" in building safety, and annual updates to Parliament on progress against the report's recommendations.

38. In summary, further changes in areas such as the regulatory landscape, oversight of materials, and processes for ensuring buildings meet requirements are to be expected. Design professionals should prepare themselves for these changes, and even when new regulations take time to come into effect, **should work to the highest achievable, rather than the lowest permissible standards, and should avoid engaging in a race to the bottom.**

39. However, **CIAT does not believe** that these changes will significantly alter the fundamental fact – already well understood by Chartered Architectural Technologists – that **all those involved in the design and development of any building must take responsibility for ensuring that their own work is safe and of a high standard**, and take reasonable steps to assure themselves that this work, in combination with the work of colleagues and contractors, will result in a building which meets the same thresholds. This includes ensuring that appropriate records are maintained for all projects, including a "Golden Thread" of information relating to the design and realisation of HRBs as required by the Building Safety Act (2022). Chartered Architectural Technologists are also expected to uphold the professional standards and responsibilities detailed in CIAT's Code of Conduct and Professional Standards Framework. Additional responsibilities are associated with the role of Principal Designer under the Building Regulations.[11] Architectural Technology professionals seeking to take on that role should ensure they have the appropriate skills, knowledge, experience and behaviours.

For further information, contact externalaffairs@ciat.global.

October 2024

[11] See in particular Part 2A of *The Building Regulations 2010*, as amended by *The Building Regulations etc. (Amendment) (England) Regulations 2023*. https://www.legislation.gov.uk/uksi/2010/2214/part/2A.