

## Workshop 1C

# The Building Safety Act 2022 is fast approaching. Are you prepared and ready?

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**Room:** C



**NHMF**  
Maintenance  
Conference  
**2023**



# Agenda

- Getting the basics right first
- Legislation and what's in scope
- Risk assessment
- Operation and management
- Technical surveying – what key information do you need?
- Remediation of risks and/or contingency planning
- Preparing your all-important building safety case report

# What is property compliance?

Understanding what you need to do to meet all your legal and regulatory obligations

Delivering well managed programmes of testing, servicing, inspections and follow-up works

Having a robust, effective and evidenced approach to keeping people safe in your buildings



Monitoring performance and having an effective assurance reporting regime

Ensuring competent people manage, deliver and check compliance activity

# Getting the basics right first

- Compliance with the big six
- Compliance beyond the big six
- Repairs, maintenance and servicing
- Refurbishment, renewal and replacements
- Operation and management



# Legislation

## The Regulatory Reform (Fire Safety) Order 2005 (FSO)

- FRAs - common areas of premises (internal or external common areas)
- Complete all actions identified

**Fire Safety Act 2021** – came into force on 16 May 2022, clarifies that FSO applies to:

- Structure and external walls of the building, including cladding, balconies and windows
- All doors between the domestic premises and the common parts (including flat doors)

## Fire Safety (England) Regulations 2022

- Laid under the FSO to implement the majority of recommendations in the Grenfell Tower Inquiry Phase 1 report.
- Came into effect on 23 January 2023 (yesterday).
- Forms a key part of operation and management of buildings

## Building Safety Act 2022

- Will amend the FSO – amendments applicable to **all** buildings where FSO applies
- Main provisions will start to apply from April 2023, and be implemented over following six months.
- Specific requirements for buildings within scope.

# Building Safety Act 2022

Applies to occupied buildings:

- At least 18 metres in height, **or** at least 7 storeys; **and**
- Containing 2 or more residential units

*Design, refurbishment and construction requirements also apply to care homes and hospitals of same height.*

Those accountable for occupied in-scope buildings must take all reasonable steps to reduce building safety risks:

- From fire spread
- From structural failure
- Effective operation and management
- Risk rating matrix in FS and BSR



# Fire Risk Assessment of Buildings

Is your Fire Risk Assessment (FRA) template PAS79/2 compliant?

Does your FRA comply with requirements of the Fire Safety Act 2021, covering:

- The structure
- The external wall system (including cladding, windows, doors and balconies)
- The individual flat doors between the flat and the communal area?

**All FRA's carried out on or after 16<sup>th</sup> May 2022**



# Fire Safety (England) Regulations 2022

Do you have operation and management arrangements in place in order to comply with the Fire Safety (England) Regulations 2022, which came into law on **23rd January 2023**?

These arrangements will apply either in full or in part:

- For all multi-occupied residential buildings of 2 flats or more.
- For multi-occupied residential buildings over 11 metres in height.
- For all high-rise residential buildings (a multi-occupied residential building at least 18 metres in height or 7 or more storeys).



# Operation and Management – What you now have do

- Fire safety instructions/information about fire doors to residents – 2,11 and 18
- Quarterly checks (communal doors), annual checks (flat doors) – 11 and 18
- Floors plans, building plans and information on EWS must be shared electronically with local FRS - 18
- Keep hard copies of building floor plans, single page orientation plan of the building and name/contact details for RP in a secure PIB, accessible to firefighters - 18
- Install wayfinding signage in all HRRB visible in low light conditions - 18
- Monthly checks on lifts used by firefighters and essential pieces of firefighting equipment - 18
- Advise the FSR if a lift or equipment is out of order (24 hours) - 18

**From 23<sup>rd</sup> January 2023 (yesterday)!**

# Technical Surveying and Remediation - Requirements

Key technical information required to assess the risks in an existing occupied building will include:

- A retrospective fire strategy – with three risk ratings – fire, structure, operations/management
- To scale floor/building plans (electronically)
- Compartment lines plans
- A compartmentation survey with a schedule of defects (stored electronically)
- An up to date fire risk assessment
- Accurate measurement of the height of the building
- Preparing a schedule of defects and procure specialist contractors to deliver the subsequent programme of remedial works required to reduce the risks within the building, to an agreed certified standard

# Preparing Your All-Important Building Safety Case – what do you need to include?

- General building information
- Refurbishment information
- Fire prevention and protective measures
- Structural safety – retrospective fire strategy or structural survey
- Services and utilities
- Property compliance evidence
- Safety management system and emergency planning
- Overview of Mandatory Occurrence Reporting system
- Resident profile
- Overview of residents’ engagement strategy
- Building Safety Risk Assessment - scenarios
- Action plan
- All the above will need to be held within the Golden Thread

# Safety Case & Report – The Risk Assessment Process

Assess all potential building safety risks and hazards:

- From the building itself – construction, refurbishment, maintenance
- Who lives in it – any risk factors
- How it is managed and maintained
- Any external threats
- What could go wrong, and potential worst case scenarios and consequences?
- Who might be harmed, and how – evaluate the risks
- Necessary control and mitigation measures - how will the risks be eliminated, reduced, managed (including emergencies, residents etc.)?
- Record findings, actions and implement
- Evaluate and continually monitor – effective assurance and governance

# Building Safety Case & Report - Principles

- Demonstrates building safety risks:
  - Have been assessed
  - All reasonable steps have been taken to prevent risks
- Main way the BSR will hold Accountable Person to account for identifying risks and hazards
- Main way for Accountable Person to demonstrate they are identifying and managing risks to an acceptable level and also demonstrates:
  - what could go wrong
  - what are worst-case scenarios, and consequences
  - implementation of preventive, protective and reactive measures to manage risks of the scenarios
- Regulator permits operation with BAC and seeks reassessments

# Safety Case & Report for Higher Risk Buildings

## The **Accountable Person** will:

- Make the claim that the building is safe for occupation
- Argue the measures they have in place support that claim
- Confirm decisions taken to meet prescribed principles
- Direct the reader to the evidence that supports that argument

## **Safety Case:**

- Full body of evidence – comprehensive, structured set of documents
- May also be referred to as golden thread of information

## **Safety Case Report:**

- Summary of key components from the evidence – makes the claim and argument for safety
- Key document - will be submitted to BSR and assessed – they will either provide the **Building Assessment Certificate** or not

# Building Safety Case Report



## Building Safety Case

This Building Safety Case has been compiled for the above property by Pennington Choices using information provided by . We believe the information provided to be correct at the time of receipt. We accept no responsibility for the accuracy of the information supplied and included within this document, or for any change in the conditions or circumstances of the building after this Building Safety Case has been issued.

Building Safety Case



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# Who we are working with...

**Large Register Housing Provider,  
circa 36,000 homes  
15 high risk residential buildings**

**Specialist Housing Provider  
2 high risk residential buildings**

We have recently completed the risk assessment and technical surveying stage of the building safety lifecycle in order to fully understand the risks within these buildings, thus enabling the providers to plan the remediation works and agree the contingency plans in order to keep their residents safe. All of this information is captured in the all-important building safety case report and summary report.



# How we can support and help...

At Pennington Choices we have experts in all stages that can guide you with as little or as much support that you feel need as an organisation.

We recognise that some organisations are ahead of the curve and well prepared for the new legislation. Equally we recognise that some organisations are further behind than where they would like to be and need additional intense support over the next few months to prepare.

**pennington.org.uk**



# Thank you.



See you at the  
next conference!