

Consultation response:

Building a Safer Future – proposals for reform of the building safety regulatory system

31 July 2019

Summary of key points:

In this submission, we:

- Welcome the Government's proposals and make a commitment to engage further, prior to the adoption of the new system, so that housing associations can carry out their new dutyholder responsibilities in full.
- Describe our sector's variety in terms of housing types, organisation size and resources, to demonstrate the potential challenges we might face in adopting the proposals, so that we can work with the Government to overcome them.
- Say where we believe the proposals need further consideration, providing solutions where possible. This is so that dutyholders and regulating authorities have absolute clarity over their roles and, importantly, can start planning to build capacity and implement the system quickly and effectively.
- Set out the additional government support that housing associations need to remediate building safety concerns as soon as possible.

1. Introduction

The National Housing Federation is the representative body for housing associations in England. Our 900 members own and manage more than 2.6 million homes nationally, as well as providing vital care, support and community services.

Housing associations are independent, not-for-profit organisations driven by their social purpose – to ensure everyone in the country has the opportunity to live in a quality home that they can afford. As community landlords, who take a long-term interest in the places and communities we create and work with, the fire at Grenfell Tower had a profound impact on our sector. As with other individuals and groups affected by the tragic events, housing associations offered what they could to help those who survived the fire, including emergency accommodation, clothes and other supplies, and voluntary support from members of staff with appropriate experience in housing.

In the two years since the fire at Grenfell Tower, housing associations have been ensuring their residents' safety by reviewing their buildings for any safety concerns and acting urgently to remediate the issues they find. This work is complex, lengthy and appears to be at a scale indicative of the systemic failure of building regulations that Dame Judith Hackitt diagnosed in her Independent Review of Building Regulations and Fire Safety.

As a sector, we are fully committed to working with the Government and their partners to urgently rectify the safety issues that have been uncovered. Moving forward, we also want a regulatory system that enables us to fulfil our utmost priority – keeping our residents safe. We agree with Dame Judith Hackitt that the previous system was not fit for purpose and we support her ambitious, wide-ranging and considered recommendations for a complete overhaul of the regulatory system.

We therefore welcome the Government's proposals to implement such wholesale change to the regulatory system for building safety. In this submission, which the Federation submits on behalf of the housing association sector, we set out our overarching support for the proposals for a new regulatory system, together with our views on where there could be challenges for our sector as the proposals stand. Where possible, we have suggested potential solutions or other areas for the Government to consider.

In co-creating our response with our members, we held two events attended by 100 people from 100 member organisations, a webinar in which 109 people took part, consulted with our wide range of national member groups representing a great range of expertise relevant to the proposals, and conducted our own consultation, to which we received around 60 responses.

Our sector is committed to adopting the new responsibilities proposed under the new system for building safety. We want to work with the Government and other partners to achieve our shared aim of keeping residents safe and ensuring that a tragedy like the fire at Grenfell Tower never happens again.

2. Background

Since the fire at Grenfell Tower, the Federation and our members have been responding to building safety issues that the tragedy uncovered, without waiting for government direction or support.

In the days and weeks following the fire at Grenfell Tower, housing associations acted quickly to identify which of their high rise buildings also had the same aluminium composite material (ACM) cladding as that found on Grenfell Tower. These organisations ensured their residents' safety by installing interim safety measures until they could safely remove the cladding. They engaged directly with the people they house, to listen to their concerns and help them to feel safe.

Since the fire at Grenfell Tower, additional building safety issues have been uncovered, which our members are working to remediate with the same urgency as with ACM cladding. These issues include the discovery that commonly used fire doors do not meet fire safety requirements, the presence of other types of non-ACM combustible cladding, and significant breaches of building compartmentation.

However, our early indications suggest that the potential scale of these problems, as with the identification and remediation of ACM cladding, requires strategic direction from the Government with appropriate levels of long-term funding, if they are to truly address the potential risks presented.

In particular, our members report significant challenges in capacity. Securing appropriate professional advice has been problematic, due in part to the limited capacity of competent advisers. This has been further exacerbated by advisers' challenges in securing professional indemnity insurance for their work. Capacity is also a challenge in securing planning permission for safety works, with contractors able to undertake it and appropriate sign off from building control bodies.

Our members have been responding to safety concerns with as much urgency as they can, despite the challenges they've faced.

2.1 How the diversity of our sector impacts adoption of building safety regulations

It's important to note that the housing association sector is very varied in terms of size, funding and stock. This creates variation in how our members have approached remediation.

The Federation represents around 900 members, from those providing a small number of homes for a specific client group or in a specific location, to our largest member, which provides 125,000 homes across all tenures and over a wide geographic spread. The diversity in our sector means that our members can provide much-needed homes to a wide range of people to help meet the challenges of the nation's housing crisis.

For example, some of our members will build their own homes as part of a development made up of a range of tenures, whereas others will buy homes under Section 106 agreements through the planning system. In addition, some of our members may only provide supported housing, some may provide supported housing as part of a larger multi-tenure portfolio, and others may manage supported housing services without owning the buildings themselves.

In terms of housing management, some housing associations manage small schemes of homes offered exclusively at social rent, whereas others manage large developments made up of multiple buildings with different housing tenures offered in each.

Ownership of buildings measuring 18m and above is also varied across the housing association sector. The majority of these properties are owned by larger organisations, but some are owned by very small organisations, and some are owned by organisations only providing supported housing to a specific client group.

There are also some complex ownership structures within our sector, such as that seen for the building in Barking that caught fire earlier in the summer. In this instance, housing associations had responsibility for residents in the building, but would not have had dutyholder responsibilities as set out in the current proposals. A further level of complexity is added by sub-tenants, who may be renting homes legitimately from a leaseholder, or another tenant. Where this is the case, these people will have a role to play in ensuring building safety, but may be more difficult to engage if their rental arrangement is not officially permitted.

In addition to the very different housing types offered by our members, the resources available to housing associations and the way they manage their organisations differs greatly across our sector. This has implications for how different associations approach the need to remediate existing properties with safety concerns, and how they can adopt the Government's proposals for a new regulatory system. Advanced planning is important to all of our members, especially those balancing limited resources against ambitious housing development goals.

Resident safety is our sector's top priority and regardless of size or specific mission, housing associations are committed to a new system for building regulations.

2.2 Our involvement in the Hackitt Review

Our sector has provided insight and experience to Dame Judith Hackitt's work to create a new system for building safety that is fit for purpose. Housing associations both build homes and then take a long-term stewarding role in the development and management of the communities that live there. Our sector's perspective is based on our experience across the entire lifecycle of a building.

As such, we participated in the Hackitt Review's Occupation and Management Working Group, making recommendations around how dutyholders in occupation can have clear responsibilities for a building's safety in the way Dame Judith envisaged. We also participated in the Competence Steering Group, developing a competency framework for the proposed Building Safety Manager post.

2.3 Other ways housing associations are preparing for the new regulatory system

Since the publication of the Independent Review's final report, housing associations have been working with the Government as Early Adopters, or independently in their own organisations, to adopt and trial the recommendations from the Hackitt Review.

Our members have been working closely with their residents to make sure that approaches to resident engagement are working, and that residents feel safe in their own homes.

To support the principle for a golden thread of information, housing associations have been developing building safety cases, and considering how the structure of their organisations can help make safety the key priority for every member of staff. A number of housing associations are funding a piece of work to support the sector to adopt Building Information Modelling standards, which have been identified as a useful way to make a digital record of a building's safety case.

As a sector, our experience as long-term community anchors and in working to remediate safety concerns found in existing buildings, means that we are well placed to adopt a new regulatory system for building safety.

We will continue to work with our members and the Government to support a managed and deliverable transition to the new regulatory system, with the primary aim of keeping residents safe in their homes.

3. A new system for building safety: opportunities and challenges for our sector

As a sector, we believe we need a new regulatory system for building safety, to ensure that a tragedy like the fire at Grenfell Tower never happens again. We will work with the Government to implement a new system and the Federation is looking at how we can bring our members together to do even more.

However, there are some particular challenges and opportunities for our sector that we want to describe prior to outlining our response to the specific proposals, as they underpin our view of implementing the system overall. These are covered in the following sections and include:

- restoring trust in construction, housing and safety regulations
- ensuring the necessary capacity to implement the proposed new system
- prioritising spend on safety works and new requirements
- how the Government can further support the sector.

3.1 Restoring trust in construction, housing and safety regulations

As a result of the various safety issues seen in housing, the quality of homes has been brought into question, along with the building procurement process, the quality of construction and the quality assurance process.

Our own faith in the regulatory system has been undermined, and some of our residents say they have lost faith in our sector as landlords because of these failures. We are committed to working with the Government and other partners to deliver a new system that ensures residents' safety, provides higher quality assurance, and helps us to remediate existing homes as necessary, so that we can rebuild some of the faith lost in us.

The proposals in Building a Safer Future represent a significantly different way of working – an approach that we completely agree with given the need to totally overhaul the previous failed system. We want to ensure that our sector adopts the new system well, learning from other sectors who deliver safety to a degree where the end user feels confident and assured. We believe this will take some time, but presents a real opportunity to work with residents and the public to restore trust.

We are already having conversations with our members about what more we can do beyond the proposed new system to ensure that every organisation has the tools it needs to meaningfully put resident safety above all.

3.2 Ensuring the necessary capacity to implement the proposed new system

Variation in capacity

As previously described, our sector is hugely varied, in terms of size, the people we house, funding models, reserves, surpluses, access to resources and necessary expertise. Housing associations are fully committed to implementing a regulatory system that keeps our residents safe. However, we know there will be a large difference in our members' capacity to adopt the proposals during the timeframe the Government has set out.

The Government has proposed applying a height threshold to determine which buildings will be subject to the new system. If this happens, some larger housing associations will have to bring hundreds of buildings into the new system, which presents its own challenges.

Some of our members that own less than 1,000 homes also own a small number of towers that will be subject to the new system. Housing associations of this size often have a very small staff base, and therefore are unlikely to have in-house expertise on building safety, which will present challenges in bringing their buildings into the new system.

From the experience of our sector and others in remediating properties with ACM and other types of combustible cladding, the Government will be aware of the challenges in ensuring there is capacity to carry out a new system for building safety. The Federation agrees with the Government's proposal for a requirement for building owners to demonstrate the safety of their building through the building safety case, and some of our members have already started conducting the in-depth reviews required to collate this information. However, the capacity to carry out these reviews and any subsequent remedial works is limited by the availability of suitably qualified people and contractors.

Impact of limited capacity on remedial works

Our members have also reported that contractors are struggling to secure professional indemnity insurance for their advice in relation to necessary remedial works. Given the very specialist nature of the advice and subsequent works, this squeezes already limited capacity, which in turn can raise costs. Housing associations are therefore having to take difficult decisions to ensure remedial works can be delivered, in some cases taking a financial loss to either break existing contracts or having to instruct more expensive contractors, with impact on remediation timeframes in some cases.

We are concerned that while this issue remains unresolved it will impact our members' and their partners' ability to adopt the new regulations. We therefore urge the Government to investigate the potential scale of necessary safety works and drive a strategic plan to ensure capacity in the sectors needed to carry out these essential works. We would also like to see a transition period that reflects the scale of the work, the existing capacity, and the number of potential buildings that may have to be decanted during remediation.

Ensuring capacity across all parts of the new system

The proposals for the new regulatory system identify roles for a range of organisations beyond the new regulator, including local authorities, fire and rescue services, other regulatory bodies, as well as those whose work will be subject to regulation. The involvement of these organisations is sensible, however we are aware that a regulatory system for building safety can only be successful if all parts are adequately resourced.

Many of our members have touched upon possible solutions to support the sector to build its own capacity for additional skills and competence needed to adopt the proposed regulations. As we move towards the transition period to the new regulatory system, the Federation will identify the role we can play in supporting our members to build their own capacity for skills and competence.

3.3 Prioritising spend on safety works and new requirements

Housing associations are committed to adopting their responsibilities as dutyholders throughout the lifecycle of a building as proposed in the Government's consultation. We have already described some of the building safety concerns that have been uncovered by our members, which they are urgently remediating. This work to ensure residents' safety is our utmost priority and will take precedence over other important areas that require funding.

We are mindful, however, of the potential scale of remedial works and the subsequent impact on housing associations' other spending priorities such as building new homes, regeneration and investing in improving the quality of existing homes.

The impact of redirecting funds – supply of new homes

The Government will be aware of examples cited in the trade press of housing associations' work to remediate homes and the subsequent financial impact on their businesses. Hyde Housing Association conducted in-depth fire safety reviews of all 86 of its buildings measuring 18m and above following the fire at Grenfell Tower. They found that all of the buildings in scope had their safety compromised in some way. The issues identified ranged from missing fire exit signs, to considerable breaches of compartmentation measures that enable a building to maintain a stay-put evacuation policy. Hyde have estimated the work to rectify these issues will cost tens of millions of pounds.

In addition, London and Quadrant reported that its post-tax surplus for the year to March 2019 had nearly halved on the previous year, in part down to a bill for fire and maintenance work that was £40m over the £50m it had budgeted (although these costs were not exclusively to remediate fire safety concerns). It seems probable that these costs will be at their highest level while building owners address existing safety concerns in preparation for the start of the new system, though their potential scale and subsequent impact should not be underestimated.

Our members have reported to us that these bills will affect their ability to meet some of their other priorities, including conducting other planned maintenance work, or developing new much needed homes. In 2018/19, housing associations built 45,604 new homes, representing a 10% increase on the previous year, 5,447 of which were for social rent – an increase of 31% and the biggest increase since we began our supply survey in 2015/16. Despite this, we currently need to build 340,000 homes every year, including 90,000 homes for social rent, so that everyone can have somewhere secure and affordable to live.

Case study: Larger housing association with a significant number of high-rise buildings

One of our larger members has been considering how it can best prepare for the rollout of the new regulatory system, given the considerable number of high-rise residential buildings it has in its portfolio. This housing association owns a considerable number of buildings at 18m and over, which it has been working to review and remediate, where necessary, over the last two years.

Despite the work it has already carried out, it anticipates significant challenges in ensuring its organisation is fully prepared to register this quantity of existing buildings with the new regulator. They have raised a particular concern around creating the safety case (including gathering the information about the buildings into a digital record) and recruiting sufficient numbers of building safety managers.

In addition, as an organisation that develops new homes, this housing association has made some rough estimates of the cost of meeting the new requirements. The organisation is clear that remediating existing safety concerns and meeting the requirements of the new building safety system are its priorities. They are likely meet these costs at the expense of their development programme.

Based on the costs cited in the Government’s own analytical assessment in Annex A, the organisation anticipates that up to 435 fewer homes will be built annually as a result of implementing the new requirements.

To address this, and the Government’s own commitment to “getting more of the right homes built in the right places, sold or rented at prices local people can afford”¹, the Federation is calling on the Government to invest £12.8bn every year for ten years, delivering homes, economic growth, improved social outcomes and savings across government departments.

Our sector and the Government need to understand more about the potential scale of building safety concerns, and the subsequent costs of meeting them. Without this information, we cannot assess the impact on housing associations’ plans for building new homes and meeting goals to improve existing homes that go beyond safety.

The impact of redirecting funds – supply of supported housing

The experiences given above of L&Q and Hyde Housing Association, however, should be understood in the context of their individual organisations and the resources available to them. Other housing associations have reported different challenges in relation to meeting the costs of urgent remediation works.

The Government has raised a question on whether the proposals for building safety should be applied to the supported and sheltered housing sector. In this submission, we set out our support for a risk-based approach to including buildings in scope of the new regulatory system. We therefore support

¹ MHCLG, [A new deal for social housing](#)

an application of the regulations to supported and sheltered housing given that residents in these homes often have very different needs and more limited capacity to evacuate in the event of a fire.

However, we want the Government to consider the very different circumstances in which supported and sheltered housing operates, whereby profit margins are much smaller than other housing associations. This part of our sector is equally committed to the safety of their residents and are already reviewing their buildings in terms of safety requirements. An extension of the building safety regulatory requirements to this part of the sector would need to consider the particular funding model in which it operates, to ensure safety features are deliverable without detriment to the availability of this type of housing. We describe our views on this in more detail [in section 5.3](#).

Case study 2: A supported housing provider's work to remediate building safety concerns in existing accommodation

One of our members is a supported housing provider that supplies accommodation to people experiencing, or at risk of, homelessness. They have a particularly compelling example to describe the potential impact that remediating their existing properties has on their plans to increase housing provision.

The organisation has discovered safety concerns with the external wall system of a high-rise, 80-unit hostel it owns, which was built and signed off in 2012. The organisation has sought professional advice, concluding that it should remediate the building to ensure residents' safety, with costs estimated at £2.5m. This building does not qualify for the Government's Cladding Remediation Fund and the costs of remediation represent a significant proportion of the organisation's annual turnover.

To pay for the works, the organisation is faced with having to use funds it has set aside for a new 60-unit development, which would replace 25 older units. The new development was ultimately intended to provide longer-term move-on accommodation to people who have been homeless in the past but who are now able to move on towards more independent living. The organisation is planning to pursue legal action against the building's contractors, but if this is unsuccessful, then their plans to build this much-needed new move-on accommodation will have to be put on hold.

We describe in more detail our response to the Government's cost assessment of the proposals in this submission in [section 4.10](#).

3.4 How the Government could further support our sector

We are asking the Government to establish a Building Safety Fund, to pay for the one-off costs building owners will incur to ensure their buildings are of a standard that guarantees residents safety. The fund would support building owners to carry out urgent remediation works on buildings with other non-ACM combustible materials, issues with compartmentation breaches, and failed fire doors.

These safety concerns are a result of a systemic failure of building regulations, as with the remediation of ACM cladding, and building owners who put faith in those overseeing a system that was not fit for purpose should not be financially responsible.

Before the £400m Cladding Remediation Fund, housing associations were already identifying and remediating properties with ACM cladding. However, this funding enabled them to press ahead without further delay. Funding for other safety issues identified could have a similar effect and must be underpinned by the Government taking a strategic and leading role in overcoming barriers to swift remediation.

We are also calling upon the Government to provide more clarity and transparency on fire safety issues. We need greater transparency around the ongoing testing programme on other types of combustible materials, to support building owners to understand what additional information might be made available, and to inform the decisions they'll be taking about ensuring the safety of their buildings. In addition, full and transparent information on safety tests conducted on glass-reinforced composite fire doors would support our members to manage the additional risk of having such doors in buildings and speed up decisions made about replacing them. Longer term, this transparency will support an effective system for independently quality assuring fire doors and their installation.

We are also asking the Government to consider stronger powers for building owners and dutyholders so they can fully adopt their new responsibilities. Housing associations are preparing to adopt their new statutory roles, but need to have better access to individual properties in cases where they need it to ensure the safety of the building as a whole. We describe our suggested approach to this in more detail on page 23.

4. Our views

We have structured our response in line with the chapters covered in the Building a Safer Future report. For reference, this covers proposals for:

- a reduction in height threshold for enhanced requirements (in Chapter 2)
- considering non-residential buildings where people sleep (in Chapter 2)
- mixed use buildings of 18m and above in height (in Chapter 2)
- a new dutyholder regime for residential buildings of 18m or more (Chapter 3)
- putting residents at the heart of the new regulatory system (Chapter 4)
- a more effective regulatory and accountability framework for buildings (Chapter 5)
- enforcement, compliance and sanctions (Chapter 6)
- analytic overview (Annex A).

The following sections cover each of these proposals in turn.

4.1 Proposals for a reduction in height threshold for enhanced requirements

Resident safety is housing associations' utmost priority. We have already described the actions that our members are taking, in terms of reviewing and remediating their buildings as necessary to ensure they meet safety standards. Our members are not limiting their work to buildings of 18m or above in height. They are instead making an assessment of the risk based on a range of evidenced factors.

These factors will include, but not be limited to, the design, construction and safety features already in a building. The Federation therefore supports a risk and evidenced based approach to determining whether a building should be subject to the new regulatory system, where height is just one known risk. The approach to risk will need to be dynamic, recognising that risks are not fixed in time. It will also need to consider structural and safety features as part of its determination.

An informed and evidenced based discussion with the regulator – supported by clear, consistent and unambiguous guidance – will be key to the success of this approach. Where height is used as a determinant of risk, there will need to be clarity over how this is defined in terms of metres or storeys.

One of our members has highlighted the difference in the number of buildings in scope for their organisation when determined by storeys rather than metres. If determined by an 18m threshold, they would have 18 buildings in scope. However, if measured by a six-storey threshold, this rises to 65, with many of the six-storey buildings measuring 17.5m. The housing association in question is including these buildings in its programme of remediation work, but this example demonstrates the arbitrary nature of determining whether a building is subject to enhanced requirements due to height alone.

We maintain that height should just be one factor considered, so that a building's risk can be determined by other factors. We believe a holistic risk-based approach to assessing which buildings should be in scope of the new system also supports the Government's objective to drive culture change in relation to safety across the entire built environment. In addition, a risk-based approach could support the new regulator and dutyholders to determine which buildings should come into scope as a priority, supporting a managed but appropriate transition to the new system.

We believe a risk-based approach will provide residents with greater opportunities to engage with the accountable person on safety. Naturally, residents will need to be confident their contribution to the building's safety is included and any safety concerns they have are heard.

It is important to note that people who live in general needs housing but who have support needs will need to be engaged in particular, where they haven't already, so that their needs can be factored into the mitigation of risk in the building. This process will take time and resource but can't be completely guaranteed due to some residents' preference not to engage with their landlord.

In addition, by broadening the scope on the basis of risk during this early phase of the new regulatory system, we can ensure new developments are constructed subject to enhanced requirements now. This should avoid having to remediate these buildings later (should the new regulator broaden out its scope in the future).

If a risk-based approach is adopted to applying enhanced requirements under the new system, there is potential for a greater number of buildings to be brought into scope, across a wide range of sites and locations. This would mean differing requirements for resident engagement, regulator consultation and safety management. To ensure application is reasonable, proportionate and deliverable, there will need to be consideration of the implications for resources and capacity in bringing buildings into the new system, for both the regulator and the accountable people.

4.2 Proposals to consider non-residential buildings where people sleep

The Federation and our members support the Government's principle to apply more rigour to other buildings that present a safety risk. We and our members recognise the importance of considering the inclusion of supported and sheltered housing into the scope, given the additional vulnerabilities of people living in this type of property, and the impact that can have on the risk profile of a purpose-built building for people with support needs. Other risk factors particular to supported and sheltered housing could be staffing levels, resident mobility and the varying support needs residents have.

The operating environment for supported housing is very challenging, meaning this type of housing operates a model that generates very small margins. There is also an undersupply of these homes already, with research² we carried out in 2017 showing that the need for supported and sheltered housing was not being met, with a shortfall of nearly 17,000 homes in 2015/16. The cost of this shortfall to the taxpayer was £361m, rising to £2.72bn for the cumulative cost of not meeting this need for five years. The current shortfall in delivering these homes means that many people with support needs are living in general needs housing, which presents its own challenges, including affecting safety risks in those buildings.

The safety of people living in supported and sheltered housing is of paramount importance to our sector. However, the cost of meeting additional safety requirements will need to be carefully considered, as it could result in financial viability issues for individual organisations, or aversion to provide the existing range of supported and sheltered homes.

² www.housing.org.uk/resource-library/browse/strengthening-the-case-for-supported-housing-the-cost-consequences/

Case study 3: Housing providers are remediating homes below 18m height threshold, on the basis of overall risk

One of our members has been working to identify and remediate safety risks to their buildings, regardless of height. This housing association does not have any high-rise buildings, nor combustible cladding, but it has been reviewing its buildings for compartmentation issues that could undermine evacuation policies. The organisation has opted to conduct type 4 Fire Risk Assessments on its buildings on the basis of risk, identifying supported and sheltered housing schemes within that number.

The housing association has identified the need for remediation works in some of its schemes, as a result of compartmentation breaches. It would not be typical for such schemes to have live-in wardens, so the organisation has employed temporary waking watch arrangements to help manage the risk, until the remediation works are completed.

A 30-unit scheme that they own will require £100,000 of remedial works and has incurred costs of £15,000 a month for the interim waking watch measures. The organisation sees the imperative of conducting this work and is funding the remediation from its own resources.

This example demonstrates that these safety issues are not specific to buildings measuring 18m and above and there is already work taking place across our sector to remediate buildings on the basis of risk and not on an arbitrary height threshold.

While we believe a risk-based approach is the right way to identifying buildings to be in scope of the new system, we recognise that this could impact on our members' resources – and we're calling for further government support for remedial works.

Housing associations have also raised potential challenges around the practical application of the regulations due to the range of types of supported housing and their very different natures.

4.3 Proposals for mixed use buildings of 18m and above in height

Housing associations agree that coordination of existing regulatory regimes – for example the Housing Health and Safety Rating System (HHSRS) and the Regulatory Reform (Fire Safety) Order to ensure appropriate levels of oversight, responsibility and assurance for fire safety in whole buildings in use – is a critical element of the proposals. Building owners must not be caught between the views of a range of authorities and regimes with potentially different expectations in relation to the same building or across different geographies.

There is a need for relevant enforcing authorities to have an agreed understanding of all potentially overlapping areas of building safety and to be able to apply consistent approaches, advice, guidance and intervention.

A further helpful suggestion put forward is that clarity and guidance could be provided around measures and approaches that would typically be considered appropriate in managing risk. This would enable all parties to have a reference point against which a collaborative judgment can be made.

Due to the concurrent nature of this consultation, the Regulatory Reform (Fire Safety) Order (RRFSO) Call for Evidence and the review of the HHSRS, any future proposals and changes to existing regimes must be considered in light of the impact of new building safety legislation and be coordinated appropriately.

Currently housing associations see the HHSRS as standalone, complex, and not the best place to track and manage fire safety. A key point made to the HHSRS review team was recognition that the current rating system requires significant competency to interpret each hazard and then how to rate associated risk.

Members also note that Environmental Health Officers have powers of access to carry out their responsibilities, unlike the accountable people in the proposed new building safety system. The Fire Safety Order is an enforcement tool but the associated Fire Risk Assessment (FRA) carried out by a competent person is key to managing fire safety in building use.

Housing associations support consideration of a single regulatory framework (for fire safety in use) with all application guidance in one place (to align with the new building safety regulatory regime) with clarity regarding responsibilities.

We also want to see the removal of duplication, contradiction of responsibility and recognition of where value lies. There is potential for this to form part of a wider coordinated regulatory framework that cuts across all elements of buildings safety in the longer term.

In the interim, or if the above does not move forward, housing associations agree there is a potential role for the Government to provide clear strategic guidance to support delivery of existing parallel regimes. We need to see clear definitions of the existing regimes alongside the new building regulatory system and their application. If successful, such guidance should make it immediately apparent which regime takes precedence and who has responsibility, mitigating the risk of duplication or contradiction.

It would be helpful to see further information and case studies of how the parallel regimes are delivered in practice. For example, for specific complex management arrangements, such as where two or more persons are responsible in law for different parts of the building under separate legislation. This would support proposals for a duty to cooperate to ensure fire safety is managed across buildings as a whole.

There is also the potential for the role of the building safety regulator to be considered in respect of the application of existing regulation and the application of the new regime, for example where there is disagreement regarding application and responsibility.

4.4 A new dutyholder regime for residential buildings of 18m or more – in design and construction

The Federation and our members welcome the proposals for a new system of dutyholders and clear lines of responsibility. There is a need to balance this ambition with the challenges associated with substantial change, especially before the transition to the new system. We have set these out in our response in [section](#) .

Housing associations broadly support the wide reaching proposals for a dutyholder regime. We support the proposals to align the new dutyholder roles with existing roles under the Construction Design and Management Regulations (CDM) during the design and construction period. We would

like to see the introduction of gateways to raise scrutiny of building standards as a means of enhancing existing development processes.

Although we know the introduction of new gateways will place strain on both technical resources and programme management, we recognise this will be beneficial later in the building's lifecycle and reduce the need for future safety remedial works.

Housing associations want to fully adopt the new duties and responsibilities given to them by the proposed new regime, from conceptual design through to occupation. Our members want to ensure they have appropriate levels of expertise and resource, structure their organisations accordingly, and keep their residents safe to meet the new requirements.

Impact on procurement

The proposals will require a fundamental change to current methods of procurement and development processes, with a move to deploying greater levels of resource upfront. Housing associations will need extra resource to cover expanded timeframes for project planning, detailed design and alterations to risk profiles. These should enable quality outcomes and greater levels of assurance. It will be important to ensure build costs remain affordable and that sign-off processes at key milestones are deliverable.

In their role as clients who commission new buildings, housing associations are already taking steps to prepare for the proposed gateways. This includes updating the way they brief project teams, specify materials, consider the types of building contract they employ and their use of framework agreements. They are also allowing adequate time for decision making and negotiating gateway approvals.

A priority for all those involved will be to consider change processes that support delivery. In reality, construction and development can be complex and there will be a need to obtain timely, authorised approval for alterations outside gateway approvals. This guidance will also support our members to take decisions on the development process now while considering preparation ahead of transition to the new regime, such as shaping appropriate organisational structures and ensuring effective resource.

Additional points to consider

Our members have raised some key points for consideration in applying the new dutyholder roles, specifically throughout the building process when they are the acting client.

The proposal that dutyholder roles can be fulfilled by either an individual ('natural person') or a legal entity makes sense in cases where the freeholder or head lessee of buildings in scope will also be a corporate entity, such as a housing association, local authority or a property holding company.

However, we believe that the requirement for a single accountable person at board level (who can be identified as having responsibility for building safety), should be amended to be at board level or senior management level. This would allow this role to be carried out by an executive team member or director as appropriate. While a board level contact is appropriate for private companies with boards of executive directors, it is not suitable for most housing associations (or local authorities).

In support of this change, smaller housing associations, like others, may seek to add additional skills to their boards. However, in appointing someone to cover off this specific knowledge, they may have to appoint someone whose skills and knowledge in other key areas is not as well developed.

Our members support an approach similar to that often used for health and safety obligations. This would include recognition of ultimate accountability, but employing a cascading approach to make sure duties are carried out by placing responsibility with individuals most competent to deliver aspects of the role (for example, an executive director supported by experts).

There is a need to consider the impact of a new hierarchy of responsible people on smaller organisation management structures and the capacity of the dutyholder to discharge their duties in some specific scenarios such as commonholds and resident-owned freeholders after a collective enfranchisement.

In addition, provision should be made to maintain building safety records if there is a significant change to corporate dutyholders' organisations, such as merging, winding up or insolvency.

Alignment with Construction Design and Management Regulations (CDM) and the client role

The alignment of dutyholders with those established under CDM is supported as it makes strategic sense, but the extended duties represent a shift from corporate to personal liability throughout building lifecycles. Housing associations may need time to explore how increased levels of accountability fit with their existing company structures and governance arrangements. However, we urge the Government to take the opportunity to learn from stakeholders around the successful application of CDM to date, and ensure any lessons are applied within the new regime.

There will most likely be a skills and competence gap for client dutyholders because of increase in responsibility and oversight. Although many housing associations have some of the required skills, they can be spread thinly and support is needed where the dutyholder is likely to be a Chief Executive, Chief Operating Officer or Chair who may not have construction delivery expertise.

Clarity regarding relevant competency requirements for new roles and for upskilling existing staff is required to understand what constitutes a suitably qualified or competent person, and what training qualifications are needed. In addition, housing associations welcome clear supporting guidance and detail about how the new roles will work in practice and be delivered. This includes the relationship between other dutyholders and expectations of what is reasonable, practical and deliverable.

Our members have also raised concerns regarding the deliverability of other key dutyholder roles. We believe the Government should give due consideration to the potential impact this may have on our members' ability to commission and develop new homes.

Building safety regulator response timeframes

Housing associations note that all buildings in scope will require frequent interaction with the Building Safety Regulator (BSR) from the start of legislation. If this is to happen, the BSR – and other supporting bodies such as local authorities and the fire and rescue service – must be adequately resourced to make effective, efficient and swift decisions.

Our members believe that BSR response times for dutyholder engagement should be based around the nature, scale and complexity of what has been reported. They would like to see robust and

unambiguous guidance at the earliest stage. A clear understanding of deliverables, including the assessment process for each gateway, will help support reporting and subsequent responses. Our members note that any guidance should also recognise the need for dutyholders to retain appropriate levels of responsibility.

There is more work to do to identify and describe key aspects of the relationships and interaction between the regulator and dutyholders. This would enable all parties to plan for the transition to the new system and for individual project programmes to support deliverable project plans. This could affect key milestones in construction programmes (including statutory consents and grant funding deadlines) and there's a need to ensure that during gateway progression, disruption to programme critical paths is minimised. For example where 'hard stops' are proposed and where major design changes need to be agreed.

In their role as building owners and managers, housing associations note the importance of timely BSR interaction when linked to approval for gateway 3 and the building registration process. This is important when there is a transfer of ownership (such as with Section 106 schemes) as long response times (and delays to earlier milestones) are most likely to delay registration. This could ultimately risk limiting availability of homes and income in the longer term.

Our members have made it clear that consideration should be given to appropriate response times where it can be identified that there is an emergency relating to immediate building or life safety.

Applying the new gateways

During transition to the new system, there are potential additional financial risks to our members in their role as clients. These could result from increases in professional fees (including raised professional indemnity costs) and additional provisional contract sums to cover any unforeseen delays.

As organisations who are involved with buildings throughout their lifetime, the proposed changes represent a welcome shift from a focus on upfront to lifecycle costs, but there is need for the Government to support the delivery of this change.

There is potential to positively address issues of the safety and build quality of some commercial to residential conversions and Section 106 schemes as a result of greater scrutiny. These are known areas of concern for members, and Section 106 is a significant source of affordable homes that our members take responsibility for in the longer term, so this change is welcome.

Gateway one – before planning permission is granted

Housing associations agree with the considerations included in gateway one in principle, noting it is sensible to give early thought to strategic considerations, as well as assessing issues and consulting those with duties to attend the building if an emergency should occur.

There is support for the client dutyholder role to commence at this point to ensure transparency and handover of early strategic decision making in advance of gateway two, where a transfer of dutyholder occurs.

However, our members have noted that buildings included in scope for gateway one should match that for the overall regime. Our members have also raised issues around resourcing and expertise. These should be carefully considered alongside any interim roles as part of the transition process.

Gateway two – before construction begins

Members support the approach of a dialogue between dutyholders and the regulator regarding risk, demonstration of risk management, and any additional levels of information required.

The concept of a hard stop is supported in principle but this must be balanced by a clearly defined and agile design change control process, supporting delivery and giving detailed consideration of how a staged approach might work in practice for more complex building projects.

We believe the client should be required to coordinate key information requirements on behalf of the principal designer and principal contractor, and submit this as a package to the regulator as part of the gateway application. This will enable them to have appropriate levels of oversight and full visibility of what has been shared.

Members support proposals of the baseline information proposed for this gateway, the submission of full plans, the Fire and Emergency File (FEF), a 3D model and the construction control plan (CCP). However, the Government should consider the issues raised in [section 4.6](#) in relation to members being BIM ready. We would support the potential for standardisation of the FEF format to increase ease of use and transparency.

Housing associations reference the need for clear guidance, including examples of good practice (developed between industry and the regulator), to support them as client dutyholders to demonstrate management and competency requirements are in place. One thing to note is that, at this point in the process, how the building is going to be used once occupied may not be finalised. This would have implications for the development of the building safety case.

During construction – groundwork for gateway three

Housing associations support the focus on increased consultation between parties during construction. We support the principle of the Principal Contractor notifying the regulator of minor and major changes to structural or fire safety. We would support further clarity on the definition of both.

Our members need to see changes to procedures and published guidelines (including expectations linked to timing of authorisation) to minimise delays, allow consistent interpretation of the regime and support a smooth sign off process at gateway three.

Changes in management is also needed, particularly in respect of major refurbishment projects due to unforeseen circumstances arising as work is carried out.

Gateway three – before occupation begins

Housing associations show support for the handover of key information linked to the golden thread and the safety case, as it will support them to meet their dutyholder responsibilities for the safety of the building as a whole.

On the change from the current system – where building control bodies verify compliance, to the transfer of responsibility to the principal designer and principal contractor – we support this in theory

but subject to consideration of how this change might work in practice, and the wider impact this may have on procurement processes and relationships. Our members also broadly support proposals to consider partial occupation before the overall building is complete, subject to the safeguards proposed.

A key issue for our members is the need to ensure the timing of gateway three sign off doesn't delay occupation. Housing associations cite the particular challenges presented by the transfer of ownership and responsibility when homes are obtained through Section 106. In this instance, they have responsibility for homes in occupation, yet aren't involved in their development and progression through earlier gateways.

How the timing of registering the building (either provisionally by the dutyholder client or by the accountable person before occupation) works in practice must be considered in detail for such scenarios. Where existing buildings are undergoing registration, we believe reasonable and deliverable approaches should be adopted to ensure delays are mitigated and proportionate.

Major refurbishments

We broadly support current proposals for major refurbishments in scope, but housing associations would welcome the potential to discuss detailed proposals with government in the near future.

4.5 A new dutyholder regime for residential buildings of 18m or more – in occupation

Currently, housing associations manage over 2.7 million homes³. In addition, they also:

- manage almost 103,000 non-social homes⁴
- spend over £1.6bn on major repairs to existing homes per year⁵
- have an annual turnover of over £20bn⁶.

We are therefore a sector well-placed to adopt the responsibilities of the dutyholder in occupation, being familiar with some of the requirements from our existing experience.

Housing associations support the proposals for a new dutyholder role in occupation. We would like to stress the importance of a transition period that reflects the development of competence to meet responsibilities, as well as the process for existing occupied buildings.

Our members have identified key topics for further consideration in relation to the dutyholder in occupation, including the right of access to properties, changes to statute to update mechanisms in relation to building safety specific considerations, and the need for specific levels of flexibility to enhance delivery of the regime objectives.

³ [National Housing Federation Supply Survey 2018/19](#)

⁴ [National Housing Federation Supply Survey 2017/18](#)

⁵ [Register of Social Housing Global Accounts 2018](#)

⁶ [Ibid](#)

Identifying an accountable person

It's important to clarify the relationship between the accountable person and/or the Building Safety Manager, and others with an interest in whole building safety, such as intermediary landlords and leaseholders. The requirement for effective cooperation with the accountable person and/or Building Safety Manager is recognised as sensible, but members have raised concerns around the potential control of various interested parties and the link to being held accountable for the actions of others. However, there is also an opportunity to deliver collaborative approaches, as well as the potential to share good practice.

In particularly complex management scenarios, our members have suggested a need for a clear matrix of enforceable roles and responsibilities due to the number of potential stakeholders in a building's safety (including residents). There is a need for prescriptive and unambiguous guidance, particularly where there are several 'responsible people' in law or more than one company 'in control' of a building.

In one building there can be a huge variety and number of leases and levels of service agreement with specific agreed terms and responsibilities. It is essential that the accountable person and/or Building Safety Manager has powers to obtain the necessary information from others and be able to carry out regular checks as required.

Aligned with these considerations, the relationship between residents of intermediary landlords, and leaseholders and the accountable person and/or Building Safety Manager is key. For example, a housing association may have residents living in a building that falls within the scope of the new regime, but not have direct control of the building or authority to carry out responsibilities attached to the whole building safety.

Members have also suggested a number of scenarios where applying the concept of an accountable person might be more challenging, including:

- leaseholder owned freehold companies or commonholds
- new build projects delivered with complex client mixes (e.g. joint venture or larger partnerships and SPVs set up to deliver a scheme).

In addition, members cite specific issues in relation to the concept of applying an accountable person for supported and/or sheltered housing if it is to be included in the extended scope of the regime. For example, supported living properties often have shared responsibilities for building safety, with one member reporting operating a matrix of responsibilities (as included in the National Fire Chiefs Council publication [Fire Safety in Specialised Housing](#)) to overcome these difficulties.

Similarly, in many areas, support providers are managing agents who provide the support but the building is owned by a housing association. Varying management agreements exist allocating maintenance and responsibilities. The association of directors of adult social services ([ADASS](#)) and the Fire Safety Authority have recently introduced a 'fire safety matrix of responsibilities' which is useful to retain as a record of responsibility. However, there is also another less common scenario that is now being used more frequently where buildings are sourced by support providers taking on a full lease from a private owner.

Building registration, conditions and certification

Housing associations support proposals for buildings in scope to be registered with the building safety regulator and conditions attached. However, they are mindful of the need for additional supporting information to add detail as to how the registration process will be delivered in practice. For example, what would happen if a building was not reissued with a building safety certificate once reviewed, and what happens when a named accountable person linked to the building safety certificate leaves their organisation.

We agree that the building safety regulator should formally consult with the proposed accountable person and the proposed Building Safety Manager before making a final decision on whether to issue the building safety certificate.

Housing associations also support the Independent Review's recommendation for a 'whole building' approach to the accountable person's responsibilities. However, we do not consider that the obligations of the building safety certificate should extend to risks contained within individual flats, aside from where they form part of the safety system of the building as a whole.

Building safety cases

Our members support a whole building approach to ensuring building and resident safety and we welcome the accountability provided by a safety case approach. This includes agreement that the level of detail contained within the safety case should be proportionate to identified risks.

We believe there is further work to do to understand, based on good practice, what compliance and good building management looks like on an ongoing basis. We would like to see specific guidance, but note that timing of its provision will be key.

The proposed five-year formal review period by the regulator appears sensible. As do the proposals, outlining potential triggers for other instances where a review may be necessary or the regulator's views may be sought. Our members believe there is the opportunity to align triggers with any works that impact on a buildings' fire strategy or structural safety and more broadly where work requires building regulation approval.

A particular concern raised by our members is around routine works on a building, which ordinarily might not be considered major, but breaches compartmentation. An example of this would be broadband installation and replacement of existing services, as there is a need to ensure that fire stopping has been carried out, ensuring compartmentation remains intact. One member has reported experiencing particular difficulties in monitoring the quality and sign off of such work as a result of the [Electronic Communications Code](#).

Housing associations have raised a number of specific considerations around the compilation of safety cases for existing buildings. For existing buildings, there may be challenges in establishing the golden thread of information. Sometimes this requires invasive surveys such as level four fire risk assessment, due to levels of occupancy and the point at which a property becomes available to allow for this type of survey. There are also circumstances in which a property may need to be decanted to allow for remediation, which presents further challenges. These challenges will need to be factored into the development of a deliverable transition period in which a building safety case can be reasonably developed.

As previously referenced, the specialist resource and capacity implications for smaller housing associations to carry out the compilation and ongoing maintenance of safety cases should be considered. They may have a disproportionate number of buildings in scope for their size, which might cause concerns regarding any impact on organisation viability.

The building safety manager role

Housing associations support the proposed new role of the Building Safety Manager to be appointed by the accountable person to carry out daily functions of ensuring the building is safely managed and maintained, including engaging residents and overseeing safety works. We believe the proposed relationship between the accountable person and the Building Safety Manager is clear, and we support that the accountable person would not be able to delegate their responsibility to the Building Safety Manager.

Housing associations agree that the proposed duties and functions of the Building Safety Manager are sensible and broadly deliverable, but with some caveats and issues for further consideration.

Although we believe that the Building Safety Manager should be competent, they should not need to be an expert in all areas of building safety. If carried out successfully, the role should be seen as a resource-backed coordination role, as the full scope of expertise is not deliverable for one person. The Building Safety Manager should understand what is needed to run a building safely, or have support through expert advice. This includes understanding risk management and having the necessary powers to delegate tasks and ensure tasks are completed.

Our members maintain that housing associations should retain the ability to apply a collaborative approach to building safety where specific duties are performed by those who are most suitable. This is a challenging role with aspects of it currently carried out by a range of persons or departments within organisations. Each housing association will need to consider efficient integration of existing roles and responsibilities, including how teams function in terms of wider building safety and compliance. However, there are particular considerations for smaller organisations, for example if the role requires outsourcing.

Our members note this role doesn't exist in its current form and could be challenging to resource effectively without scale. This is a particular issue for smaller organisations, or those who may have a limited number of buildings in scope, where outsourcing this role may be the only option. Due to the potential impact on organisational structures and operation, clarity of key milestones in transitioning to the new system will be critical. A further conversation on what is reasonable, practicable, and deliverable in terms of risk management and the number of buildings a Building Safety Manager might cover would also be useful.

Despite agreeing with proposals for the Building Safety Manager, our members foresee a number of specific challenges. These include concerns around whether there are appropriate levels of capacity, competence and skills to sufficiently meet the need for this new role. Our members also foresee some challenges in terms of accountability where building management arrangements are more complex, as well as ensuring that there is continuity for residents, buildings and the building safety certificate, when Building Safety Managers move on from their organisations.

Competency and skills

We note that the cross-industry competency oversight work is still in progress. The level of upskilling and training required across organisations will be crucial to both the provision of the Building Safety Manager role, and to support appropriate levels of knowledge, skills and understanding for existing supporting roles.

A clear competency framework and qualification profile is required for the Building Safety Manager role, accompanied by further guidance regarding what constitutes competence for this, including skills, knowledge, experience and training. This guidance should include potential alignment to existing qualification and training provision. Our members also agree that any requirements are not viewed as “point in time” and that they are linked to a clear pathway of continual learning and development.

If the Building Safety Manager role is to be successful, we need to see investment to implement a model for providing sector training, delivering the next generation of competent persons. Our members are acutely aware from their experience to date that the skills, qualification and experience required for the Building Safety Manager role are likely to be scarce, with finding suitable candidates potentially difficult and expensive, particularly as there is agreement that these roles are likely to be senior due to their prominence and status. There is currently a known shortage of competent and experienced compliance professionals in the sector.

We need to see a sufficient lead-in time to support necessary training and recruitment, giving organisations a level of comfort regarding decisions about any early appointments.

Our members have also raised the potential that applicants may require commensurate reward for increased level of responsibility and that there are risks that experienced candidates could migrate to where pay is higher, such as the private sector, and migrate from other parallel disciplines which would leave skills gaps in other areas.

A duty on residents to cooperate with the accountable person

It is proposed that the accountable person is given legal responsibility for ensuring that building fire and structural safety risks are reduced as far as is reasonably practicable, supported by a competent Building Safety Manager. In addition, proposals introduce a requirement on residents or a duty to cooperate with the accountable person and or Building Safety Manager, with issues that are specific to fire and structural safety, and relevant to the ability of the accountable person or their agents to fulfil their duties under the new regime.

Our members have told us that the single biggest barrier to the practical application of their new responsibilities is access homes to carry out checks and work to support whole building safety. While most residents will want to cooperate with dutyholders, our members' experience indicates that a small minority don't want to, which could considerably undermine their ability to adopt their new responsibilities in full, for the safety of the entire building.

We are concerned about the following example scenarios:

- the protection of building fire compartmentation, including ownership and responsibility for flat or unit front doors

- installation of fire safety systems in buildings, such as sprinklers or alarms, which may require access to individual flats for fitting, inspection and servicing
- where residents could be asked to leave their properties for the purposes of essential safety remedial work.

Landlord access is a long-standing housing association concern. Prior to the focus provided by proposed reforms, there was consensus across our membership that access to flats to carry out routine maintenance, repairs and checks is a growing issue, with difficulties tracing back to non-resident leaseholders, sub-letting and general access refusals. Our members believe it is not acceptable to leave crucial safety issues unaddressed, and at present such cases are slowly worked through via lengthy and expensive court processes.

We are calling for new rights of statutory access that specifically align to new dutyholder responsibilities and where other routes have been unsuccessful. The proposed right of access would only apply to:

- the minority of cases where agreed resident engagement routes have been proactively followed and have not been successful
- cases (not confined to fire) that affect the safety of the whole building, (this could include some existing responsibilities and access for installation, repairs and maintenance)
- both leasehold and tenanted individual properties (residential or otherwise).

The proposed right of access would **not** apply to:

- risks that are confined to the individual flat (such as gas safety checks), only to those risks which compromise the safety of the building as a whole.

We recognise there may be objections to allowing landlords to exercise access powers. It is not anticipated that landlords will gain any benefit or advantage and in some cases the power and associated responsibilities are likely to be burdensome and sometimes give rise to very difficult relationships between landlords, leaseholders and tenants.

These are real drawbacks from the landlord's point of view; however we believe they are outweighed by the major practical advantages of giving the access power to the landlord when all reasonable routes to reach a solution have been unsuccessful. We would propose that there could be a role for the regulator in ensuring that any decisions made in respect to dutyholder access are independently taken.

4.6 A new dutyholder regime for residential buildings of 18m or more – through a building's lifecycle

Housing associations broadly agree with the proposals for duties that run throughout a building's life cycle to support greater levels of building safety and culture change. However, our members recognise the need for a balanced approach that encourages meaningful culture change, with additional support to enable us to meet goals around safety. Housing associations are already actively taking steps to prepare for the implementation of the new regulatory regime but they don't underestimate some of the challenges ahead.

The following sections set out our member's views around the key dataset, golden thread and the potential to adopt Building Information Modelling (BIM) standards including considerations in respect of a managed transition. However, as set out in the consultation we will await further government guidance and final definitions before we comment further.

Digital standards

Housing associations support the ambition to enable a common data environment that will allow different parties to work together collaboratively. We also support the proposals for information and data to be stored in a digital format.

However, we believe significant sector investment is required for digital record keeping and information management. Infrastructure requirements and implementation costs can be substantial and resource heavy. For example, the process to specify a new IT system can take three to four years for a small to medium sized organisation to procure and implement due to issues with availability of skills within the sector and knowledge shortages.

Any new systems adopted require in-house training and integration with existing housing management and asset systems.

A key dataset

Housing associations support the principle of a key dataset to aid risk trend analysis and continual learning objectives. It is a welcome addition, to ensure consistent awareness of the safety of buildings in scope. However, we are clear that collation of such data should be balanced against the need for quick occupation of a new build property, in light of the national shortage of homes.

Members note the importance of ensuring the dataset is manageable and not too large, as well as regularly updated. Potential suggested additions include levels of occupation during the day and night, emergency contacts, and local emergency service contacts. Others may need to be added to cover organisations linked to ensuring structural building safety.

Golden thread

Housing associations support the adoption of the golden thread to collate key information and data about buildings in scope of the new regime. This will support the safety case as they pass through the gateway processes.

A consistent and regulated approach to the golden thread would be beneficial and we welcome the collation and sharing of case studies to showcase exemplar standards of what information might reasonably be contained in practice.

Housing associations are mindful of the need for suitable IT and online systems that are fit for purpose to enable ease of data and information sharing and approvals where necessary.

Mandating Building Information Modelling (BIM) standards

Housing associations agree in principle with the application of BIM standards being mandated for buildings in scope of the new regulatory regime. We know that a number of our members have already invested heavily in BIM standards adoption, others are testing and piloting approaches and some are investigating the benefits to their organisations.

The gap between a full transition to the adoption of BIM standards and the current reality has to be understood and planned for. Members have raised a number of important considerations in respect of implementation and delivery, which broadly focus on capacity and resource.

Members understand the role of BIM adoption as a catalyst for change to improve effectiveness and efficiency in the construction industry and enable management and maintenance of building information and changes to it. In addition to supporting fire and structural safety, there is potential to capture useful information such as component characteristics, manufacturer data, installation dates and maintenance requirements in a standardised format – aiding building refurbishment, maintenance and management through to demolition and disposal.

In the medium to long term, the use of BIM may ensure greater cost certainty and potentially lead to a cost reduction for both new and existing buildings. For example, by identifying problems earlier in projects and automatically calculating quantities to forecast costs more accurately. There is also the potential to encourage more collaborative working across wider project teams.

However, housing associations note that there is more testing to do to understand the enduring business case for adoption in all scenarios, particularly where application practices are still in their infancy. In addition, rolling out BIM across a wide range of organisational sizes and structures, with responsibility for a huge variety of homes within a range of available resources, will be challenging.

Our members need to understand how traditional processes and systems will align with those to support BIM adoption prior to developing guidelines for use by housing associations. Particular issues raised include integration with bespoke organisational systems and IT platforms such as those used for asset management and the need to support existing and new systems in parallel during transition.

A BIM skills gap currently exists both for practitioners generally and specifically within the housing association sector which is likely to continue for a number of years. Members note the need to both upskill existing staff and employ those (directly or via outsourcing) to integrate, administer and maintain BIM systems organisationally and the information it contains.

BIM and the transition period to the new system

It is clearly more feasible to create BIM models at the design and construction stage. This will assist with the creation of more accurate, reliable, detailed and uniformly accessible information stored for the lifecycle of a building. Ideally, such models should have a whole life purpose and support improved asset information for buildings in scope. For buildings under construction, consideration should be given to the stage of development, and how the introduction of additional standards might affect transition.

The requirement for the creation of retrospective BIM models for existing buildings represents a significant challenge. These challenges include:

- lack of information already available
- the cost and time of achieving accurate results
- the disruption required to gather information
- potential challenge of achieving access for survey work to leasehold properties within buildings.

Mandating standards will provide clarity for the sector, but housing associations also need clarity of deliverable long term strategic goals and key milestones to support transition and to enable them to plan and invest accordingly.

We support careful consideration of timescales that integrate a phased approach to transition for both new and existing buildings. Any proposals should be workable, transferable (to support collaboration), proportionate, cost effective and ultimately deliverable. In addition, there must be consideration of alignment and consistency with standards required to meet golden thread requirements.

Members have also suggested that prioritisation might be carried out using a risk-based approach. Overall, proposals must take account of sector skills, market capacity and limits on organisational resources in relation to other competing demands.

There is potential for an initial intermediate stage, which would focus on the alignment of digital information first, or other potential alternatives, in advance of full application of BIM standards which might be faster to implement in the first instance but support a longer transition period. This will assist with initial integration of systems and overcoming capacity challenges. There is also the added benefit of supporting organisations at the start of the journey to transition through an approach, which will build in the opportunity to learn from others and ensure resources are deployed effectively from the start.

Mandatory occurrence reporting

Housing associations support the concept of mandatory occurrence reporting and it being embedded within the new building safety regime. They however note there is a need for adequate capacity on the part of both the regulator and those carrying out the reporting.

The commitment to provide statutory guidance is welcomed, however there is recognition that the industry overall needs to take responsibility for ensuring this becomes embedded, promoting contact with those in key roles to anyone who may have concerns.

Salix, a housing association based in Salford, have been trialling mandatory reporting as part of their role as an Early Adopter. They have suggested that consideration should be given to how the regulator might be kept abreast of issues when co-operation of residents has not been provided. providing the building safety regulator with up to date information about where issues are being experienced by the appointed accountable person.

Members reference learning from strategies on larger construction projects and from culture changing approaches such as Health and Safety Near Miss reporting to promote a positive ethos. It is believed that promoting a 'just culture' can be implemented successfully as long as it is seen as important and the right training is provided for its implementation.

Statutory duty to promote safety across all building work

Housing associations recognise the importance of moving away from a tick box approach to safety. As a sector, we want to proactively demonstrate and evidence the safety of buildings and residents in everything we do, as part of the cultural shift required to keep residents safe.

From a practical point of view, we and our members would like to work with government to clarify how this could work.

Extending dutyholder roles to all building work

As with the ambition of the statutory duty, housing associations support the potential extension of dutyholder roles to all building work. This will provide greater clarity and consistency regarding accountability for building safety and compliance with building regulations.

We believe such a change will support a risk-based approach to which building are included within scope of the new regime. It will also assist with transition and may help organisations consider and embed new management structures and processes in support of the new regime.

Transition to the new system

In consideration of transition to the new regulatory regime, significant change is quite rightly proposed. But there are still currently a number of unknowns and a great deal of detail to be processed and shared.

A successful and deliverable transition for the housing association sector is dependent on a number of safeguards:

- the new regulator having the capacity and skills to manage the regime on day one
- industry skills gaps being filled for key roles i.e. Building Safety Manager and BIM specialists
- key work areas to support the regime being completed prior to legislation being passed
- enough time to support sector transition, including clear guidance and detail in respect of expectations such as BIM standards and the competency framework.

We believe the Government should give appropriate advanced warning regarding particular buildings transitioning to the new regime. This will allow clients and project teams to take account of the additional planning needed for reporting and evidence, resources, cost and time for new build projects. Our members will also need to budget for existing buildings to continue to meet the needs of their residents.

In addition, the Government should think through scenarios where a building project has already started. Housing associations should receive appropriate levels of advance warning of the implications. This allows for additional planning and understanding but also time to consider clarity regarding any specific flexibility and timing on a project specific basis as part of a mature discussion with the building safety regulator.

The Government should consider where it can add value and what it could do to assist the industry to speed up transition to the new regime in a reasonable and deliverable way.

4.7 Putting residents at the heart of the new regulatory system

The Federation and our members fully support the principle of engaging residents as an important facet of ensuring the overall safety of the people living in a building. Residents play a vital role in building safety and housing associations want to work in partnership with residents towards identified safety outcomes.

We detail our response to individual proposals below, but overall we want to see a flexible approach to resident engagement, which enables the achievement of safety outcomes that are co-created with

residents. Our members are well placed to share good practice in resident engagement, particularly as we work to improve our own approach, as described in more detail below.

Proposed resident duty to cooperate

Housing associations support the proposed requirement for residents to co-operate with the accountable person and their Building Safety Manager, to allow them to fulfil their duties under the new regime. Clearly defined duties for residents are seen as an essential part of a collaborative approach to maintaining safe buildings and ultimately keeping residents safe.

When considering any proposed requirements for residents and engagement strategies, our Together with Tenants work provides a useful resource and frame of reference. Together with Tenants describes our work to build a collaborative, balanced relationship between housing associations and their tenants and residents. Our recent [consultation](#) on the next steps for Together with Tenants received 2,500 responses, 85% of which were from tenants or residents.

Emerging findings from the Together with Tenants work show Tenants and residents want to work with their landlord on decisions which affect their home, including building safety, and this can reasonably be extended to the accountable person and/or Building Safety Manager.

This supports a move towards an equal relationship (in fire safety and other areas) between landlords and their residents, empowering residents to play an active role in managing building safety. The proposed resident co-operation requirement supports this approach and the need for a balance of duties and responsibilities. We believe this approach is not specific to the social housing sector and could benefit residents living in other types of tenure. We will continue to engage the Government on our findings should these prove helpful to other sectors in terms of ensuring resident safety.

Support and resource required

Housing associations have told us that residents play a key role in ensuring the safety of a building. The key to developing a culture of building safety compliance is to establish a relationship of mutual responsibility, where tenants and residents appreciate the need to comply without doing so solely because of a threat of enforcement action.

This can be achieved by well-resourced engagement strategies and activities. However, we need to recognise that for engagement to be meaningful and worthwhile, it can involve significant commitments in terms of time, resource and capacity.

The Government could support dutyholders and residents to keep a building safe by providing clear guidance for landlords and residents to clarify where responsibility will lie for each aspect of building safety, including examples of good practice. This would be particularly useful for buildings in which there are complex ownership or management structures, such as where housing associations have responsibility for a number of residents in the property, but in which they are not the manager or owner of the building.

Resident requirements and safeguards

Our members agree that if new requirements for residents to co-operate with the accountable person and/or the Building Safety Manager are introduced, There are a number of safeguards that should be considered in respect of tenants' rights to quiet enjoyment of their home. Suggestions include:

- clearly defined responsibilities of both parties to ensure that the rights of each can be protected but that both can be held to account
- reasonableness of the landlord's request
- sufficient notice for access according to the issue raised (and in accordance with agreed timeframes and processes)
- suitable right of redress if the accountable person and/or Building Safety Manager and/or landlord uses any given powers unreasonably.

This requires a partnership approach from the outset, to ensure that the balance of access and compliance with residents' rights is maintained.

If residents are to be subject to mandatory access requirements (as proposed on page 23) then they should be supported to participate fully in the design and creation of broader building safety strategies (a theme put forward strongly from our Tenant Advisory Panel on the Together with Tenants project). Our Together with Tenants consultation showed that tenants and residents collectively want to be involved in the decisions that affect their lives and homes, and that their participation in consultations should be facilitated by their landlords.

As part of Together with Tenants, the Federation is working with an external research consortium to explore innovative ways of engaging residents in oversight of whether their landlord is meeting key commitments. Any learning from this work can be applied to building safety, so that residents co-design the policies and procedures concerning enforcement and compliance in the buildings they live in, fostering a culture of shared responsibility for safety.

Communication of fire safety information

Housing associations support proposals for a "culture of openness" and agree there is a reasonable expectation that they (whether they fulfil the accountable person and or Building Safety Manager role or not) should communicate fire safety information to residents. In addition, housing associations support the extension of this scope to all occupants of a building, beyond their registered residents to include visitors, occupiers and potentially sub-tenants.

They also recognise the need for appropriate levels of engagement with other parties who have an interest in the safety of the building such as leaseholders (both residential and commercial). This could include where housing associations have residents living in a building that falls under the new regime but they do not hold a recognised role such as the accountable person or Building Safety Manager.

Responses from housing associations suggested a variety of ways that they would display fire safety information for building occupants, incorporating the use of dynamic formats where appropriate. Solutions include the use of big screens in receptions, posters and notice boards, but also physical and digital copies of information distributed to households and the use of webpages, online publications and social media.

Considering the potential and impact of good practice approaches and solutions, we believe there is space to move away from prescriptive standards and include certain flexibilities. This could include provision that landlords have to agree with their tenants and residents what information is provided and how. Landlords can then support everyone to understand theirs and each other's part in ensuring

the safety of the building. For example, our Together with Tenants consultation response flagged repeatedly that information provided to residents has to be in a format and language they can access.

Considering specifically the process for raising safety concerns, a useful addition would be that a reasoned representation in respect of safety must receive a reasoned response to the specific issues raised. However, clarity would be needed around what constitutes reasonable on both sides, and within the context of the landlord being able to prioritise requests according to safety risk. It is possible to see a scenario in which residents could be frustrated by their expectations not being met and landlords being frustrated by limited resource being diverted away from more important building safety responsibilities.

We also believe there is scope for national guidance and resources to support good practice. A national campaign on fire safety in the home (taking into consideration a range of property types), and easily accessible information resources for occupants on managing domestic fire risk, could play an important role in increasing awareness and understanding.

Resident Engagement Strategy

There is broad support from housing associations for the mandatory engagement strategy, however, the current proposals appear prescriptive and heavy handed, especially for members who already have a great deal of valuable learnt experience from engaging with their tenants and residents.

In principle, we agree that the strategy should cover the points set out in points 262-271 in the consultation document, and we particularly welcome the recognition that the strategy may form part of a larger document such as a residents' handbook.

It is important that the requirements for engaging with residents (and other parties) should apply uniformly to buildings in scope across all sectors. However, where the accountable person and or Building Safety Manager is a social landlord, we recognise they are already likely to have systems and comprehensive arrangements in place for informing, consulting and engaging with residents. It should not be a requirement of the new regime to set up a parallel system just to comply. If housing associations have already developed ways of engaging with their residents and these are working well, they shouldn't be required to adopt this new mandatory system on top.

This could particularly be an issue where an initial proposal has been compiled by a dutyholder who does not become the accountable person in occupation due to a transfer in building ownership or specific management arrangements. In this context, there must be consideration of reasonable flexibility around sign off prior to issuing the building certificate to enable the accountable person to co-create an appropriate engagement strategy with residents.

Our preference for the sector would be to set out high-level aims and objectives (as opposed to processes) for the resident engagement strategy but as with communicating fire safety information, give the accountable person and or Building Safety Manager and residents the flexibility to decide what works best for them. Current resident engagement strategy proposals are unclear whether it is envisaged that residents will be engaging individually or collectively, we would suggest that it should be able to accommodate both.

Case Study 4 – Addressing resident concerns post-Grenfell by partnering with local fire services

One of our members has been working with a local fire service for a number of years. They have regular meetings with the fire services where they share data around incidences across the region so that they continually learn and develop best practice.

Within 24 hours of the Grenfell Tower fire, they visited and all of their high rise tower blocks (17 at the time). The housing association, along with the fire service, gave residents reassurance that they were safe in their homes and that none of the cladding that contributed to the disaster was on their blocks. They opened community rooms and set up reception desks in each block to ensure they were visible and there to support residents.

Housing colleagues walked every area within the blocks checking fire arrangements and ensuring the fire services had access to all parts of the building including plant rooms, lift motor rooms and roof areas. It served as a refresher to the fire crews and the visits enabled the housing association and the fire services to reiterate their “Stay Safe” policy to residents.

Residents raised concerns that they had cladding on their block, even though it was not ACM cladding. Because of this worry, the housing association gained sample panel from their cladding manufacturer to perform their own safety tests with the fire services. Residents were invited to watch the tests, which the panels passed, and the housing association has since had no concerns raised by residents.

Since the fire at Grenfell Tower, this housing association has maintained joint visits with the fire services to all 17 blocks every six months, with communication campaigns around fire and building safety.

As part of a regional initiative with the fire services, this housing association has installed information plates in all their high rise blocks. These include information on hydrant locations, dry risers, how many hoses are required to reach these points, staircase locations, lift numbers, floors and flat numbers in relation to floors.

As set out earlier, the strategy should not focus on residents exclusively, it should also include opportunities to engage non-residents where they are likely to have something to contribute. This could include non-resident leaseholders (e.g. landlords of privately let flats), occupiers of non-residential parts of the building and housing associations providing homes in the building but where they're not the accountable person. The test for inclusion should be ‘whose voice can contribute positively to building safety?’

This approach accounts for the fact that a greater level of voice often equates to taking individual responsibility, so it is in everyone’s interest that engagement is as inclusive as possible so responsibility for day-to-day safe practices and behaviours is shared by the broadest pool of people possible.

The proposals for a resident engagement strategy reference ensuring that tenants ‘are involved in decisions about their building’s safety.’ We support this principle and would want to deliver it in a way that supports outcomes that accountable persons, the regulator and residents want to achieve in

relation to building safety. Our Together with Tenants feedback suggests that tenants and residents, collectively, want to be involved in specific levels of decision making, and holding the landlord to account on it. We believe the decision as to how this is delivered should be taken in partnership with residents, so that they can decide together what would be meaningful and reasonable.

In recognition of the some of the more challenging aspects of ensuring engagement is successful and meaningful, housing associations have expressed concerns for vulnerable individuals. This includes people who may not have the capacity to make informed decisions and reasonably be able to fulfil their duties under the new regime, despite support from a nominated person. This could include those with drug / alcohol dependencies and mental health issues who are likely to be unable to engage with the accountable person and/or their Building Safety Manager and a minority of residents for who greater risk awareness (despite mitigation) causes higher levels of concern.

In addition, many have commented that a significant number of their tenants and residents choose not to engage with their landlord, beyond a transactional relationship. Together with Tenants will go on to explore innovative practice in resident engagement, aimed at increasing levels of participation with underrepresented groups. We can use our learning to develop good practice models for landlords to emulate in their resident engagement strategies.

Some residents don't want to engage with their landlords and this should be accounted for when considering measurement of the success of the strategy, the satisfaction of residents and demonstrating a commitment to continuous improvement. One suggestion, from a housing association piloting new approaches as part of our Together with Tenants project, is that some measures could be included as part of mandatory occurrence reporting guidelines, giving the regulator early and continued insight.

Overall, we suggest that if the proposals are strengthened by outcomes shaped by Together with Tenants, and adopted by housing associations they should be deemed to be compliant with the mandatory strategy as set out in the proposals.

Redress and escalation comments

Our members broadly support the proposals in respect of resident redress and escalation. But as with a number of issues raised above, regarding specific practice and processes, we'd welcome further conversations about how this could operate to achieve the intended outcomes.

We agree that the resident engagement strategy should set out a clear process for residents to raise concerns relating to building safety. As set out, the assumption should be that any concerns would be raised first through agreed internal processes so that the accountable person has a reasonable opportunity to assess and respond to the issues raised.

However, if the internal process fails to resolve the issue, there should be provision allowing the problem to be escalated to the regulator. We also agree that in more serious cases, where the risk is immediate, residents should be able to go directly to the regulator. In such a case, one of the options open to the regulator should be to refer the matter back to the internal procedure if it were of insufficient urgency to warrant such a direct referral.

We welcome the recognition that in practice, there are likely to be a number of channels through which safety issues may be raised. We support the 'no wrong door' approach with the proposed duty

on existing redress schemes, and other interested parties, to ensure that safety concerns come to the attention of the regulator.

We have already, in response to earlier consultations, indicated our support for the extension of redress schemes to other parts of the housing sector as set out in paragraphs 294-296.

4.8 A more effective regulatory and accountability framework for buildings

Housing associations support the creation of a new building safety regulator and the ambitious proposed regulation and accountability framework. This includes the proposed regulator role and oversight functions, encompassing competence, construction products and independent assurance.

If effectively planned and resourced from day one, a regulator with such functions could result in a step change to building safety, bringing significant benefits to the construction sector and wider public in terms of trust and higher build quality.

Particularly welcome is the oversight of construction materials and competent people within the wider construction sector. This will help the sector achieve greater levels of assurance of specification and workmanship, as part of mitigating the potential for future systemic failure.

In addition, there is strong support for a model that demonstrates the benefits of continual review and learning to update and strengthen processes. This model will take time to develop to its full potential and will require high levels of transparent communication supported by a 'no blame' culture.

However, concerns have been raised relating to the regulator's operational capacity, given the large number of buildings likely to be in scope and the complexity of many of the safety issues likely to arise, especially during the transition to a fully established regime.

The new building safety regulator has the potential to be a significant size, with a need for experienced employees across a range of specialist disciplines and a budget appropriate to its task. As a result, it is important that the needs of the regulator, in terms of skills, capacity and resources, is balanced with the needs for these same things within the sector being regulated.

Accountability, expectation and assurance (including the links with other regulatory authorities) will need to be clearly defined at every stage and supported by guidance.

Key considerations for success

The most significant challenge foreseen by housing associations is the need to ensure the regulator has appropriate levels of capacity and competence from day one of its operation, to enable agility and speed of decision-making.

To avoid confusion and delay, set up and transition timescales will require careful consideration prior to implementation. The impact of a piecemeal or rushed approach once legislation is passed will be too late and complex to change.

The speed of progress of parallel workstreams linked to the oversight of construction products, competency and accreditation will also be key. Any lack of clarity would affect sector skills, capacity and specification.

Housing associations have strongly pointed out the need for a consistent and effectively resourced regulatory approach at both national and local level. They have cited examples in relation to current regulatory arrangements where this has had an impact on their development and management approach. Consideration should be given to the number of buildings falling in scope which will be covered by local areas and the potential impact on other local bodies such as the local authority and fire and rescue services.

A further consideration raised is that the new regulator is likely to receive a large number of representations and other incoming information, a proportion of which may be sincere and possibly legitimate, but that do not bear on building safety. The regulator needs to avoid being drawn into general oversight of the management of buildings and the relationship between occupiers and building owners so that its expertise can be appropriately focused on ensuring safety.

Filtering out building safety issues is likely to be a major concern for the regulator. Inspectors will be employed, but the process of inspection is likely to be resource intensive so the regulator will need some kind of process for deciding when an inspection is warranted.

Mechanism for challenge

Housing associations recognise the often complex nature of development and housing management and are aware that in some cases, some decisions made by the regulator will be debateable and open to challenge. While the option of judicial review is available, this approach is not in keeping with the proposals for dutyholders to have an ongoing and mature, discursive relationship with the regulator.

Legislation should require the regulator to set up some form of review mechanism or process, allowing regulated parties to reasonably query or challenge key decisions, with an emphasis on resolution, as opposed to having to resort to costly and lengthy litigation, which would still exist as a last resort.

Oversight of products, competency and accreditation

Earlier in this response, we set out some of the challenges housing associations experienced in carrying out building remediation works, such as the replacement of cladding systems and fire doors. As a sector, we've learned some important lessons from these challenges that could inform the future regulator's work to oversee products, competency and accreditation.

Our members have reported the importance of clarity, transparency and high quality communication of any information that supports them to keep a building safe. As an example, in working to replace glass-reinforced composite fire doors that have been found not to meet fire safety requirements, our members have been managing the additional risk associated with having these doors in residents' homes. Transparency and quick communication of full test results (including associated data) for these doors would support our members to manage the risk, particularly where there is a need to prioritise replacements and identify doors that present a greater fire safety risk.

Transparency of information in a future product oversight regime would support building owners to act confidently and appropriately when working with construction products.

In addition, when working to identify ACM cladding on buildings to enable quick remediation, our members were supported by a testing regime that was transparent and clear in the subsequent action

required. Being led by government, the results were communicated extensively with those who were required to take action.

Sharing data related to the safety testing of any construction product is paramount in a new system, so that all dutyholders in the new system have information available to them to inform any action, regardless of how the test was commissioned.

In terms of competence, a strong, well-resourced national framework is essential to restoring faith in all sectors involved in the safety of buildings. Such a framework must develop and monitor standards for all those with a role to play in managing or affecting the safety of a building throughout its lifecycle. It would develop and review the competence levels required, as well as the appropriate qualifications.

Due to the importance of this work in supporting the successful outcome of the proposed regime, progress of the next stages must be swift and in keeping with any proposed transition. This is so that appropriate dutyholders within the new regime and others can be accredited and upskilled as appropriate.

4.9 Enforcement, compliance and sanctions

Housing associations support the proposals for the new regulator to have wide ranging enforcement powers, given the need for change towards greater accountability in building safety, design and construction. However, as noted with other aspects of the proposals, we need clarity and detail of how the broader measures are going to operate in practice to ensure powers are robust, but also proportionate and fair.

Our members support the proposed three-step approach as there is seen to be scope for appropriate enforcement mechanisms and sanctions, but we would support emphasis being placed on ensuring building safety is enforced in a timely manner.

Specifically, the first two steps allow organisations to seek advice and improvement through reinforcement and proactive intervention, which should provide the required tools to achieve compliance. Any subsequent failure will ultimately result in enforcement and this is seen as being a fair process that allows for improvement.

Ultimately, it should be ensured through statute that whoever is designated as a dutyholder person has the authority to carry out the responsibilities associated with the role. We describe this suggestion in more detail on page 23.

Key considerations for success

Our members have made a number of specific suggestions:

- There is an opportunity to learn from feedback centred on the success (and failures) of the existing health and safety enforcement and sanctions regime.
 - Members however point out that many health and safety requirements are also legal duties yet are sometimes ineffective.
- Capacity, funding and enforcement will be critical to supporting culture change.
- Rollout of any enforcement and sanctions framework must be aligned with the timetable for achieving compliance with the requirements.

There is recognition of the need to identify and emphasize good practice, rather than simply relying on penalties and sanctions to change behaviour. This approach will provide a greater balance, in line with the wider proposals for a relationship-focused regime, and should be supported in recognition that the overall goal is compliance and safety for residents and their homes.

Our members have also raised a number of issues that require greater clarity:

- The extent to which the regulator's powers will extend in extreme cases where building safety is compromised.
- How the regulator will work with housing associations to ensure supportive guidance is proportionate to the risks, but is practical and achievable (specifically considering the provision of guidance prior to more formal intervention, but recognising that primary responsibility remains with the dutyholder to ensure building safety).
- Consideration of action that might be taken by the regulator once sanctions have been applied to restrict the recipient's involvement in a similar company.
- The potential for transparent accreditation schemes to raise sector awareness of poor performance and the potential for sanctions to be matched with a requirement to share the lessons learned, to promote positive change.
- Consideration of alternatives to encourage culture change such as methods of celebrating good practice and continuous improvement of practitioners.

4.10 Analytical overview

Naturally, a new system for building safety will require resources, including finances, to ensure it is delivered appropriately. Appropriate funding is essential to secure residents' safety and we know that housing associations are already prioritising spending on improving their buildings in advance of the new regulations becoming law.

We therefore welcome that the Government has done some early thinking around what these costs associated with delivering the system might be, particularly in linking these to the benefits seen by reducing potential fatalities. Given our members' limited experience of implementing the proposals, we would be grateful to understand more about how the costs described in Annex A were arrived at.

The Federation will be conducting some of our own work to understand more about the costs that our members are incurring, and will incur, to implement the new proposals. We would welcome a conversation with the Government on this topic once our research is complete.

Our initial response to the costs as set out in Annex A is that these feel different to some of the anecdotal costs shared with us by our members. As an example, our members have described the expected considerable investment they would need to meet the Government's requirement to be using BIM under the new regulations. We believe that the extent of this and other costs needs to be more fully understood, so that dutyholders can meet their new responsibilities and the necessary resources are identified.

We have set out earlier in this document our call for the Government to set up a Building Safety Fund to help meet the one-off costs building owners will incur in ensuring the safety of buildings. We would welcome a further conversation with the Government that recognises the continuing costs that landlords would incur to meet their responsibilities for building safety, while balancing the need to keep these reasonable and fair for our residents.

5. Conclusion

The National Housing Federation and our members welcome the Government's proposals for a new regulatory system for building safety. We agree with Dame Judith Hackitt that the previous system was not fit for purpose, resulting in widespread issues of safety, such as the discovery of combustible materials on a number of buildings and concerns regarding poor quality fire safety measures.

We are therefore committed to working with the Government to carry out necessary remedial works and to implement a new system for building safety. Our residents' safety is our utmost priority and this guides us as a sector, as does our resolve to ensure a tragedy like Grenfell never happens again.

We are committed to adopting our new responsibilities as building commissioners, developers and landlords. We believe the new system needs to be adopted in its entirety, though we have made recommendations around how the Government could carry out some further work to clarify some of the practical applications.

Many of our members have begun work to adopt the new principles already, though as a varied and complex sector, we would support a managed transition to the new system that accounts for the need to build commensurate capacity to be effective.

There are a number of ways in which the Government could support housing associations in the work to ensure safety, including:

- Leading a strategic response to unresolved safety remedial works on existing buildings to speed up essential work to ensure residents' safety. This should be underpinned by a Building Safety Fund to support building owners to pay for associated one-off costs.
- Providing clarity and transparency on the safety testing programme.
- Providing further information about the ongoing testing programme on other types of non-ACM combustible cladding and the completed testing programme on glass-reinforced plastic fire doors.
- Granting stronger powers of access to dutyholders in occupation, directly linked to their responsibilities for whole building safety in the new system.

The proposals represent an ambitious shift from the way in which building safety currently operates, which is a welcome change in recognition of the previous failed system. However, the Government must recognise that this will take a significant investment of our members' time and resources. These may be diverted away from the pursuit of their other goals.

We need appropriate time and capacity to gear up to adopt the proposals and we would therefore welcome ongoing conversations with the Government as it develops these proposals further.

6. Further information

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