

Draft Building Safety Bill

Published on 20 July 2020, the Draft Building Safety Bill is the Government's response to the Grenfell fire. The Bill is designed to prevent such a disaster ever happening again by setting out clearly where responsibilities for building safety lie, and by ensuring there are no gaps in safety measures. It also introduces a specific concept of 'higher-risk' buildings.



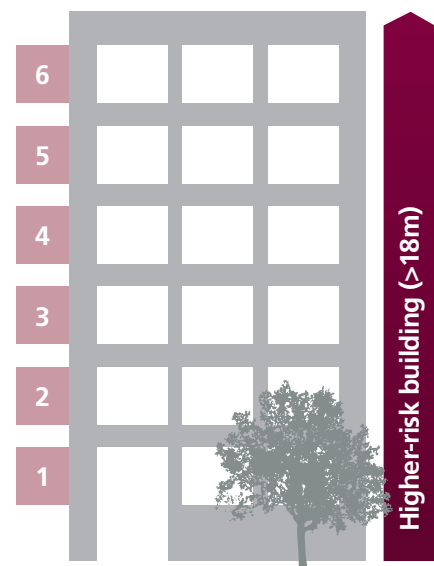
A 'higher-risk building' is defined in the Draft Bill as 'a building of a prescribed description'. This may seem unhelpfully vague, but the vagueness is intentional to allow flexibility for the regulator and Secretary of State for Housing in how they actually define higher-risk buildings. For the time being, the Explanatory Notes to the Draft Bill suggest that a higher-risk building is one that exceeds 18 metres in height or is more than six storeys tall.

The Draft Bill also proposes that responsibility for oversight of building regulations compliance on higher-risk buildings will pass from local authorities to a new Building Safety Regulator (an expanded role for the Health & Safety Executive).

Responsibilities and dutyholders

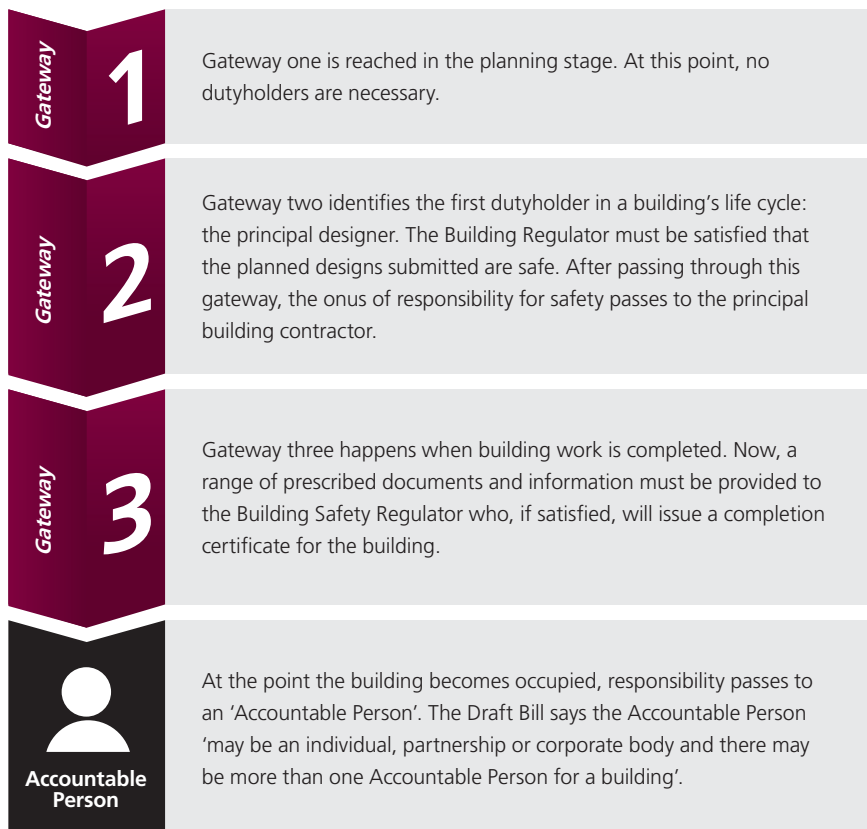
A key flaw identified by the Grenfell review was the lack of clarity around who owned responsibility for safety. The Draft Bill addresses this by stating 'that there should be a clear dutyholder during occupation who will have statutory obligations to maintain the fire and structural safety of the building'.

In fact, it goes further and sets out who will have dutyholder responsibilities throughout the building's life cycle. At the end of various phases, a 'Gateway' is reached, and the Regulator checks that all safety measures relating to the building have been complied with.





The Gateways



One of the duties of the Accountable Person is to appoint a Building Safety Manager, 'who must have the organisational capability and relevant skills, knowledge, experience and behaviours.' Like the Accountable Person, this can be an individual or an organisation.

It is immediately apparent that there is a new burden of responsibility on designers and contractors, including those involved in construction and those who look after maintenance. How do they discharge their responsibilities?

Designers and contractors have new mandatory obligations

The new mandatory reporting regime is described in the Explanatory Notes to the Draft Bill as follows:

Provisions are included in the Bill that will allow for a Mandatory Occurrence Reporting System to be established. This involves the obligatory reporting of structural and fire safety occurrences which could cause a significant risk to life safety to the Building Safety Regulator.

Dutyholders in design and construction are required to establish a framework for mandatory occurrence reporting that will enable workers on-site to report potential occurrences.

Mandatory occurrence reporting also continues in occupation. The Accountable Person must set up a similar framework, and the Building Safety Manager will be required to report occurrences to the Building Safety Regulator.

The Bill also includes measures requiring the Building Safety Regulator to publish aggregated information it has received from dutyholders as part of the mandatory occurrence reporting regime on an annual basis.



The 'Golden Thread'

One other important take-out from the Draft Bill is the concept of a 'golden thread' of information. The idea is that information relevant to the safety of a building will be kept together and, whenever the dutyholder changes, that the information is passed from the outgoing one to the incoming one.

This is designed to prevent any vital information slipping down cracks between parties. Once the Act is passed, the Secretary of State will set regulations as to what information is encompassed, but it will include such things as the certifications obtained, potential safety concerns notified and product safety data, all to be recorded and retained throughout the lifetime of the building. It is loosely akin to a car's MOT history, but with much more detail recorded. The information will be held in digital form.

Neil Harrison, who is Door Technical Manager at Falcon Panel Products, gave us his thought on this, saying 'Anyone who has paid any attention to the Grenfell Tower Inquiry will be able to see how missing small details and not approaching construction products using a systems-based methodology has the potential to snowball, leaving the rest of 'the thread' (whether that be design, manufacture, installation, inspection or maintenance), incomplete. The 'golden thread' reinforces compliance for all these stages and reduces the risk of construction products forming part of a safety strategy on the basis of just one test or inaccurate information.'

Even had the Grenfell tragedy not occurred, this idea of the golden thread makes complete sense in ensuring that a building is always as safe as it can be. Rutland is already working on systems that will enable its products to be added seamlessly to each building's golden thread.

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Neil Harrison
Door Technical Manager, Falcon Panel Products

The Golden Thread
of Building Safety



How does this all affect manufacturers of doors and door parts?



112 references to construction products including fire doors

The Draft Bill has only two specific references to 'fire doors', so you could be mistaken for thinking they are a low priority. This is actually far from the case when you realise that there are actually 112 references to 'construction products' which, of course, include fire doors.

To comply with the new legislation once it becomes law, we will need to ensure that products are tested to the appropriate standard and that this data is retained and held as part of the golden thread by each building's dutyholder of the moment.

Paul Taliotis of Fire Door Project Management thinks one result of increased awareness in fire safety is that it should ensure 'installation is completed by accredited installers. It's apparent that individuals need to have a clear understanding in the importance of not only correct installation but ensuring things like the hardware chosen do not impact the doors' performance'.

Having worked for over 12 years in multiple labs around the UK, carrying out testing and certification of all passive fire protection products, Paul is highly experienced in both fire and security construction of domestic and commercial buildings, as well as bespoke building projects. He continued, 'On top of a good installation, the correct maintenance is essential. There's a real need to have regular inspections to point out where everyday usage can degrade certain aspects of the door set. In many cases, not having proper maintenance and reporting systems in place could render a fire door set unfit for purpose, regardless of how good the initial install is on site or how the door set performed in a test lab'.

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Paul Taliotis
Fire Door Project Management



We also asked Andrew Davies, Technical and Training Manager at one of the leading industry suppliers, Halspan, what he saw as the key take-outs right now for those in the fire door business. He said:

‘Compliance and how I demonstrate it would be my immediate priority. There is also great responsibility on architects and specifiers to ensure they are specifying compliant products, and to the main contractor to ensure this compliant specification is adhered to and not “VE’d” [value engineered] out.’

We would echo this. Being compliant matters, but so too does being transparent in demonstrating your compliance. We will continue to follow the progress of the Draft Bill as it passes through parliament – no doubt with amendments – to make sure we are up to speed with our responsibilities. We will also continue to share our understanding in future bulletins. For now, we would urge all manufacturers to check out their designers and contractors as part of their due diligence.

There is no doubt that the legislation that emerges from the Draft Bill will add new responsibilities and demand extra effort. Rather than see these as a burden, we hope everyone in the industry will embrace these changes and appreciate the literally life or death issue at stake.

Sadly, there are companies that have tended to ‘bluff it’ or treat compliance as an option rather than a necessity. As the Grenfell Review found, this laxity could lead to catastrophic results. The legislation that is eventually published will inevitably – and rightly – make compliance non-negotiable.

We should all welcome this, and Rutland certainly does. Unless our fire safety products are reliable parts of robust systems that keep people safe, we aren’t doing our jobs properly.

Please note:

This whitepaper is not intended to cover the full scope of the ‘Draft Building Safety Bill’ published 20 July 2020, but merely provide a brief appraisal. We cannot be held responsible for any inaccuracies in our interpretation. If you require information as to how any of the issues covered might affect your business, professional independent advice should be sought.

The full ‘Draft Building Safety Bill’ can be viewed on the Government’s website.

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