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Compliance and Building Safety
The Building Safety Bill 2020

This webinar will explore what best practice really looks like in today's housing market, to ensure residents have safe homes.



Where we are....

- Draft **Building Safety Bill** Published
- **New Regulator** to be recruited – **Chief inspector of Buildings** in England - Operating withing the HSE
- **Pre legislative scrutiny** – Due to complexity of legislation
- **HCLG Committee assessment** including;
 - Does the bill meet the governments own policy intentions?
 - Does the bill establish an appropriate scope
 - Will the bill provide a robust and realistic system of responsibility

Issues still to be influenced

- HCLG still in pre leg phase
- **Leaseholder responsibility** and charges – practicality and how this is enforced
- So the **Accountable Person** – Who actually is it?
- **Building Safety Manager Role** – who is up to the job, are there enough people around!
- The links with Fire Safety Order and Housing Act 2004 do not exactly line up in terms of responsibility

Higher Risk Buildings – Areas of Scrutiny

- Building registration – **Building Assurance Certificate**
- **Accountable Person** – usually the owner
- **Building Safety Manager** role, appointed by Accountable Person
- Statutory requirement for a '**Safety Case Report**'
- **Building Safety Charge** – Politically difficult
- Partnership and engagement with residents essential to support day to day management of fire risks
- BUT WHAT ABOUT BUILDINGS UNDER 18M ????

Building Safety Regulator

- **HSE** take over this role.

Ensures buildings will be safely designed and constructed and they continue to be safe once occupied

- Three key gateways – planning approval, start of construction and handover – signed off by the BSR before the next stage can commence
- Regulation of planning
- Regulation of building
- Regulation of existing buildings
- Amendments to 1984 Building Act

Leaseholder Responsibilities

- Access is the key to ensuring safety – How does the landlord enforce access?
- What powers over the Leaseholder does the Building Safety Manager have?
- Capital investment in safety - What does the Leaseholder pay? - **Building Safety Charge?**
- So far it looks like this.... The resident including leaseholders will need to provide gas and electrical safety certificates to the owner and that a court order can be made if the resident is not complying... *but how will that work in reality?*

Problems that won't go away

- It isn't only panels that are the problem – compartmentation, fixtures, construction materials.
- Stay Put policy – is it fit for purpose - lots of ongoing concerns for fire service.
- Fire in buildings spreads quicker than thought and then planned for.
- Costs to remedy are significant and well beyond the £1bn fund provided by Government.
- Not everything can be done at once.
- There are lots of risks in lots of building archetypes – not just High Rise

What comes next?

- This is going to take time!!!
- Approval of the Bill 2021/22
 - Secondary legislation
 - Guidance on how to apply the legislation
- Possibly will take up to 7 years to inspect all high rise!
- Residents are now used to campaigning – they want safety and an end to the fear.
- In the meantime – no excuse for waiting till the full package is in place.
 - **Voluntary Standard in advance of Legislation.** – Trialled in Gtr MCR
 - **Risk based approach to intervention**

Thank You



Legionella Compliance in Domestic Portfolios & COVID-19



Recent experiences with housing clients

Low use of water systems

- Large numbers of staff working from home has led to low use / turnover of water services
- Sub-optimal management of building closures exacerbating reinstatement challenges at a later date
- Water system reinstatement requirements poorly understood and often not met

The line between compliance and staff / tenant safety

- Compliance rationale – To do or not to do?
- Educating and supporting tenants to understand the need for compliance visits
- Compliance schedules condensed - KPI pressures
- Adapting compliance needs where tenants are refusing access or are shielding
- Client reassurance – additional support, communication and evidence of updated procedures
- Tenant reassurance – enhanced booking methods inc. updated letter templates and call handling outlining COVID-19 measures – reduced efficiencies

Water Hygiene - COVID-19

Is COVID-19 an excuse for lapses in compliance?

- ACoP L8 compliance is still considered essential by the LCA
- Can the process be adapted where necessary (can the risk be engineered out, modification of inspection schedules, use of PPE and hygiene best practice).




Water Hygiene - The Compliance Picture

What can housing providers do to minimise risk?

- Ensure comprehensive Legionella Risk Assessments – First step
- Ensure robust vetting of contractors to ensure competency
- Implement Water Safety Management Plan and appoint responsible persons
- Ensure the WSMP is communicated and all are aware of their roles
- Ensure adequate instruction and training for ALL persons involved in water hygiene
- Ensure ongoing monitoring, inspection and maintenance regimes are adhered to
- Educate and support tenants to understand the need for compliance visits
- Ensure a robust asset management system is in place to track risks and outstanding remedials
- Be pro active in applying Legionella risk control to new builds, particularly the need for ongoing maintenance – IE TMV's – Get involved at the design stage.
- Be pro active in managing Legionella risk in current portfolio, IE removing stored water as far as reasonably practicable during improvement projects
- Put Legionella risk on the agenda for property acquisitions
- Ensure proper management of water hygiene in voids or any properties where occupancy reduces or lapses
- Ensure adequate commissioning / reinstatement of water systems following periods of shut-down
- Ensure adequate records are kept at all times (minimum of 5 years)
- Invest in your people – Training, training, training!

Building Reinstatement

- As a minimum, where buildings have been left out of use without control measures – water systems will typically require a cleansing flush and validation water sampling.
- Full system disinfection may be required
- Don't get caught out!



Common Issues Encountered within Domestic Portfolios – an Overview

Poor access to water assets such as cold water storage tanks and calorifiers

Example here no crawl boards being present and a substantial amount of insulation.



- Tenants declining access due to the ongoing Covid-19 Pandemic
- Areas of no access within communal blocks limiting effectiveness of risk assessment
- No records of low use flushing on void properties or poorly identified areas of low use that may put contractors at risk
- Over storage of water – particularly where former bathrooms are converted to shower rooms with an electric shower but tanks and calorifiers are left in situ
- Fuel poverty – Compliant system temperatures not maintained due to tenants having financial difficulty
- Poor cold water storage tank compliance – poor location, poor accessibility, not structurally compliant
- Scald risks – very high hot water temperatures where vulnerable persons inhabit the property
- Poor conversions from gravity fed systems to combination boiler systems, dead ends left in situ
- Communal outlet management – To bib(tap) or not to bib(tap)!? And what about the cleaners?
- Water Butts – Keep or remove?
- Poor staff training levels – client competencies impaired
- Incorrect positioning and plumbing for TMV's
- No audit or oversight of appointed contractors
- Pitfalls associated with the same contractor being appointed for risk assessment and consultancy and monitoring / servicing

SGS

DMW

Thank You



Mark Pinnell
**Executive Director Assets and
Development**



Who are SCH?

- Solihull Community Housing (SCH) is an Arms Length Management Organisation (ALMO) – established in 2004
- Employ circa 300 Staff including internal trade workforce.
- Manage circa 10,000 properties on behalf of SMBC & 1223 leaseholders
- 67.5% of our stock are flats, maisonettes & bungalows
- 37 high rise blocks – all located within a 3 mile radius of each other
- 750 low rise blocks across the borough



My remit includes:

- Building Safety - Exec lead on Health and Safety and Building Safety Management Group.
- Exec lead for Emergency Planning
- Capital Investment Works
- Day to Day responsive repairs and voids – in house DLO
- New Homes Development
- Aids and Adaptations
- Better Places – Pest Control, Graffiti removal, Damp and mould treatments
- Stores and Logistics including Fleet
- Project review board – Procurement



Response to Grenfell Tragedy

- **Important to note we have not fitted a cladding system we installed a non-combustible mineral wool external insulation system.**
- **High profile on site presence to reassure our customers at the time and for a number of weeks after.**
- **Fire Safety Group formed now renamed Building Safety Management Group – on going oversight and implementation Moore-Bick, Hackitt etc.**
- **Building Safety Action Tracker – reported to Exec and Board**
- **All 37 High rise are fully fire risk assessed each year, however numerous checks are made on a weekly basis**
- **All Low rise blocks are fully fire risk assessed every 3 years**



Building Safety Team Objectives and Commitment

- To adopt a clear and accountable approach to regulatory compliance
- Make safety a key factor of choice in who we work with, ensuring that building safety is placed at the centre of selection decisions without compromising quality and value for money
- Ensuring that the voices and safety of residents, visitors, staff are central to our decision making process
- Set out and communicate clear responsibilities within SCH and with our partners, ensuring all stakeholders in building design, construction and occupation understands their role and has the time and resources required to achieve and maintain building safety.

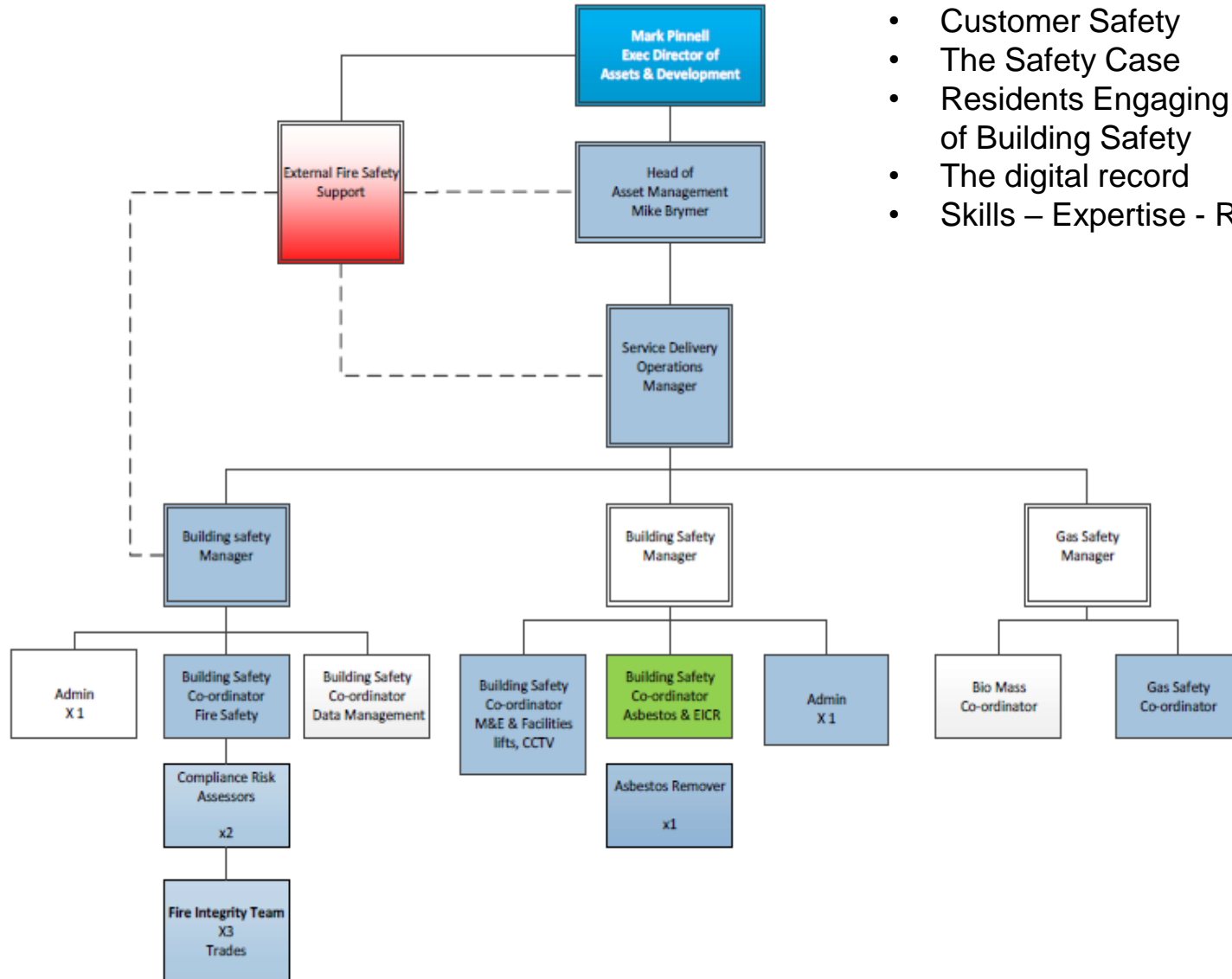
• **Ownership | Responsibility | Commitment**



Proposal

Overarching Principles

- Customer Safety
- The Safety Case
- Residents Engaging in all aspects of Building Safety
- The digital record
- Skills – Expertise - Resources



Aspire to achieve the British Standard BS9997 (Previously Known as PAS7) in Fire Safety Management over a 3 year period



Sprinkler Project 2021 - 2024

- Feasibility study of all 37 HRRB to include structural surveys, indicative designs etc.
- We have consulted with West Midlands Fire Service during the feasibility stage.
- Project is subject to a full Building Regulation Application a stage of this is sign off by WMFS.
- We are proposing to link alarm panels located in the HRRB to the CCTV control centre so we are aware of any activations, and allow CCTV staff to guide the fire service to exact location.
- Sprinklers will also be fitted in all enclosed balconies
- On completion, the installed system will be commissioned in accordance to BS9251:2014



provided to confirm compliance.

The 2 images are indicative of how the sprinkler would be installed within the corridors of each flat. The image to the right shows the concealment of the pipe work within a “Pendoc” trunking product.



Thank you

