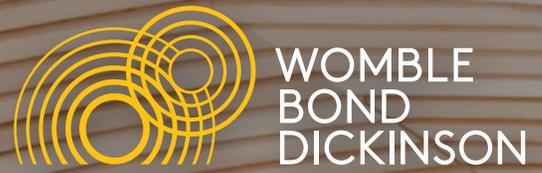


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Building safety: the basics

January 2023

re:build
Britain

Building safety: an overview

Changes to building safety aren't just about cladding. They're about creating a thread of responsibility for safety throughout a building's life.

The media's coverage of building safety has been fuelled by the Grenfell Fire and its subsequent Inquiry, which has placed the issues of building safety and social responsibility in construction squarely under the public gaze.

Under this intense scrutiny, building safety reform has made significant progress over the last few years, with the anticipated scale of reform continually widening. This expanding scope includes significant levels of public and private funds being offered to remediate defective buildings, extended durations of liability for defective works to a point never previously contemplated, residential buildings under the originally discussed 18m+ threshold now being included, and legislation being passed in terms that will completely alter how projects are scoped, planned, designed, built and operated.

Now is the time for sweeping change for the construction and related industries, to fix the mistakes of the past, and to build a better future for everyone.

This Guide states the position in relation to the matters set out below as at January 2023.

Glossary of key terms

ACM

Aluminium composite material

Cladding

Materials on a building's exterior

DLUHC

The Department for Levelling Up, Housing and Communities (formerly the MHCLG)

Golden Thread

A mandatory digital record of building work

MHCLG

The Ministry for Housing, Communities and Local Government (now the DLUHC)

Non-ACM

Not aluminium composite material

Private sector

Business-controlled part of the economy

Public sector

Government-controlled part of the economy

Remediation

Where something is remedied, repaired or fixed

Residential

Property for living in

Waking watch

Patrols to detect fire

Grenfell Fire: a summary

In June 2017, a fire broke out at Grenfell Tower, London. It was 24-storeys high. 72 died. It's become a catalyst for building safety changes.

Grenfell Inquiry Phase 1

Examined the fire's cause and development. The [Phase 1 Report](#) (October 2019):

- said the fire spread quickly because of the building's ACM cladding
- made recommendations.

Grenfell Inquiry Phase 2

- Hearing stage now completed. Report in preparation
- Examined the circumstances and causes of the disaster, including how Grenfell Tower was in the condition it was in
- Individuals and companies are generally protected from criminal prosecution in giving oral evidence
- Phase 2 Report expected in the second half of 2023
- [Inquiry website](#).

Grenfell has affected insurance; professional indemnity cover is harder and more expensive to get, with more conditions attached to policies.

Dame Hackitt

A leading figure in the post-Grenfell landscape

- Led the [Independent Review of Building Regulations and Fire Safety: Hackitt review](#) (2018), which made 50+ recommendations and led to a ban on ACM cladding on residential buildings above 18m
- Is a [Government adviser on the new Building Safety Regulator](#)



Funds for building safety

Private Sector ACM Cladding Remediation Fund

c.£200m to remediate unsafe ACM cladding on private sector residential buildings 18m or higher (closed December 2019).

Building Safety Fund

£1bn to remediate unsafe non-ACM cladding on private and public sector residential buildings 18m or higher (closed June 2021 but reopened on 28 July 2022).

Waking Watch Relief Fund

£30m for installing alarms in private sector buildings 18m or higher with unsafe cladding, where leaseholders pay for waking watch (closed December 2021).

Waking Watch Replacement Fund

£27m for costs of installing alarm systems in buildings in order to replace waking watch (closed March 2022).

Other funding

Residential Property Developer Tax - 4% tax for the largest residential property developers on profits they make on UK residential property development from April 2022.

Industry Contribution – £5bn industry contribution agreed with Government to address building safety (which includes a £3bn expansion to the Building Safety Levy).

Building Safety Levy – a levy to be chargeable on new residential buildings of all heights under Section 58 Building Safety Act - not yet in force, details awaited.

New laws relating to building safety

In place

Building (Amendment) Regulations 2018

Bans combustible materials in external walls (e.g. unsafe ACM cladding) in residential buildings 18m or higher.

Fire Safety Act 2021

Makes building owners and managers responsible for assessing risks of external walls and fire doors.

Building Safety Act 2022

Outlines new building safety regime including a new Building Safety Regulator, new system of “dutyholders”, registration of building inspectors and building control approvers etc.

Coming

New Building Safety Regulator

To be within the Health & Safety Executive, to raise building safety standards. The various powers which will be exercised by the Building Safety Regulator and which will apply to the building regime in England as a whole (not just higher-risk buildings) will come into force in tranches over the course of 2023.

New dutyholders system

Dutyholders must work together to plan, manage and monitor the design and building work; ensure they cooperate and communicate with one another; coordinate their work; and have systems in place to ensure compliance with all relevant building regulations. The outcome of the government’s consultation on, amongst other things, the dutyholder regime is currently awaited.

New Construction Products Regulator

To be within the Office for Product Safety and Standards.

Note: the position around the UK differs e.g. the Building Safety Act has limited application in Scotland and the Fire Safety Act does not apply in Scotland.

The Three Gateways

The Hackitt Report recommendations included the addition of several “Gateways” to check that newly designed buildings are safe for residents to live in.

Gateway One

This came into force in August 2021, in the form of [new planning requirements](#). High-rise developers must consider fire safety in new developments at the planning permission stage, to be evidenced as a part of the planning permission process through the submission of a fire statement.

Gateway Two

Not yet in force, but will reflect additional building safety requirements to be considered and met before the building works are allowed to start.

Gateway Three

Not yet in force, but will reflect additional building safety requirements to be considered and met before the building works can be considered to be completed.

Recent articles

Below is a selection of recent articles relating to building safety:

- [New year, new regime - building safety in 2023](#)
- [Building safety in brief: The Golden Thread during design and construction](#)
- [Building safety in brief: proposed changes for higher-risk buildings](#)
- [Building safety in brief: proposed changes for higher-risk and non-higher risk buildings](#)
- [Five major building safety changes on 28 June 2022](#)
- [Five things you need to know right now about the Building Safety Act](#)

For more information

Also visit our [Building Safety Hub](#), take a look at our [Building Safety Timeline](#) and [sign up for more information](#)

Key contacts



Simon Lewis

Partner

T: +44 (0)191 279 9552

E: simon.lewis@wbd-uk.com

Simon has acted for public authorities on building safety issues for a number of years. He also frequently delivers talks and publishes articles on this important topic. He is on the Building Regulations Advisory Committee (BRAC) Golden Thread Working Group and has many years' experience in the BIM and Information Management arena.



Michelle Essen

Legal Director PDL

T: +44 (0)1752 67 7633

E: michelle.essen@wbd-uk.com

Michelle is a specialist knowledge lawyer, whose legal expertise and commercial prowess ensure our Construction team and clients are prepared for and supported through any legal or industry changes affecting the construction industry. She has been assisting Simon on building safety developments for the last few years.



Ryan Lavers

Associate

T: +44 (0)191 279 9074

E: ryan.lavers@wbd-uk.com

Ryan works on public and private sector construction projects, and has a keen interest in building safety, working closely with Simon and Michelle to keep clients across the UK fully informed on building safety related developments.

We have a rounded view of building safety issues, in our [Construction Team](#) and also working with our [Regulatory Team](#) (including on Health and Safety), [Insurance Team](#) and [Real Estate Team](#) (including Planning and Residential).