



Building Research Establishment: Supplementary Evidence Submission to the Building Safety Bill Committee

September 2021

About BRE

The Building Research Establishment (BRE) is here to contribute to a thriving and sustainable world, by developing science-led solutions to built environment challenges. We have played a vital role in supporting the development of the built environment for one hundred years; this includes a rigorous programme of testing products for safety and performance which contributes to the formulation of building regulations, reporting on issues including energy efficiency, and operating assessment frameworks for the safety of buildings and the construction industry.

We were founded a century ago to help tackle the housing crisis after the First World War. As housing challenges continue to evolve, we look forward to working more closely with Government and regulators to fulfil the nation's future requirements across buildings, infrastructure, and construction, at a time when quality and safety have never been more important.

Overview

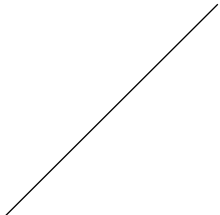
BRE was pleased to be asked to give evidence to the Committee as part of its scrutiny of the Building Safety Bill. Dr Sarah Colwell, Director, Fire Suppression Testing & Certification, gave evidence on behalf of BRE on Tuesday 14th September 2021.

In addition to that oral evidence, we have prepared the following submission which sets out additional analysis of the current drafting of the Building Safety Bill and our thinking on elements of the Bill which merit further consideration, which we did not have time to discuss in detail during oral evidence.

BRE firmly supports the introduction of the Building Safety Bill and believes that it will play an integral role in delivering fundamental and necessary reform of the building safety regime.

Key Points

- In its current form, the Bill includes promising provisions to ensure the structural safety of buildings and we welcome the clear ambition from the Government to drive cultural change within the industry. This is key to ensuring greater accountability on quality and safety.
- The Bill also sets out the ambition to appoint experts, raise standards of competence, establish a new Building Safety Regulator and relevant committees, and implement a new regulatory regime for construction products – all of which BRE welcomes.
- Much of the Bill is dependent on secondary legislation, and its effectiveness to improve building safety will depend on this detail and the measures put in place to support it. We are therefore pleased to see that that it is the Government's stated intention to publish relevant draft secondary legislation throughout the passage of the Bill. This will be vital to ensuring proper Parliamentary scrutiny and supporting the industry to prepare for the implementation of the new regime.

- 
- A thin, dark grey diagonal line starts from the left edge of the page and extends upwards and to the right, ending about halfway down the page.
- In order to ensure that the regulatory framework proposed by the Bill delivers on its stated intent of raising competence, there must be a strategy for ensuring the industry has the continuous support they need to develop the depth and breadth of skills necessary to implement the new regime. This must be appropriately funded, and this should factor into the Committee's scrutiny of the Bill.
 - The Bill describes the creation of a “golden thread of information” throughout the built environment. To achieve this, we believe that the Bill should seek to implement a whole system approach, in effect a “golden web”. This web should include the consideration of a mandatory certification scheme for construction products, alongside the establishment of a clear way of retaining information about the development of a building and the materials within it, from design to installation. This will embed accountability at the heart of the new regulatory framework.
 - We would urge the Committee to consider how best to ensure that the Bill delivers accountability throughout the construction and building safety sector. The new Building Safety Regulator should be equipped with adequate powers and resource to help institute regulation which delivers for people and the sector as a whole.
 - Ultimately, building safety reform is a huge undertaking, and we believe its implementation will require close collaboration between Government and the industry if it is to be successful. BRE offers expertise across the built environment, including in the research, testing and certification space. We have always maintained an open dialogue with policymakers and stands ready to offer our expertise to Government and Parliament in this matter to support robust policy making.

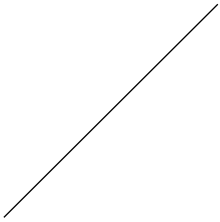
Observations about specific measures within the Bill

Building Safety Regulator

- To ensure the new Building Safety Regulator delivers on its remit, it is vital that the HSE pools its best expertise to create a regulator with awareness of the intricacies of the built environment and the expert knowledge and credibility to carry out its role properly.
- The regulator must be empowered and adequately resourced to champion the behavioural and cultural change necessary throughout the sector and be provided with the tools to support this change. This includes a greater commitment to transparency, to sharing information and for each contractor and sub-contractor on any project to take greater responsibility for ensuring that they are aware of and implement the requirements of the new legislation. The Bill and associated secondary legislation should set this out in more granularity.
- Greater clarity is needed on the role of the Building Safety Regulator, including whether it will support whistle blowers, how widely its remit will stretch, how it will work with industry and what the cost implications are likely to be for industry.

Accountability and oversight

- To ensure the new regime is robust and comprehensive, it is likely to require further investment – particularly to empower local authorities and enforcers. We encourage the Committee to examine the cost benefit analysis for industry and consumers of the framework (once published) in order to understand how this will work.

- 
- A thin, dark grey diagonal line starts from the left margin and extends upwards and to the right, crossing the first bullet point.
- It is extremely important that the new measures introduced by the Bill, particularly provisions such as the Gateways, are properly resourced with skilled individuals, in order to ensure there is appropriate expertise to support delivery.
 - We also believe that engagement with the Fire and Rescue service is of paramount importance to deliver on the intentions of this Bill. There will need to be a programme of upskilling Fire and Rescue personnel to ensure that they are aware of these changes in regulation and of the impact they may have on their work.
 - We support the enforcement measures included in the Bill and believe that in order to drive cultural change and make individuals accountable from day one, the details of how they will operate should be published as soon as possible. This should be an integral part of the “golden web” of accountability and competence which we believe is necessary to delivering a building safety framework which works for everyone.

Industry competency

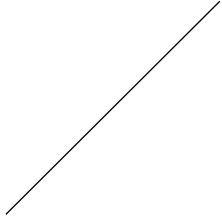
- It will be necessary to understand current levels of industry competency before deciding the thresholds of measurement for such competency under the new regime going forward. This question must be addressed as soon as possible, to ensure that anyone carrying out design or building work is able to do so in line with the revised building regulations once the Bill is enacted.
- Skills will play an integral part in delivering this golden thread and we believe it is vital that a package of continuous professional training and improvement is put in place in order to make the new roles and positions set out in the legislation effective.
- Data is an essential part of ensuring that competency and accountability are embedded throughout the sector; data pertaining to developments in a building over time is a vital resource. We believe that the Bill should ensure that this information is retained in an accessible and transparent fashion. Only with this data in place will we be able to deliver a “golden web” of competency, accountability and transparency which will support meaningful delivery of the new regime.

Residents

- We wholly agree with the Bill's provisions to put residents at the heart of building safety and support all measures which allow for greater resident oversight and a framework by which resident concerns are heard and acted upon. It would be worth considering how best to ensure residents have up to date information and are supported on the steps they can take as individuals to safeguard their homes.
- This must be accompanied by ensuring that responsible individuals trusted with the new roles proposed in the legislation are adequately trained and empowered to take action on behalf of residents when necessary.

Observations about product safety

- We believe that the measures relating to product safety set out in the Bill are reasonable, but the detail as it stands requires further simplification to ensure it is accessible for all those involved in the construction process.
- To build upon the Bill's current proposals, we recommend that the Government implement a national mandatory certification scheme for construction products and systems. The



Grenfell Tower Inquiry has heard about manufacturers' processes which call into question whether the current regulatory regime underpinned by self-declaration is fit for purpose. There also needs to be a specific mechanism for reporting suspected dishonesty or misleading information in the market by testing and approval bodies such as BRE or other industry stakeholders. This will provide a shared framework to drive alignment across industry and negate potential resource issues.