

# ADVISER

## POST-GRENFELL: THE INTERIM REVIEW OF BUILDING REGULATIONS AND FIRE SAFETY

On 14 June 2017, a fire broke out at Grenfell Tower, a 24-storey residential housing block in London, claiming the lives of 71 people. Following the fire, the Government commissioned a building regulation and fire safety review, led by Dame Judith Hackitt.

The interim report on the review, published just before Christmas, stated: “The work of the review to date found that **the current regulatory system for ensuring fire safety in high-rise and complex buildings is not fit for purpose**. This applies throughout the life cycle of a building, both during construction and occupation, and is a problem connected both to the culture of the construction industry and the effectiveness of the regulators.”<sup>1</sup>

Some of the most important findings and comments from the report that will impact upon developers, owners, and managers of high-rise, residential, and other complex buildings are:

- Despite many who demonstrate good practice, the means of assessing and ensuring the competency of key people throughout the system is inadequate. There is often no differentiation in competency requirements for those working on high-rise and complex buildings.
  - Compliance, enforcement, and sanctions processes are too weak. What is being designed is not what is being built, and there is a lack of robust change control. The lack of meaningful sanctions does not drive the right behaviours.
  - There should be a shift away from government solely holding the burden for updating and maintaining guidance, towards greater responsibility for the sector to specify solutions which meet the government’s functional standards.
  - Primary responsibility for ensuring that buildings are fit for purpose must rest with those who commission, design, and build the project. Responsibility and accountability must rest with clearly identifiable senior individuals and not be wholly dispersed through the supply chain.
- It is highly likely that there will be many changes to the regulation of fire safety and construction flowing from this review, and it will gradually become clear what form those changes will take. Developers should consider preparing for a range of short-term and longer-term changes, such as:
- Building Control is currently much more reluctant to approve any deviation from a conservative interpretation of Approved Document B, the building regulation guidance covering fire safety matters.
  - The building regulations and Approved Document B are certain to be extensively revised, bringing a risk-based approach to the fore.
  - This will require greater use of demonstrably competent fire engineers and analysts, which in turn will revolutionise the governance of that profession. The primary membership body for the profession, the Institution of Fire Engineers, does not have an adequate number of registered Chartered Fire Engineers for the probable workload, especially as improved compliance with design will require tighter monitoring during detail design and construction. This shortage of competent personnel may cause both higher costs and delays to projects.

<sup>1</sup> Dame Judith Hackitt. *Building a Safer Future. Independent Review of Building Regulations and Fire Safety: Interim Report*, available at [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/668831/Independent\\_Review\\_of\\_Building\\_Regulations\\_and\\_Fire\\_Safety\\_web\\_accessible.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/668831/Independent_Review_of_Building_Regulations_and_Fire_Safety_web_accessible.pdf), accessed 5 January 2018.

- Developers, owners, and managers including clients, designers, and contractors will have greater responsibility for fire safety and will need to be confident that the designers and engineers they have used are competent and compliant.
- Major developers and trade bodies must be ready to take part in the development of guidance and standards.
- For completed and operating buildings, the fire risk assessment should be revisited. The senior management of building owners and managers must be confident that they know who the “responsible persons” are, and that fire risk assessments are “suitable and sufficient”.

The Government plans to issue a final report on the review in spring of this year. Marsh will continue to monitor this situation and provide additional advice as warranted.



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