

BIFM Life Safety Recommendations in Facilities Management – response to Building a Safer Future – Independent Review of Building Regulations and Fire Safety: Final Report (the Hackitt Report)

Introduction and background

BIFM welcomes the publication of the Hackitt Report and many of the principles contained within that seek to enable a much-needed culture change within the built environment that will focus on a whole systems approach for life safety.

Following the tragic events at the Grenfell Tower in June 2017, BIFM commenced work to improve life safety best practice for managing buildings, to help ensure that such a tragedy could not occur again.

Since then, members of the Life Safety Working Group (LSWG) have been working together with the wider built environment through the Construction Industry Council to articulate the issues that need to be addressed and their potential solutions. Likewise, during the drafting stage of the final report we have shared our recommendations with the Hackitt Review team through the Review's Occupation and Maintenance Working Group and the sub-working group on Competence.

BIFM and its Life Safety Working Group members will continue to work with other stakeholders, such as CIC, to enable the coming to fruition of the Hackitt recommendations. Indeed, BIFM is supporting the development of the Competency Framework and is providing the secretariat for WG 8-competency for the Building Safety Manager, while participating in other competency working groups.

This response to the recommendations made in the Hackitt report is made from a facilities management perspective and while a holistic/whole lifecycle approach is taken, we do not presume to provide conclusive solutions for the whole building process.

BIFM has identified four key problem areas about fire safety in all buildings, not just residential, that are essential to address and to strengthen fire – and wider life - safety **when managing buildings**. When commenting on the Hackitt response, these issues have been our starting point of consideration.

These key issues are:

1. The standard of fire risk assessments carried out is often very poor and often lacks a suitable remedial plan.
2. The Responsible Person role (The Regulatory Reform (Fire Safety) Order 2005) is not well defined and consequently the Responsible Person often lacks an understanding of the role, as well as the importance of fire risk assessments and how they should be followed up. This reflects badly on standards of competency and has been enabled by a lack of enforcement of the requirements in place.
3. A building's documentation is often poor, incomplete and dispersed.
4. There is a general lack of enforcement of compliance across the board.

Our comments aim to provide practical insight and greater details to enable the culture-change the Hackitt report rightfully strives to achieve. We have contributed to the CIC response but felt it appropriate to share with you some specific facilities management perspectives.

Higher Risk Residential Buildings (HRRBs) – responding to recommendation 1.1

The LSWG considers that the new regulatory system should ultimately be applicable to a wider scope than HRRBs, including other multi-occupancy residential buildings, institutional residential buildings, mixed use buildings and other commercial use buildings. Dame Hackitt herself acknowledges that there would be merit to extend aspects of the new regulatory framework to a wider set of buildings. Fire does after all not discriminate against any building type.

We share Dame Hackitt's concern that if the scope of the initial exercise is too big, the new system will never be properly implemented and enforced with ultimately no change occurring. A phased

approach is therefore appropriate. To give confidence to residents, it may be useful to enclose such phased approach and a concrete timeline into legislation.

The definition of what is a higher risk however, should not be defined solely by height, other risk factors such as the use and type of occupancy will play an important role as well as the age of the building and its care package.

We will continue to work with others in the industry to help refine the risk categories so that a meaningful start can be made on the regulatory regime that is manageable and achievable and leads to optimised life safety across building systems.

Joint Competent Authority (JCA) – responding to recommendation 1.2 (and several other JCA related recommendations)

It is right that all bodies that are responsible for fire safety are brought together under a single authority, which will have as a single purpose to ensure that buildings are built safe and remain safe throughout their operational life. We have however some concerns of how the combination of local and national bodies will provide a uniform guidance, application, compliance and enforcement system.

We agree with wider industry on the need for the creation of a new agency, national in remit. Our preference would however be for such new agency to sit within an already existing structure such as the Health and Safety Executive (HSE) to provide the compliance and penalty structure required to ensure the systemic change in behaviours and culture takes place.

Our reasoning for this being that the HSE already does provide the enforcement incentives/fines in some life safety areas ensuring compliance in those areas, and it would keep wider life safety requirements under one national umbrella, with a uniform approach to life safety, guidance and enforcement. A single regulator will provide clarity to all stakeholders and ensure that effective management accountability is taken in buildings and if necessary provide enforcement.

The JCA should:

- Manage the different reporting schemes- including the mandatory and the CROSS scheme (R 1.4), the mandatory reporting system for the dutyholder (R 2.9) and the Environmental Health Officers (R 3.7)
- Have oversight of building work carried out by 'persons in a competent person's scheme' (R 2.10)
- Review the safety case file at agreed regular intervals of **3** years (R3.3) – we consider 5 years too long
- Maintain the list of buildings falling within its remit
- Maintain the list of duty holders and competent Building Safety Managers (R 3.6)
- Inspect buildings where necessary for compliance (R 3.6)
- Ensure ongoing improvement in fire safety within a building (R 3.6)
- Have the tools for robust enforcement and compliance (R 3.8)
- Have oversight of a national strategy for advice, guidance and support to residents, landlords and building owners on effective resident involvement and engagement
- Oversee the setting of the robust competency framework (R 5.2)
- Have a role in validating and assuring oversight of industry development of guidance.
- Support the requirements of revised building regulations and have the ability to 'step in' to produce this guidance if industry led panels are in default (R 6.1 & 6.2)
- Be responsible for a periodic review of the Building Regulations system which should report every five years, including looking at the effectiveness of accountabilities, responsibilities, guidance, and the effectiveness of the regulator (R 6.2)

We appreciate the ownership of the CDM legislation lies with a different department than the MHCLG and that this may have repercussions for the development of legislation, despite the uniform solution that could be on offer if the scope of the CDM legislation were to be extended. This would provide a consistent approach across different pieces of Life Safety legislation.

Building Safety Manager (BSM) and duty holders – responding to recommendations 3.1 to 3.8 and touching on the competency framework in section 5.

We welcome the clear allocation of responsibilities for fire safety across the building process including in the management phase. From an FM perspective, the appointment of a dedicated Building Safety Manager who helps the duty holder of a building to execute their duties in the management of a building, including the fire safety responsibilities, will be critical to ensure that the right fire safety, and wider life safety, measures are in place during the occupation and maintenance phase.

We welcome the fact that the Hackitt review includes the Building Safety Manager as one of the key professions that are essential to the fire safety of buildings and that this role is rightly included in the competency framework to be developed.

BIFM is already working within the setting provided by the Industry Response Group's Steering Group on Competency and provides the Secretariat for WG8. We are working with other stakeholders to provide greater detail as per the requirements set out in recommendations 5.1- 5.4.

Responding to recommendation 3.1.c

The LSWG fully supports and understands the need to have a clear and identifiable person in charge of the fire safety/life safety for a building. Indeed, the uncertainty around who would be responsible for fire safety in a building has allowed for responsibility to fall between individuals.

We do not think that the BSM is necessarily an entirely new 'role', rather the 'title and function' of the BSM would indicate the competency and responsibility of the person, which should not be limited to fire safety. In reality and in practice this person could support a portfolio of buildings and is therefore not necessarily the day-to-day building manager per se but they should be the **named, competent and accredited person** that helps the duty holder to carry out their responsibility in the life safety area for specific buildings.

We do however have concerns about the requirement stipulated in recommendation 3.1.c. that the **BSM's name and contact details should be notified to residents and should be displayed in the building**. Given our members' experience of managing (residential) buildings and looking at the requirements and demands of the role, we do not think it would be appropriate for the contact details to be made available to residents as this could seriously impede on the execution of this role. The BSM should be able to focus on the life safety strategy and ensuring that it is implemented appropriately by the right, competent people.

Residents rightly need to have a clear point of contact to share their concerns with and a process should be in place to enable them to escalate their concerns. This is something the BSM should be responsible for, but in practice we do not see it feasible that the BSM will respond to individual residents' daily requests or queries.

Responding to recommendations 3.2-3.4

We are anticipating that many of the duties of the dutyholder during the maintenance phase will be carried out by the Building Safety Manager as the latter will be the competent person to carry out those duties, unlike the dutyholder who will not have any competency requirements.

We agree with CIC that roles and responsibilities of the duty holders should be incorporated into statute and would like to see this provision extended to the Building Safety Manager. The Building Safety Manager's role will not just be critical, it will also be a demanding role because of the competency required and the demands and responsibilities placed upon that function. Inclusion in statute will provide greater clarity on the role and its responsibilities while at the same time setting clear limits to their responsibility.

Golden thread of information

The Report has rightly identified that necessary building information is often lacking. The discontinuity problem is indeed a very serious issue that FMs are all too familiar with as they are often only engaged in the building process at a very late stage. The proposed solution is the golden thread of information/documents through the whole process - this is not just critical for life safety, the presence of a golden thread will have beneficial effects in many more areas beyond life safety, improving the lifecycle of the building and quality of life of those within it.

Responding to recommendations 2.3 and 3.2

We welcome the key information products and the safety case file listed in the Review as they are good building blocks to build on.

The requirements to have the correct information in place could be strengthened by the following points:

- To ensure that documentation is as complete as possible upon commencement of the occupation phase, it is opportune to have the BSM in position before the official handover of the building.

This obviously only applies for new buildings rather than existing stock. Moving forward, Soft Landings should be mandated to enable excellence in operation of the building. For existing stock, a fact-finding mission to collect all the necessary data and documentation will be necessary.

In addition, the responsibility to keep the safety case file updated will fall to the BSM as they will be competent to understand what information is required to be compliant and ensure the file safety case file is maintained. The role of the Life Safety Manager is indeed key in maintaining the safety case file, which should include information/certificates relating to the whole lifecycle of buildings, not just fire safety. After all, other aspects of life safety impact upon fire safety so there is a need to keep all documentation together.

- The safety case file should be reviewed at a minimum every three years (or after any significant changes to the building such as refurbishment, change of use or change of ownership or change in legislation / building codes) as five years is considered too long, especially given the current lack of quality fire risk assessments that inform building's life safety strategies across the board.
- The documentation requirements across life safety should be aligned across different pieces of legislation including CDM.
- The safety case file should include the explicit requirement to include a fire safety policy section within the Fire and Emergency File which over and above the suggestions in the Report should include:
 - a **management plan** for how fire safety for the specific building is managed. This is a tailored and building specific plan which outlines the problems, risks and hazards, the general approach and the different tools available
 - An annual (internal) audit of this should take place by the BSM for the building
 - The fire organogram which includes who are the dutyholder and BSM and the documentation that proves it
 - Details of evacuation plans and evacuation records in case no 'stay put policy' etc.
 - **A tactical plan for implementation**, including requirements for maintenance, inspection and testing undertaken on the structure and services
- The safety case file should also be written and maintained in a fashion that is accessible for all, including residents
- A non-exhaustive list of what should be maintained in the safety case file that builds upon the Hackitt Report's suggestions can be found in Appendix 1

The requirements relating to the golden thread of information should be extended to all buildings.

Stronger enforcement

As indicated in our introduction, compliance and enforcement have been lacking to make the building environment more regulatory compliant. This is in part because business take the risk of non-compliance because the current enforcement system is not sufficiently a deterrent.

For the Hackitt system to have effect, there needs to be certainty that in case of non-compliance, a penalty will occur. This means that the enforcement arm of the system, needs to be sufficiently strong to do regular compliance checks, which will meet guaranteed penalties, to change the risk-taking behaviour of business. This enforcement will require appropriate initial investment from Government, even if the work of the JCA is meant to be on a full cost recovery basis.

Residents' engagement – responding to recommendations in Section 4

We welcome the section on Residents' Voice which outline the rules and responsibilities around residents' engagement.

Key for the LSWG are:

- **Residents' information and training on fire safety.** This should be included in the lease contract. (R 4.1)
- **Residents should cooperate with the duty holder and the Building Safety Manager** so that they can execute their duties. (R 3.5.a, 4.3-4.4 & 4.6)
- **Must allow access to their premises,** to enable the Duty holder/Life Safety Manager to fulfil their duties. This should also be included in the lease contract. This important point is included in paragraphs 3.46 & 3.47. The obligations were however not included in any of the recommendations although they are key to being able to assure and or assess certain aspects of fire/life safety. This provision should be referenced in statute to enable the dutyholder/BSM to discharge their responsibilities.

About BIFM

The BIFM is the professional body for FM. Founded in 1993, it promotes excellence in facilities management for the benefit of practitioners, the economy and society. Supporting and representing over 17,000 members around the world, both individual FM professionals and organisations, and thousands more through qualifications and training. We also provide guidance and support research that helps increase workplace productivity which contributes to raising standards, a happy workforce and healthy economy, and provide a platform for meaningful and evidenced debate on issues of importance.

For the foreseeable future, we will continue to focus on Life Safety including contributing to the setting up of the competency framework and the updating of appropriate Life Safety professional standards.

Please do not hesitate to contact us if you would like to discuss any of our comments in greater detail.

Contact

Sofie Hooper
Senior Policy Advisor
BIFM
Sofie.Hooper@bifm.org.uk

Appendix 1 – safety case file, a non-exhaustive illustrative list (including the elements outlined in the Hackitt Report)

The safety case file should include:

- Details of ownership/Duty Holder and Building Safety Manager
- information on the building management system in relation to fire and structural safety, records of maintenance, inspection and testing undertaken on the structure and services and evidence that the competence of those undertaking work on the building was sufficient
- pre-occupation Fire Risk Assessment
- a resident engagement strategy
- the maintained and updated Fire and Emergency File (including what has been detailed in Appendix D of the Hackitt Report):
 - a **management plan** for how fire safety for the specific building is managed, include full details of any refurbishment and an assessment of how the life safety systems have been maintained or improved. This is a tailored and building specific plan which outlines the problems, risks and hazards, the general approach and the different tools available including accompanying documentation and certification.
 - An annual (internal) audit of this management plan should take place and be recorded by the BSM for the building
 - The fire organogram which includes who are the dutyholder and BSM and the documentation that proves it
 - Details of evacuation plans and evacuation records in case no 'stay put policy' etc.
 - **A tactical plan** for implementation, including requirements for maintenance, inspection and testing undertaken on the structure and services
 - a copy of the fire strategy design report for the building which details the strategic measures that are provided in the building to satisfy Parts B1 to B5 of Schedule 1 of the Building Regulations (for which guidance to assist with compliance is provided in Approved Document B)
 - For each of parts B1 to B5 the FEF should then include:
 - a. all relevant technical specifications
 - b. product datasheets
 - c. operation and maintenance manuals
 - d. inspection and commissioning records. and
 - all assumptions in the design of the fire safety
 - systems such as fire load, any risk assessments or risk analysis
 - all assumptions in the design of the fire safety arrangements regarding the fire safety
 - management of the building including emergency procedures
 - escape routes, escape strategy and muster points
 - details of all passive fire safety measures e.g. compartmentation, cavity barriers, fire doors, duct dampers and fire shutters
 - details of fire detector heads, smoke detectors, alarm call-points, fire safety signage, emergency lighting, dry or wet risers and other firefighting equipment, exterior facilities for fire and rescue services
 - details of all active fire safety measures such as sprinkler systems, smoke control systems
 - other fire safety systems on which information should be included:
 - such as fire detection and alarm systems, fire extinguishers, Fire hose reels, fire protection systems, smoke extract systems, fire dampers, fire doors, fire shutters, escape routes and fire doors, fire drills
 - information about any elements of the fabric and services that may adversely affect the 'general fire precautions' in a fire (e.g. cladding)
 - any other high-risk areas in the building e.g. heating machinery
 - information on the requirements of the fire safety equipment and wider systems including operational details, manuals, software, routine testing, inspection and maintenance schedules
 - provisions incorporated into the building to facilitate the evacuation of disabled and other potentially vulnerable people

Other documentation that should be included in the safety case file, under other life safety systems:

- Details of any structural repairs undertaken and any certificated repair for large panel system buildings
 - Details of any investigation and assessment for disproportionate collapse
 - Electrical inspection certificates
 - H&S Manual
 - AC inspection certificate
 - Asbestos register
 - Lift servicing/inspections, LOLER, alarm testing (including goods, stair lifts and escalators)
 - Hazardous substances (COSHH)
 - Confined spaces register
 - Roof access equipment testing (Fall arrest systems / Access cradles)
 - Legionella
 - Boiler maintenance
 - Hot and cold-water system risk assessments
 - Lightning conductors
 - Generators testing and inspection
 - Energy Performance Certificates (EPC's)
 - All other mandatory consents are in place and up to date
 - Opening window restrictors/glazing
 - Gas safety certificates
 - Data room fire suppression system maintenance / testing
 - Fuel storage vessels
 - Carbon monoxide functionality
 - Pressure vessel inspection
 - Personal alarm systems
 - Catering and laundry equipment TR19 inspections
 - Ladder/access equipment
 - Slip risk assessment
 - Tree safety
 - Pedestrian/vehicle segregation
 - Chimney and flue condition and safety assessment
 - Flood risk
 - Electric gates/doors/barriers
 - Balcony structure and fall protection assessment
 - Everything that would make a building complaint should be included in the building safety case file and checked as part of the safety case file review, including the certificate of when the last safety case file review took place
- digital record (see Chapter 8);
 - Building construction and structural information including any refurbishment (Plans, specifications)
 - Full Plans: Detailed plans/specification of building works in respect of fire and structural safety as a minimum (alongside the necessary specification in all other aspects of the Building Regulations)
 - Construction Control Plan: Describes how building safety and Building Regulations compliance will be maintained during the construction phase and how change will be controlled and recorded
 - a copy of any fire safety inspections undertaken by the dutyholder and/or regulator; and
 - a copy of the latest fire risk assessment and evidence of actions taken and the appropriate competence of the person who performed it.