

Summary document:

Our response to the Building and Safer Future consultation

31 July 2019

The Government has proposed a fundamental reform of the building regulatory system, as outlined in the [Building a Safer Future consultation](#). We have gathered feedback from our members and submitted a response that highlights what the proposals mean for housing associations, implications for our sector, and key things for the Government to consider.

We fully support the Government's proposals to reshape the building regulatory system, and our sector is committed to adopting the new responsibilities proposed. We want to work with the Government and other partners to achieve our shared aim of keeping residents safe and ensuring that a tragedy like the fire at Grenfell Tower never happens again.

Our consultation response includes case studies from across our members membership to highlight the following:

- our calls for a risk-based approach to the scope of buildings
- an explanation of why the diversity of our sector impacts building safety regulations
- the importance of ensuring housing associations have the capacity to implement the proposed new system
- how prioritising spend on safety works and new requirements could redirect funds for the supply of new homes
- our support for the new dutyholder regime, including a more effective regulatory and accountability framework for buildings
- our focus on tenant engagement, and putting residents at the heart of the new regulatory system.

1. We are calling for a risk-based approach to the scope of the new system

To determine which buildings fall into scope of the new building safety regulations, we are calling for a risk-based approach as opposed to one based on building heights.

We believe a holistic risk-based approach to assessing which buildings should be in scope of the new system also supports the Government's objective to drive culture change in relation to safety across the entire built environment.

This approach will also support dutyholders and the new regulator to determine which buildings potentially present the greatest levels of risk. This would enable a transition period to the system that reflects the buildings that should be subject to new requirements first, based on their level of risk.

We believe a risk-based approach will be positive and empowering for residents, providing opportunities to engage with the accountable person on safety. Naturally, residents will need to be engaged in this process to ensure their contribution to the building's safety is included and any safety concerns are heard.

2. Why the diversity of our sector impacts building safety regulations

The Federation represents around 900 members, from those providing a small number of homes for a specific client group or in a specific location, to our largest member, which provides 125,000 homes covering all tenures across the country.

In addition to the very different housing types offered by our members, the resources and funding available to housing associations and the way they manage their organisations differs greatly across our sector.

This has implications for how different associations approach the need to remediate existing properties with safety concerns, and how they can adopt the Government's proposals for a new regulatory system.

We highlight consistently throughout our consultation response that the Government must recognise that moving to a new regulatory system will take significant investment in housing associations' time and resources, as the safety of residents is paramount.

We therefore urge the Government to investigate the potential scale of necessary safety works and drive a strategic plan to ensure capacity in the sectors needed to carry out these essential works. We would also like to see a transition period that reflects the scale of the work, the existing capacity, and the number of potential buildings in which residents may have to be moved to temporary accommodation during remediation.

3. Ensuring housing associations have the capacity to implement the proposed new system

As highlighted above, our members own a diverse range of homes across the country. Their staff and resources vary greatly, and this will affect their ability to implement the Government's proposed changes.

An example we use in our submission is the proposal to mandate Building Information Modelling (BIM) standards. We agree with this proposal in principle, and we know that a number of our members have already invested heavily in BIM standards adoption.

However, the gap between a full transition to the adoption of BIM standards and the current reality has to be understood and planned for. We have raised the issue of capacity and resources accordingly.

4. Prioritising spend on safety works and new requirements: the impact of redirecting funds on the supply of new homes

Work to remediate homes has a large financial impact on housing associations. Our members have reported that these bills will affect their ability to meet some of their other priorities, including conducting other planned maintenance work, or developing new homes, which are much needed to end the housing crisis.

To address this, and the Government's own commitment to "getting more of the right homes built in the right places, sold or rented at prices local people can afford", we're calling on the Government to invest £12.8bn every year for ten years, to deliver new homes, economic growth, improved social outcomes and savings across government departments.

You can find out more about this in [our Spending Review submission to end the housing crisis](#).

5. Our support for the new dutyholder regime: a more effective regulatory and accountability framework for buildings

We support a new dutyholder regime for residential buildings and the ambitious proposed regulation and accountability framework. This includes the proposed regulator role and oversight functions, encompassing competence, construction products and independent assurance.

We have stressed the importance of a transition period that reflects the development of competence to meet responsibilities, as well as the process for existing occupied buildings.

Our members have identified key topics for further consideration in relation to the dutyholder in occupation, including the right of access to properties, changes to statute to update mechanisms in relation to building safety specific considerations, and the need for specific levels of flexibility to enhance delivery of the regime objectives.

We welcome the oversight of construction materials and competent people within the wider construction sector. This will help the sector achieve greater levels of assurance of specification and workmanship, as part of mitigating the potential for future systemic failure.

Consideration should be given to the number of buildings falling in scope that will be covered by local areas, and the potential impact on other local bodies such as the local authority and fire and rescue services.

6. Our focus on tenant engagement, putting residents at the heart of the new regulatory system

Residents play a key role in ensuring the safety of a building. The key to developing a culture of building safety compliance is to establish a relationship of mutual responsibility.

This can be achieved by well-resourced engagement strategies and activities. However, we need to recognise that for engagement to be meaningful and worthwhile, it can involve significant commitments in terms of time, resource and capacity.

Our preference for the sector would be to set out high-level aims and objectives (as opposed to processes) for a resident engagement strategy but, as with communicating fire safety information, give the accountable person and/or Building Safety Manager and residents the flexibility to work out what works best for them.

We highlight that current resident engagement strategy proposals are unclear regarding whether it is envisaged that residents will be engaging individually or collectively. We suggest that it should be able to accommodate both.

7. How the Government could further support our sector

We will need the Government to support housing associations in their work to ensure safety. We are therefore asking for the Government to:

- Establish a Building Safety Fund, to pay for the one-off costs building owners will incur to ensure their buildings meet safety requirements.
- Lead a strategic response to unresolved safety remedial works on existing buildings to speed up essential work to ensure residents' safety.
- Provide clarity and transparency in relation to information such as the ongoing testing programme on other types of non-ACM combustible cladding, and the completed testing programme on glass-reinforced plastic fire doors.
- Grant stronger powers of access to dutyholders in occupation, directly linked to their responsibilities for whole building safety in the new system.