

# Engaging with residents on building safety

## Briefing for housing associations

March 2023

### Summary

The Building Safety Act received Royal Assent on 28 April 2022, introducing requirements for building owners to demonstrate that they have effective measures in place to identify and manage safety risks. The Act also enables residents in higher-risk buildings to have a say in the management of their building and raise concerns directly with the Accountable Person who will have a duty to listen to them.

While many aspects of the Act have not yet commenced, this briefing is intended to inform housing associations of the new duties relating to resident engagement established under the Building Safety Act 2022, ahead of them becoming regulatory requirements. It also shares examples of ways that housing associations are implementing resident engagement requirements relating specifically to safety.

This briefing covers:

- Building Safety Act requirements relating to resident engagement.
- What an effective residents' engagement strategy looks like and how it could be developed.
- Duties on the Accountable Person(s) and the Principal Accountable Person.
- Case studies illustrating how other housing associations have approached engaging with residents on building safety.
- Reviewing the residents' engagement strategy.
- The government's next steps in bringing forward this requirement.

## NHF work on resident engagement - Together with Tenants

Following the tragic fire at Grenfell Tower, the NHF, in collaboration with our members and their residents, developed [Together with Tenants](#) – an initiative focused on strengthening the relationships between landlords and residents, and addressing the concerns raised in the aftermath of the fire. While the Building Safety Act sets out clear and welcome requirements around engaging with residents on safety specifically, housing associations might also find it useful to draw upon the broader work of the Together with Tenants initiative, which includes a four-point plan for change and a charter setting out in clear terms what residents can and should expect from their landlords. The [Together with Tenants Charter](#) sets out commitments around listening to and treating all residents with respect, providing clear information to residents on issues that matter to them and accessible routes for raising issues when things go wrong – all of which are vital to ensuring residents can feel safe in their homes.

We encourage housing associations to make use of the principles of Together with Tenants as they develop their approach to work in partnership with residents on building safety.

## Building Safety Act requirements

The [Independent Review of Building Regulations and Fire Safety](#) found that residents did not have a strong enough voice in the management of their buildings. The [Building Safety Act](#) requires that clear routes to resolve issues raised by residents about their safety are established, and residents have a chance to participate in decision making as well as have access to key building safety information.

Under the more stringent higher-risk regulatory regime, the Building Safety Act sets out a new duty holder role for the safety management of higher-risk residential buildings, known as the Accountable Person. Previous proposals included a requirement for a Building Safety Manager to manage safety on a day-to-day basis, but this role was withdrawn while the legislation passed through Parliament.

As a result, the Accountable Person ([potentially landlords, freeholders and managing agents](#)), is required to meet their obligations under the Building Safety Act and is responsible for managing fire and structural safety risks for the whole building.

For more complex residential buildings, where there are multiple Accountable Persons, regulations require the appointment of a Principal Accountable Person (PAP), with overall responsibility for ensuring building safety risks are being managed appropriately and statutory obligations are met. In addition, the PAP will have responsibility for the structure and exterior of the building. Where buildings have a single Accountable Person, they are automatically designated as the PAP.

The PAP has the same statutory obligations for assessing and managing building safety risks as the other Accountable Person(s), but in addition, the PAP must comply with additional duties:

- Register all new buildings before occupation and existing buildings (between April 2023 – October 2023) with the Building Safety Regulator.
- Prepare and submit a [Safety Case Report](#) demonstrating that Accountable Person(s) have assessed all building safety risks.
- Apply for a building assessment certificate when directed by the Building Safety Regulator.
- [Establish a mandatory occurrence reporting system and adhere to reporting requirements.](#)
- Prepare a residents' engagement strategy and establish a complaints procedure.

As part of their statutory obligations, the Building Safety Act sets a requirement for the PAP to prepare and keep under review a residents' engagement strategy as well as provide residents with relevant safety information about their building. The strategy should seek to ensure that residents are kept informed, are able to participate in decision making regarding the safety of their building and establish a clear complaints procedure for residents to raise concerns about the safety of their home.

To ensure residents have a stronger voice in the management of their building, the [Building Safety Acts sets out that the Principal Accountable Person must:](#)

- Prepare a residents' engagement strategy for promoting the participation of residents and flat owners in the making of building safety decisions.
- Review the strategy at prescribed times, and revise it if they consider it necessary or appropriate to do so.
- In prescribed circumstances, consult relevant persons and prescribed persons (residents and flat owners) on the strategy and take any representations made into account when next reviewing the strategy.
- Act in accordance with the strategy.

The Act stipulates that the strategy must include details regarding the information that will be provided to residents and flat owners about the decisions relating to the management of the building, what decisions residents will be consulted on, as well as information on how the methods for promoting participation will be measured and reviewed.

As soon as the strategy is prepared, each Accountable Person for the building must take all reasonable steps to provide a copy of the strategy to each resident of the building who is aged 16 or over and resides in or owns a residential unit in the part of the building they are responsible for. The Secretary of State may specify the way and form in which documents should be given to residents. In addition, a resident or flat owner can request further specific information regarding their building, provided the information requested does not contravene data protection law. The information requested must be provided by the Accountable Person for the building as soon as reasonably practicable.

The PAP must also establish and operate a system for investigation of relevant complaints – for example, a complaint relating to a building safety risk or related to the performance of an Accountable Person. The Secretary of State may make further provisions regarding: the establishment and operation of a complaints systems, the way in which complaints may be made, the period in which a complaint must be considered and dealt with, as well as a provision requiring the PAP to refer a complaint to the Building Safety Regulator.

The PAP will need to consider and determine how best to meet the duties placed on them subject to further provisions. The government consulted on the proposed changes to the building safety regulations bringing forward greater detail on the measures which we have set out set out further below.

## **What does an effective residents' engagement strategy look like and how could it be developed?**

The mandated residents' engagement strategy should enable residents to be informed about and involved in decisions that concern the safety of their building. Housing associations may want to consider ways to achieve this by referring to approaches to engagement advocated through our sector-wide initiative, [Together with Tenants](#).

The Industry Safety Steering Group (ISSG), which was established in 2018 to hold the built environment industry accountable for delivering culture change, set out

some principles of effective resident engagement. The ISSG highlighted that steps to driving meaningful change requires 'visible leadership and collaboration, significant efforts to build competence and capacity, and with transparency and responsibility central to all decision-making.' For housing associations looking at resident engagement on safety, this could mean considering whether there is a coordinated and consistent approach across teams that residents might interact with.

Together with Tenants advocates strong relationships between housing associations and their residents so that residents have a voice and can hold their landlord to account. Part of this means ensuring staff are empowered to effectively engage with residents and provide clear and accessible information on the issues that matter to them, including on the safety of their building. For L&Q, for example, this meant establishing a dedicated Fire Safety Engagement Team to handle queries concerning fire safety. The team was equipped with information enabling the team to have meaningful interactions with residents.

## Case study

Walsall Housing Group's (whg) Fire Safety Group meet on a quarterly basis, and consists of the asset and estate management teams, leads for resident engagement, repairs and insurance, the new build development team, and leaseholder representatives. An invitation was also extended to the local Fire and Rescue Service and the group was changed to the Building Safety Group in line with terminology and early structure of the Building Safety Act. Following the tragic fire at Grenfell Tower, the group put in place a strategy of site visits to all 17 high-rise blocks and, in partnership with the West Midlands Fire Service, visited each block to provide reassurance to residents. The group have continued to do this on an annual basis, including board members and corporate directors on their visits. Residents are informed of visits in advance to provide an opportunity for them to raise any concerns around safety.

## Duties on the Accountable Person(s) and Principal Accountable Person

As part of their duty, the Accountable Person is required to proactively engage and communicate with residents through a mandated [residents' engagement strategy](#), to ensure that residents are involved in decisions about their building. It will need to consider:

- How residents will be involved in decisions about their building's safety, particularly during any refurbishment.
- Their strategic approach to communicating with residents, including the channels and forums through which different information will be shared.
- What steps will be taken to ensure the engagement takes account of the diverse needs of their residents.
- How core information about building safety will be shared proactively with residents.
- How appropriate detailed information about building safety will be made available to residents on request.
- How complaints about safety will be handled effectively and efficiently.
- How residents will be informed about their own safety responsibilities, and how these will be managed.
- How implementation of the strategy will be measured.

## Sharing information

The Accountable Person is required to share core information about building safety with residents and flat owners as part of the strategy. The government has consulted on the specific list of information to be shared with residents, which proposed the following:

- Contact information for building safety matters and a short explanation of the Accountable Person's role.
- Information about residents' rights including a copy of the residents' engagement strategy.
- Information on measures being taken to reduce risk of fire and ensure the structural integrity of the building, such as a summary of the fire risk assessment, a summary of risk mitigation measures and how residents can support a safety issue.

Under the new regime, residents will also be able to request further building safety information that is relevant to their building. The consultation proposed that this include further information on the measures in place to reduce the risk of fire and ensure the structural integrity of the building, for example:

- Current and previous relevant fire risk assessments for the higher-risk building.
- The current safety case report, and previous relevant safety case reports.
- Details as to how building safety assets in the higher-risk building are managed.
- The reasonable details of, and the schedule for, any planned maintenance and repairs of building and fire safety features.
- The outcome of any building safety inspection checks for the higher-risk building that have been undertaken.

The information should be provided in a way that enables residents to play an active role in the safety of their building, and participate in building safety decisions, as part of the residents' engagement strategy.

Housing associations could share information with residents in a variety of ways, however, they should seek to do so proactively, routinely and ensure it is easily accessible by residents. For example, Poplar HARCA have placed QR codes in each of their block of flats that residents can scan to view safety records for their specific building, including fire safety and building maintenance records. This is backed up by a fire risk assessment programme including door to door visits and frequently asked

questions around fire and safety on their website. The London Fire Brigade has also been hosting consultation sessions for residents.

### Case study

To share information with residents on building safety, Walsall Housing Group (whg) developed an innovative building information modelling (BIM) programme that provided digital information on their 17 high-rise buildings on a unique interactive online platform. The platform enables whg, the fire services, and residents to access all relevant information pertaining to the safety of the buildings.

Accessible from any connected device, the live data contains key up-to-date documentation and data, including accurate external and internal 3D models and drawings, interactive virtual reality walkthroughs of communal areas, and aerial footage of the property.

### Case study

The [Hyde Group reported to the ISSG](#) on their commitment to improving their resident engagement levels and ensuring that all their residents' voices are heard. Their website includes sections on guidance developed by their resident groups which allows residents to access the information that they may require. As well as this, they are also developing a dedicated building safety resident panel which will provide strategic guidance for future projects.

### Case study

[Southern Housing Group's microsite](#) provides residents with the latest updates and all the information available on building safety work. As well as responses to frequently asked questions, residents are provided with access to important documents including Fire Risk Assessments (FRAs) and Section 20 documentation.



## **Gathering views**

As well as sharing a specific list of information with residents, the Act sets out that the PAP must consult residents and any other Accountable Person(s) on their residents' engagement strategy when it is first prepared and when a new Principal Accountable Person is appointed. The residents' engagement strategy must include information concerning decisions related to the building, the aspects of those decisions that will be consulted on, and the arrangements for obtaining and taking account the views of residents and flat owners. This means establishing mechanisms to obtain the views of residents through wider business planning and ensure residents are a key part of the decision-making process.

## **Involving residents in decision making**

The Accountable Person must consider how residents will be involved in decisions about their building's safety. The Building Safety Act stipulates that residents and flat owners are consulted in prescribed circumstances and any representations made must be taken into account.

## Case study

Following the publication of the draft Building Safety Bill in July 2020, Together Housing Group (THG) adopted processes to empower residents in higher-risk blocks to voice their concerns and contribute towards maintaining safety in their building.

Working with THG's Residents Involvement Team, a small group of residents who had previously expressed an interest with helping to promote building safety were formed as the Residents Building Safety Panel (RBSP). The panel were aware of the demands imposed by the Building Safety Bill and were supported directly by THG Senior Managers and the chair of THG's Risk Management Audit Committee.

THG worked with the RBSP to design a questionnaire for all residents living in higher-risk buildings to gather insights, such as what safety information residents wanted to receive. The survey also provided an opportunity for residents to express an interest with helping to influence building safety controls. They were then contacted to provide feedback on specific projects and review other work that was being undertaken with the RBSP.

THG worked with the RBSP in developing a resident Fire Risk Assessment and a residents' engagement strategy. The strategy was produced in two formats, a detailed version targeted for use by staff and external organisations, and 'resident friendly' condensed version for use by residents.

The residents' engagement strategy covered a number of elements including, why a strategy was needed, the cyclical building check that would be undertaken, an overview of what actions should be taken in the event of a fire, as well as how residents could play a role in ensuring safety.

While putting in place arrangements to take into account residents' views, the strategy must also take into consideration the 'appropriateness of methods for promoting participation'. It is therefore important to consider potential barriers to communication that residents may face and take steps to ensure the method of communication reflects residents' communication preferences, different learning styles, and ensures residents can request that any reasonable adjustments are taken into account. For example, Nottingham City Homes has taken steps to take into account the diverse needs of their residents by using a range of appropriate and tailored communication methods and tools to share key messages, including

intercom services within their buildings and personal contact for vulnerable people where written material may not be appropriate.

## Case study

As part of its strategy, the Hyde Group's resident engagement team sought customer views on how they would prefer to be consulted.

Just over half of residents said they preferred to give feedback face-to-face, a third said they preferred email, and the remainder preferred to provide written feedback in the post.

Hyde Group also asked about their customers' preferences for engaging online. 65% who would go online to give feedback wanted a separate platform, with the rest saying they would use social media channels such as Facebook or Twitter.

## The role of residents in ensuring safety

The Building Safety Act also sets out [statutory duties on residents and flat owners](#) to cooperate with the appropriate Accountable Person. Residents and flat owners have legal responsibilities to avoid actions that could pose a risk to the fire and structural safety of the building. The Accountable Person will need to ensure that residents and owners are informed of their own responsibilities, and aim to increase residents' understanding of building safety and how it impacts them. The [Fire Safety \(England\) Regulations 2022](#), which came into force in January 2023, also require responsible persons to [share information with residents on the importance of fire doors](#).

## Case study

In their work on ensuring resident safety, Together Housing Group (THG) advocates the benefits of three key stakeholders – the resident, the landlord, and the fire service working together. After being suggested by a member of THG’s Resident Building Safety Panel, an initiative named TRIO (The Responsibility Is Ours) was developed and promoted to ensure residents were aware of the role they can play in ensuring safety.

## Case study

Orbit Group have provided their residents with access to digital safety tours with the latest fire safety advice. Available to view free on any digital device, the interactive safety tour takes a customer through a virtual home, identifying potential hazards and highlighting the fire safety features that will protect them and their family. The software has been made to be user-friendly, easy to understand and incorporates helpful tips on how to stay safe, and how to raise any concerns.

Where a resident is not complying with their duty to cooperate and isn’t responding to attempts to engage, the relevant Accountable Person has the option to issue a contravention notice. The notice must comply with specific requirements. For example, it must specify the alleged contravention, any steps that should be taken to remedy the contravention and a reasonable timeframe to complete them, and how to avoid further contraventions. If a resident does not comply with a contravention notice, it can be escalated to the courts to determine whether it should be enforced. It is expected that in many cases where issues are identified, the Accountable Person will be able to resolve the issues by speaking to residents directly. However, if a contravention notice is issued, together with the above, it must also set out the steps the relevant Accountable Person may take if the notice is not complied with.

## Complaint procedures

As soon as reasonably practicable, the PAP must establish and operate a system for the investigation of relevant complaints. Where effective processes for dealing with complaints already exist, such systems can be used, provided they meet the minimum requirements. Residents are expected to have access to a clear and transparent process to voice their concerns.

The Act defines a relevant complaint as a complaint in relation to a 'building safety risk'. For example, a risk to the safety of people in or about the building arising from either the spread of fire or structural failure. Residents can also raise a complaint regarding the performance of an Accountable Person concerning their duties with the Building Safety Regulator. Under the new regime, the government proposes that no restriction apply on who can make a relevant complaint, provided that it meets the definition set out. This would mean, for example, a contractor working in the building who identifies a building safety issue could raise a concern.

In operating a complaints system, the PAP will need to ensure residents know how to raise their concerns and how they will be addressed through a complaints policy. As a minimum, a complaints policy is expected to include information on how to make a complaint, the definition of a 'relevant complaint', and the stages of the complaint process and the potential outcomes. Instructions on how to make a building safety complaint will also need to be prominently displayed in the common parts of the building and any preferred methods of communication must also be considered.

The policy must also set out the timeframes for the handling of complaints and detail on how a complainant can challenge a decision. The PAP, working with the appropriate Accountable Person(s), must communicate the steps that will be taken to rectify the issue, and when they expect it will be rectified, to the complainant as soon as reasonably practicable.

Where a complainant is not content with the outcome of their complaint, they will be able to escalate the issue to the Building Safety Regulator, which will take the final view on whether a complaint has been handled in a timely manner.

## **Reviewing the resident engagement strategy**

The PAP is also expected to review the residents' engagement strategy and revise it if they consider it necessary or appropriate to do so. Where there is more than one Accountable Person for the building, the Secretary of State may make further provisions about the review of the strategy, though we aren't currently expecting any changes. The strategy is expected to be reviewed every two years as a minimum or more frequently where the PAP considers it necessary.

In reviewing the strategy, the PAP will need to consider how the implementation of the strategy will be measured. For example, the appropriateness of the methods for promoting participation and whether the strategy is achieving its objectives.

## Case study

At Together Housing Group (THG), the Residents Building Safety Panel (RBSP) identified how they would monitor the commitments within the residents' engagement strategy. They decided on the following:

- Overall satisfaction that THG keeps residents safe in their home.
- The numbers of residents who actively interact with the THG engagement framework.
- The number of reports of building safety issues.
- The number of complaints received related to building safety.

In prescribed circumstances, residents may need to be consulted. For example, a consultation must be carried out following any material amendments being made to the residents' engagement strategy. We don't know yet what the prescribed circumstances may entail, but any representations made in consultation with residents will need to be taken into account when reviewing the strategy.

The PAP should seek to ensure the residents' engagement strategy is transparent, provided to, and easily accessed by residents, and establish an open feedback process to enable direct input from residents.

## Case study

Nottingham City Homes' (NCH) Every Contact Counts initiative helps ensure they are listening to their customers and working to meet their needs.

Residents have a range of mechanisms for which they can provide feedback, including via individual block customer satisfaction surveys and the comments, compliments and complaints scheme. NCH's Eyes Wide Open reporting initiative also provides employees with an avenue to report any concerns they might have when visiting tenants or estates.

In addition, all blocks are provided with the contact details of the Building Safety Officer, Housing Patch Manager, Independent Living Coordinator, and Block Caretaker. Customer feedback is regularly considered by NCH's Building Safety Residents' Forum and any actions are escalated as required.

As well as measuring the impact of the strategy, it is equally important to ensure that the strategy is outcomes-focused and promotes a culture of learning. The founders of [Building a Safer Future Charter](#) been developing an open, no blame reporting and feedback process to allow opportunities for improvements to be captured. Feedback and issues raised should be managed in a way that ensures opportunities for learning to improve services. The ISSG has said it will be investigating how organisations are measuring the impact of their engagement and how they are continuing to make improvements.

Although not stipulated in the Act, the PAP may consider publishing the outcomes of the resident engagement strategy. From 2024, residents will have access to information on how well landlords are performing on a number of issues. The Social Housing Regulation Bill gives powers to the Regulator of Social Housing to introduce a set of tenant satisfaction measures that social housing landlords must report on from 1 April 2023. The measures cover five key areas including, maintaining building safety and residents being able to make judgements on how satisfied they are that their landlord provides a home that is well maintained and safe to live in.

## What comes next?

From 20 July – October 2022, the [government consulted on the proposed changes to building safety regulations](#), outlining proposed further detail on the measures set out in the Building Safety Act 2022.

In [our response to the consultation](#) covering duties on the Accountable Person(s) and resident voice, we agreed with the proposed changes to the building safety regulations in ensuring residents are informed, consulted and have accessible routes to raise concerns regarding the safety of their building. We believe the proposed measures will improve tenant involvement, increase transparency and enable collaboration efforts to mitigate against potential risks to the fire and structural safety of a building.

For example, in our response to the consultation, we agreed with the instances in which the Accountable Person will be required to provide residents with information, the proposed types of information residents should always receive, and the aspects of a decision residents should be consulted on. We also supported proposed exemptions that ensure sensitive information is protected and proposals that enable the Accountable Person(s) to execute their legal obligations in a way that is suitable for their type of organisation and type of services they provide.

We are calling for government to provide comprehensive guidance to support organisations to implement the different aspects of the regulations. We will continue to collaborate within the sector to share good practice and support members to prepare for the new requirements under the new regime, including by sharing further detail from the government when it is available.