**Grenfell Tower Fire**

**Independent Review of Building Regulations and Fire Safety**

**Call for Evidence**

The **Construction Products Association** represents the UK’s manufacturers and distributors of construction products and materials. Our membership includes large multi-national companies, many medium sized companies and 36 product specific trade associations with thousands of SMEs within their own membership. CPA represents 85% of the industry by value directly providing 300,000 jobs across 22,235 companies with a turnover of more than £55 billion.

**General Comments**

The following key points need taking into account when reviewing the Building Regulations and fire safety issues for buildings:

* A clarity of intent
* Clarity in the layout of the Approved Documents providing guidance
* Complexities between the different parts of the Approved Documents need sorting out to remove ambiguities thus providing consistency of guidance
* The use of consistent language across all documents
* Advantage should be taken to redesign the Approved Documents so that they are easily read electronically (not text in two columns) and are digitally friendly
* Enforcement and verification aspects require far more detail being introduced across all ADs
* There is a necessity to eliminate the unacceptable substitution of construction products from those originally specified by the designer
* The use of innovative processes and superior product quality needs acknowledging.

Other areas requiring examination are:

* The quality of workmanship leads much to be desired – poor installation practice is a significant problem
* With regards to fire issues, these need to be viewed in a holistic manner as failure to do so will result in the continuation of preventable fire performance continuing
* Other aspect affecting the fir performance of a building requiring consideration are occupancy, use, lifestyle and the nature and contents all have a part to play.

**The overarching legal requirements**

**Q1.** To what extent are the current building, housing and fire safety legislation and associated guidance clear and understood by those who need to follow them?

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| Answer:  A distinction needs to be made between the Building Regulations themselves and the Approved Documents as many people mistake the latter for the former. The Building Regulations are legally enforceable requirements while the Approved Documents are purely guidance which, if followed, there is a presumption of compliance with the requirements of the Building Regulations. There is no obligation to adopt any particular solution contained in the Approved Documents. Compliance with the Building Regulations can be demonstrated by other means.  In addition to guidance, some Approved Documents include provisions that must be followed exactly as required by regulations or where methods of testing or calculation are prescribed.  To provide the link between the legal requirements of the Building Regulations and the guidance provided in a specific Approved Document (AD), each AD contains an extract from the actual Building Regulations printed in green text while the AD guidance is shown in black and white.  I believe that the intention expressed in the Building Regulations is clear, however, the use of some vocabulary opens up a discussion on the meaning of some words. Not with standing this, it is the interpretation of the guidance given in the Approved Documents which causes the main issues. Generally speaking, the guidance given in the Approved Documents is clear but where more than one solution is provided, this can lead to confusion and, therefore, misinterpretation.  It is important that intention of the regulations is given clearly on all occasions. This includes clarity in their layout. |

In particular:

* What parts are clear and well understood by those who need to follow them?

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| Answer: |

and, if appropriate

* Where specifically do you think there are gaps, inconsistencies and/or overlaps (including between different parts of the legislation and guidance)? What changes would be necessary to address these and what are the benefits of doing so?

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| Answer:  Generally speaking there are numerous differing requirements within the Approved Documents which cause confusion when trying to specify and supply construction products which are compliant with each AD. Such complexities need ironing out to provide consistent guidance.  Approved Document B should be amended to state that only non-combustible materials can be used as cladding elements.  An example is Approved Document B (Fire) where the guidelines to demonstrate that Class 0 are not clear as this is not a recognised British Standards classification. Thus, Class O is open to misinterpretation on its meaning. |

**Roles & Responsibilities**

**Q2.** Are the roles, responsibilities and accountabilities of different individuals (in relation to adhering to fire safety1 requirements or assessing compliance) at each key stage of the building process2 clear, effective and timely?

*1 Fire safety: Reference to fire safety requirements in Q2 & Q3 should be taken to cover the range of requirements set out across Building Regulations, the Fire Safety Order etc.,*

*2 The Building Process – the planning, design, procurement and construction of new buildings and the refurbishment of existing buildings and the ongoing management and maintenance of those buildings*

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| Answer:  It is not the function of the Building Regulations to assign roles and responsibilities to individuals. They limit themselves to stating that a specific piece of work must only be fulfilled by an individual who is a member of a specific self-certification scheme. It makes no mention as to the frequency of reapproving such individuals to ensure their standard of competence is maintained. |

In particular:

* Where are responsibilities clear, effective and timely and well understood by those who need to adhere to them/assess them?

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| Answer: |

and, if appropriate:

* Where specifically do you think the regime is not effective?

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| Answer:  Policing the use of substitute materials which have not been sanctioned by the original design team is a major problem across the whole construction industry and has contributed greatly to the divergence of “as designed” when compared to “as built”. This is driven by the lowest cost phenomena which does not necessarily provide the most appropriate products for the specific intended end use.  The process of design and build eliminates the architect/designer from the system with such work being undertaken by the contractor. This is not correct.  The ‘value engineering’ approach has become more prevalent over recent years which opens up the question on whether the procurement process is robust enough to ensure substitute products meet the same specification as the products the designer called for. There appears to be no one taking responsibility for such changes. Typical of the industry is use of the cheapest product prevails. |

* What changes would be necessary to address these and what are the benefits of doing so?

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| Answer:  There needs to be a step up in the enforcement checking of the building process by Building Control and greater moves toward verification of site work.  Any change from the original product specification should only go ahead if sanctioned by the original architect. If the original designer refuse a change then it should be illegal for anyone to step outside this ruling.  Responsibility for the assessment and management of fire risks now sits with the building owner under the Regulatory Reform (Fire Safety) Order with the fire service is now relegated to an enforcement role as opposed to being an independent organisation responsible for fire safety requirements in a building. The involvement of the fire service needs to return to its original responsibility for fire safety in buildings.  The Regulatory Reform (Fire Safety) Order only applies to the common parts of multi-occupancy  Flats and not the individual flats themselves. For example, if the front door of a flat is altered such that  its integrity of resistance to fire and smoke is altered detrimentally resulting in the compartmentation of the building is affected, the responsibility for rectifying this is not clear.  Maintenance of buildings must consider fire safety aspects so personnel need to be aware of these issues when replacement or repairs become necessary. Appropriately trained personnel only should undertake such work.  It should be mandatory for an annual inspection of all safety requirements within multiple-occupancy buildings. |

**Q3.** Does the current system place a clear over-arching responsibility on named parties for maintaining/ensuring fire safety requirements are met in a high-rise multi-occupancy building?

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| Answer:  No. Building Regulations do not assign this responsibility. Also, with maintenance of fire safety equipment they only cover its installation while Approved Documents state that systems should be ‘maintained’. Responsibility now lies with the building owner rather than an independent organisation such as the fire service. |

Where could this be made clearer?

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| Answer:  Example - Approve Document B1, Section 1 Fire alarm and fire detection systems, clause 1.18 states “A requirement for maintenance cannot be made as a condition of passing plans by the Building Control Body. However, the attention of developers and builders is drawn to the importance of providing the occupants with information on the use of the equipment and on its maintenance (or guidance on suitable maintenance contractors).” This would only cover the provision of equipment in side individual flats and not the common areas of the building.  The introduction of compulsory, independent risk assessments being undertaken by the fire service would ensure that building owners have actually carried out this work. The fire service should have the power to issue enforcement notices if their checks turn up anything untoward. |

What would be the benefits of doing so?

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| Answer:  At least a known competent organisation independent from the building owners would police such actions. As the former would have no financial involvement with the building, then their reports would adequately fulfil this requirement. |

**Competencies of key players**

**Q4.** What evidence is there that those with responsibility for:

* Demonstrating compliance (with building regulations, housing and fire safety requirements) at various stages in the life cycle of a building;
* Assessing compliance with those requirements

are appropriately trained and accredited and are adequately resourced to perform their role effectively (including whether there are enough qualified professionals in each key area)?

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| Answer:  Specifically, buried in AD-B Appendix G Fire safety information it states that fire safety information be given to a responsible person which is defined in article 3 of the Regulatory Reform (Fire Safety) Order 2005. However, this may lead to adequate information being displayed around the building, but is there a requirement to carry out a fire safety drill at set intervals for domestic multi-storey flats? Other than that there is no specific information.  Building Control do not have the resources either financially or sufficient numbers of trained personnel to spend adequate time on site to police the construction process. This needs urgently addressing. |

If gaps exist how can they be addressed and what would be the benefits of doing so?

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| Answer:  Very little is stated in the Building Regulations about the competency of individuals so this needs addressing.  It is time to consider re-introducing the position of the Clerk of Works on every site to ensure standards are being maintained.  It should be made mandatory that only appropriately trained personnel are used to check the fire safety requirements of a building during its in use stage of its life cycle. There is no evidence to show that this is the case. |

**Enforcement & Sanctions**

**Q5.** Is the current checking and inspection regime adequately backed up through enforcement and sanctions?

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| Answer:  No. |

In particular:

* Where does the regime already adequately drive compliance or ensure remedial action is always taken in a timely manner where needed?

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| Answer:  Initial checking of drawings is assumed to be adequate, however, who checks the ongoing maintenance etc. once a building is handed over? |

* Where does the system fail to do so? Are changes required to address this and what would be the benefits of doing so?

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| Answer:  There is insufficient physical checking by Building Control of site activity and products used, to ensure what is built is the same as what was designed. Also who checks the ongoing maintenance requirements are being undertaken once the building has been handed over such that safety issues are not compromised? |

**Tenants’ & Resident’ Voice in the current system**

**Q6.** Is there an effective means for tenants and other residents to raise concerns about the fire safety of their buildings and to receive feedback?

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| Answer:  A mechanism already exists for tenants and residents to raise concerns about the fire safety of their buildings, but what is lacking is any legal process for their concerns to be addressed thus leaving them in a vacuum with no body being responsible for answering these concerns in a timely manner.  Often, tenants are responsible for flouting fire safety requirement e.g. the propping open of fire doors to allow for ease of passage or better circulation of air to prevent overheating. |

Where changes might be required to ensure tenants’/residents’ voices on fire safety can be heard in the future?

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| Answer:  A legally enforceable time limit for a response needs to be introduced along with access to an ombudsman to ensure fair play. |

**Quality Assurance & Testing Materials**

**Q7.** Does the way building components are safety checked, certified and marketed in relation to building regulations requirements need to be changed?

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| Answer:  Construction products undergo a very stringent regime of testing and factory production control, many with independent verification undertaken by Notified Bodies under the CE marking system. So failure of a product is most unusual. The issue often lies with poor workmanship on site for fixing the products rather than with the product itself or with inappropriate products being substituted for those originally specified.  While individual components are tested by the manufacturer and given a designated fire classification, issues concerning the effects of a fire on combinations of components arise as these are not always tested together. Issues exist in particular for products produced by different manufacturers being combined into unofficial ‘kits’.  The fire performance of a building depends on the degree of adequacy with which the building is constructed rather than just the sum of the individual components. |

in particular:

* Where is the system sufficiently robust and reliable in maximising safety?

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| Answer:  Testing of products used in their own right is acceptable and ‘kits’ designated as such by an individual manufacturer. |

and, if appropriate

* Where specifically do you think there are weaknesses/gaps?

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| Answer:  Weaknesses exist where combinations of components from different manufacturers make up a system on site and that system is not tested. |

What changes would be necessary to address these and what would be the benefits of doing so?

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| Answer:  Proposed combinations of products need to be tested against fire or their combination is banned unless they have been independently tested. |

**Differentiation within the current Regulatory System**

**Q8.** What would be the advantages/disadvantages of creating a greater degree of differentiation in the regulatory system between high-rise multi-occupancy residential buildings and other less complex types of residential/non-residential buildings?

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| Answer:  This should depend on the number of personnel who would have to evacuate a building and the length of time it would take for a complete evacuation to occur. This is a risk assessment approach which would have benefits in the number of lives saved. It should also depend on the number of fire escape channels available for use.  There was a split viewpoint among members on whether there should be a differentiation of the regulatory system between the high rise and other types of buildings with both providing evidence to back up their view. The majority thought there should be no differentiation as a life saved was important. However, a minority favoured differentiation because of the superior number of residents found in a high rise building. |

Where specifically do you think further differentiation might assist in ensuring adequate fire safety and what would be the benefits of such changes?

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| Answer:  Perhaps the frequency of the inspection regime should be considered. |

**International Companies & Other Sectors**

**Q9.** What examples exist from outside England of good practice in regulatory systems that aim to ensure fire safety in similar buildings?

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| Answer:  The Scottish Standards, Section 2, Fire, is a far clearer document than the Approved Document B in England and Wales. |

What aspects should be specifically considered and why?

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| Answer:  Independent organisations need to be considered rather than self-regulation as they provide clear and transparent process divorced from the bottom line of a project. |

**Q10.** What examples of good practice from regulatory regimes in other industries/sectors that are dependent on high quality safety environments are there that we could learn from?

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| Answer:  Gas Safe  Annual checks on fire extinguishers |

What key lessons are there for enhancing fire safety?

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| Answer:  Independent audits divorced from those constructing building.  The removal of the role of the Clerk of Works has contributed greatly to the divergence of as designed versus as built. |