Building Safety Policy

Building Safety Act 2022

1.0 Purpose and Scope

This policy sets out Maeve Contractors approach to ensuring our buildings are safe and meet regulatory requirements set out in the Building Safety Act 2022 (referred to as 'the Act') and its related secondary legislation. The Act received Royal Assent and became law on 28 April 2022 with secondary legislation coming into force over a two-year transitional period.
This policy outlines how we:
- Follow new design and construction standards
- Meet our commitment to keep residents safe
- Engage with residents and share building safety information with them
- Ensure qualifying leaseholders are protected from building safety defect costs
- Hold those responsible for building safety defects to account
- Work with regulators and provide them the information they need

The Act introduces several reforms to ensure homes across England are safer. It specifically sets out requirements related to the design, construction, and management of 'higher risk buildings', which are defined as residential buildings at least 18 metres or seven storeys high and containing two or more residential units.
The reforms and requirements will be managed through the creation of three new regulatory bodies:
- the Building Safety Regulator
- the National Regulator of Construction Products
- the New Homes Ombudsman

The requirements of the Act broadly introduce several key principles, and two main areas of reform:
Design and construction:
Reforms providing new guidance and standards for the design and construction industry by way of amendments to the Building Act 1984 and the introduction of the Building Safety Regulator.
Occupation:
Reforms providing new guidance and standards for the housing industry during a building's occupation overseen by the Building Safety Regulator. These will ensure building safety standards and resident engagement in blocks classified as 'higher risk buildings' are being met.

2.0 Definitions

The Act:
The Building Safety Act 2022, which became law in April 2022. The act was developed following Dame Judith Hackitt's independent review of building regulations and fire safety, commissioned after the Grenfell Tower tragedy in 2017.
It introduces wide scale reforms to support building safety across the industry through design, construction, and management of residential blocks classed as higher risk buildings.
Accountable person (AP) or Principal accountable person (PAP): The duty holder legally responsible for a higher risk building's compliance with the Act, or the part of the building that they are responsible for. The PAP's key duty is to prevent and reduce the severity of building safety incidents relating to fire or structural failure in such buildings.

Building assessment certificate:
The key document required by the principal accountable person (PAP) when a higher risk building (HRB) is occupied. After an HRB has been registered with the Building Safety Regulator, the regulator will request the PAP to submit several prescribed documents. These will include a safety case report, an HRB-specific engagement strategy, a mandatory occurrence reporting strategy for reporting significant risks to the regulator, and a signed agreement between the PAP and any other relevant accountable persons in the building that appropriate processes for the identification, management and resolution of building safety risks are in place.

Once the regulator is satisfied, they will provide a building assessment certificate to the PAP which will need to be displayed in the building and renewed every five years.

Building safety case (BSC):
The body of evidence to demonstrate that fire and structural risks within a higher risk building are being identified, escalated, and resolved, or managed and monitored adequately on an ongoing basis. Management and review of a building's safety case is formally overseen by an appointed building safety manager (BSM) on behalf of the principal accountable person. A summary of the BSC in the form of a safety case report will be submitted to the Building Safety Regulator under specific conditions.

Building safety fund:
A government-led fund that aims to protect leaseholders from the cost of addressing fire-safety risks caused by unsafe non-ACM cladding systems on high-rise residential buildings. The fund is supported by the building safety levy.

Building safety levy:
A levy put in place by government on developers of higher risk buildings in England designed to raise revenue for the replacement of defective cladding, in addition to remediating any other historical building safety defects.

Building safety manager (BSM):
Building safety managers are not a specific requirement of the Act, but they are an important introduction to support the requirements of the principal accountable person, the development of building safety cases and the introduction of specific engagement strategies for individual higher risk buildings. The role is designed to support the identification and management of building safety risks and to provide oversight of relevant processes involved in the management of higher risk buildings across the business.

Building Safety Regulator (BSR):
The regulatory arm of the Health and Safety Executive (HSE) for building safety across design, construction and occupation introduced in the Building Safety Act 2022. The Building Safety Regulator will monitor industry performance to inform priorities, set direction, facilitate improvement in competence of both industry and the building control profession, and influence their operational standards.

Duty holders:
An appointed person responsible to maintain standards and quality that is conducive to good health and safety and quality of work in relation to a higher risk building.

Fire Safety Act:
The Fire Safety Act 2021 clarifies the scope of building safety measures set out in the Fire Safety Order 2005. It highlights how the order applies to the structure, external walls (including cladding and balconies), and individual flat entrance doors of multi-occupied residential buildings. The requirements of the Building Safety Act 2022 are in addition to those of the Fire Safety Act 2021 and subsequent Fire Safety (England) Regulation 2022. An example of an area which has a level of crossover between the Fire Safety Act and Building Safety Act is the roles of the 'responsible person' and 'duty holders', which broadly correlate to the principal accountable person and relevant accountable person.

Gateways:
A set of three submission and approval gateways overseen by the new Building Safety Regulator required for the design and construction of higher risk buildings. Gateway 1 (planning approval) came into force on 1 August 2021, with both gateway 2 (handover from planning to construction) and gateway 3 (completion of construction) due to come into force by October 2023.

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The Golden Thread:
A principle for storing, managing, and sharing building information and documents over a building's lifecycle, from design and construction through to occupation and disposal. The Golden Thread ties directly into the body of evidence needed to create and maintain building safety cases.

Higher risk building (HRB):
Defined in the Act as a residential building that is at least 18 metres or seven storeys high and contains two or more residential units. Secondary legislation further defining such buildings came into force on 6 April 2023. All HRBs will need to be registered with the Building Safety Regulator (BSR) by the principal accountable person, have a dedicated engagement strategy and building safety case, and adhere to the principles of the Golden Thread.

Regularisation:
Building work regularisation refers to the process of certifying building works that have been conducted without building regulation approval. The process enables the submission of a retrospective application relating to previously unauthorised works through the submission and review of prescribed documents. The government intends to apply the current regularisation procedure to higher risk buildings, with the Building Safety Regulator as the building control authority, rather than the local authority.

3.0 Key Principles

Several key principles of the Act apply across both design and construction, and occupation:

3.1 Higher risk buildings (HRBs)
Where applicable under the requirements of the Act, we are taking reasonable measures to ensure that relevant duty holders of our HRBs in England will:
•conform to duty holder requirements and competencies through design, construction, and occupation
• conform to construction product requirements through construction, refurbishment, and remediation
• conform to mandatory occurrence reporting requirements through construction and occupation
• conform to construction control plan and change control requirements through construction, refurbishment, and remediation
• conform to Golden Thread requirements for managing and sharing building information through design, construction, and occupation.
• conform to the gateway submission and approval process through design and construction
• have a valid completion certificate or partial completion certificate before handover into occupation
• have an identified principal accountable person at handover and through occupation
• register HRBs with the Building Safety Regulator before occupation
• have a valid building assessment certificate clearly displayed in the relevant HRB through occupation, updating them every five years
• have a dedicated engagement strategy through occupation
• have a dedicated building safety case through occupation
• submit safety case reports to the Building Safety Regulator when required through occupation

3.2 The Building Safety Regulator
The Act provides regulators with stronger enforcement powers and has increased the penalty for a breach of building regulations under section 35 of the Building Act 1984 to a maximum penalty of an unlimited fine and/or two years in prison.
We will ensure all requirements set out under the Act are met and that we respond to requests from the Building Safety Regulator when required.

3.3 Approved Construction Products
We will put in place appropriate governance to ensure our contractors use approved products as set out by the National Regulator of Construction Products. This regulator has been set up to provide information and oversight of product standards applied through design, construction, refurbishment, and remediation.

3.4 The Golden Thread
We are undertaking reasonable measures to implement the requirements and principles of the Golden Thread for storing, managing, and sharing building information and documents over a higher risk building's lifecycle.
It constitutes a 'single source of truth' for a higher risk building's safety information, and ties directly into requirements for the creation and management of building safety cases.

3.5 Mandatory Occurrence Reporting
We have a mandatory occurrence reporting process in place to inform the Building Safety Regulator of 'safety occurrences' related to fire and structural safety issues in our higher risk buildings. The reporting criteria and process for mandatory occurrence reporting will be set out in further guidance from the regulator. A policy and process review will follow.
Mandatory occurrence reporting will be supported with the development of a building safety management policy.

3.6 Holding Developers to Account
The Act includes a new section 2A to the Defective Premises Act which updates the period under which defect claims to developers can be made. The change extends the usual limitation period (the time a valid claim can be made) from six years to 15 years for claims that accrue after the Act took effect (28 April 2022), and 30 years retrospectively for claims that accrued before.
The change, combined with the government's requirement for large scale developers to sign a developer remediation contract, which forces developers responsible for defects to agree to fix them or face significant consequences, means we have a greater ability to hold developers to account. This will support our process for the remediation of building safety defects as well as leaseholder protections (see section 5.9).

3.7 Enforcement
We will act swiftly in response to enforcement measures imposed by the Building Safety Regulator through design, construction, and occupation:
Design and Construction:
The following enforcement changes apply to the design and construction of all buildings, including higher risk buildings:
• An increased penalty for a breach of building regulations to a maximum penalty of an unlimited fine and/or two years in prison.
• Expansion of section 35 of the Building Act 1984 so that it applies not only to breach of provisions of building regulations, but also to breach of individual requirements imposed under building regulations.
• Amendments to section 36 of the Building Act 1984 to extend the time limit to take action to correct non-compliant work under this section to 10 years and for the Building Safety Regulator as a building control authority to have powers under this section.
• The Building Safety Regulator and local authorities can issue compliance and stop notices against non-compliant work. Failure to comply with either notice will be a criminal offence, with a maximum penalty of up to two years in prison and an unlimited fine.
The methods of enforcement will be set out in our internal development toolkit subject to the transitional timeline.

Occupation:
The following enforcement changes apply to occupied higher-risk buildings (HRBs):
• The Building Safety Regulator will be able to issue compliance notices against an HRB's principal accountable person or any relevant accountable person
• Notices will require identified issues to be rectified within a set date
• Where non-compliance has or will lead to imminent danger to people in and around the building, the Building Safety Regulator can issue them with an 'urgent action notice'
• Failure to comply with notices, without reasonable excuse, will carry a maximum penalty of an unlimited fine and/or two years in prison.
The methods of enforcement will be set out in our internal building safety toolkit subject to the transitional timeline.

3.8 Appeals Where disputes arise over decisions relating to higher risk buildings, the first stage is informal discussion and mediation between the parties.

Following that, in most cases, there is an internal review and appeals process provided by the Building Safety Regulator. If this cannot resolve matters, specified regulatory decisions are appealable to the First-tier Tribunal. The methods of appeals will be set out in our internal building safety toolkit subject to the transitional timeline.

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4.0 Design and Construction

Areas developed to meet the requirements of the Act through design and construction are subject to the transitional timeline including:

4.1 Duty holders

We will take reasonable measures to ensure that updates relating to the role and competency of duty holders through design and construction introduced in the Act are met.

The key duty holders through design and construction set out in the Act are modelled on the duty holder roles under the Construction Design and Management regulations 2015 (CDM). CDM and Building Safety Act duty holders are independent and may be assigned to different individuals or organisations.

The key duty holders through design and construction set out in the Act are,

- the client
- the principal designer
- Designers
- the principal contractor
- Contractors

The main changes introduced in the Act relate to the role of the principal designer, principal contractor, and requirements for the client to ensure the competence of relevant duty holders. Requirements for relevant duty holders to meet the provision of prescribed documents required for each gateway submission will be put in place.

4.2 Building Safety Levy

We will take reasonable measures to meet requirements for the building safety levy and provision of associated costs.

4.3 Gateways

We will take reasonable measures to ensure we meet requirements for the ‘submission and approval’ gateway regime related to the design and construction of higher risk buildings subject to the transition timeline. The gateways process is overseen by the Building Safety Regulator with additional requirements for the submission of prescribed documents at each stage.

Gateway 1 (planning approval) came into force on 1 August 2021 and follows the pre-existing planning approval process. The Building Safety Regulator acts as an additional consultee through gateway 1.

Gateways 2 (handover from planning to construction) and gateway 3 (completion of construction) are due to come into force by October 2023. The Building Safety Regulator acts as the building control authority through these gateways.

When a higher risk building has successfully passed through gateway 3 approval, a valid completion certificate (or partial completion certificate in the event of phased occupation) is issued by the Building Safety Regulator, and the building is ready for handover review, registration and occupation. An expected 12-week determination period for review and issuing of completion certificates and partial completion certificates is expected for gateway 3.

4.4 Change Control
We will take reasonable measures for control planning and change control to be managed and communicated with the Building Safety Regulator throughout the gateways process, subject to the transition timeline. Any changes to the design and construction of a higher risk building must be recorded by the relevant duty holders and provided for review. Requirements for 'permission' to be provided before significant changes are made must be acquired. This will apply to higher risk buildings both through design and construction as well as through refurbishments (see section 5.10).

4.5 Handover Review
As part of our Building Safety Act policy and process review, a cross-business review of the handover process will be undertaken to assess the impact and challenges raised by the reforms within the Act.

5.0 Occupation

To ensure residents living in higher risk buildings feel safe in their homes, our building safety team will introduce various roles and processes, each with different responsibilities for safety. We will take reasonable measures for collaboration and clear communication with our residents, as well as between building safety managers, housing officers, property management officers, third-party building management organisations and stakeholders such as fire and rescue services.

5.1The Principal Accountable Person (PAP)
The principal accountable person is the duty holder legally responsible for a higher risk building's compliance with the Act, primarily based on who is the named freeholder of the building or who holds responsibility for communal and external wall repairs. Other relevant accountable persons may also be identified, dependent on their individual obligations to manage and repair common parts of the building.
The principal accountable person will need to liaise with all relevant accountable persons, share information, acquire an approved building assessment certificate through occupation on a five-year basis, and take reasonable measures for compliance with the Act in all other ways.
The accountable person could be a named entity (such as a housing association, council, or management company), or a named person. Notification to changes in responsibility of a higher risk building's accountable person or principal accountable person (such as when the ownership changes) must be provided to the Building Safety Regulator.

5.2 Building Safety Manager (BSM)
The building safety manager role fulfils an assurance function, satisfying the Building Safety Regulator that a higher risk building's existing safety management system is effective via a series of audits, checks and reviews. This will be supported through:
• the development of a safety dashboard for specific higher risk buildings
• the review and oversight of building risks in a building safety case
• submission of safety case reports to the Building Safety Regulator when required
• acting as consultee at all gateways through design and construction
• engagement with residents and other stakeholders (such as contractors, managing agents and fire and rescue services) to develop a building-specific engagement strategy
The building safety manager role will also be supported with the development of a building safety management policy and associated procedures.

5.3 Building Safety Case (BSC)
Management of building safety cases are formally overseen by an appointed building safety manager on behalf of the principal accountable person.
The building safety case is one of the many elements to be managed within the principles of the Golden Thread and will rely on it to remain up-to-date and effective. A detailed summary of the building safety case in the form of a safety case report will be submitted to the Building Safety Regulator under specific conditions or on request.
Safety case reports could potentially also be used when sharing information between the principal accountable person and relevant accountable persons, or third-party stakeholders such as fire and rescue services as part of information sharing requirements and requests.

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Building safety cases and safety case reports will be supported with the development of a building safety management policy and related procedures.

5.4 Competence Review

In line with requirements to evidence competence within the building safety case, we will undertake a process to review roles, responsibilities, and competencies across the business by liaising with relevant teams such as human resources and procurement to create a competency matrix.

5.5 Registration

All occupied higher risk buildings will be registered with the Building Safety Regulator with effect from April 2023 under a six-month submission period. All pre-existing higher risk buildings will be registered by 30 September 2023 with an ongoing registration process in place for buildings passing through the design and construction gateways.

5.6 Certification

All registered higher risk buildings will have a valid building assessment certificate provided after review by the Building Safety Regulator that will be clearly displayed in the building and will provide the principal accountable person's details, the current building assessment certificate and copies of any compliance notices relating to the building which are still in force.

If the Building Safety Regulator has put a special measures order in force for the building at any point, the building assessment certificate will be removed.

5.7 Resident's Voice Residents should be and feel safe in their homes. We will take reasonable measures to inform residents about building safety, ensure they are engaged in discussions about how to keep their building safe (including their own responsibilities) and are empowered to challenge unsafe or unreasonable decisions. Under the Resident Voice sections of the Act, the principal accountable person is required to:

- provide residents with relevant building safety information
- establish a resident engagement strategy specific to each higher risk building
- establish and operate a system for the investigation of relevant complaints and building safety related questions.
- employ contravention notices in the event of residents falling short of meeting their safety obligations Further guidance on Resident Voice requirements will be set out in secondary legislation.

5.8 Engagement Strategy

We are developing specific engagement strategies for our higher risk buildings. Those will include how we communicate and share information with residents and identify their needs regarding building safety. This is a key pillar of Resident Voice requirements and sets out our responsibilities as landlord, as well as providing residents with clear guidance on their responsibilities to ensure their building is kept safe.

Development of engagement strategies will also include engagement with other potential stakeholders connected to the building. This could include fire and rescue services, contractors, utility services, local authorities, and other relevant accountable persons connected with the building, such as managing agents and commercial property owners.

The engagement strategy forms part of the prescribed submission documents required when requesting building assessment certificates.

It will primarily be developed by building safety managers and reviewed in consultation with residents. It is also planned to incorporate tenant satisfaction measures released by the Regulator of Social Housing. Each engagement strategy will be tailored to the needs of an individual higher risk building and its residents.

Engagement strategies will be supported with the development of a building safety management policy and related procedures.

5.9 Leaseholder Protections

Leaseholder protections have been introduced in the Act to ensure qualifying leaseholders are protected from remediation costs associated with building safety defects for relevant buildings (multi-occupancy buildings which are at least 11 meters in height or five storeys and above).

Where we undertake building safety defect remediation on relevant buildings, the following limitations on costs passed on to leaseholders are applied (subject to any additional limitations set out in individual leases):

- limitations have been placed on the permitted maximum cost that can be charged to relevant leaseholders for defects, based on their lease value and location
- leaseholders are protected outright from paying any costs associated with the remediation of external cladding defects.
- defect remediation costs must first be applied to those responsible for the defects, such as the developer or client who instructed the building works
- any remediation funding costs covered by the building safety fund must also be deducted from costs before they are passed on to leaseholders.

Leaseholder protections are further supported through secondary legislation in The Building Safety (Leaseholder Protections) (England) Regulations 2022, relating to the leaseholder deed of certificates and landlord certificates.

Leaseholder protections will be supported with the development of a leaseholder charging policy and related procedures.

5.10 Refurbishments

Principles set out in the Act relating to refurbishment works within higher risk buildings will be met. A stricter regime for major works including remediation and refurbishments has been put in place to ensure risks posed by changes to the structure and fabric of such buildings are monitored and managed. These apply to schedule 3 and 3A works requiring appropriate schemes to be applied with appropriate oversight. Where the Building Safety Regulator acts as the building control authority, a process similar to the gateways may be employed.

Governance relating to the above will be updated in our internal building safety toolkit, planned investment toolkit (currently in development) and other associated policies and procedures subject to the transitional timeline.

5.11 Remediation

The key role of the principal accountable person is to prevent and reduce the severity of building safety incidents relating to fire or structural failure in higher risk buildings. This is actively managed by our building safety team through an ongoing programme to identify and remediate building safety defects.

When a building safety defect has been identified, we will consult with our fire engineers and specialist consultants to understand whether temporary mitigation measures are required while we put in place relevant remediation works. If mitigation is required, these need fire engineer approval and are likely to temporarily change the evacuation strategy from stay put to simultaneous evacuation and require personnel (known as a waking watch) to be installed to alert residents should an evacuation be needed.

The waking watch will be replaced by temporary alarms as quickly as possible, as guidance from the National Fire Chiefs Council (NFCC) identifies alarms as a more effective measure of notifying residents to risks from fire.

As part of the installation of interim measures, we will review the vulnerability of residents and complete personal emergency evacuation plans (PEEPs) for any who would struggle to self-evacuate. The waking watch will initially be tasked with supporting their evacuation, with evacuation wardens taking on the task once emergency alarms have been installed. These will generally be people who had previously been part of the waking watch team so they will know the site layout. Their specific task will be to assist previously identified people who would need assistance to leave the building in the event of an alarm activation.

We will keep residents informed about identified building safety risks during remediation. Once work is complete, we will return the building to a stay put evacuation strategy in self-contained blocks and remove all interim measures.

The Act also introduces the concept of remediation orders, which require those responsible for managing repairs in a building to remediate building safety defects in 'relevant buildings' by a specific time where they are not actively doing so. 'Relevant buildings' in this instance refer to buildings in England that are at least 11 meters in height or five storeys and above that contain at least two dwellings. Remediation orders can be made through First Tier Tribunal on the application of an 'interested person' such as the regulator, local authorities, local fire and rescue services, leaseholders or any other person prescribed by law.
Like remediation orders, the Act also introduces the concept of remediation contribution orders which require responsible corporate entities, such as a landlord or developer or those associated with them, to make payments to a specified person in order to meet costs incurred in remedying relevant defects in relevant buildings. These are made through First Tier Tribunal under the same criteria with the addition that the Secretary of State can also apply for an remediation contribution order.
As noted in section 5.9 Leaseholder Protections, we will work to ensure defect remediation costs must first be applied to those responsible for defects, and that leaseholder protections against building safety remediation costs are applied.

6.0 Monitoring and Review

This policy was reviewed every six months from October 2023 to October 2024 through transition. It will then be reviewed every three years in an agreed policy review programme unless there are significant changes to legislation or regulation or where there are changes to best practice identified. If this occurs, an immediate review will be initiated.

7.0 Our Approach

While no assessments were undertaken through the development of the policy, in writing this policy we have considered the needs of equality, diversity and inclusion. These are relevant to this policy under the higher risk building engagement strategy when identifying residents with mobility or awareness difficulties that may impact their ability to self-evacuate. This also applies to how we share and protect that information internally and with relevant external bodies such as fire and rescue services.
As part of the development of this policy we have undertaken an internal consultation to gather feedback from key stakeholders across the business including building safety, health and safety, development, resident engagement, and asset management teams.

8.0 Reference

This section sets out several links to government and industry guidance, legislation and a number of related policies and procedures.
Building Safety Act guidance and supporting sites:
The Building Safety Act: secondary legislation - GOV.UK (www.gov.uk)
Building safety leaseholder protections: guidance for leaseholders - GOV.UK (www.gov.uk)
Remediation of non-ACM buildings - GOV.UK (www.gov.uk)
Developer remediation contract - GOV.UK (www.gov.uk)
Fire safety and high-rise residential buildings (from 1 August 2021) - GOV.UK (www.gov.uk)
Building Safety Regulator - Building safety - HSE
Architects Registration Board - GOV.UK (www.gov.uk)
Construction Products Regulation in Great Britain - GOV.UK (www.gov.uk)
NHOS - The New Homes Ombudsman Service
Fire Safety Act 2021 - GOV.UK (www.gov.uk)
Fire Safety (England) Regulations 2022 - GOV.UK (www.gov.uk)
Responsible Person and Duty Holder: roles and fire safety responsibilities - GOV.UK (www.gov.uk)
Tenant Satisfaction Measures - Summary of RSH requirements (accessible) - GOV.UK (www.gov.uk)

Legislation:

Building Safety Act 2022 (legislation.gov.uk)

Building Act 1984 (legislation.gov.uk)
The Higher-Risk Buildings (Descriptions and Supplementary Provisions) Regulations 2023 (legislation.gov.uk)
The Town and Country Planning (Development Management Procedure and Section 62A Applications) (England) (Amendment) Order 2021 (legislation.gov.uk)
Defective Premises Act 1972 (legislation.gov.uk)
The Regulatory Reform (Fire Safety) Order 2005 (legislation.gov.uk)
Fire Safety Act 2021 (legislation.gov.uk)
The Fire Safety (England) Regulations 2022 (legislation.gov.uk)

Document Control

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