

HACKITT REVIEW

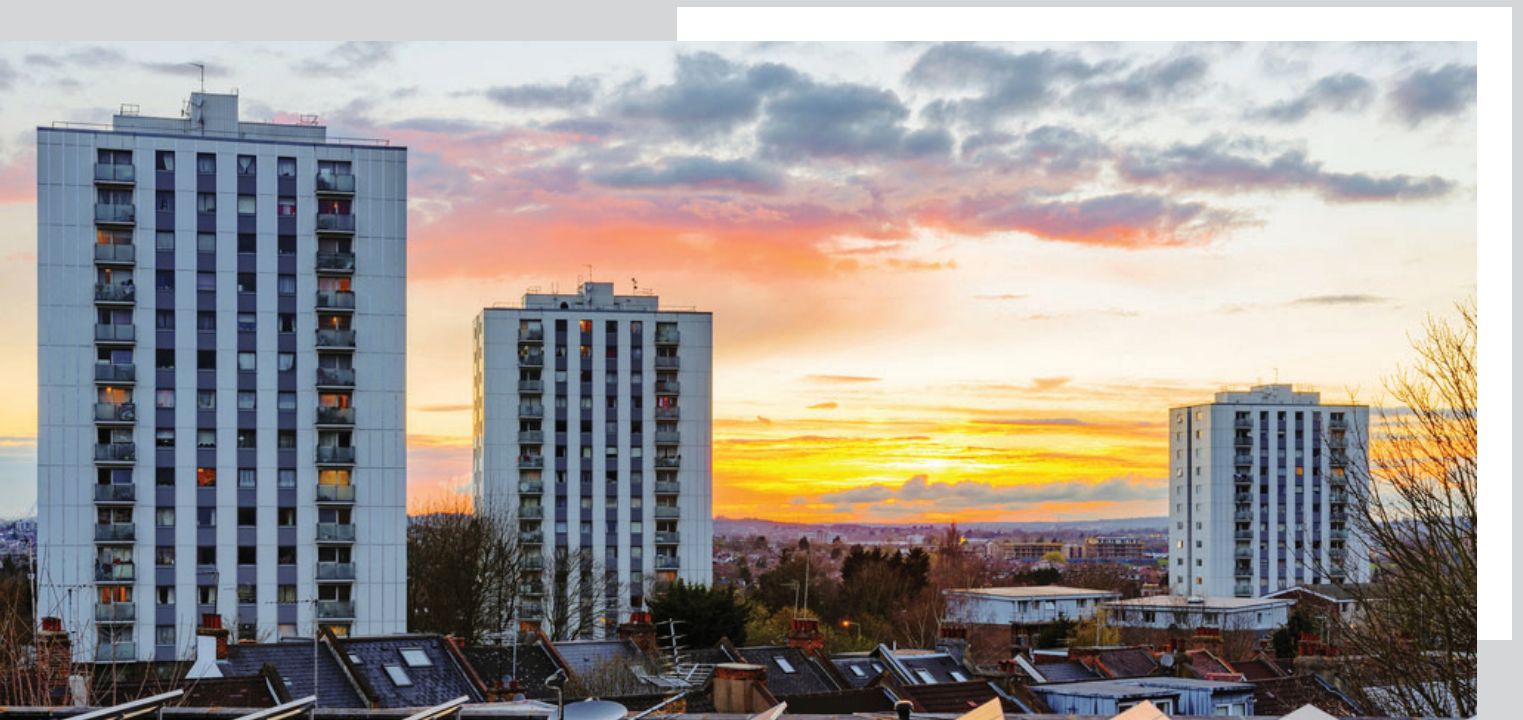
What's coming?

The tragic circumstances at Grenfell have led to a period of retrospection for the construction industry as to whether end users have been properly served by the industry's delivery systems.

The Government asked Dame Judith Hackitt to review the

building regulations and fire safety. She reported in May 2018 (please see copy here) with wide ranging recommendations with a proviso that these recommendations were interlinked and could not be cherry picked.

The MHCLG responded to the report on 18 December accepting all Dame Judith's recommendations and at the same time, issued an implementation plan to create a new regulatory framework for building safety.



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Looking at the recommendations, it is clear that clients, designers and contractors will need to be aware of the possible impact the new framework will have. The Hackitt Review is not suggesting cultural change as the answer (although that is part of the solution) but that clients, designers and contractors, as “dutyholders” in the process of procurement and maintenance of residential development, should have statutory responsibilities as regards the safety of the building as a whole and to engaging with the end users. Breach of statutory responsibilities potentially means criminal liability.

Immediate takeaways

Therefore, what should the industry be aware of as regards the Review?

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Immediate takeaways

- Although the Review looked at “HRRBs” (higher-risk residential buildings) of 10 storeys or more, it also suggested the MHCLG looks at widening certain proposals to “other multi-occupancy residential buildings and to institutionalised residential buildings”. Therefore the initial proposals may not be simply only those buildings that 10 storeys or above.
- In addition, MHCLG says it intends the new framework to “drive culture change across the whole industry”. Expect pressure to widen the framework to all residential development and beyond if not initially then at a later stage.
- A “Joint Regulators Group” comprising Local Authority Building Control, National Fire Chiefs Council, HSE and the Local Government Association, should be set up to trial pilot approaches ahead of the new framework being put in place and assist on transition.
- The new framework once in place should feature a “Joint Competent Authority” to oversee better management of HRRBs across the buildings life cycle.
- Those responsible for key aspects of safety at each stage of the building lifecycle should become “dutyholders”. The Review identified the CDM approach of Client, Principal Designer, Principal Contractor, contractors and designers. Therefore, we could see either CDM expanded or a similar set of regulations.
- Regulatory statutory gateways at key points during the design and construction lifecycle where presumably the identified “dutyholder” will need to report to the Joint Competent Authority.
- The Review identified that a “golden thread” of building information runs through all phases of design, construction and occupation. The review wants this “golden thread” captured digitally therefore expect BIM to feature in the new framework
- The Review believes that prescriptive Building Regulations has confused and guidance followed without thought. Dutyholders should think for themselves and the new regulations should be output based, as should performance specifications.

- Organisations have had the ability to choose approved building inspectors. The Review recommends this practice stop as there is too much negotiation on the level of oversight and supervision. In its place, the Review recommends a single streamlined regulatory route. In its response, MHCLG confirmed that the new framework will include both local authority and private sector approved inspectors.

Next steps

- MHCLG announced immediate actions including a full technical review of Building Regulations Fire Safety Guidance in Approved Document B, a call for evidence on how to support residents in multi occupational buildings to keep their buildings safe and an announcement of limitations on use of desktop studies.
- There is an “Early Adopters” programme already in place where organisations are testing changes for suitability. These Early Adopters include Barrett Developments, Mace, Legal & General, Taylor Wimpey and Peabody.
- MHCLG plan to consult the industry on many of the Review’s recommendations in spring 2019. Expect MHCLG to propose specific plans rather than an open-ended consultation.
- MHCLG has not set out a timetable for implementation of the new framework. However, in its response MHCLG confirms that it intends to liaise with the Joint Regulators Group and Early Adopters as to what works ahead of the consultation in spring.

About Chris Pedder

Chris specialises in non-contentious construction work within the public and private sectors with particular focus on public sector development and construction projects.

Chris has specialist experience in public sector facilities management contracts either by way of outsourcing through traditional models or through a variety of alternative delivery models such as joint ventures, “virtual” joint ventures using wholly owned subsidiary companies and cost sharing groups, each of which could be both tax efficient and mitigate against contractor insolvency.

He has worked on over 20 health, housing and waste PFI projects, where he advised both commissioning authorities, private sector consortia and funders on a range of issues including construction, commissioning and operation of the built facilities.