

# MOUNTAIN TO CLIMB?



16th March 2020

# INTRODUCTION

We recently passed 1,000 days since the Grenfell Tower tragedy that claimed 72 lives and became our worst ever residential fire in peacetime. If we go back to 3 days after the fire, Prime Minister Theresa May stated:

“

The fire at Grenfell Tower was an unimaginable tragedy for the community, and for our country. My Government will do whatever it takes to help those affected, get justice and keep our people safe.

”

6 weeks after that statement, in July 2017, the Government announced the **Independent review of building regulations and fire safety**, to be led by ex-HSE Chair, Dame Judith Hackitt. The final report, later named '**Building a Safer Future**' was released in May 2018. In December 2018, the Secretary of State for Housing, James Brokenshire announced that the Government would adopt all of Hackitt's recommendations in full.

Dame Judith Hackitt issued this advice to the industry:

“

I said in my review, we did not need to wait for the regulation before people started to change their behaviours. That is what we have been trying to push for and now we have that clear message from government that the regulations are going to be implemented in full, there is a need for us to underline that. There really is no reason to wait for the regulation before the behaviour change starts to happen.

”

So, as we approach 3 years on from Grenfell Tower, and almost 2 years on from the **Building a Safer Future Report**, we still await legislative change in the form of the **Fire Safety and Building Safety Bills**.

**Is the industry ready for increased regulation?**

**“THEY WERE TOLD IT WAS SAFE”**



**“How the hell could it happen?”**



*“Disaster waiting to happen”*

**The Daily Telegraph**



# FIRE RISK ASSESSMENTS AS A PROXY

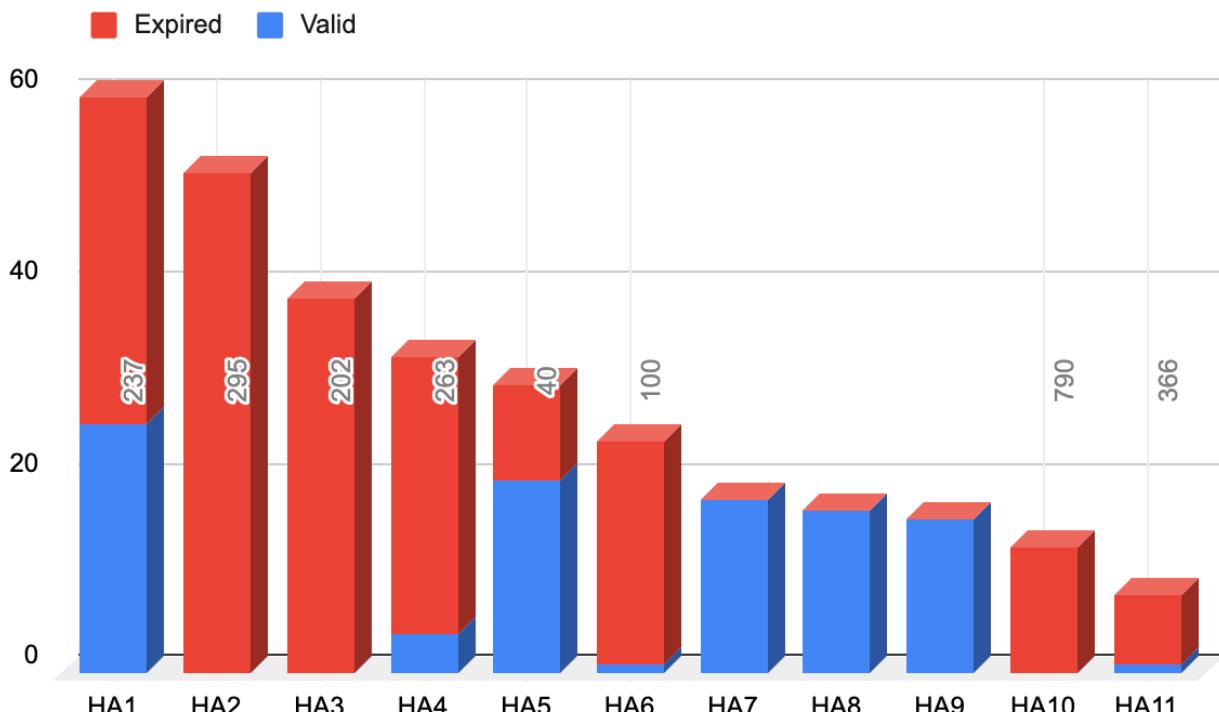
Despite Hackitt's call for resident engagement with a "requirement to give residents access to essential fire safety information" including the Fire Risk Assessment (FRA), there is still minimal information relating to building level fire and life safety information made available to residents or placed in the public domain.

For the purposes of this report we did identify a small number of housing associations and local authorities who publish their FRAs to the internet. As the FRA is the leading indicator for fire safety control in each property and for HRRBs, Hackitt has proposed a maximum assessment frequency of 365 days. We decided to sample against the proposed new regulation. We have not (at this stage) assessed the competence of each FRA or the progress with recommended remedial activity.

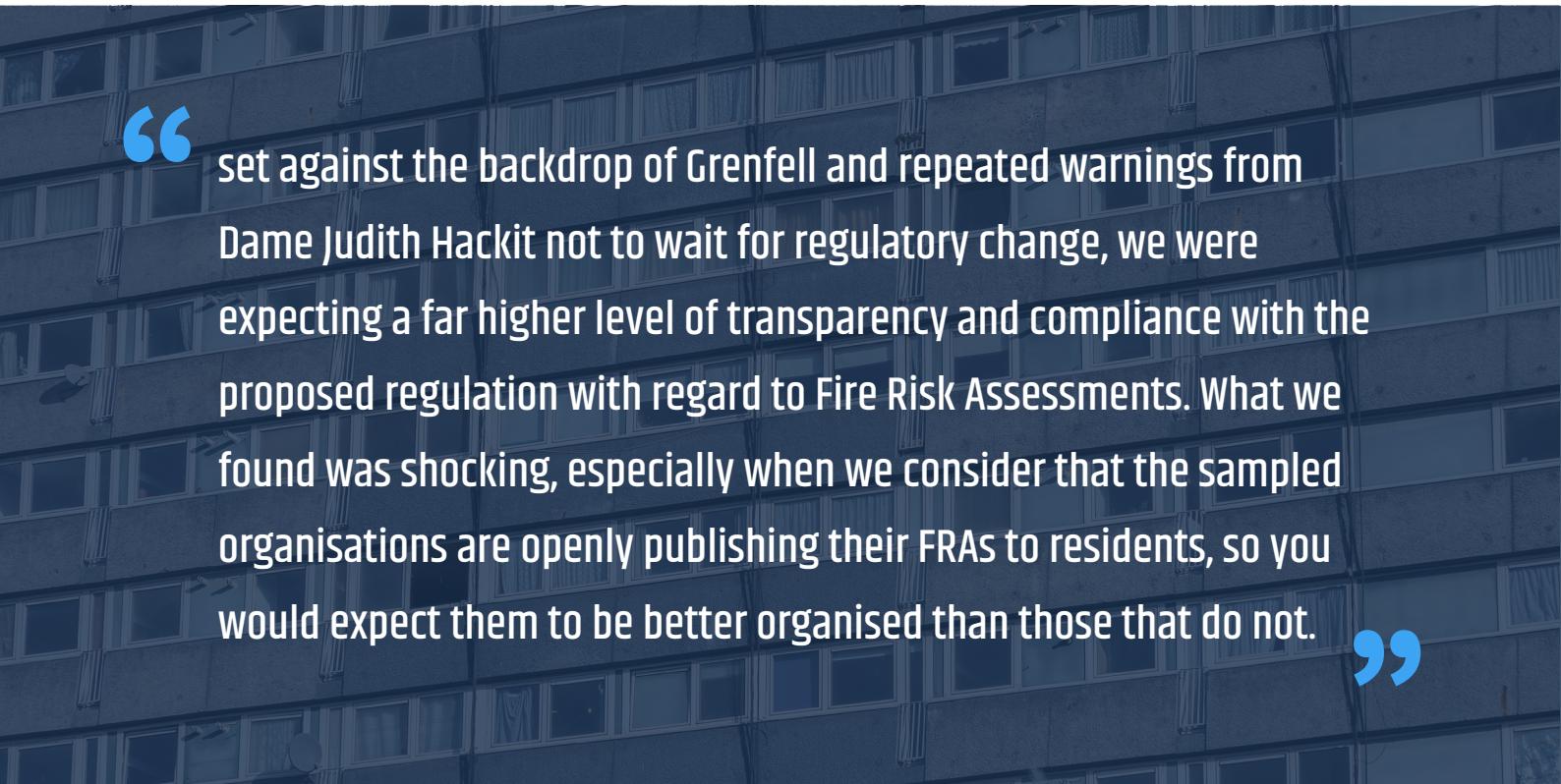
## RESEARCH FINDINGS

- 310 FRAs published to the internet by 11 English housing associations and local authorities.
- Sampling took place 1-8 March 2019 and days overdue (beyond 365 days) calculations were made as at 9 March 2019
- FRAs were very difficult to find as most housing associations do not publish them. Many ask residents to formally request access, which is not in accordance with Hackitt's recommendations
- 103 FRAs (33%) met the proposed regulation, whilst 207 FRAs (67%) failed to meet the proposed regulation
- Expired FRAs were on average 230 days beyond their annual review date
- 3 of the 11 organisations met proposed regulation for 100% of their FRAs
- A further 3 of the 11 organisations failed to meet proposed regulation for 100% of their FRAs
- The worst performing organisation in the sample was on average 790 days beyond the proposed regulation

## FRAs with Average Days Expired



Commenting on the research results, CEO of TrackMyRisks, Matt Hodges-Long said:



“ set against the backdrop of Grenfell and repeated warnings from Dame Judith Hackitt not to wait for regulatory change, we were expecting a far higher level of transparency and compliance with the proposed regulation with regard to Fire Risk Assessments. What we found was shocking, especially when we consider that the sampled organisations are openly publishing their FRAs to residents, so you would expect them to be better organised than those that do not. ”

## HOW BIG IS THE PROBLEM?

If we focus on the current proposed definition of an HRRB (18m+) and the requirement of annual FRAs being enshrined in law, right now we could assume 7,627\* HRRBs would be non-compliant.

To compound this problem, the FRA is the ‘master document.’ So what state of compliance would we find in relation to fire alarm testing, dry riser inspections, AOV maintenance, fire extinguishers, fire door surveys etc?

Just on this small subset of the proposed new regulations, we can conclude that the property management industry has a Mountain to Climb to achieve the levels of compliance laid out in the Building a Safer Future report.

\*based on 67% of MHCLG estimate of 11,383 HRRBs

## WHAT DO WE DO NEXT?

It is unlikely that the new Building Safety Regulator, when it receives its legal powers, will sit on its hands and wait for the industry to get its house in order. Dame Judith has made it very plain: “**don’t wait for regulatory change.**”

Professional landlords in both social and private sectors need to make building safety and compliance a far higher priority than it is currently. We would recommend a **3 step framework:**

1. **Gap Analysis** - compare your organisation for compliance against the proposed regulatory regime. Start with your highest risk assets and work down. If you don’t have the resource to do this, engage external consultants
2. **Project Plan** - based on the findings of the Gap Analysis, quantify the volume of work required and the associated costs
3. **Implementation** - assemble your project team to implement the agreed plan and report on progress regularly

Precious time has already been lost, many organisations may not be fully compliant by the time the new regulatory regime becomes enforceable. However, being able to demonstrate a clear pathway to full compliance will stand you in far better stead than obfuscation and delay when you are audited.

# ORGANISING EVIDENTIAL DOCUMENTATION

One of the major challenges with property compliance management and achieving digital resident engagement (as per Hackitt's recommendations) is the secure organisation and sharing of evidential compliance documentation.

Below is an example of poor practice from a recently conducted FRA on a 9 block development with an on-site manager. We will call it building X...

Fire	Documentation Provided	Frequency	Last Done
Fire alarm and Associated Systems (Detector heads etc.)	No	Periodic (minimum 6 monthly). Annually.	Documentation held at head office.
Emergency Lighting	No	Monthly.	Documentation held at head office.
Emergency Lighting	No	Annually.	Documentation held at head office.
Automatic Openable Vents (AOV)	No	Monthly. Annually.	Monthly. Annually.
Fire Extinguishers	Yes	Annually.	2013
Dry Risers	No	6 monthly (visual). Annually (pressure test).	Documentation held at head office.
Fixed Electrical Installation	No	5 yearly.	Documentation held at head office.
Lighting Protection	No	13 month rolling programme.	Documentation held at head office.

The above example is not unusual and is as far away from Hackitt's recommendations as could be imagined. The only verifiable fact in the table above is that 6 years of fire extinguisher servicing have been missed, so we would not expect compliance with regard to other aspects of their fire safety programme.

In our opinion **ALL** properties that fall within the scope of the new regulatory regime should have a Digital System of Record (DSoR) to measure compliance and provide real time, enduring and secure sharing capability with the new regulator, residents and emergency services.

This screenshot is what the fully compliant DSoR for Building X should look like

Status	Name	Reference	Users	Tags	Valid from	Expiry
	Fire Alarm Test Log	Site Mgr	+2	2	09 Mar 2020	16 Mar 2020
	AOV (Monthly Test)	Site Mgr	+2	2	23 Feb 2020	22 Mar 2020
	Emergency Lighting (Monthly Test)	Site Mgr	+2	4	23 Feb 2020	22 Mar 2020
	Dry Riser (Inspection/Test)	XYZ Risers	+2	2	15 Oct 2019	14 Oct 2020
	Fire Risk Assessment	BBB Compliance	+2	2	12 Nov 2019	11 Nov 2020
	AOV (Annual Test)	ABC Fire	+3	2	23 Jan 2020	22 Jan 2021
	Emergency Lighting (Annual Test)	ABC Fire	+3	4	23 Jan 2020	22 Jan 2021
	Fire Alarm (Annual Test)	ABC Fire	+3	2	23 Jan 2020	22 Jan 2021
	Fire Extinguisher Maintenance	ABC Fire	+3	2	23 Jan 2020	22 Jan 2021
	Evacuation Plan	v.004	+2	1	10 Dec 2019	09 Dec 2021
	Electrical Installation Condition R...	111 Electrical	+2	2	09 May 2018	08 May 2023

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