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British Woodworking Federation response to Building a Safer Future, the independent review of Building Regulations and Fire Safety conducted by Dame Judith Hackitt DBE FREng

Iain McIlwee, CEO of the British Woodworking Federation (BWF):

The British Woodworking Federation, whose members manufacture around three million timber fire doors in the UK each year welcomed the publishing of the long anticipated Hackitt Review.

At the British Woodworking Federation we are encouraged by the clarity and structure of the recommendations and believe that the Review is an excellent start to defining how the construction and fire safety sector must change. The British Woodworking Federation stands ready to bring these much-needed changes to fruition as quickly as possible.

The British Woodworking Federation has, for over two decades, worked to improve safety in the fire door market through our BWF Certifire Fire Door and Doorset Scheme, in launching the Fire Door Safety week, the establishment of the Fire Door Inspection Scheme and latterly through the launch of installation training that meets the requirement of a CSCS Card endorsement. We also work closely with manufacturers of windows, conservatories, staircases, furniture, all forms of bespoke, interior and architectural joinery.

Focus of the Review

The Hackitt Review focuses, in the first instance, on multi-occupancy higher risk residential buildings (HRRB's) that are 10 storeys or more in height. It criticises the inadequate and siloed regulatory structure currently in place in the UK and the fact that supporting guidance is confusing and open to misinterpretation. At the same time, the review recognises that prescriptive regulation and guidance is not always helpful in designing and building some elements of complex buildings. We fully agree that the guidance must be improved and support an outcomes based approach, considering the whole building as an entity, not a collection of products. This rightly allows for a process of improved guidance to support intelligent decisions about the layers of protection required to make their particular building safe. This allows innovation and product development, but with absolute control.

Critically this framework will also focus on the life-cycle of the building, ensuring that when the baton of responsibility is passed, there is a clear process for both regulators and duty holders.

One of the most important statements in the whole report is that "The regulatory framework should treat the building as a single entity (a system encompassing sub-systems) and a new over-arching Approved Document should be published describing the system and the holistic analysis that must be completed when undertaking building work." This cuts to the cultural heart of construction and

demands improvement. It is supported by the affirmation that “For higher risk residential buildings (HRRBs), principal contractors and clients should devise contracts that specifically state that safety requirements must not be compromised for cost reduction.”

It is concerning that the review has only focused of HRRB’s. There are numerous buildings that are lower in height, or in different sectors such as healthcare, educational and hospitality that house vulnerable occupants and pose significant risk and we need to see the changes implemented across the board. The review falls short of recommending that this framework should apply to all buildings, we would hope that the opportunity is not missed, surely a framework of safety built out of the ashes of a regime that has failed should apply to all buildings?

The review rightly zones in on the endemic failure of Regulation 38 that was highlighted in the BWF response. A prescriptive digital record including a fire and emergency file with a formal handover process will go a long way to addressing this.

There remains a significant challenge in filling the void for existing buildings and this is where the report does not really offer up much in the way of solutions. Whilst new buildings or major refurb projects will be picked up in the reforms recommended, it will be through a more robust Fire Risk Assessment and clearer guidance on when consequential improvements are necessary that we will start to address this. If we accept that the Building Regulation, competency environment and product probity have not been good enough or scrutinised closely enough – is it any longer appropriate to leave this question unanswered? Whilst the Fire Risk Assessments and the assessment of products is covered in the report, it is silent on consequential improvements.

Establishing Clearer Guidance

We welcome a move towards a system where ownership of technical guidance rests with industry as the intelligent lead in delivering building safety and providing it with the flexibility to ensure that guidance keeps pace with changing practices, with continuing oversight from an organisation prescribed by government is sensible. A collaborative process with clear boundaries and appropriate checks and balances can be powerful. We are happy to step up and support this approach for timber products such as fire doors and staircases.

We believe the ongoing liaison between trade organisations and Government is key to making improvements and keeping the momentum going. But there should be a formalised relationship that examines transparency and conflicts of interest and manages them sensibly. This link up between trade organisation is also key to liaison with the Joint Competency Authority (JCA) and the new office for product safety and standards in reporting products concerns in the construction sector and making timely actions to remove these from the supply chain and notify existing customers.

Who is in charge?

The fundamental link suggested between design, construction and management from an enforcement and process control perspective is encouraging, the baton is often dropped in transition.

Linking up Local Authority Building Control, Fire and Rescue Authorities and the Health and Safety Executive (through a new Joint Competent Authority (JCA)), to better oversee management is a pragmatic approach. Too often the ambiguity about whether work falls in or outside of scope for the Building Regulations, when interventions are required, means the right authority is not informed, and vital interventions are missed or a decision falls between stalls.

One omission we feel here is that the Responsible Person in a building should be front and centre. We would like to see a Register of Responsible Persons and a duty to display the contact details clearly on the premises (in a process similar to H&S Posters).

Who is responsible?

Learning lessons from the Construction Design and Management Regulations (2015) process was a key part of our own BWF response - this helps to isolate who is responsible for a decision or a process, and how and who they must liaise with.

Another learning from the world of H&S is mandatory reporting – this makes huge sense and should start to get to the heart of cultural change. The concept of Gateway Points, clearly defined with responsibility of who is to do what ensuring handover of responsibility is controlled and well managed.

Who is competent?

The Review also picks up that construction projects are distracted by the contracting approach. It appears that too many people involved in large scale building or refurbishment projects spend their time focused on managing the contracts between the different companies involved, and far too little on designing and building the best project for the client and end user. This must be addressed at the earliest stages to ensure that building remains fit for purpose throughout its lifetime, and occupant safety is the highest priority.

We support the potential for self-certification of work through a competent person scheme type approach, but critically under the control of the JCA. This accepts the principle that skilled and competent people should be responsible and trusted. Radical improvement in the skills landscape is required to support this, but the principle is sound. Systems such as the "Hot Works Permit" adapted to areas such as Passive Fire Protection will help. We would also like to see basic fire safety training (covering the importance of compartmentation) drawn out within existing training for all site workers

– site H&S is given huge attention, but basic building safety is given nowhere near as much attention in both core training courses and apprenticeships for all construction workers and in site induction.

Within the broader safety case, high-quality fire risk assessments will continue to play an important role in identifying hazards and risks and the actions needed to mitigate them. However, it is important that they are undertaken by a competent person (with the right skills, knowledge and experience) appropriate for the complexity of the building. The report advocates that such competence should not be mandated by Government but it should be for the duty holder to set out how they satisfied themselves that the fire risk assessor had the required skills, knowledge and experience to work on their building.

Sadly we do not think this is robust enough, the competency framework recommended is just a guide. Inadequate fire risk assessments, carried out by incompetent people, are an enormous area of concern, again not just in HRRB's. It is these fire risk assessments that often miss significant risk posed by poor fire doors and compartmentation within a building. The review again doesn't go far enough to address this issue or deal with the legacy of neglect.

That said, the report calls for professional bodies to demonstrate and deliver leadership and be responsible for developing the more coherent approach and should also be responsible for making this happen. BWF, through the Fire Door Inspection Scheme (FDIS) and our Fire Door Installation NVQ qualification has made significant inroads here and will continue to support this process. The review also references that knowing something once is not enough and advocates continuing professional development (CPD). Again this is something BWF has long advocated and already has in place an accredited CPD process that can support this approach.

Providence of product

Recommendations which set a direction of travel for improved product safety would be a step forward, but don't go far enough. The Review reflects that significant further work is needed in order to create a comprehensive regime that ensures that all products used in construction are properly tested, certified, labelled and marketed.

We share the belief that testing is not sufficient when it comes to the demonstration of performance of product and that further assurance is required through regular audit testing, factory audits - clear product marking and instruction on installation and maintenance (digitally available wherever possible) is critical. The report falls short of recommending third party certification for fire safety products. Third-party certification of life critical products, such as fire doors is fundamental to safety and must be enshrined in the regulations.

This would be an opportune time to scrutinise how products are tested, assessed, certificated by third party organisations and subsequently marketed by suppliers. We acknowledge that there is an enormous learning curve for many involved in the specification and sign off of life safety construction products in order for them to possess the competency to scrutinise various associated documents (marketing literature/ test reports/ manufacturers declaration / assessments and certification) and also suggest that work could be done with UKAS (who we note do not recognise assessments) in order to ensure that standards and required information are fit for purpose, simple (in plain English) and standardised across the board. There should also be an agreement on the level of information that must be made publicly available to assist in the inspection and maintenance of these products throughout their life time.

The standards managed through UKAS can and should be scrutinised by Expert Panels set up by the Joint Competency Authority (JCA). We would fully support the establishment of and would be happy to be involved in an independent fire door regulatory board with responsibility for setting and updating fire door safety standards, providing support to UKAS in managing certification and with the powers to monitor, inspect and adjudicate on enforcement action.

In regard to the use of assessments the BWF agrees that this process needs to be tightened to ensure that assessments are only carried out in a limited fashion by competent and accredited individuals or organisations. There should be transparency in documentation and engineering justification in order to allow other duty holders and decision makers to thoroughly scrutinise relevant documentation against the product supplied.

We are very encouraged to see the need for traceability, a fundamental principle of our certification work and will work to ensure our labelling systems are compatible with any future requirements and support fully the need to digitalise this (in keeping with BIM). We are also encouraged that market surveillance of construction products is proposed at a national level. The market surveillance body recommended would drive the introduction of risk-based testing, to ensure that inappropriate product substitution or dilution, as well as any element of deceiving the system, is tackled. It would also help to bring consistency and ensure a level playing field between all certification bodies.

It is finally interesting that the report picks up on the need to extend testing capacity in the UK. Bottlenecks in the system now will hamper much needed improvement and testing costs, in part inflated by capacity, remain an issue, particularly for smaller manufacturers. They shortage may also limit UK Manufacturers ability to comply with the requirements of the Construction Products Regulations.

Collective responsibility

The process of construction and the Golden Thread of responsibility is a clear need to improve and this is again a core theme of the report.

Vitality the report hones in on the residents voice. We must learn from situations [like Southern Court in Stoke](#) – it is absolutely crazy that concerned residents have to work so hard to effect change. It is also crucial as the ownership of high rise blocks becomes more complex the responsibilities of the residents are clarified and accredited training readily available.

Financial Shortfall

For years, weak and fragmented legislation, combined with skills and control issues have undermined installation, and failed to address inadequacies in inspection and maintenance regimes. We believe that there is a very deep-rooted problem. We need to reset the clock!

We believe that, alongside a greater focus on fire safety, a new financial mechanism is needed to enable local authorities, housing associations and others to access the funds required to upgrade safety. It is essential that we see the Treasury making an allocation for this.

We believe that there continues to be confusion regarding the funding of essential works. We believe that serious consideration should be given to establishing a Building Safety Fund. This could work in a similar fashion to the Pension Protection Fund that acts as a safety net for insolvent pension schemes and is funded through a levy on defined benefit schemes.

The fund could be created by an increase in Insurance Premium Tax (IPT). IPT currently stands at 12% and raises around £5.8 billion for Government. An increase of 1% (taking the overall rate to 13%) would raise in the region of £0.5 billion a year, over 10 years this therefore raises £5 billion that can be dedicated to making building safer and vitally – enabling urgent fire safety improvements to be carried out around the UK now and sustained on into the future.

This increase in IPT would mean a rise in the cost of the insurance policies held by individuals as well as businesses. A 1% increase in IPT would likely have a small impact on individuals and households purchasing non-exempt insurance, were the insurer to pass on the rate to their customers. However, we believe that would be an affordable solution that spreads the cost as thinly as possible and that the public would understand the need for.

The fund would allow housing associations and local authorities to focus on what needs to be done whilst applying to the scheme to fund the works (a defined percentage of the likely costs, to be agreed).

The Building Safety Fund could also, as with the Pension Protection Fund, manage litigation should it be deemed a third-party is liable and have an Alternative Dispute Resolution (ADR) scheme in place. The alternative is that essential works will sit behind a myriad of legal cases running all over the UK. Judgements could take years (for those that can afford the legal work) and it is likely that many firms would not be able to meet the liabilities and would simply enter administration.

By setting up this fund, we can control this process through a rapid ADR system, reduce the cost and focus budget on getting the job done and making sure people are safe.

Raising the fund as a levy through IPT will minimise the impact on the public purse and ensure works do not have to wait for outcomes. It could also be used to set against either low cost loans or grants for problems in the private sector. Bidding would need to be simple and based on a competent Fire Risk Assessment. We believe that this is the most practicable solution for a problem that simply has to be solved. We would welcome further discussion and debate on our proposal.

We believe that a Building Safety Fund would significantly change the landscape in terms of property owners' ability to upgrade fire safety, across a number of fire safety areas, such as alarm and sprinkler systems.