

## **Introduction**

The CBI is the UK's leading business organisation, speaking for some 190,000 businesses that together employ around a third of the private sector workforce. We work with policymakers to deliver a healthy environment for businesses to succeed, create jobs and ultimately drive economic growth and prosperity for all. The CBI is pleased to respond on behalf of businesses and trade associations across our membership to the government's critical consultation *Building a Safer Future*. A large number of our members are also responding individually, underlining how determined business is to support this work.

The Grenfell tower tragedy shook the nation, and it is right that the government acts to ensure a tragedy of this nature or scale never happens again. In the near-term, the government must continue to support residents in buildings where dangerous cladding urgently needs replacing. Longer-term, the momentum – and weight of expectation – behind achieving decisive and long-lasting change in the wake of the Grenfell tragedy must not be wasted. The construction industry is resolute and united in working with government to deliver the necessary change.

The scale of the challenge is reflected in the length and complexity of the almost 200-page consultation document. To create a “radically new building and fire safety system”, as set out in the foreword, will require overhauling a vast number of processes, standards and behaviours that have been established and embedded right across the industry over many years.

Nobody should be fooled into thinking there is a quick fix, and the CBI urges that government, firstly, acknowledges this transparently and takes the necessary time needed to get it right, first time.

Secondly, the construction and housing sectors are fortunate to have a wide range of expert trade bodies, specialist associations and membership organisations focused on improving the quality, safety and social impact of the UK's built environment. The CBI is equally fortunate to work with many of them, and we strongly recommend that government continues to formally engage as many of these groups as possible to take forward all areas of the *Building a Safer Future* consultation.

It seems clear that the success of a new building and fire safety system will require harmonisation of:

- Comprehensive levels of safety across different risks associated with buildings
- A rigorous approach to compliance and inspection
- A comprehensive understanding and assessment of competency

It is worth noting that Dame Judith Hackitt's report into building and fire safety did not find that there was too little regulation and bureaucracy; rather that there are multiple, complex and competing regulatory requirements leading to indifference, ignorance and misapplication of rules. Dame Judith suggested a new framework must be “simpler and more effective”.

The CBI would echo this finding. It is vital that a new framework for safety – and the regulatory regime to implement it – avoids adding onerous restrictions on businesses. This will enable the construction and housing sectors to continue to support UK economic growth by delivering transport and digital infrastructure and meeting the government's housing ambitions, allowing investment in more environmentally friendly and innovative methods of construction.

## **Comprehensive levels of safety across different risks associated with buildings**

While fire safety is quite rightly a priority, there is a risk that a new regime focused solely on fire safety could conflict with safety requirements to prevent other risks, either now or in the future. Therefore, it seems appropriate to ensure a new regime encompasses all critical aspects of safety for in-scope

residential buildings, rather than fire risk solely. Government must take advice on defining the parameters of what constitutes 'building safety' so that a new regime does not need to be revised incrementally, causing repeated confusion for businesses, organisations and residents.

There is also a need to account for the difference between a building certified as safe, and an individual feeling safe in their home. As an example, cladding used on a building might be gold standard, surpassing all safety requirements, yet the impact of the Grenfell tower fire on the wider public may make some residents uncomfortable with any cladding system. The government is right to explore how a new safety regulator can achieve both, by overseeing standards of high-rise residential building design, construction and operation, and supporting residents to raise and redress safety issues effectively. A new regulator must give residents confidence in the compliance and inspection regime for safety in new, refurbished and remediated high-rise residential buildings through transparent and plain language governance, including the benchmarks for what is considered 'safe', and when.

To support this effectively, Dame Judith identified the idea of a 'golden thread' of important information that is key to understanding a building's safety and performance through its lifecycle. CBI members are behind this idea, agreeing that it should be digitally created, stored, accessed and edited, with ease of use fundamental to the success of a 'golden thread'. Members have noted that such a system must avoid, as much as possible, the need for multiple and/or specialist software, to enable accessibility and ease of use for the widest range of industry participants.

Dame Judith also recommended that the scope of the safety regime begins with multi-occupied buildings above 10 storeys. Government has indicated that it wants to reduce this to six storeys. Generally, the CBI's members are agreed that the regime should be flexible enough to include a wider scope of multi-occupied residential buildings over time. There are a range of views on the role that height plays in this, because increasing a requirement for specific materials, for example, can considerably change a building's structure and its impact on the environment. Rather than be overly prescriptive, the government should continue to develop its thinking in partnership with business.

### **A rigorous approach to compliance and inspection**

Equipping a regulator with the expertise and capability to regulate industry and support residents of high-rise residential buildings effectively is an enormous task in its own right. Industry shares the government's ambition to move quickly here, but as outlined above, without fully establishing an appropriate scope of the new regulator and providing the necessary knowledge and resources to be effective across all major aspects of safety, gaps and unintended consequences are bound to emerge. Avoiding a piecemeal approach to legislating and regulating will be important if government wants the industry, residents and the public to be supportive of, and compliant with, a new safety regime.

A new regulator needs to be resourced to set and review appropriate and rigorous levels of assessment of safety. This will be vital for both the effectiveness of the regulator, and residents' confidence in it. It will need the mechanisms to effectively inspect and test safety standards, the competency of work completed, and the products used, and the power to compel compliance or penalise non-compliance. Unavoidably, this will require significant government investment, to set up and to operate, and government should be prepared to work with industry to understand the level of investment needed.

To support compliance, a key element of the new regime would be the requirement for different dutyholders to meet clear responsibilities at different stages of a building's lifecycle. As well as being supportive of the overall concept of dutyholders, the CBI agrees that aligning the model for dutyholder responsibilities with the existing CDM regulations is the right, and necessary, approach. We would make one further recommendation. The client, as the procurer and recipient of a building, has a stake in each phase of the building's lifecycle being successful. CBI members have recommended that the client's dutyholder responsibilities should include additional accountability for certifying that all other parties perform their dutyholder roles satisfactorily.

## **A comprehensive understanding and assessment of competency**

The CBI's members are agreed that underpinning the remit of the entire consultation is the need to comprehensively define and oversee an enhanced level of industry competency. This includes ensuring all relevant disciplines, roles and responsibilities are within scope, with clear minimum levels of competency and an unambiguous framework for assessment and certification.

Again, this is a vast undertaking. The Competence Steering Group that has been set up by the Industry Response Group to take forward competency-related recommendations in Dame Judith Hackitt's report into building and fire safety and regulation has identified 12 sectors for which it will be necessary to raise standards to ensure safe high-rise residential buildings. The Competence Steering Group's report is due shortly, and the CBI recommends that government use the findings from this exhaustive, year-long exercise as the foundations for the new building safety regulator when it comes to defining its responsibility for industry competency.

It can be assumed that as a new regulator prepares to include other buildings in its remit in the future, it will need to widen the extent of related competences. It would therefore seem prudent for government to identify how many other sectors might need to come into scope in the future before setting up a new regulator, and set out how a regulator can adapt over time. This ability to 'flex' – designing a system that can adapt to draw new elements into its scope over time – is something that the CBI's members have recommended as integral to the overall design of a new safety regime.

## **Next Steps**

The CBI would be pleased to support government and industry in driving forward the successful creation and launch of a new building safety regime by bringing policy makers, businesses and industry bodies together. Please do get in touch if the CBI can further assist with this consultation.

## **Contact**

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