



Building Safety Management Policy

Date of approval	28 th July 2025 – Board Updated March 2026 with Board new strategic risks
Responsible director	Paul Butterworth Executive Director of Assets
Policy monitoring body	WCHG Board
Resident input into policy	Customers High Rise Forum
Date for policy review	July 2028
Linked strategies/policies	WCHG Compliance Framework Policy WCHG Complaints Policy WCHG Resident Engagement Strategy Continuous Performance Engagement Policy Growing Talent Through Professional Development
Statutory and Legal Framework	See Appendix 1
Version/date	July 2025 V4

WCHG Building Safety Policy

1. Background

- 1.1. This Policy sets out how Wythenshawe Community Housing Group (WCHG) will comply with the Regulatory Reform (Fire Safety) Order 2005 and subsequent Building Safety Act 2022, following the outcomes and recommendations from the Grenfell Tower Inquiry, arising out of the Grenfell Tower Tragedy.
- 1.2. WCHG are the Principal Accountable Person and Accountable Person under the Act. This is an area of rapid change and this policy will be subject to further changes when the Government publishes plans for the Grenfell Inquiry phase II recommendations during Autumn 2025.
- 1.3. This policy supports the 'Great Places' corporate objective as set out in the Corporate Plan.

2. Legislation, Guidance, Regulatory Standards and Sanctions

The principal legislation applicable to this policy is:

- 2.1. The Building Safety Act 2022 (the Act) is the leading legislation for this policy which is intended to improve design, construction and management of higher risk buildings which came into force on 1st April 2023. The buildings that apply under this Act are defined as 'Higher-Risk Buildings', which are those of 18 or more metres in height, or 7 or more storeys, with two or more residential units. The reforms and requirements will be managed through the creation of three new regulatory bodies.
 - The Building Safety Regulator (BSR)
 - The National Regulator of Construction Products
 - The New Homes Ombudsman
- 2.2. The Regulatory Reform (Fire Safety) Order 2005– provided a minimum fire safety standard for non-domestic properties and for common areas of residential premises.

Regulatory Standards - We will comply with the Regulator of Social Housing's regulatory framework and consumer standards for social housing in England. The Safety and Quality Standard is the primary one applicable to this policy.

- 2.3. Health and Safety – WCHG is a Registered Provider and as such we must:
 - Identify and meet all legal requirements that relate to the health and safety of residents in their homes and communal areas.
 - Ensure that all required actions arising from legally required health and safety assessments are carried out within appropriate timescales.

- Ensure that the safety of residents is considered in the design and delivery of landlord services and take reasonable steps to mitigate any identified risks to residents.

3. Risk Management

- 3.1. The WCHG Board annually review the Corporate Risk Register and agree the risk appetite for each one.
- 3.2. The WCHG Audit and Risk Committee is responsible for overseeing the management of corporate risks associated with this policy.
- 3.3. The Health and Safety Committee are responsible for overseeing the implementation of this policy that is designed to mitigate the risks associated with this policy.
- 3.4. The Dev. & Homes Committee have strategic monitoring responsibility for the Asset Management Strategy which this policy supports and delivers pillar 2 – Building Safety & compliance.
- 3.5. The Head of Assets & Head of Repairs are responsible for the day-to-day management and mitigation of risk.
- 3.6. The specific risks associated with this policy are:

SR2 - Death, Serious Injury or Harm: Fail to ensure we effectively protect our customers, WCHG colleagues and visitors. Board Appetite – **Averse**

SR3 - Regulatory Standards, laws, legislation and compliance: Non-compliance with regulatory standards, laws and legislation. Board Appetite – **Averse**

SR8 - Asset quality, repairs and building safety: Failure to effectively manage asset quality and building safety. Board Appetite - **Averse** (but open to innovation)

- 3.7. The risk appetite set by the Board is 'Averse', defined as 'Avoidance of risk wherever possible; preference for safe, compliant, and controlled approaches. The key focus of the Board is that regulatory compliance continues to be achieved, and the Regulator of Social Housing's Standards and Consumer Standards are met.
- 3.8. We will maintain a suite of procedures and processes, and provide adequate resources to implement them, to mitigate the risk of service delivery failing to adhere to this policy. An operational risk register with controls will underpin these strategic risks.

4. Scope

- 4.1. This policy applies to the management of building safety to all Higher-Risk Buildings as defined in the Building Safety Act 2022 which is defined as Buildings 18m+ high or 7 storeys and above, with two or more residential units.

- 4.2. The buildings covered under the remit of the Act (at July 25) and this policy are:

Brookway Court	Hollyhedge Court
Moorcot Court	Brownley Court
Bagnall Court 8	Birch Tree Court
West View Court	Edwards Court
Benchill Court	Village 135 Block B

This list will be updated as required.

- 4.3. There is a separate Fire Safety Management Policy covering duties that predominantly fall under the Fire Safety Act 2021.

The 'Building Safety Management System' is the 'Roles and Responsibilities' document that sets out the requirements of each delivery team to deliver building safety actions and must be adhered to.

5. Occupation of Higher Risk Buildings (HRBs)

- 5.1. A full list of Accountable Person and Principles Accountable Person duties relating to buildings in occupation (along with specific details about those duties) have been summarised in **Appendix 1** Commitments and Obligations.
- 5.2. A Responsible Person is a role under The Regulatory Reform (Fire Safety) Order 2005. In some buildings an AP or PAP will also be the Responsible Person. Where this is not the case, building safety information must be shared across these roles and any information shared must meet data protection requirements.

6. The Accountable Person (AP)

- 6.1. The AP is the entity that must ultimately discharge the new duties in relation to a HRB. It is defined at section 72 of BSA as a person or entity that has a legal estate in possession of any part of the common parts of the building, or a person that has a repairing obligation in relation to the common parts of the building. There are limited exceptions within the definition.
- 6.2. Where a building only has one AP, the AP will automatically be the PAP. Where there is more than one person or entity that fits that description of an AP, a PAP is to be appointed. The appointed PAP will be the AP which holds legal estate in possession in the structure and exterior of the building or has the relevant repairing obligation in relation to the structure and exterior parts. This will usually be the freeholder or head leaseholder.
- 6.3. There are a range of duties which are placed upon APs and the PAP. The core, overarching duties are to prevent a building safety risk from occurring and reducing the seriousness of an incident if one occurs. Among other things, the AP must:

- 6.3.1. Report safety occurrences to BSR¹ and report them on the mandatory occurrence reporting system operated by the PAP.
- 6.3.2. Carry out duties relating to the Resident Involvement Strategy.
- 6.3.3. Keep, update and manage the building's safety case.
- 6.3.4. Keep certain information about the building, also known as the golden thread of information.
- 6.3.5. Provide building information to relevant individuals and organisations.

7. The Principal Accountable Person (PAP)

- 7.1. WCHG as the PAP will 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. WCHG will register the buildings with the BSR by submitting structure and fire safety information and notifying the BSR of any changes to the information submitted at registration.
- 7.2. WCHG as the PAP will take steps to prevent fire & structural risks and put measures in place to reduce the severity of any incident.
- 7.3. WCHG will:
 - 7.3.1. Put together a safety case for the building.
 - 7.3.2. Prepare and update the building's safety case report.
 - 7.3.3. Report safety occurrences to BSR.
 - 7.3.4. Operate a mandatory occurrence reporting system.
 - 7.3.5. Operate a complaints system.
 - 7.3.6. Display required information and documentation clearly within the building.
 - 7.3.7. Prepare and update a resident engagement strategy.
 - 7.3.8. Apply for a building assessment certificate when told to do so by BSR.
 - 7.3.9. Provide building information to relevant individuals and organisations

8. The Building Safety Manager (BSM)

¹ BSR – Building Safety Regulator

8.1. The Building Safety Manager role fulfils an assurance function, satisfying the BSR 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:

8.1.1. The review and oversight of building risks in a building safety case.

8.1.2. Submission of safety case reports to the BSR when required.

8.1.3. Acting as consultee at all gateways through design and construction.

8.1.4. Engagement with residents and other stakeholders (such as contractors, managing agents and fire and rescue services) to develop a building-specific engagement strategy

9. The Building Safety Case (BSC)

9.1. Management of building safety cases are overseen by the Building Safety Manager on behalf of the WCHG (PAP). 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 BSR 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.

10. Mandatory Occurrence Reporting



10.1. Pursuant to section 87 of the BSA, an AP for a HRB must in prescribed circumstances give prescribed information to the BSR by the prescribed time and in the specified way.

10.2. Prescribed Circumstances: The circumstances prescribed for the purposes of section 87(1) are that a safety occurrence has taken place in the part of the building for which the AP is responsible (Regulation 6(1) of the Higher-Risk Buildings (Management of Safety Risks etc) (England) Regulations 2023 (the Regulations)). A safety occurrence means an incident or situation relating to HRB that meets the risk condition.



10.3. The risk condition is met if the use of that part of the building would likely present a risk of a significant number of deaths or serious injury to a significant number of people if that incident or situation is not remedied.

10.4. In short, a safety occurrence is an incident involving, or a risk that could cause, structural failure of the HRB or the spread of fire which, if not remedied, could cause serious harm or death to people when the HRB is in use. For example, the government guidance states that a safety occurrence may include:

10.4.1. Defective building work.

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- 10.4.2. Collapse of a HRB.
 - 10.4.3. The spread of fire.
 - 10.4.4. Failure or degradation of construction materials.
 - 10.4.5. Structural defects.
 - 10.4.6. Failure of fire safety measures (such as an AOV or smoke extraction or fire doors).
 - 10.5. If a concern is submitted to the complaints system and it meets the criteria of a safety occurrence, the AP must identify it as soon as possible and submit a mandatory occurrence notice and report within the relevant timescales.
 - 10.6. Pursuant to section 87(5) of the BSA, the PAP for an occupied HRB must establish and operate a mandatory occurrence reporting system. This is defined under section 87(6) of the BSA as a system whereby the PAP gives information to other AP(s) for the purpose of enabling them to comply with section 87, and vice versa. It enables prompt reporting of safety occurrences by all residents, AP(s) and others who use the building. It is therefore imperative that there is an interface between WCHG complaints system and the mandatory occurrence reporting system for the Buildings.
 - 10.7. If a safety occurrence arises, it must be reported to the BSR by the AP even if the safety occurrence is remediated immediately. The only exception is when a principal contractor remedies issues to ongoing building work, which are unlikely to risk significant numbers of deaths or serious injury.
 - 10.8. Prescribed information: Regulation 6(2) sets out the information prescribed for the purposes of section 87(1). When a safety occurrence happens or is identified, the following must be submitted to the BSR:
 - 10.8.1. A notice stating that a safety occurrence has taken place, a brief description of the nature of the safety occurrence and the address of the HRB.
 - 10.8.2. Following submission of the notice, a report containing:
 - Date and time of the safety occurrence.
 - Date and time the safety occurrence was first notified to the BSR.
 - Date of submission of the report to the regulator.
 - Address of the HRB.
 - Name, address and telephone number of the AP making the report.
 - Details of the safety occurrence including whether any persons were injured or killed as a result of the safety occurrence, details of recent building work and how the safety occurrence was discovered.
 - A description of measures taken to mitigate or remedy the safety occurrence.
 - Details of any wider impact or other considerations.
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- 10.9. Guidance on submitting mandatory occurrence notices and reports (the Guidance), published by the Health and Safety Executive (under which the BSR operates), goes further than Regulation 6(2) and suggests that a notice should also include the AP's contact details, the date the incident or risk was identified, and any immediate actions taken to keep people safe.
- 10.10. Prescribed time: Regulation 6(3) stipulates that an AP must give notice of the safety occurrence to the BSR as soon as reasonably practicable after the occurrence has taken place. An AP must submit a report to the BSR within 10 days of the safety occurrence being identified.
- 10.11. Practicalities: An AP can submit a mandatory occurrence notice and report online via the following website: <https://www.gov.uk/guidance/submit-a-mandatory-occurrence-notice-and-report>.
- 10.12. Once the AP has submitted a mandatory occurrence notice, it will receive a reference number which must be included within the report.
- 10.13. Other considerations: If a safety occurrence was identified before January 2024, a notice and report must still be submitted to the BSR if it meets the definition of a safety occurrence, taking into account safety measures in place, or the risk has worsened and now meets the criteria of a safety occurrence.
- 10.14. Failing to report: A person, who without reasonable excuse, fails to report a mandatory occurrence, commits an offence and may be liable to prosecution. If you are aware that a mandatory occurrence report has already been submitted to the BSR, the AP should obtain a copy of that report to support its decision not to report the safety occurrence.
- 10.15. Mandatory Occurrence Reporting System: As stated above, in accordance with section 87(5) of the BSA, the PAP must establish and operate an effective MOR system which complies with prescribed requirements. Regulation 6(4) sets out the prescribed requirements with which the PAP must comply for the purposes of section 87(5), and these are as follows:
- 10.15.1. That there is a single reporting system within the building.
- 10.15.2. That the system enables:
- The reporting and recording of incidents and situations by individuals to the AP.
 - The recording of incidents and situations identified by the AP.
 - The timely assessment of reports or records of incidents and situations to determine whether they constitute a safety occurrence.
 - The notification and reporting of safety occurrences to the regulator within the required periods.
 - Accessibility to all residents and other users of the building.
 - Regular review to ensure the system remains effective.

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- 10.16. Competence: In line with requirements to evidence competence within the building safety case, WCHG should 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.
- 10.17. Registration: All occupied HRBs have been registered with the Building Safety Regulator. The Trust shall ensure that all future HRBs are registered with the BSR accordingly.
- 10.18. Certification: Once invited to apply for one by the BSR, all registered HRBs 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 PAP's details, the current building assessment certificate and copies of any compliance notices relating to the building which are still in force.
- 10.19. Resident's Voice: Residents should be and feel safe in their homes. Under the Resident Voice sections of the Act, the PAP is required to:
- 10.19.1. Provide residents with relevant building safety information.
 - 10.19.2. Establish a resident engagement strategy specific to each HRB .
 - 10.19.3. Establish and operate a system for the investigation of relevant complaints and building safety related questions.
 - 10.19.4. Employ contravention notices in the event of residents falling short of meeting their safety obligations.
- 10.20. Engagement Strategy 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. This includes engagement with other potential stakeholders connected to the buildings. The engagement strategy forms part of the prescribed submission documents required when requesting building assessment certificates.
- 10.21. Principles set out in the Act relating to refurbishment works within HRBs 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.
- 10.22. 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 metres in height or five storeys and above). Where WCHG undertakes 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):
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- 10.22.1. 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.
 - 10.22.2. Leaseholders are protected outright from paying any costs associated with the remediation of external cladding defects.
 - 10.22.3. Defect remediation costs must first be applied to those responsible for the defects, such as the developer or client who instructed the building works.
 - 10.22.4. Any remediation funding costs covered by the building safety fund must also be deducted from costs before they are passed on to leaseholders.
- 10.23. 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.
- 10.24. Remediation: The key role of the PAP is to prevent and reduce the severity of building safety incidents relating to fire or structural failure in HRB.

11. Commitments and obligations

- 11.1. We will communicate effectively with residents and other building users to promote building safety and fire safety and promote the Resident Involvement Strategy.
- 11.2. We will report safety occurrences to the Building Safety Regulator and have in place a mandatory occurrence reporting system and dedicated 'inbox' for the reporting of safety issues to the building safety team.
- 11.3. We will build and retain a golden thread of information to all buildings under the scope of the 'Act'.
- 11.4. We will provide Building Safety information to the Building Safety Regulator and other interested parties/ stakeholders as requested.
- 11.5. We will provide a variety of ways including a forum for residents to engage on building safety matters and ensure any actions are fed back and monitored.
- 11.6. We will keep safety cases for each Higher Risk Building ensuring an update suite of electronic and secured documents are retained for each HRB.

12. Significant Non - Compliance and Escalation

- 12.1. WCHG defines non-compliance as any incident that has the potential to result in a possible breach of legislation or regulatory standard; or causes a risk to health

or safety, and needs to be managed as an exception to routine processes and procedures.

- 12.2. All non-compliance issues will be reported and escalated as soon as possible, and no later than 24 hours after the incident occurred, or of an WCHG employee becoming aware of it.
- 12.3. Any non-compliance issue identified at an operational level will be investigated by the Building Safety Manager who will work with operational teams to ensure correct procedures are in place to prevent future issues and ongoing non-compliance will be reported to the Head of Building Safety.
- 12.4. In cases of serious non-compliance affecting the safety of residents and/or the structure of the building, the Building Safety Manager will report the issue to the Building Safety Regulator and the Executive Director of Assets to advise on the course of action to be taken.

13. Quality Assurance

- 13.1. The Building Safety Manager will review the Building Safety Management System with individual teams at least once a year but also on any change in processes or procedures to ensure all teams follow building safety procedures at all times.
- 13.2. Team activity will be monitored periodically to ensure the policy and associated Building Safety Management System is being adhered to by the building safety officer and building safety manager and address any deviations from it.
- 13.3. We will carry out an independent audit of Building Safety at least once every two years, to specifically test for compliance with legal and regulatory obligations and to identify non-compliance issues for correction.

14. Performance Measurement, Monitoring and Review

- 14.1. Building Safety performance is monitored using the 'PowerBI' system where each team system data is extracted to feed their building safety activity into the building safety summary page which will show where an inspection or service has missed its anniversary date. Monthly performance pack to Leadership team will oversee this performance position.
- 14.2. Any missed anniversary dates or Building Safety issues will be put forward for discussion at the Health and Safety Committee Meeting attended by senior managers and Directors and actions assigned and monitored, reported to the Audit & Risk Committee.

15. Customer engagement

- 15.1. We recognise the need to provide residents with effective communications to support our delivery of Building Safety activity. The residents of each of the HRB's will receive a building safety booklet providing information and inviting information regarding building safety.

- 15.2. Residents in all HRB's will be asked to self-identify where they would be unable to evacuate without assistance in case of a fire and this information will be retained in the Secure Information Box and updated with any changes by the building safety officer.
- 15.3. WCHG will have a Resident Engagement Strategy and will share building safety information where requested.
- 15.4. Building safety information will be shared with residents via a number of different methods.

16. Roles and Responsibilities

- 16.1. The WCHG Board is responsible for setting and approving the priorities of this policy and ensuring it is fully implemented to ensure full compliance with legislation and regulatory standards. They will formally review and approve it every three years or sooner if there is a change in legislation or regulation.
- 16.2. The Group Leadership Team are responsible for monitoring that compliance against this policy is being achieved.
- 16.3. The Health and Safety Committee receive and review performance data related to the delivery of this policy and report to the Audit and Risk Committee.
- 16.4. The Customer Experience Committee receive and review performance data related to the delivery of this policy that affects customer service delivery and engagement.
- 16.5. The Executive Director of Assets has strategic responsibility for the management of gas and heating safety and ensuring compliance is achieved and maintained.
- 16.6. The Executive Director of Assets has been appointed as the Health and Safety Lead under the requirements of the Social Housing Regulation Act 2023 for all property related matters. The Executive Director of C&C has been appointed as the H&S lead for all customer related aspects.
- 16.7. The Executive Director of Development is responsible for ensuring all new buildings comply with the Building Safety Act and appropriate gateways are achieved throughout any purchase or construction of HRB's. The Head of Development is responsible for reporting compliance and providing assurance on compliance against the BSA to the Development & Homes Committee.
- 16.8. The Head of Building Safety is responsible for ensuring there are sufficient resources to deliver building safety activity and utilise the annual business planning process to present these requirements to GLT & Board.
- 16.9. The Building Safety Manager is responsible for the operational delivery, management and monitoring of this policy and complying with notices and directions from issued by the Building Safety Regulator and/or Fire Service

- 16.10. The Building Safety Manager is responsible for providing safety cases for each HRB and safety case reports to be submitted to the building safety regulator with the aim of obtaining a Building Assessment Certificate.
- 16.11. The teams from within the Assets Directorate managing compliance, repairs and maintenance, and investment work, and teams from the Customer and Communities, and Development directorates are responsible for the delivery of services within the scope of this and surrounding policies.
- 16.12. The Living Well Team will support Wythenshawe Works teams to gain access to properties in order to maintain building safety compliance. This includes taking legal action when required.

17. **Competence, Training and Professionalism**

- 17.1. WCHG is committed to realising the capability and potential of colleagues by investing in them through learning, training and professional study. Line managers will use the WCHG Continuous Performance Engagement process to ensure that mandatory training and required qualifications are maintained and kept up to date for all colleagues involved in the delivery of this policy
- 17.2. Our Board is recruited to meet the requirements of the governance skills matrix to ensure appropriate strategic control and oversight is provided across the Group's operations. Members receive regular and ongoing training to ensure skill and competency levels are maintained.
- 17.3. The Executive Director of Assets and the senior management team hold the Chartered Institute of Housing Level 5 Diploma in Housing, or equivalent.
- 17.4. The Building Safety Manager holds a Fire Safety and Building Safety Management level 6 qualification.
- 17.5. All managers engaging the services of others for building safety work will ensure that there are appropriate qualifications and accreditation in place as well as the required competency. Continual use of these services will require these checks on an annual basis or with the introduction of new individuals for the work.
- 17.6. We will deliver training on this policy and its supporting procedures through mechanisms including but not limited to:
- Team Meetings
 - One to one meeting
 - On the job training

- Training providers on line or in person.

18. **Equality Diversity and Inclusion**

18.1. WCHG will ensure that the Building Safety Management Policy and procedure is accessible to it all residents. WCHG recognises that residents of all races, ages, religions, gender, sexual orientation, literacy levels and disability should be treated equally and fairly. We will make every reasonable effort to ensure that no-one is discriminated against directly or indirectly on the basis of any protected characteristic as defined by the Equality Act 2010.

18.2. We recognise that some protected groups may be disproportionately impacted and will take additional steps in the application of this policy and make reasonable adjustments to ensure compliance with the Act. For example WCHG will:

- 18.2.1. Provide a tailored response to the Building Safety Policy according to individual circumstances.
- 18.2.2. Provide support to residents who have difficulty in managing their tenancy due to mental health issues, learning disabilities, physical disabilities, special needs or old age.
- 18.2.3. Provide information on request, in languages other than English, in Braille, Large Print and Audiotape where required. In addition, our receptions and interview rooms are fitted with a hearing loop system.

(This policy can be provided in a different format, translated, large print, easy read, braille, or an audio copy. Requests can be made by contacting us by phone on: 0300 111 0000 or: 0800 633 5500 or by email: inclusionanddiversity@wchg.org.uk.)



Appendix 1 Commitments and Obligations.

Statutory Obligations and Abbreviations

The following regulations are discussed in relation to AP and PAP duties:

- Building Safety Act 2022 (“BSA”)
- The Building Safety (Registration of Higher-Risk Buildings and Review of Decisions) (England) Regulations 2023 (“RRD Regs”)
- The Higher-Risk Buildings (Key Building Information etc.) (England) Regulations 2023 (“HRB KBI Regs”)
- The Higher-Risk Buildings (Management of Safety Risks etc) (England) Regulations 2023 (“HRB MSR Regs”)
- The Higher-Risk Buildings (Keeping and Provision of Information etc.) (England) Regulations 2024 (“HRB KPI Regs”)

Principal Accountable Person (“PAP”)

Building Safety Act 2022

BSA Ref	Duty under Building Safety Act 2022	Further detail of the duty prescribed under secondary legislation	Date duty came into force
S77(1-2) S78(1)	Ensure that the HRB is registered before occupation, unless there was a reasonable excuse for doing so. For HRBs that are already in occupation, the PAP must ensure that they are registered before 30 September 2023, otherwise it will have committed an offence.	<p>The RRD Regs, which came into force on 6 April 2023, sets out the prescribed content of applications for registration. An application must include:</p> <ol style="list-style-type: none"> 1. Where there is only one Accountable Person for the building, their name, address, email address and telephone number. 2. Where there is more than one Accountable Person for the building, confirmation of who is the Principal Accountable Person, details for which part the Accountable Person is responsible, and the details set out in 1 above. 3. Where the Principal Accountable Person is not an individual, the type of organisation (e.g., private registered provider of social housing, registered provider of social housing, resident management company etc.) 4. The name and address of the person authorised by the Principal Accountable Person to make the registration application on their behalf. 5. If the person making the application for the Principal Accountable Person is not an individual, the name and address of the single point of contact for the Principal Accountable Person for the purposes of the application. 6. A description of the building including, the address, name (if applicable), number of residential units, height in metres, number of storeys and year that the building was completed. 7. For buildings which were completed before Section 32 of the BSA came into force (not yet in force), the date of the building certificate for the completed building, the reference number of the certificate and the name of the building control body who gave it. 8. For buildings completed after Section 32 of the BSA comes into force (not yet in force), the reference number for the building issued by the BSR and the date the certificate was issued. 	1 October 2023

		<p>Regulations published under S.89 include the Higher-Risk Buildings (Key Building Information etc.) (England Regulations 2023 ("KBIR"), which requires the PAP to provide the key building information, as defined by KBIR, within 28 days of making an application to register an HRB.</p> <p>See the Higher-Risk Buildings (Key Building Information etc.) (England) Regulations section below.</p>	
S79(1-2)	<p>Where the BSR directs the PAP to apply for a building assessment certificate (issued under s81 of the Act), the PAP must make that application within 28 days from the day on which the direction is given. (See s80 of the BSA for more details)</p>		16 January 2024
S80(1)	<p>An application for a building assessment certificate must be accompanied by the following:</p> <ul style="list-style-type: none"> - a copy of the most recent safety case report for the building unless a copy has already been provided under s86(2); - prescribed information about the mandatory occurrence reporting system operated by the PAP; - prescribed information demonstrating compliance by each AP for the building, with their duties under s89; - a copy of any residents' engagement strategy 	<p>Applications must include:</p> <ul style="list-style-type: none"> • The address, postcode and, if applicable, name of the building; • The name of the PAP; • The registration number given to the building; • A description of any changes of the information and the date of those changes; and • Details of any compliance notice given under s.99 of BSA. <p>(Regulation 3(5) of HRB MSR Regs)</p> <p>Information regarding the mandatory occurrence reporting system is information, whether contained in the safety case report or not, which demonstrates compliance with s.85(5) of the BSA.</p> <p>(Regulation 3(1) of HRB MSR Regs)</p> <p>Information demonstrating compliance with the duties under s89 is to be a statement by the PAP confirming that each AP has complied with its obligations under the BSA.</p> <p>(Regulation 3(2) of HRB MSR Regs)</p>	16 January 2024

S82(2)	<p>Ensure that the following are displayed together, in a conspicuous position in the building:</p> <ul style="list-style-type: none"> - a notice in the prescribed form containing prescribed information about APs; - the most recent building assessment certificate; - any relevant compliance notice 	<p>Regulation 3 (8) confirms the notice should include address, telephone number and email of PAP and all APs</p> <p>(Reg 3 of the HRB MSR Regs)</p>	16 January 2024
S82(2)	<p>Where a special measures order is in force in relation to an HRB, the PAP must ensure that <u>no</u> building assessment certificate is displayed in the building</p>		16 January 2024
S85(1)	<p>As soon as is reasonably practicable after the relevant time (i.e., date of occupation or date of appointment of PAP), the PAP must prepare a safety case report containing the following:</p> <ul style="list-style-type: none"> - any assessment of the build safety risks make under s83 by an AP; and - a brief description of any steps taken under s84 by an AP. 	<p>Relating to safety case reports under s.85 of the 2022 Act</p> <p>A PAP must include the following information in a safety case report:</p> <ul style="list-style-type: none"> • The building registration number • A brief description of the building and its wider environment • A description of the possible scenarios of building safety risks identified by each AP through the risk assessment process under s.83 of the 2022 Act, the likelihood of those risks materialising and likely consequences if they do arise. • A description of how the steps taken by each AP show compliance with s.84 of the 2022 Act • A description of the system for managing safety for the building, including <ul style="list-style-type: none"> ○ How safety measures are tested and maintained ○ The policies and procedures for managing work to the buildings • A description of emergency plans in place for the building, including: <ul style="list-style-type: none"> ○ A description of equipment in place to allow emergency services to respond ○ Details of the information provided to emergency services to support their emergency response planning • A description of how residents are to respond to emergency situations <p>The safety case report must be kept in electronic form, any notification to the regulator under s.86(1) of the 2022 Act must include (1) an overview of the main revisions to the safety case report, and (2) an explanation why the revision has been made</p> <p>(Reg 5 of the HRB MSR Regs)</p>	16 January 2024
S85(2)	<p>PAP must revise a safety case report if they consider it necessary and appropriate to do so following any further assessment under s83, or the taking of further steps under s84 by an AP.</p>		16 January 2024

S86(1-2)	<p>Notify the regulator as soon as reasonably practicable after preparing/revising a safety case report. And where the regulator has asked for the report, the PAP must provide it as soon as reasonably practicable.</p>	<p>The Regulator may order that the safety case be issued via a specified website address.</p> <p>(Reg 5 of the HRB MSR Regs)</p>	16 January 2024
S87(5-6)	<p>Establish and operate an effective mandatory occurrence reporting system which complies with prescribed requirements.</p> <p>The mandatory occurrence reporting system is a system for the giving of information to APs so as to enable them to comply with s87(1), i.e., their duty to give prescribed information to the BSR.</p>	<p>Mandatory occurrence reporting system, that the PAP must comply with under s.87(5) of the 2022 Act, must meet specific requirements.</p> <p>These include:</p> <ul style="list-style-type: none"> • having a single reporting system for the entire building • allowing individuals to report incidents to the AP and enabling timely assessment of these reports to identify safety occurrences. • ensuring the system is accessible for all building residents and users and undergo regular reviews to maintain its effectiveness. <p>(Reg 6 of the HRB MSR Regs)</p>	16 January 2024
S88(1)	<p>AP must keep prescribed information in accordance with prescribed standards, and so far, as possible to keep such information up to date. This is referred to more commonly now as the golden thread.</p> <p>While this is an AP duty, all PAPs are APs and there are specific additional duties that apply only to PAPs.</p>	<p>The AP is to provide to each relevant RP of that building any information and a copy of any document which relates to the part of the building for which the AP is responsible and that the AP must keep pursuant to s.88 of the 2022 Act, and which falls into the provisions of Schedule 1 of the HRB KPI Regs - Golden Thread Information, relating to:</p> <ul style="list-style-type: none"> • fire safety management • evacuation • plans <p>(Reg 11(2) of HRB KPI Regs)</p> <p>Where that AP is also a PAP, the PAP must provide each relevant RP of that building:</p> <ul style="list-style-type: none"> • a copy of the safety case report for that building; and • and information that an AP is required to keep pursuant to s.88 of the BSA which falls within paragraph 7(1) (evacuation) of Schedule 1 of the HRB KPI Regs. <p>(Reg 11(3) of HRB KPI Regs)</p>	16 January 2024
s91(1)	<p>As soon as reasonably practicable after the relevant time, prepare a residents' engagement strategy for promoting the participation of relevant persons in the making of building safety decisions. For the purposes of already occupied HRBS, the relevant time will be 6 April 2023 which is the date the relevant person</p>	<p>Residents' engagement strategy- for purposes of s.91(1) of the 2022 Act</p> <p>The PAP must review the residents' engagement strategy:</p> <ul style="list-style-type: none"> • at least once every two years • within a reasonable period after a mandatory occurrence report under s.87 of the 2022 Act • within a reasonable period after completion of 'significant material alterations' to the building, except if these alterations 	16 January 2024

	<p>becomes the PAP.</p> <p>Review the strategy at prescribed times and revise where necessary/appropriate.</p> <p>In prescribed circumstances, consult relevant persons and prescribed persons on the strategy and take any representations make on the consultation into account when next reviewing strategy.</p> <p>The PAP must also act in accordance with the strategy.</p>	<p>were already considered in a review conducted within the previous two years.</p> <p>Significant alterations include changes to the building's external dimensions, number of storeys, residential units, staircases, escape routes, external walls, and internal layout.</p> <p>The PAP must consult residents/owners and any APs for the building on the strategy, the circumstances are that:</p> <ul style="list-style-type: none"> - the resident's engagement strategy has first been prepared; or - there has been a revision to the residents' engagement strategy. <p>A residents' engagement strategy must include:</p> <ul style="list-style-type: none"> • a requirement that the PAP must inform residents when works resulting from a building safety decision will be carried out, and the purpose of the works • (unless for emergency works) where works taking pace for more than 1 day will limit access to the building or cause a nuisance, PAP must consult residents about <ul style="list-style-type: none"> ○ The days and times when works are to take place and ○ How to mitigate disruption to residents • A requirement that the PAP must give due consideration to responses to any consultation 	
		<ul style="list-style-type: none"> • Provision for keeping of records of reviews carried out by any PAP • guidelines in writing for residents on how consultations related to residents' engagement strategy and building safety decisions will be conducted <p>Consultations under s.91 of the 2022 Act must:</p> <ul style="list-style-type: none"> - Use appropriate methods (digital, postal, or in-person events). - Ensure awareness among relevant persons affected by the consultation. - Last for a reasonable period, with residents' engagement strategy consultations lasting at least 3 weeks <p>(Reg 10 of the HRB MSR Regs)</p>	
S91(3)	<p>Ensure the residents' engagement strategy includes:</p> <ul style="list-style-type: none"> - the information that will be provided to relevant persons about decisions relating to the management of the building; - the aspects of those decisions that relevant persons will be consulted about; - the arrangements for obtaining and taking account of the view of the 	<p>See also the requirements at Regulation 10 of HRB MSR Regs (as above)</p>	16 January 2024

	<p>relevant persons; and</p> <ul style="list-style-type: none"> - how the appropriateness of methods for promoting participation will be measured and kept under review. 		
S93(1)	<p>As soon as reasonably practicable after the relevant time, establish and operate a system for the investigation of relevant complaints.</p> <p>(For the purposes of HRBs that are already occupied, the relevant time is 6 April 2023, which is the date that the relevant person becomes the PAP)</p>	<p>PAP complaints procedures under s.93 of the 2022 Act,</p> <p>The PAP must publish a complaints policy which explains:</p> <ul style="list-style-type: none"> • what amounts to a relevant complaint; • how a relevant complaint may be made; • how a relevant complaint will be dealt with; • how a complainant can make representations and comments on any findings during an investigation; • the expected timeframes for investigation and determination of a relevant complaint; • the address, telephone number and email address of the regulator and details of how to take a complaint to the regulator where an agreed outcome cannot be reached between the PAP and complainant; • details of how compliance with the Equality Act 2010(2) is secured, such as by giving examples of the types of reasonable adjustment which may be made; • details of how personal data is processed <p>A response to a complaint should cover all important aspects of the complaint, provide reasons for decisions, describe actions taken, and outline planned actions with specific timeframes</p> <p>(Reg 12 of the HRB MSR Regs)</p>	16 January 2024

The Higher-Risk Buildings (Key Building Information etc.) (England) Regulations 2023

HRB KBI Regs Ref	Duty under The Higher-Risk Buildings (Key Building Information etc.) (England) Regulations2023 HRB KBI Regs	Date duty came into force
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Reg 19	<p>The PAP must provide to the regulator ‘key building information’ for each HRB for which they are the PAP. Key building information is set out in Regulations 3-18, and includes:</p> <ul style="list-style-type: none"> • Whether the HRB has any ancillary building and whether the ancillary building is an HRB • The principal use of: <ul style="list-style-type: none"> ○ The HRB ○ Any ancillary building ○ Any outbuilding (any permanent or temporary building whether or not attached to the HRB, used for purposes incidental to the enjoyment of the HRB) ○ Any storey below ground level in the HRB • The subordinate use (i.e. any use other than the principal use) of: <ul style="list-style-type: none"> ○ The HRB, save in respect of a residential unit in that HRB ○ Any ancillary building ○ Any storey below ground level in the HRB • Whether since its construction there has been a change to the principal use of the HRB • “Use” must be described using the following categories <ul style="list-style-type: none"> ○ Residential (dwellings) ○ Residential (institutional) ○ Residential (other) ○ Office ○ Shop and commercial ○ Assembly and recreation ○ Industrial, or ○ Storage and other non-residential • For the external wall of the HRB <ul style="list-style-type: none"> ○ A description of the material used in its composition and; ○ If there is more than one material, what % of the whole does each material constitute • If there is insulation of the external wall <ul style="list-style-type: none"> ○ A description of the material used in the composition of that insulation; and ○ If there is more than one material, what % of the whole does each material constitute • For the roof of the HRB <ul style="list-style-type: none"> ○ The main material used in the composition of the part of the roof that provides a waterproof covering ○ Whether there is a separate layer of insulation ○ Whether the roof plane is pitched or flat or a combination of both • For any fixture attached to the external wall or roof of the HRB <ul style="list-style-type: none"> ○ The type of fixture and ○ The main material from which the fixture is composed • For the structure of the HRB <ul style="list-style-type: none"> ○ The main material used ○ The type of the structural design the building has in order to comply with Part A (Structure) of Sch 1 of the Building Regs. • The number of storeys below ground level that are in the HRB • In relation to staircases <ul style="list-style-type: none"> ○ The number of staircases that the HRB has and ○ How many of those staircases serve, as part of the same flight of stairs, the storey at ground level and every storey above it • The type of energy supply to the HRB • The type of energy storage system of the HRB • A description of the type of evacuation strategy that is in place for the HRB 	6 April 2023
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Reg 20-21 and 23-24	<p>Submission of the key building information to the regulator:</p> <ul style="list-style-type: none"> - must be submitted within 28 days of the PAP submitting an application for registration of that HRB. – see s.77 of the 2022 Act - may be made by a person authorised on behalf of the PAP for that building. - must be provided in electronic form. <p>The PAP must notify the regulator of any change to the key building information within 28 days of the PAP becoming aware of the change.</p>	6 April 2023
Reg 11(3)	<p>If the AP is also the PAP, they must provide to each relevant RP of that building-</p> <ul style="list-style-type: none"> • A copy of the safety case report for that building <p>Any information that an AP is required to keep pursuant to s.88 of the 2022 Act which also falls within 7(1) of Schedule 1 of the HRB KPI Regs i.e. the evacuation strategy and evacuation information for the higher-risk building as a whole.</p>	16 January 2024
Reg 12(2)	<p>An AP who is also the PAP, must provide to <i>the fire and rescue authority</i> for the area in which that building is situated-</p> <ul style="list-style-type: none"> • The information that the PAP is required to keep pursuant to- <ul style="list-style-type: none"> ○ Paragraph 4(1) (the key building information) of Schedule 1 of these HRB KPI Regs ○ Paragraph 7(1) (evacuation) of Schedule 1 of these HRB KPI Regs • The document that the PAP is required to keep pursuant to refusal of building assessment certification application of schedule 1 • The safety case report for the building. 	16 January 2024

Accountable Person (AP) Building Safety Act 2022

BSA Ref	Duty under <u>Building Safety Act 2022</u>	Further detail of the duty prescribed under secondary legislation	Date duty came into force
S76(2-3)	For new HRBs and where additional residential units are created in an existing HRB, ensure that a completion certificate relating to the relevant part of the HRB is issued before occupation, unless there was a reasonable excuse for doing so.		1 October 2023
S83(1-2)	<p>Where an HRB is occupied, AP must as soon as reasonably practicable after the relevant time (i.e., date of occupation or date of appointment of AP) assess the building safety risks as regards the part of the building for which they are responsible. Further such assessments must be made:</p> <ul style="list-style-type: none"> - at regular intervals; - any time the AP has reason to suspect the current assessment is no longer valid; or - at the direction of the BSR 		16 January 2024
S84	<p>Must take all reasonable steps to:</p> <ul style="list-style-type: none"> - Prevent a building safety risk materialising as regards to the part of the building for which they are responsible; - Reduce the severity of any incident resulting from such a risk materialising. <p>These steps may involve carrying out works to the part of the building for which the AP is responsible.</p> <p>The AP must act in accordance with prescribed principles, take steps promptly, make and give effect to arrangements for the purpose of ensuring effective planning, organisation, control, monitoring and review of steps taken.</p>	<p>The AP must act in accordance with prescribed principles to manage building safety risks, including:</p> <ul style="list-style-type: none"> • avoidance of building safety risks; • evaluating building safety risks that cannot be avoided and identifying proportionate measures to reduce, mitigate or control them; • combat building safety risks at their source by introducing proportionate measures to address, reduce, mitigate and control the risk at the earliest opportunity; • ensuring suitable and proportionate systems are in place for effective inspecting, testing and maintaining of measures taken; • prioritising collective safety measures over individual measures; • adapting to new technical progress; • replacing dangerous features for ones that are less dangerous; • consider the impacts on residents and engage with residents; • providing clear instructions and information to employees and contracts; and • ensuring that any person responsible for assisting with compliance with a duty under Part 4 of the BSA has the relevant competence (i.e., the skills, knowledge, experience and behaviours necessary to perform the functions for which they are responsible (or the organisational capacity if not an individual) <p>(Reg 4 of the HRB MSR Regs)</p>	16 January 2024

S87(1)	<p>In prescribed circumstances, the AP must give prescribed information to the BSR by the prescribed time and in the specified way.</p>	<p>Where a 'safety occurrence' takes place, the information required for the purposes of s.87(1) of the 2022 Act are:</p> <ul style="list-style-type: none"> • A notice that the safety occurrence has taken place, providing a brief description of the incident's nature and stating the building's address • A detailed report containing: <ul style="list-style-type: none"> ○ Date and time of incident ○ Date and time when incident was first reported to the regulator ○ Date of report submission to the regulator ○ Building address where the incident occurred ○ Contract information of the reporting AP, including name, address, phone number and email ○ Incident details including whether anyone was injured or killed, recent building work details, how the incident was discovered ○ Description of the measures taken to address the incident ○ Information on broader impacts or related considerations <p>"safety occurrence" means an incident or situation relating to the structural integrity of, or spread of fire in, a higher-risk building that meets the risk condition;</p> <p>Timeframes for compliance:</p> <ul style="list-style-type: none"> • The AP must notify about the incident as soon as reasonably possible after it occurs. • The detailed report must be submitted within 10 days from the day the AP becomes aware of the safety incident. <p>(Reg 6 of the HRB MSR Regs)</p>	16 January 2024
S88(1)	<p>AP must keep prescribed information in accordance with prescribed standards, and so far, as possible to keep such information up to date. This is referred to more commonly now as the golden thread.</p>	<p>The prescribed information should be kept by the AP as follows:</p> <ul style="list-style-type: none"> • Electronic • Accurate • Intelligible • Accessible as soon as reasonably practicable • Secure from unauthorised access • Only changed in accordance with required procedures 	16 January 2024

		<p>(Reg 7 of the HRB MSR Regs)</p> <p>If a HRB has multiple APs, each AP is responsible for keeping information or copies of documents listed in Schedule 1 of the HRB KPI Regs, specifically related to the part of the building they are responsible for. - see s.88 of the 2022 Act.</p> <p>(Reg 4(2) of HRB KPI Regs)</p> <p>The AP must provide to the client for a project which relates to the part of the building for which they are responsible, any information, as required by s.88(1) of the BSA <i>and</i> which falls within:</p> <ul style="list-style-type: none">• fire safety management where the information relates to the part of the building specified in the notice;• structural risks where the information relates to the part of the building specified in the notice (except where the client has previously given information to that AP and the information has not changed since); and• management of building safety risks, and building design where the information relates to the part of the building specified in the notice. <p>(Reg 10(2) of HRB KPI Regs)</p> <p>The AP is to provide to each relevant RP of that building any information and a copy of any document which relates to the part of the building for which the AP is responsible and that the AP must keep pursuant to s.88 of the 2022 Act, and which falls into the provisions of Schedule 1 of the HRB KPI Regs - Golden Thread Information, relating to:</p> <ul style="list-style-type: none">• fire safety management• evacuation• plans <p>(Reg 11(2) of HRB KPI Regs)</p> <p>This does not apply to any information that the relevant RP has previously given to the AP and that has not changed since it was given.</p> <p>It does not apply to any document that the relevant RP has previously given to the AP and is the same version of the document as the version that was given</p>	
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S88(2-3)	<p>Keep copies of prescribed documents in accordance with prescribed standards (S88(1)). Where an AP does not hold prescribed information (or a copy), they must obtain it except where it is not practicable to do so.</p>	<p>Copies of prescribed documents must be kept in accordance with prescribed standards. Those standards are that the documents must be:</p> <ul style="list-style-type: none"> • Held electronically • Accessible as soon as reasonably practicable • Secure from unauthorised access • Only changed in accordance with the procedures <p>(Reg 7 of the HRB MSR Regs)</p> <p>The prescribed documents for the purposes of s.88(2) include:</p> <ul style="list-style-type: none"> • The completion certificate (or partial certificate) application and any document that accompanies that application; • The completion certificate (or partial certificate); • In relation to Scheme Work, the certificate that the person carrying out the Scheme Work is required to give the client as ‘occupier’; • The registration certificate that the PAP is required to give to the BSR pursuant to 4(b) and 18(1)(d) of the Building Safety (Registration of Higher-Risk Buildings and Review of Decisions) (England) Regulations 2023 (if the AP is also the PAP); • Any document that accompanied or supported the most recent application for a building assessment certificate (if the AP is also the PAP); • Any notice in relation to the HRB the BSR has given pursuant to s.81(3)(b) (building assessment certificate) in the last 5 years (if the AP is also the PAP); • The most recent building assessment certificate (if the AP is also the PAP); • Fire Safety management documents created or received by an AP in relation to Article 9 of the Regulatory Reform (Fire Safety) Order 2005; • The record of the design materials of the external walls; • The floor plans; • Any statement or report confirming that an assessment of structural risks is not necessary; • Any statement assessment or report evaluating the structural risks of the HRB; • Any report that contains an up to date assessment of the building safety risk to the HRB or such part for which the AP is 	16 January 2024
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		<p>responsible;</p> <ul style="list-style-type: none"> • The safety case report; • A record of any maintenance of and repairs undertaken to any equipment, device or materials which were planned by, or on behalf of, any AP within the last 7 years; • The most recent version of any document relating to building safety risks in the HRB that was created for the enabling of the effective planning, organisation, monitoring, control and review of steps taken to manage building safety risks; • Plans of the current construction and of the original construction of the building; • The document which describes the detailed arrangements for mandatory occurrence reporting; • The resident engagement strategy document; • The log that records the subject and nature of any reoccurring complaints and the dates which they were made within the last 7 years; and • Any contravention notice given by an AP within the last 5 years. <p>(Reg 4(1)/Schedule 1 of HRB KPI Regs)</p> <p>If a HRB has multiple APs, each AP is responsible for keeping information or copies of documents listed in Schedule 1 of the HRB KPI Regs specifically related to the part of the building they are responsible for.</p> <p>(Reg 4(2) of HRB KPI Regs)</p> <p>An AP must provide to a client for a project which relates to the part of the building for which the AP is responsible a copy of any document which the AP must keep, as required by s.88(2) of the BSA and which relates to the following provisions of Schedule 1 of the HRB KPI Regs:</p> <ul style="list-style-type: none"> • Fire safety management; • Structural risks; and • Plans. <p>(Reg 10(3) of HRB KPI Regs)</p>	
S89	The Secretary of State may by regulations require an AP for an HRB to give prescribed	An AP must give information and copies of documents prescribed by regulations to the prescribed persons as soon as reasonably practicable after it has been created or updated, or as reasonably practicable after a relevant request.	6 April 2023

	<p>information or a copy of a prescribed document to:</p> <ul style="list-style-type: none"> • the BSR • Another AP for the building • Residents of the building • Owners of residential units in the building, or • Any other prescribed person. 	<p>(Reg 8(1) HRB MSR Regs)</p> <p>An AP must give the prescribed information and documents to all other APs in the building.</p> <p>(Reg 8(5) HRB MSR Regs)</p> <p>Information and documents must be provided to any resident:</p> <ul style="list-style-type: none"> • As soon as reasonably practicable after the HRB becomes occupied, or if later, the time when the person becomes the AP for the HRB; • For new residents, as soon as reasonably practicable after the AP is aware that the resident has moved in; • Where the information has become out of date, as soon as reasonably practicable after the AP becomes aware that the information is out of date; • In relation to non-resident owners, as soon as reasonably practicable after the AP becomes aware that the person has taken ownership of a residential unit and as soon as the AP is aware that any previously supplied information is out of date. <p>(Reg 8(7) HRB MSR Regs)</p> <p>Information and documents provided to residents and non-resident owners must be in writing and in a form which allows the recipients to understand the content and aims of the document.</p> <p>It must also be displayed in common parts of the building if the information relates to the reporting of a building safety risk, how to make a relevant complaint or the identity of the AP, PAP or RP of the building or the types of information they are able to request and the process to obtain it.</p> <p>(Reg 8(9) HRB MSR Regs)</p> <p>Where a client, whose projects involves a HRB, the obligation to provide the information is to provide it as soon as reasonably practicable after the client for the project gives written notice to the AP that the project is taking place.</p> <p>(Reg 8(2) HRB MSR Regs)</p> <p>For the purposes of s.89, the following are prescribed persons:</p> <ul style="list-style-type: none"> • A relevant landlord; • A client for a project within the building; • A relevant RP • A relevant fire and rescue authority 	
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		<p>Different documents are prescribed for each prescribed person (e.g., the safety case report is prescribed for an RP and a fire and rescue authority, but not for a client on a project). The regulations should be reviewed to ensure the correct prescribed documents are submitted.</p> <p>(Reg 9-12 of HRB KPI Regs)</p> <p>The duty to provide documents does not extend to material that is “security sensitive”, “commercially sensitive” or “personal data”. If there is a concern that the information should not be provided, review the relevant sections of the regulations to determine if an exclusion applies.</p> <p>(Reg 15-19 of HRB KPI Regs)</p>	
S90(1-3)	An outgoing AP ceasing to be responsible for all/part of the building, must give prescribed information and a copy of any prescribed documents to the new AP. Information/documents must be given by the prescribed time, in the prescribed way and in accordance with prescribed standards.	In relation to s.90(2) of the 2022 Act, the prescribed information is required to be given electronic and without any lost data and must be intelligible to the recipient.	16 January 2024
S90(4)	An outgoing AP must give prescribed information to the BSR in the prescribed way, as soon as reasonably practicable after the relevant time.	<p>In relation to s.90(4) of the 2022 Act, the following information is required:</p> <ul style="list-style-type: none"> • the outgoing person’s name • the building, or part of building for which the outgoing person is responsible • the building registration number • The date the outgoing person ceased to be responsible for the building or part of building • The name, address, phone number, and email of the person now responsible for the building or part of it <p>(Reg 9 of the HRB MSR Regs)</p>	16 January 2024

S91(4)	<p>When the residents' engagement strategy is prepared, give a copy to:</p> <ul style="list-style-type: none"> • each resident over the age of 16 and residing in a residential unit for which the AP is responsible; • each owner of a residential unit; and • any other prescribed person. <p>This duty does not apply in relation to a resident the AP is not aware of, and where the AP has taken all reasonable steps to make themselves aware of those who reside in the residential units they are responsible for.</p>	<p>The prescribed persons are confirmed to be any APs for the building that are not the PAP.</p> <p>(Reg 10 of the HRB MSR Regs)</p>	16 January 2024
S92(1-3)	<p>Where a resident or owner of a residential unit makes a request for a copy of prescribed information or a prescribed document, the AP must as soon as reasonably practicable, provide that information or document requested.</p>	<p>The information must be:</p> <ol style="list-style-type: none"> a) in writing b) in a form that can be understood by the recipient, ensuring technical language is explained where required or with summaries of complex or technical provision <p>(Reg 11 of the HRB MSR Regs)</p>	16 January 2024
S109(4)	<p>An AP must cooperate with every other AP for the HRB when undertaking their duties. Every AP must also cooperate with each Responsible Person for the purpose of the Responsible Person carrying out duties under the Regulator Reform (Fire Safety) Order 2005 ("FSO"). Responsible Persons under the FSO have a reciprocal duty to cooperate with APs to enable them to perform their duties under the BSA.</p>		6 April 2023

The Higher-Risk Buildings (Key Building Information etc.) (England) Regulations 2023

HRB KBI Regs Ref	Duty under The Higher-Risk Buildings (Key Building Information etc.) (England) Regulations 2023	Date duty came into force
	HRB KBI Regs	

Reg 22	<p>If there is more than one AP for the HRB, each AP must, for the part of the building for which they are responsible, provide the PAP with:</p> <ul style="list-style-type: none"> - Notice and details of any change to the key building information within 28 days of the AP becoming aware of the change. - If requested by the PAP, 'key building information' as soon as reasonably practicable from the date of the request of the PAP. <p>Key building information is set out in Reg 3-18, and includes:</p> <ul style="list-style-type: none"> • Whether the HRB has any ancillary building and whether the ancillary building is aHRB • The principal use of: <ul style="list-style-type: none"> ○ The HRB ○ Any ancillary building ○ Any outbuilding (any permanent or temporary building whether or not attached to the HRB, used for purposes incidental to the enjoyment of the HRB) ○ Any storey below ground level in the HRB • The subordinate use (i.e. any use other than the principal use)of: <ul style="list-style-type: none"> ○ The HRB, save in respect of a residential unit in thatHRB ○ Any ancillary building ○ Any storey below ground level in the HRB • Whether since its construction there has been a change to the principal use of theHRB • "Use" must be described using the followingcategories <ul style="list-style-type: none"> ○ Residential (dwellings) ○ Residential (institutional) ○ Residential (other) ○ Office ○ Shop and commercial ○ Assembly and recreation ○ Industrial, or ○ Storage and other non-residential • For the external wall of the HRB <ul style="list-style-type: none"> ○ A description of the material used in its composition and; ○ If there is more than one material, what % of the whole does each materialconstitute • If there is insulation of the external wall <ul style="list-style-type: none"> ○ A description of the material used in the composition of that insulation;and ○ If there is more than on material, what % of the whole does each materialconstitute • For the roof of the HRB <ul style="list-style-type: none"> ○ The main material used in the composition of the part of the roof that provides a waterproofcovering ○ Whether there is a separate layer of insulation ○ Whether the roof plane is pitched or flat or a combination of both • For any fixture attached to the external wall or roof of theHRB <ul style="list-style-type: none"> ○ The type of fixture ○ The main material from which the fixture is composed • For the structure of the HRB <ul style="list-style-type: none"> ○ The main material used ○ The type of the structural design the building has in order to comply with Part A (Structure) of Sch 1 of the Building Regs. • The number of storeys below ground level that are in theHRB 	6 April 2023
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	<ul style="list-style-type: none"> • In relation to staircases <ul style="list-style-type: none"> ○ The number of staircases that the HRB has and ○ How many of those staircases serve, as part of the same flight of stairs, the storey at ground level and every storey above it • The type of energy supply to the HRB • The type of energy storage system of the HRB • A description of the type of evacuation strategy that is in place for the HRB 	
Reg 26(1)	<p>If the HRB has only one AP, and the AP <u>IS</u> a commonhold association, the AP is responsible for the following parts of the building-</p> <ul style="list-style-type: none"> • The common parts of the building • The commonhold unit • Any balcony, and <p>Any other part of the building to which the Regulatory Reform (Fire Safety Order) 2005 does not apply.</p>	6 April 2023
Reg 26(2)	<p>If a HRB has only one AP and the AP is <u>NOT</u> a commonhold association, the AP is responsible for the following parts of the building –</p> <ul style="list-style-type: none"> • The common parts of the building • The residential unit • Any balcony, and • Any other part of the building to which the Regulatory Reform (Fire Safety Order) 2005 does not apply. 	6 April 2023
Reg 27-30	<p>Where a HRB has <u>more than one</u> AP:</p> <ol style="list-style-type: none"> 1. An AP is responsible for the part of the common parts of the building for which they hold a legal estate in possession or a repairing obligation (Reg 28). 2. An AP who holds a legal estate in possession in or a repairing obligation in relation to any part of the exterior of the building, is responsible for any balcony attached to that part of the exterior (Reg 29). 3. If an AP has the right to rent out a residential unit in the building, they are responsible for that unit, unless it's leased on a long-term basis (Reg 30). <ul style="list-style-type: none"> • If a residential unit is leased under a long-term contract: <ol style="list-style-type: none"> (a) The landlord mentioned in the lease is responsible. (b) If the landlord isn't an AP according to the 2022 Act, the responsible AP is in charge of the common areas near the unit's main entrance. • This rule also applies to any associated spaces like gardens, yards, garages, or outhouses within the building, used by the resident 	6 April 2023

The Higher-Risk Buildings (Management of Safety Risks etc) (England) Regulations 2023

HRB MSR Regs Ref	Duty under <u>The Higher-Risk Buildings (Management of Safety Risks etc) (England) Regulations 2023</u> HRB MSR Regs	Date duty came into force
Reg 6	<p>Where a ‘safety occurrence’ takes place, the information required for the purposes of s.87(1) of the 2022 Act are:</p> <ul style="list-style-type: none"> • A notice that the safety occurrence has taken place, providing a brief description of the incident’s nature and stating the building’s address • A detailed report containing <ul style="list-style-type: none"> ○ Date and time of incident ○ Date and time when incident was first reported to the regulator ○ Date of report submission to the regulator ○ Building address where the incident occurred ○ Contract information of the reporting AP, including name, address, phone number and email ○ Incident details including whether anyone was injured or killed, recent building work details, how the incident was discovered ○ Description of the measures taken to address the incident ○ Information on broader impacts or related considerations <p>“safety occurrence” means an incident or situation relating to the structural integrity of, or spread of fire in, a higher-risk building that meets the risk condition; Timeframes for compliance:</p> <ul style="list-style-type: none"> • The AP must notify about the incident as soon as reasonably possible after it occurs. • The detailed report must be submitted within 10 days from the day the AP becomes aware of the safety incident. 	16 January 2024
Reg 13	<p>An AP has authority to issue a contravention notice under s.96 of the 2022 Act where it appears to the AP that a resident has gone against its duty under s.95 which involves residents:</p> <ul style="list-style-type: none"> - - not acting in a way that creates a significant risk of a building safety risk materialising - not interfering with relevant safety item and - complying with any requests of the AP for information. <p>A contravention notice under s.96 of the 2022 Act must contain:</p> <ul style="list-style-type: none"> • details of any statutory provision which the resident has contravened • details of any previous communication between the AP and the resident relating to the contravention • details of any guidance issued by the regulator which is relevant • and explanation why the AP considers that steps should be taken to remedy the contravention • and if a sum is specified, an explanation why the sum is required and evidence of the amount specified • details of the complaint’s procedure operated by the PAP- see Reg 12 of the HRB MSR Regs detailed in the PAP Responsibilities • name and contact details of the AP giving the contravention notice 	16 January 2024
Reg 15	<p>An AP for the building may appeal to the tribunal against a decision of the regulator made under regulations</p> <p>The grounds for appeal are that the decision was (1) based on an error of fact, (2) wrong in law, and (3) unreasonable.</p>	16 January 2024

The Higher-Risk Buildings (Keeping and Provision of Information etc.) (England) Regulations 2024

HRB KPI Regs Ref	Duty under The Higher-Risk Buildings (Keeping and Provision of Information etc.) (England) Regulations 2024 HRB KPI Regs	Date duty came into force
Reg 5(1)	Where an <u>appointment</u> is made in relation to an AP, the AP must provide the following information to the regulator- <ul style="list-style-type: none"> • Their own name and the address of each HRB for which they are responsible as an AP. • Where the AP is a company, the company registration number. • The name and the description of the appointment of that office-holder or person appointed. • A postal address, and a telephone number or email address for that officeholder or person appointed. 	16 January 2024
Reg 6(1)	Unless stated otherwise, if there are multiple APs for a HRB, each AP must share Golden Thread information with every other AP responsible for that building. This information is what each AP is required to maintain for the building.	16 January 2024
Reg 7	An AP for a HRB must give information or a copy of specific documents listed in Schedule 2 of the HRB KPI Regs to every resident aged 16 or above in the part of the building they are responsible for, except when: <ul style="list-style-type: none"> • The AP is unaware that the person lives in that part of the building. • The AP has made reasonable efforts to find out who lives in the residential units in that part of the building. In such cases, the AP is not obliged to provide information or documents to that person. 	16 January 2024
Reg 8	Unless stated otherwise, an AP for a HRB is required to make reasonable efforts to give each owner of a residential unit in their designated area the necessary information or a copy of specific documents mentioned in Schedule 2 of the HRB KPI Regs.	16 January 2024
Reg 9	Unless stated otherwise, where an AP has given a contravention notice to a person who resides in, but is not the owner of, a residential unit in an HRB, the AP must make reasonable efforts to provide a copy of that notice to the relevant landlord. – see s.96 of the 2022 Act.	16 January 2024

Reg 12(3)	<p>An AP for an HRB must provide to the fire and rescue authority for the area in which that building is situated:</p> <ul style="list-style-type: none">• the information that the AP is required to keep pursuant to Schedule 1- Golden Thread Information of the HRB KPI Regs, relating to:<ul style="list-style-type: none">○ evacuation○ fire safety regulations information○ building design• the documents that the AP is required to keep pursuant to Schedule 1- Golden Thread Information of the HRB KPI Regs, relating to:<ul style="list-style-type: none">○ Fire Safety Regulations information○ Plans○ Contravention notices	16 January 2024
Reg 12(4)	<p>Where the fire and rescue authority makes a request to an AP to be provided with any information or a copy of a document that the AP is responsible for keeping as Golden Thread information, the AP <u>must</u> provide the documents and information requested.</p>	16 January 2024

Appendix 2 Key Definitions

The following table explains the meaning of key terms under the legislation relevant to this policy.

Table 1

No.	Term	Definition
1	Accountable person (AP) or Principal accountable person (PAP)	The duty holder legally responsible for an HRB'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.
2	Building Assessment Certificate	The key document required by PAP when an HRB is occupied. After an HRB has been registered with the BSR, the BSR may direct a PAP to make an application for a Building Assessment Certificate. The BSR 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 APs in the building that appropriate processes for the identification, management and resolution of building safety risks are in place. Once the BSR 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
3	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 PAP. A summary of the BSC in the form of a safety case report will be submitted to the Building Safety Regulator under specific conditions
4	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
5	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

6	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
7	Gateways	A set of three submission and approval gateways overseen by the new Building Safety Regulator required for the design and construction of HRBs, along with work to be carried out to existing HRBs. The three gateways are Gateway 1 (planning approval) Gateway 2 (planning to construction) and Gateway 3 (completion and occupation).
8	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
9	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
10	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