RIBA

RIBA response to the second phase of the Independent Review of Building Regulations and Fire Safety

The RIBA is concerned that the current approach of the Independent Review of Building Regulations and Fire Safety will not result in the lasting change needed to protect the public. The government and the construction industry must take the opportunity to reform the way that all buildings are designed, procured, built, managed and maintained to ensure the safety of building users, including in relation to fire safety.

It is important that the government considers the full range of factors that impact on the safety and functionality of new buildings, and identifies and addresses inadequacies both in the content of current regulations and guidance and in the degree to which these are effectively implemented and conformed with in the practices in use in the procurement, design and construction of buildings in the U.K. today.

The relaxation of baseline requirements and an over reliance on fire engineering approaches, including desktop studies, has been a key factor that has led to the regulatory and systemic failures that have prompted the Independent Review.
It is essential that a radical overhaul of the Approved Document guidance includes clearly articulated baseline prescriptive requirements to provide a safeguard for the public.

In addition, we are concerned that narrowing the focus of regulatory and procurement reform to the fire-safety of high-rise residential buildings will not address risks to life in other buildings including schools, hospitals and low and medium-rise residential buildings.

The RIBA were invited to participate in two Working Groups as part of phase 2 of the Independent Review of Building Regulations and Fire Safety: 'Design, Construction and Refurbishment' (WG1) and Competence (WG4). We applied to contribute to the crucial working group on Regulations and Guidance (WG3), but were not invited to be represented, although architects are key users of such guidance.

The RIBA's principal recommendations across all Working Groups in response to phase 2 of the Independent Review of Building Regulations and Fire Safety are set out below.

Summary of Key Recommendations

Extension of the CDM Regulations 2015 to ensure the life safety of building users, including fire safety, through statutory duties of client, designer and contractor duty holders with appropriate skills, knowledge and experience.

Strengthened regulations for all buildings, not just those classified as complex and/or higher risk.

Reintroduction of mandatory Fire Certificates for designated premises, prior to occupation, renewed annually.

Baseline prescriptive regulatory requirements for all aspects of building and life safety, not just fire safety, to include:

- **Non-combustible cladding** - external wall construction for existing or new buildings with a storey 18m or more above ground to be comprised of non-combustible (European class A1) materials only.
- **More than one means of escape** - In all new multiple occupancy residential buildings, a requirement for at least two staircases, offering alternative means of escape, where the top floor is more than 11m above ground level or the top floor is more than three storeys above the ground level storey (as required for commercial buildings in ADB - Vol 2: B1 Section 4).
- **Sprinklers** - retro-fitting of sprinklers / automatic fire suppression systems and centrally addressable fire alarm systems to existing residential buildings above 18m from ground level as “consequential improvements” where a building is subject to 'material alterations.'
- Mandatory requirement for sprinklers/automatic fire suppression systems and addressable central fire alarms in all new and converted residential buildings.

Design, Construction and Refurbishment

1. Extension of CDM 2015 duties to ensure the life safety of building users, including fire safety

The RIBA recommends extending the Construction (Design and Management) Regulations 2015, to regulate roles (Client, Principal Designer, Designer, Principal Contractor and Contractor) and responsibilities of those involved in the design and construction of all new buildings and buildings subject to material alteration to ensure the life safety of building users, including fire safety, overseen by the HSE.

These statutory responsibilities should be placed upon those making key design and construction decisions and not sub-contracted to others. On higher risk projects the Principal Designer and Principal Contractor may wish to take advice from appropriately qualified experts.

2. Extension of regulatory change (Extending CDM 2015) to all buildings, not just those classified as complex and high-risk
The RIBA recommends applying CDM duties to ensure the safety of all building users and not just those deemed to be higher risk.

3. A greater role for Building Control and the Fire Brigade from planning stage to occupation
Building Control and the Fire Brigade must comment on and/or approve planning applications, considering, in particular, the overall fire safety strategy. The Building Control Body must approve a Full Plans submission before work starts on site, and conduct building inspections during construction. In buildings considered higher risk there should be enhanced involvement of the Fire Brigade and Building Control Body at planning and building control stages, and such buildings should be subject to a fire certification regime under the control of the Fire Brigade.

Further consideration should be given to the definition of higher risk buildings, which should include schools, hospitals, residential care homes, multi-residence buildings and warehouses.

4. Building Control Bodies independent of the client body
The RIBA recommends that Local Authorities must not use their own Building Control Body on their own projects, to ensure that there is no conflict of interest.

Procurement

5. Independent evaluation of contractor led design and value engineering
The greater use of Design and Build and PFI procurement models in the UK construction industry, and the way in which the allocation of management responsibilities within these models has evolved, has had an impact on the quality of construction of buildings, including failure to properly incorporate essential fire protection measures. Value-engineering by contractors of professionally produced design solutions can result in compromising key aspects of the safety of the original design, without an independent or considered evaluation of alternative proposals.

6. Ensuring clarity of design responsibility through the Principal Designer
The Principal Designer should have powers during the design and any “contractor design” periods of projects to ensure the original design intent in relation to life safety is not compromised. To ensure that buildings are built to conform, regulatory-compliant designs will require a greater level of informed independent scrutiny on-site than has recently come to be the norm.

7. Review of the roles and duties of those responsible for inspections
Consideration should be given as to how the appropriate level of inspections to provide the required level of assurance might best be undertaken for every project, and the

relative roles local authority building officers, independent professionally qualified certifiers, design team members, clerks of works and contractors should play in these processes.

8. ***Client duty to ensure sufficient expertise and resources***
It is unfortunately evident that the Industry has not yet demonstrated its ability to self-govern on issues of quality and that clients need to put in place appropriate mechanisms to help ensure the quality of the product they are receiving.

9. ***Compliance review and inspection before issue of final certificate***
During construction, inspections should be conducted formally by the Principal Designer, Principal Contractor and the Building Control Officer. Prior to practical completion the Principle Contractor should be required to confirm, in writing that the building has been constructed in accordance with the approved plans, relevant Building Regulations and Codes of Practice. The Principal Contractor should also certify that the as-built documentation provided at hand-over is a fully accurate and comprehensive reflection of what was built, highlighting all changes to the original design drawings.

Occupation and Maintenance

10. Reintroduction of mandatory Fire Certificates for designated premises before Final Certificate and occupation
The RIBA recommends that mandatory Fire Certificates are reintroduced for designated premises/higher risk buildings. Fire Certificates must only be issued after independent inspections by the Fire Brigade, before Final Certification and occupation, and must be renewed every year. Fire Certificates could be considered as a requirement for annual building insurance renewal.

7. Review of the stay put policy in high-rise multiple occupancy residential buildings
For new high-rise residential buildings, the RIBA suggests that alternatives to the defend in place/stay put policy should be considered, allowing simultaneous evacuation or phased/staged fire alarm systems, based on the principles of provision of alternative means of escape and increased escape stair widths.

Golden Thread

8. Government endorsement of the Fire Safety Plan of Work as the standard industry framework
The RIBA suggests that the Fire Safety Plan of Work is endorsed by government as the standard industry framework for identifying the roles, responsibilities and the transfer of information of all members of the team during the project life cycle.

9. Client responsibility to maintain fire and life safety information as part of a comprehensive Building Manual

Extending CDM 2015 to include life safety of building users, must require the client to ensure that the Health and Safety File (including appropriate fire and life safety information) for the project is prepared with the assistance of the Principal Designer and Principal Contractor. The file must be handed over to the building owner as part of a comprehensive Building Manual, providing key information for on-going fire and life safety management during the lifespan of the building.

Regulations and Guidance

11. Baseline prescriptive regulatory requirements for all aspects of building and life safety, not just fire safety

The RIBA recommends a baseline level of prescriptive and clearly set out regulatory requirements as they relate to all measurable aspects of building and life safety, to avoid a number of parallel and conflicting processes. The RIBA is not aware of any successful building control system internationally that does not rely on such prescriptive requirements.

12. Baseline prescriptive regulatory requirements for fire safety to include:

- External wall construction for existing or new buildings with a storey 18m or more above ground to be comprised of non-combustible (European class A1) materials only.
- In all new multiple occupancy residential buildings, a requirement for at least two staircases, offering alternative means of escape, where the top floor is more than 11m above ground level or the top floor is more than three storeys above the ground level storey (as required for commercial buildings in ADB - Vol 2: B1 Section 4).
- Retro-fitting of sprinklers / automatic fire suppression systems and centrally addressable fire alarm systems to existing residential buildings above 18m from ground level as “consequential improvements” where a building is subject to 'material alterations.'
- Mandatory requirement for sprinklers/automatic fire suppression systems and addressable central fire alarms in all new and converted residential buildings, as currently required under Regulations 37A and 37B of the Building Regulations for Wales.

13. Regular review of the Building Regulations

The RIBA proposes that a formal, predetermined programme for review of key Approved Documents should be adopted. The CDM Regulations (Health and Safety) are reviewed every 5 years.

Competence

14. Extension of CDM 2015 competence requirements for duty holders to ensure the life safety of all building users
The RIBA recommends that competence requirements for duty holders apply to all buildings not just those deemed 'complex'.

15. Requirement for professional bodies to ensure the competence of their members
The bodies representing professions licensed by an Act of Parliament or other Royal Charter, have the educational and training requirements, and professional codes of conduct in place to assure both the competence of their members, and the limits to members working beyond their competence.

16. Introduction of a competency assurance scheme for non-professionals
A competency assurance system/scheme may be required for duty holders whose professional activity is not regulated and/or overseen by a chartered body and others carrying out design and construction work. This scheme must be administered by a central government body, and if possible a department with the HSE to ensure independence and avoid conflicts of interest.

Residents' Voice

17. Requirement for residents' concerns to be considered by the Fire Brigade before the annual Fire Certificate is renewed.
Tenants and Residents' Associations must be consulted during annual inspections by the Fire Brigade so that their concerns about fire safety can be raised before the mandatory annual Fire Certificate is approved.

Quality Assurance and Products

18. Clarification of testing requirements in Approved Document B
Testing requirements need to be clear in Approved Document B and should include consideration of the toxicity of combustion products of construction materials and components. The "desk-top" study approach to demonstrating compliance with Regulation B4 should be removed completely.

19. Independent checking of claims made by material manufacturers and suppliers
The claims made by material manufacturers and suppliers with respect to public health and fire safety should be checked by independent bodies with suitable qualifications and experience to identify any false, misleading or incorrect statements. Manufacturers of building products and systems should be required to prove their fitness for purpose by full scale fire tests.