



CONSULTATION ON THE NEW SAFETY REGIME FOR OCCUPIED HIGHER-RISK BUILDINGS

CONSULTATION RESPONSE

PREPARED AND SUBMITTED BY

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INTRODUCTORY COMMENTS

1. We welcome this detailed consultation on the new building safety regime as it applies to the 'occupation' phase.
2. We have marked our responses in yellow, and where appropriate added written comments.
3. We are responding to the consultation mainly from the perspective of building owners.
4. Much of the content we agree with. There are some key issues we wish to highlight though:
5. It is not clear what happens if an already occupied building fails an assessment or reassessment? Will leaseholders have to vacate their homes? Even if the Regulator does not call for evacuation, the residencies may be in breach of their mortgage and insurance agreements if the property has no certificate, through no fault of the leaseholders. The consultation/Regulator needs to explain how that situation will be handled?
6. We are concerned about resident-led freeholds and the extent to which leaseholders will volunteer to become directors with all the responsibilities of the Accountable Person that entails.
7. The 28-day period for responding to a certification request on existing buildings may test smaller organisations. For example, the application may have to be signed off by the Board and 28 days is tight.
8. We are concerned about the lack of standardisation in the information requested by the Regulator. It means more resource and time the Regulator must devote, and the more time it takes, especially on new buildings, the less viable otherwise viable activities are. We therefore believe there should be some structure and format preferences expressed by the Regulator to make their job more manageable.
9. The requirement to pass building safety information to residents on occupation is legally unworkable. In a leasehold situation, for example, a buy-to-let landlord may let out a flat to a new resident and the Accountable Person may not know "when a new resident moves in" and is reliant on the flat owner providing that information. This trigger should be clarified. There needs to be a corresponding duty on leaseholders to ensure occupation information/updates are provided to Accountable Persons.

10. On some of the information requirements there needs to be best endeavours. For example, one of our members has a development with over 25 different languages spoken. It would be extremely disproportionate to expect them to deliver every document in those 25 languages. However, if there was a particular document that a resident wanted translated that might be reasonable.
11. Appeals will prove unattractive to Accountable Person because of the time involved. Internal reviews should follow a strict 28-day timescale and if the Regulator cannot make its standards, its original decision should lapse. Rather than going straight to court there should be a Peer Review process, before the courts.
12. There are various issues on which we think greater guidance is required and we are very willing to input into that.
13. There are some areas where we support the principle, but fear that insurance, particularly PI insurance will not be available and could stifle some of the obligations and intended objectives.

Notes:

14. This response is made on behalf of the British Property Federation – the trade association for real estate investors.
15. In collating our response, we have drawn on a group of about 40 members who are involved in our Building Safety Sounding Board. We are grateful for their assistance.
16. All our responses are public, and therefore can be published.

2. Registration

Registration of all occupied higher-risk buildings

To register the building, the principal accountable person must provide some basic details about the building and its accountable person(s). The information provided is intended to enable the Building Safety Regulator to confirm the location of the building, that it is within scope of the requirements under the Act and identify the persons responsible for the safety of the building and the duties under part 4 of the Act. A fee will also be payable to complete the application.

Under section 78 of the Act, the Building Safety Regulator is required to publish a register of the higher-risk buildings that have been registered, which may include the information which was submitted with the application. Including this information in the published register would enable residents and other interested parties to ascertain the building is registered and who is responsible for its fire and structural safety.

In respect of any new building which is partly or fully completed after the commencement of section 77 of the Act, the building (or the completed part(s) of it) must not be occupied before the building has been registered. This includes buildings that are designed and constructed under the new building control regime for higher-risk buildings (the gateways process) and buildings that are part way through design and construction when the regulations relating to the new building control regime come into force.

For existing occupied buildings, the principal accountable person will have a reasonable period after the regulations are signed and published to register their building(s) before they become liable for the offence. More detail about these provisions is set out below.

Timescale and process for registration

It is proposed that principal accountable persons must register their buildings with the Building Safety Regulator by 1 October 2023. After this date a principal accountable person would commit an offence if a higher-risk building was occupied but not registered. This means that principal accountable persons have 6 months, from when the regulations come into force in April 2023, to submit their applications to register their buildings.

Question: Do you agree or disagree that 6 months is sufficient time for the principal accountable person to provide the information to register their building?

- **Agree**
- Disagree
- Neither agree nor disagree
- Don't know

Question: Explain answer

We agree this is reasonable.

Agents

It is proposed that a principal accountable person may designate an agent to submit an application on their behalf, providing that when the application is submitted the agent confirms they have the authority to make it. If appointed the agent will act as the point of contact for the Building Safety Regulator in connection with the application^{[\[footnote 2\]](#)}.

The agent will also have to confirm the accuracy of the contents of the application on behalf of the principal accountable person. The principal accountable person and the agent must understand that knowingly or recklessly providing false or misleading information to the Building Safety Regulator is an offence.

Question: Do you agree or disagree that an agent may act for the principal accountable person in connection with the application?

- Agree
- Disagree
- Neither agree nor disagree
- Don't know

Question: Please explain

Again, this sounds reasonable.

Info for registration

- Details of the principal accountable person for the building and any other accountable person(s) (including name, contact details and address) and, if there are multiple accountable persons, confirmation of who is responsible for which part of the building;
- The name and title of a nominated individual who will act as a single point of contact for the principal accountable person within the organisation;
- Whether the principal accountable person is a local authority, a registered private provider of social housing, a registered provider of social housing, or another type of organisation;
- Building address;
- The year the building was completed, or the age band of the building where its precise age is not known, and whether on construction it had relevant building control consent;
- The number of storeys and height (in metres) of the building;
- The number of dwellings in the building; and,
- A statement confirming that the information submitted is, to the best of the applicant's knowledge, truthful and accurate.

Question: Do you agree or disagree that the required information is sufficient to identify the building and whether it is within scope of part 4 of the Act, and identify the principal accountable person and accountable person(s) (if there are multiple accountable persons) for the building?

- Agree
- Disagree
- Neither agree nor disagree
- Don't know

Question: Please explain

The list is sensible.

Changes to registration information

After the building has been registered with the Building Safety Regulator, it will be the responsibility of the principal accountable person to inform the Building Safety Regulator of any changes to the information supplied as part of the application for registration, other than any change of accountable person(s) where notification rules are governed by section 90 of the Act.

All changes must be notified to the Building Safety Regulator within 14 calendar days, excluding Christmas Day, Good Friday or a bank holiday in England and Wales, of either the change occurring or the principal accountable person becoming aware of the change.

Question: Do you agree or disagree that the principal accountable person should notify the Building Safety Regulator of any changes to registration information?

- Agree
- Disagree
- Neither agree nor disagree
- Don't know

Question: Explain answer

No further comment.

Question: Do you agree or disagree that the Building Safety Regulator should be notified within 14 calendar days, excluding Christmas Day, Good Friday or a bank holiday in England and Wales, of the change occurring?

- Agree
- Disagree
- Neither agree nor disagree
- Don't know

Question: Explain answer

We agree.

Principal accountable person must provide a physical address in England and Wales for themselves, and an address or addresses for all other accountable person(s) of the building.

Question: Do you envisage any difficulties with the requirement to provide a physical address in England and Wales for general communication and the service of notices?

- Yes
- No
- Don't know

Question: Explain answer

Buildings built under the new regime

It is proposed that, in submitting an application for registration for buildings that have been built under the new building control regime (the gateways process), the principal accountable person must provide the unique reference number that we expect the Building Safety Regulator to give to each higher-risk building whose construction it is overseeing for the building control completion certificate. This will enable the Building Safety Regulator to verify that it has granted a relevant completion certificate (or partial completion certificate) prior to occupation.

Under section 76 of the Act, an accountable person will commit an offence if they allow occupation of any residential units in part, or all, of a higher-risk building for which they are responsible, before a relevant completion certificate is issued. In addition, as noted previously, section 77 makes it an offence for a principal accountable person to allow residential occupation of a higher-risk building before it is registered with the Building Safety Regulator.

Requiring the principal accountable person to provide the unique reference number for the completion certificate, or the partial completion certificate, will support the Building Safety Regulator to validate that a principal accountable person or accountable person is not breaching these requirements.

Question: Do you agree or disagree that for buildings built under the new regime, the principal accountable person must provide the unique reference number for the completion certificate?

- Agree
- Disagree
- Neither agree nor disagree
- Don't know

Question: Explain answer

This seems sensible.

Buildings that will be subject to transitional arrangements

Whenever changes to the building regulations take place, transitional arrangements apply. When a developer submits a building notice, initial notice or full plans application to the local authority, the building regulations standards in place at the time of the application will apply, so long as work under the notice, or application, has already started or starts within a specified period of the notice being given.

Higher-risk buildings, for which construction has started before the new regime comes into effect, will be built to the building regulations standards in place at the time of the submission of their initial notice or full plans application to the local authority, rather than the requirements of the new, more stringent regime in design and construction. These buildings will benefit from the transitional arrangements. The exact transitional provisions we propose to apply when the new regulatory framework for higher-risk buildings comes into effect are set out in the consultation on the proposed changes to the building regulations.

Before these buildings can be occupied, and in line with the section 76 offence referred to above, the Building Safety Regulator will need to verify that these buildings have been provided with the appropriate completion or final certificate, depending on whether building control oversight was provided by a local authority or an Approved Inspector. It is therefore proposed that, in submitting an application for registration for such buildings, the principal accountable person must provide a copy of their completion certificate or final certificate. This will enable the Building Safety Regulator to verify that i) they have received the requisite certificate prior to occupation and ii) the building control body overseeing the building is satisfied that it complies with the requirements of building regulations. A building will not be registered unless a copy of the appropriate certificate has been provided by the principal accountable person.

Question: Do you agree or disagree that for buildings for which construction has started before the new regime comes into effect and which are subject to transitional arrangements, the principal accountable person must provide the appropriate certificate to the regulator?

- Agree
- Disagree
- Neither agree nor disagree
- Don't know

Question: Explain answer

We agree, but please see our response to the 'build' phase consultation for concerns about what is described as commencement for large and complex sites.

Existing buildings

We propose that in applying for registration, the principal accountable person must confirm whether to their knowledge the building met the appropriate building standards applying at the time of completion.

Question: Do you agree or disagree with this proposal?

- Agree
- Disagree
- Neither agree nor disagree
- Don't know

Question: Explain answer

Though we note, this may conflict with the provisions of PAS9980 (for example) where a risk-based approach may be adopted in the case of previous non-compliance with previous Building regulations. Replace "standards" with "Regulations" as compliance with historic standards will be impossible to determine (i.e. construction pre-1964). Alternative routes may have been adopted in the past also which would, strictly speaking, be non-compliant but still acceptable.

3. Building Assessment Certificate

Once a building has been registered, the principal accountable person will be required by the Building Safety Regulator to apply for a building assessment certificate when they receive a direction to do so.

The Building Safety Regulator will publish its timeframe for issuing directions for categories of occupied buildings, based on physical characteristics and potential risks, in its strategic plan published under section 17 of the Act.

Application for Building Assessment Certificate

The principal accountable person for a registered higher-risk building must apply for a building assessment certificate upon receiving a direction from the Building Safety Regulator to do so (see section 79 of the Act). The principal accountable person commits an offence if they do not apply within 28 calendar days of the direction being issued, unless they have a reasonable excuse.

For new builds, the principal accountable person will be directed to apply for a building assessment certificate within six months of occupation.

Question: Do you agree or disagree that 6 months is the appropriate time scale for calling in (i.e. issuing a direction) applications for a building assessment certificate following occupation of a registered new build building?

- Agree
- Disagree
- **Neither agree nor disagree**
- Don't know

Question: Explain answer

The suggested 6-month period is fine. We are more concerned about the 28-day period for existing buildings. For example, in many smaller organisations the application may have to be signed off by the Board and 28 days is tight.

The application must be made through the Building Safety Regulator's digital platform. The application must be accompanied by:

- a copy of the latest safety case report for the building (unless it has already been given to the Building Safety Regulator – see consultation section on the principles of managing building safety risks and the safety case report);
- a copy of the residents' engagement strategy;
- prescribed information about the mandatory occurrence reporting system in place; and,
- prescribed information demonstrating compliance by each accountable person that they have met the requirements of their duties under section 89 of the Act.

The costs incurred by the Building Safety Regulator in conducting its assessment will be charged to the principal accountable person.

Prescribed information to accompany an application for a building assessment certificate

Secondary legislation will set out the rules about prescribed information to be provided to the Building Safety Regulator when applying for a building assessment certificate.

Section 80(1)(b) of the Act provides that, in submitting an application for a building assessment certificate, the principal accountable person must include details about its mandatory occurrence reporting system which meet the prescribed requirements detailed in the consultation section on mandatory occurrence reporting. We propose that the application must be accompanied by a document that demonstrates compliance with section 87(5) and (6) of the Act. In doing so, the document would show how the principal accountable person will establish and operate an effective mandatory occurrence reporting system for the receiving of information relating to a building safety risk. The system would enable them to comply with section 93(1) of the Act (investigating complaints).

Question: Do you agree or disagree how the detail about the mandatory occurrence reporting system should be given in connection with the application?

- Agree
- Disagree
- Neither agree nor disagree
- Don't know

Question: Explain answer

This seems sensible.

Section 80(1)(c) of the Act provides that, in submitting an application for a building assessment certificate, the principal accountable person must include prescribed information demonstrating compliance by each accountable person with their duties under section 89 to provide information to relevant persons. We propose the application must be accompanied by a statement by the principal accountable person confirming that each accountable person has provided the information and copies of documents required to be given to (a) the Building Safety Regulator, (b) another accountable person, (c) residents and owners of flats in the building and (d) other prescribed persons, by regulations made under section 89 of the Act.

Question: Do you agree or disagree with the proposed requirements for the provision of prescribed information for application for a building assessment certificate?

- Agree
- Disagree
- Neither agree nor disagree
- Don't know

Question: Explain answer

We support the proposal.

Notices under section 81 - content and requirement for copies to be served on all other accountable persons for the building

Regulations may be made which specify information that must be included in a notice given to the principal accountable person refusing to issue a building assessment certificate under section 81(3)(b) of the Act. We propose that the regulations will provide that the contents of a refusal notice must include the following:

- a brief description of the contravention of the duty or duties that give rise to the decision;
- the reason why the contravention has caused the Building Safety Regulator to refuse the application for a building assessment certificate;
- information about the right to appeal against the decision following a review under section 25 of the Act; and
- the date of the decision.

Question: Do you agree or disagree that this information must be included in a notice refusing to issue a building assessment certificate?

- Agree
- Disagree
- Neither agree nor disagree
- Don't know

Question: Please explain

No further comment.

Section 81(3)(b) of the Act requires the Building Safety Regulator to notify the principal accountable person of its decision to refuse to issue a building assessment certificate. There is no requirement in the Act to notify any other accountable person for that building of that decision.

We propose, therefore, that regulations should provide that a copy of the notification sent to the principal accountable person under section 81(3)(b) must be copied to any other accountable person for the building. This is important because any accountable person for the building may seek a review of the decision or appeal under to the First-tier Tribunal under section 104 of the Act. In order to decide whether to exercise that right to seek a review all accountable persons need to be informed of the decision to refuse to issue the building assessment certificate. If the Building Safety Regulator is satisfied that the contravention of a duty could be remedied "promptly" the notice under section 81(4)(a) of the Act explaining the contravention of duties and by when they must be remedied is only required to be served on the principal accountable person.

In buildings with multiple accountable persons, it may be another accountable person who is responsible for the duty and, therefore, responsible for remedying the contravention. It would be unreasonable to expect an accountable person to remedy a breach of duty for which they are responsible (not the principal accountable person) without the regulator informing that person of the contravention and giving them the opportunity to remedy it, particularly as non-compliance with the notice can lead to refusal to issue the building assessment certificate. We, therefore, propose that regulations should provide that a copy of the notice sent to the principal accountable person under section 81(4)(a) of the Act must be copied to any other accountable person for the building.

Question: Do you agree or disagree that copy notices issued by the Building Safety Regulator under sections 81(3) or (4) should be provided to all accountable persons for the building?

- Agree
- Disagree
- Neither agree nor disagree
- Don't know

Question: Explain answer

No further comment.

Display and content of certain information about accountable persons and the building assessment certificate

We propose the Building Safety Regulator must plan to carry out such an assessment at least every 5 years, although they may conduct an assessment at any time^{[footnote 71](#)}.

Question: Do you agree or disagree that the Building Safety Regulator must plan to conduct an assessment at least once in every 5 years?

- Agree
- Disagree
- Neither agree nor disagree
- Don't know

Question: Explain answer

Whilst a 5-year period seems reasonable, what is not clear is what happens if an already occupied building fails an assessment or reassessment? Will leaseholders have to vacate their homes? Even if the Regulator does not call for evacuation, the residencies may be in breach of their mortgage and insurance agreements if the property has no certificate, through no fault of their own. The consultation/ Regulator needs to explain how that situation will be handled?

It is proposed the information to be recorded on the building assessment certificate will include:

- the issuing office address of the Building Safety Regulator;
- e-mail address and telephone number of the Building Safety Regulator;
- the date the assessment was completed;
- a statement that the Building Safety Regulator is satisfied that all relevant duties under part 4 of the Act are being complied with on the date the assessment was completed; and
- the date of issue and signature of an officer of the Building Safety Regulator, authorised for that purpose.

Question: Do you agree or disagree that this is the right information to be included in a building assessment certificate?

- Agree
- Disagree
- Neither agree nor disagree
- Don't know

Question: Explain answer

It is a sensible list.

Separately, and in addition to the building assessment certificate, the principal accountable person must display in a conspicuous position in the building a notice giving prescribed information about all the accountable person(s) for the building. This notice is required to be displayed at the same location as the building assessment certificate.

It is proposed the information to be displayed in the notice must include:

- the current details of the name and address of every accountable person for the building;
- if any address is not in the United Kingdom, an address – not including a PO Box - in England or Wales for correspondence and receipt of notices; and,
- contact telephone numbers and e-mail addresses of the accountable persons.

Where the building has more than one accountable person the notice must specify which of those is the principal accountable person and for which parts of the building each of the accountable person is responsible.

It is also proposed that the notice must include the date the notice was published.

We are not proposing to be overly prescriptive on how the Building Safety Regulator issues the building assessment certificate or notice, however, save that this needs to be in given in writing and can be provided through electronic means.

Question: Do you agree or disagree that this is the right level of information which needs to be included in a displayed notice?

- Agree
- Disagree
- **Neither agree nor disagree**
- Don't know

Question: Explain answer

We support the principle that residents should have a direct means of communication with the accountable person(s). It is not clear from the description, however, whether contact telephone/email are individual ones or corporate. In a situation where there is a residents' management company, there may not be a corporate address and individual directors may not want their personal details shared with everyone. It is not clear also whether the contact details of an agent would be acceptable in such circumstances.

4. Accountable Persons

Proposal

Although section 72 of the Act defines who can be an accountable person for a building, it does not set out for which parts of the building they might be directly responsible under part 4 of the Act where there are multiple accountable persons. In other words, although a person may meet the definition of an accountable person it does not explain for which parts of the building that person has the accountable person duties in part 4 of the Act.

The proposed regulations under section 74 of the Act will assign responsibility for part 4 duties to specific accountable persons based on their legal estate in possession or to the area for which they have a repairing liability as set out in a lease or by virtue of an enactment^[footnote 8]. This can be for the whole or a part of the building as demised under a lease and encompasses the common areas and residential units within that part.

Given the principal intention is that there is a whole building approach to safety, the accountable person will be considering fire and structural building safety risks and their mitigation within occupied residential units under sections 83 and 84 of the Act, including in those flats which are let on long leases. There is an expectation that where the building safety risks are identified as being generated from a leasehold flat the accountable person will normally be expected to enforce the duties of the leaseholder^[footnote 9], and their obligations under the lease^[footnote 10], as we have enabled them to issue contravention notices under section 96.

For those residential units which have been let on long leases, the accountable person duties apply only to mitigate or prevent risks to protect the common parts or residential units which are under the control of the accountable person or to mitigate or prevent known risks to those leasehold residential units emanating from the common parts or residential units under their control. (For example, to ensure that where a fire does occur it is either contained within that leasehold flat or does not enter into a leasehold flat if it originates from the common parts or other area it has control over.)

The duties assigned to an individual accountable person do not extend to those duties or functions under the Act, or in regulations, which are the responsibility of the principal accountable person, unless that accountable person is also the principal accountable person because they meet the definition of that person in section 73(1) of the Act.

Question: Do you agree or disagree with the approach set out above?

- **Agree**
- Disagree
- Neither agree nor disagree
- Don't know

Question: Explain answer

We are supportive of the principle but have concerns that having many accountable persons will be challenging for the sector, and this is one aspect of the new regime, where guidance and continued monitoring of how it is being implemented is important.

We are also concerned about resident-led freeholds and the extent to which leaseholders will volunteer for such roles.

5. Principles for managing building safety risks and the safety case report

Principles for managing building safety risks:

- Avoid incidents involving building safety risks
- Assess and evaluate building safety risks
- Prioritise safety features which combat risks at source
- Inspect, test and maintain safety features
- Ensure risks are assessed and managed by people with the right skills, knowledge, experience and behaviours
- Prioritise collective safety features
- Adopt new technologies
- Replace dangerous features for those that are less dangerous
- Ensure residents' voices are heard
- Provide clear instructions and information to employees and contractors

Question: Do you agree or disagree with the proposed principles that the principal accountable person and accountable person(s) must follow when managing building safety risks?

- Agree
- Disagree
- Neither agree nor disagree
- Don't know

Question: Explain answer

The list is a good one, and something that PAPs and APs should be mindful of, but beyond a statement of good principles it is not clear how this will be used?

Form and content of safety case reports, and notifications and submissions of safety case reports to the Building Safety Regulator

The proposed content required in safety case reports is set out below.

- For a safety case report to meet its purpose, it must be contextual to the building in question. The context can be set through a description of the building itself. This may include the age and height of the building, the materials it has been constructed with (where such information is available), floorplans and the number of dwellings, services (including those for firefighting), the fire strategy in place, and the location and surroundings of the building.

- Where certain information is not already held, principal accountable persons and accountable persons may need to undertake surveys or analysis to gather it. Information, either old or new, required to support the safety case report must be stored in the golden thread of information.
- The Act places a clear duty on principal accountable persons and accountable persons to ensure they undertake suitable and sufficient risk assessments to identify the likely incidents involving building safety risks that could occur in the building. Consideration should be given to the likelihood of an incident and the events that might lead up to it. The safety case report should provide a summary of the assessments of building safety risks. Any risk assessments carried out to meet the requirements of the Regulatory Reform (Fire Safety) Order will be relevant and may be referenced in the safety case report.
- Having assessed and understood the risks, principal accountable persons and accountable persons must ensure they take all reasonable steps to prevent an incident involving building safety risks and limit the impact should such an incident occur. An overview of the steps taken to manage building safety risks should be included in safety case reports.
- Principal accountable persons and accountable persons must be able to provide evidence of the safety measures that are in place, account for the decisions taken and be able to explain and evidence why they reached the conclusions they have reached.
- For risk assessments to remain valid, and safety arrangements kept in good condition and full working order, principal accountable persons and accountable persons are required by the new regime to have systems, processes and policies in place which deliver the effective planning, organisation, control, monitoring and review of all the measures in place. This is to prevent an incident involving building safety risks materialising and to limit the impact should one occur.
- The foundation for delivering this approach is to apply a safety management system. The safety case report should provide a summary of the relevant aspects of the safety management system, explaining why and how it contributes to keeping fire and structural risks controlled to tolerable levels. For example, the regular testing and maintenance of critical fire safety equipment, such as fire doors, lifts, fire-suppression systems and keeping escape routes clear. Some of these arrangements and the timing/frequency of when they are carried out, such as the testing of fire doors and fire-fighting lifts, may be required by other regulations, for example the Regulatory Reform (Fire Safety) Order.
- Policies and procedures in the safety management system which relate to how changes are managed in a building may be of particular importance, for example when building work or other refurbishment projects are being carried out at a high-rise residential building.
- The duties placed on principal accountable persons and accountable persons requires them to not only to take all reasonable steps to prevent an incident involving building safety risks occurring, but to also limit the consequences should one happen, acknowledging that such events, while rare, are possible.

- Within the safety case report it is, therefore, necessary to explain the emergency arrangements and plans for the building. Emergency arrangements, which will build on the details of the building as set out in the safety case report, are likely to include links between the fire strategy and firefighting services for the building and their locations, particularly in relation to local emergency services, and information shared with local fire and rescue authorities to support emergency response preparations.
- Emergency arrangements will need to consider the residents within the building. Residents must be provided with sufficient information to ensure they are aware of how they are expected to respond in certain scenarios – and this information should be provided as part of the principal accountable person's Residents' Engagement Strategy.
- The safety case report should conclude with a definitive summary which demonstrates that all reasonable steps have been taken. It should show that the arrangements in place are proportionate and suitable and assure the reader that duties to assess and manage building safety risks have been, and will continue to be, met by principal accountable persons and accountable persons.

Question: Do you agree or disagree with the proposed content of the safety case report?

- **Agree**
- Disagree
- Neither agree nor disagree
- Don't know

Question: Explain answer

We support the content and understand why the Regulator does not want to use proformas, etc, to get people thinking about safety and therefore effect the change of culture that Dame Judith Hackitt called for. There is however an inherent weakness in the system proposed, which is that less standardisation means more resource and time the Regulator must devote, and the more time it takes, especially on new buildings, the less viable otherwise viable activities are. We therefore believe there should be some structure and format preferences expressed by the Regulator to make their job more manageable.

It is also worth stressing that the primary audience for the safety case should be those running the building, and compliance checks are really of secondary importance. The safety case should be understandable and useable by those running the building and should be something that is capable of being assembled internally, without the need to refer to external assistance, such as from risk consultants.

A safety case report should be a written document, which takes the reader through a logical journey about the building, the assessment of building safety risks, and how those risks are being managed on an ongoing basis.

Safety case reports, and the information and evidence that supports them, must be kept up to date – they are not one-off exercises or only to be revisited when an application for a building assessment certificate is required.

Where there has been a change to the assessments made of building safety risks, or the steps taken to manage them, the safety case report must be revised to reflect the changes made. This is an ongoing process.

The safety case report will need to be stored in the golden thread and meet certain digital requirements. More detail is set out in the consultation section on golden thread contents and how the golden thread is stored and managed. The principal accountable person should notify the Building Safety Regulator electronically when they have produced or updated a safety case report. Where a safety case report has been updated, the notification provided by the principal accountable person should set out to the Building Safety Regulator why the revision has been made and include an overview of the main changes made to the report.

For an electronic notification to be made to the Building Safety Regulator regarding the completion, or update, of a safety case report, the principal accountable person must submit a completed notification form which will be available online, on the Building Safety Regulator's website. The regulations will allow for this to be specified by direction.

Following the receipt of a notification, or at another time when the Building Safety Regulator requires the submission of a report, the Building Safety Regulator will make requests for and take receipt of safety case reports electronically. On receipt of a notification, the Building Safety Regulator will decide whether to request submission of the report based on the information provided.

Question: Do you have any views on the format in which a safety case report must be produced, stored, and submitted?

As said in response to the previous question the Regulator should express some preference over format and structure to make their task more manageable and speedier.

Question: Do you have any views on the way in which the Building Safety Regulator must be notified by the principal accountable person following the completion or update of a safety case report?

The electronic notification seems sensible.

Question: Do you have any further observations you would like to share?

No

6. Mandatory occurrence reporting

Establishing and operating a mandatory reporting system

Mandatory occurrence reporting places duties on the principal accountable person and accountable person(s). As set out in section 87(5) of the Act, the principal accountable person must establish and operate an effective mandatory occurrence reporting system which complies with prescribed requirements which will be set out in regulations.

We do not intend to be overly prescriptive in terms of how a reporting system should be implemented nor how it is operated or maintained. However, we propose that the principles of an effective reporting system should:

- Be known to, understood by, and accessible to accountable persons;
- Form an ongoing, integral, and regular part of the building safety risks management process;
- Maintain a whole-of-building approach and be built to facilitate urgent reporting of safety occurrences;
- Identify and capture safety occurrences; and,
- Allow safety occurrences to be formally reported to the Building Safety Regulator as soon as is practicably possible and within the mandated time.

The mandatory occurrence reporting system should not be overly complex and can be integrated into established incident reporting systems. The system should facilitate the provision of adequate instruction and information about incidents or situations that must be inputted by, or on behalf of, the principal accountable person or the accountable person for the part of the building for which they are responsible so as to provide a holistic reporting system for the whole building reporting to the Building Safety Regulator.

The building should have a single mandatory occurrence reporting system, which aligns with the other duties under the occupation regime, forming the building's safety management process. Where a higher-risk building has multiple accountable persons, the principal accountable person is responsible for ensuring the mandatory occurrence reporting system should be accessible to all the accountable person(s) to achieve a whole building approach.

When the principal accountable person or the accountable person becomes aware of a safety occurrence within the part of the building for which they are responsible^{[\[footnote 12\]](#)}, we intend to require that they notify the Building Safety Regulator of the safety occurrence through the reporting system established by the Building Safety Regulator. The principal accountable person will need to ensure that their mandatory occurrence reporting system facilitates the notification and monitoring of reports made to the Building Safety Regulator by themselves and accountable person(s).

In addition, residents and other persons may report incidences to the principal accountable person or accountable person(s) which may transpire to be a reportable safety occurrence. These will need to be reported in turn by the accountable person through the mandatory occurrence reporting system.

An effective system needs to facilitate the identification of a safety occurrence i.e. the occurrence meets the definition of a safety occurrence to be reported to the Building Safety Regulator and then to record and store the information that is submitted.

This information is to be stored as part of the golden thread for that particular building for a period of time. The minimum period of time is until the next building assessment is carried out by the Building Safety Regulator and longer if the incident remains relevant. Where the occurrence is no longer relevant after the subsequent assessment, the principal accountable person is under no obligation to retain a record as part of the golden thread.

Question: Do you agree or disagree with the proposals for establishing and operating a mandatory occurrence system by the principal accountable person?

- Agree
- Disagree
- Neither agree nor disagree
- Don't know

Question: Explain answer

No further comment.

Circumstances for requiring mandatory reporting

We propose that the circumstance in which a safety occurrence^{[footnote 14\]](#)} is reportable is when that circumstance meets the following criteria:

- an incident or situation relating to the structural integrity or spread of fire of a higher-risk building that meets the risk condition
- the "risk condition" is use of the building without the incident or situation being remedied, that would be likely to present a risk of a significant number of deaths, or serious injury, to a significant number of people.

The Building Safety Regulator will produce guidance detailing examples of incidents and situations which should be reported; however, this will not be a definitive list. The principal accountable person or accountable person(s) will need to use their own judgement to determine whether an occurrence meets the proposed criteria for the circumstances in which an incident should be reported.

We understand that this prescribed circumstance for reporting leaves some room for interpretation, and this is intentional. The intention of mandatory occurrence reporting is to drive a proactive safety and reporting culture, and to capture serious incidences which may be indicative of a larger systemic issue with a building's safety or across industry.

The definition of safety occurrence should be considered alongside the types of occurrences which will be detailed in guidance. Examples of these include unauthorised work or activity; discovery of structural defects or fire safety defects; and, a fire which breaches compartmentation. An incident may fall into these categories, however, if they do not meet the risk condition detailed above – then they are not reportable under mandatory occurrence reporting.

Question: Do you agree or disagree with the proposed circumstance in which a safety occurrence is reportable?

- Agree
- Disagree
- Neither agree nor disagree
- Don't know

Question: Explain answer

No further comment.

Question: Do you agree or disagree with the definition of a safety occurrence?

- Agree
- Disagree
- Neither agree nor disagree
- Don't know

Question: Explain answer

No further comment.

Mandatory occurrence reporting to the Building Safety Regulator

We propose that the required information for mandatory occurrence reporting that must be submitted to the Building Safety Regulator is:

- The date and time of the safety occurrence;
- The address of the building at which the safety occurrence happened;
- Name and contact details of the principal accountable person or the accountable person making the report; and,

- The details of the safety occurrence (including the nature of the risk).

Question: Do you agree or disagree with the proposed information that should be reported to the Building Safety Regulator?

- Agree
- Disagree
- Neither agree nor disagree
- Don't know

Question: Explain answer

No further comment.

Given the serious nature of the incidences which fall under mandatory occurrence reporting, it is imperative that reports are made and submitted without delay. This is to ensure that the Building Safety Regulator is able to take any immediate action necessary, be that the sharing of useful safety information with industry and/or further investigation or enforcement measures.

Where the principal accountable person or an accountable person becomes aware of a safety occurrence, we intend to require that they notify the Building Safety Regulator of the safety occurrence as soon as reasonably practicable and provide the Building Safety Regulator with a written report containing required information (detailed above) within 10 calendar days of becoming aware of the occurrence.

Question: Do you agree or disagree that safety occurrences should be reported to the Building Safety Regulator within 10 calendar days?

- Agree
- Disagree
- Neither agree nor disagree
- Don't know

Question: Explain answer

No further comment.

7. Residents voice

Providing residents with building safety information

Information the principal accountable person or relevant accountable person will provide to residents

We propose that under section 89 of the Act each accountable person will be responsible for providing residents in their part of the building with certain information. They will provide this information when the building is first occupied, when a new resident moves in, or when the information becomes out of date. The accountable person must provide this information as soon as reasonably practicable. Some information, such as contact details for the accountable person, will also need to be displayed prominently in the building.

Question: Do you agree or disagree with the instances in which the accountable person will be required to provide residents with information?

- Agree
- **Disagree**
- Neither agree nor disagree
- Don't know

Question: Explain answer

This is legally unworkable. In a leasehold situation, for example a buy-to-let landlord may let out a flat to a new resident and the AP may not know "when a new resident moves in" and is reliant on the flat owner providing that information. This trigger should be clarified. There needs to be a corresponding duty on leaseholders to ensure occupation information/updates are provided to APs.

We are proposing that the relevant accountable person must provide residents with the following information:

- **Measures to reduce the risk of fire and ensure the structural integrity of the building** – this will include, for example, a summary of the most recent fire risk assessment, a summary of the measures in place to mitigate the potential spread of fire and any building structural safety risks, information on how residents can reduce the risk of fire, report a safety issue and help the accountable person manage building safety risks^{[footnote 151](#)};
- **Contact information for building safety matters and a short explanation of their role** – this will include, for example, the accountable person providing the information for the principal accountable person and any accountable person and the Responsible Person under the Fire Safety Order; and,
- **Information about residents' rights** – for example a copy of the residents' engagement strategy, the principal accountable person's complaints policy, and a list of the further information residents can request.

This information must be stored in the golden thread of information. The golden thread part of the consultation sets out more detail on the information that has to be stored in the golden thread.

Question: Do you agree or disagree with the proposed types of information residents should always receive?

- Agree
- Disagree
- Neither agree nor disagree
- Don't know

Question: Explain answer

This seems sensible and hopefully will provide leaseholders and residents with enough information to enable them to keep their homes safe and to know what to do if a fire or structural incident occurs.

Question: Are there any specific documents or information you think should be included or excluded from the information residents receive automatically?

- Yes
- No
- Don't know

Question: Explain answer

There may be documents that should not be disclosed to leaseholders/ Residents to preserve/ensure building security. Specialist advice should be taken on this point and provision for such information to be withheld on the basis of specialist advice.

Leaseholders/Residents should be provided with relevant/key documents but not all documents. Simply to prevent leaseholders from becoming overwhelmed with technical information that they may not understand. It might be sensible to provide a summary of the key take aways relevant to leaseholders and residents.

Specific information should be included about how leaseholders/residents can cause a building safety risk together with real examples. This will hopefully improve awareness and lead to improved cooperation between APs and leaseholders/residents.

Requests for further information

We are proposing that residents have the right to request the following information:

Measures to reduce the risk of fire and ensure the structural integrity of the building

- a) current and previous relevant fire risk assessments for the higher-risk building;
- b) the current safety case report, and previous relevant safety case reports;
- c) any other information that forms part of the information and evidence compiled by the principal accountable person or accountable person(s) as required to underpin the safety case report;
- d) details as to how building safety assets in the higher-risk building are managed, the reasonable details of, and the schedule for, any planned maintenance and repairs of the building and fire safety features;
- e) the outcome of any building safety inspection checks for the higher-risk building that have been undertaken;
- f) the fire safety strategy for the higher-risk building;
- g) copies of structural assessments of the higher-risk building;
- h) planned and historical changes to the building which are relevant to building safety risks;
- i) a risk register of fire hazards for the building and how they are being managed;
- j) any information required to be provided to the resident as part of the initial provision of information;
- k) all other building safety information that the principal accountable person or accountable person(s) reasonably considers should be provided to residents on request so that:
 - (i) residents are able to play an active role in building safety decisions as part of the residents' engagement strategy;
 - (ii) residents are able to play an active role in the safety of their higher-risk building; and,
 - (iii) residents are able to fully understand the building safety features of, and building safety measures in place for, the higher-risk building in which they live;

Information pertaining to residents' rights

- l) previous residents' engagement strategies for the building;
- m) in higher-risk buildings where there is more than one accountable person, the principal accountable person must be clearly identified; and
- n) the records of the results of the periodic review by the principal accountable person of the appropriateness of the methods of promoting participation under the residents' engagement strategy.

Question: Do you agree or disagree with the proposed lists of further information that residents can request?

- Agree
- Disagree
- Neither agree nor disagree
- Don't know

Question: Explain answer

No further comment.

How the information must be provided

We propose that the principal accountable person or the relevant accountable person provides information to residents in a format that allows residents to clearly understand the information without specialist knowledge.

Where residents have expressed their preference for information in a particular format the accountable person should take these preferences into account, including providing the information in an accessible format when required, as far as it is reasonable to do so.

Question: Do you agree or disagree with how information will need to be provided to residents?

- Agree
- Disagree
- Neither agree nor disagree
- Don't know

Question: Explain answer

We think this requires further guidance and should be couched in terms of best endeavours. For example, one of our members has a development with over 25 different languages spoken. It would be extremely disproportionate to expect them to deliver every document in those 25 languages. However, if there was a particular document that a resident wanted translated that might be reasonable.

It also needs to be borne in mind that building safety costs are recoverable from leaseholders and APs will be mindful of disproportionate costs on other leaseholders.

Question: Do you agree or disagree that residents should be able to request information in an accessible form?

- Agree
- Disagree
- Neither agree nor disagree
- Don't know

Question: Explain answer

See response above. Also, digital provision should be the default, unless the resident has access problems.

Exemptions

Where further information is requested, the principal accountable person or the relevant accountable person will not have to provide this information where they reasonably believe:

- The information may have an adverse impact on the security of the building, the residents, or other buildings in the vicinity or the local area; and
- The information may have an adverse impact on individual residents through the release of personal information about them.

The principal accountable person or the relevant accountable person will also need to consider whether information may infringe intellectual property rights or a legally-binding obligation of commercial confidentiality. The principal accountable person or the relevant accountable person may still have to provide this information even if providing this information may infringe intellectual property rights or commercial confidentiality, if the information would aid residents' understanding of the safety of their building. If the information can be redacted in such a way as to protect intellectual property rights and commercial confidentiality and still aid residents' understanding of the safety of their building, then it may be acceptable to redact the information.

However, if the information cannot be redacted in such a way, then the presumption will be that the information should be shared in a unredacted form where the information will aid resident's understanding of the safety of their building.

The government has the power to provide in regulations that the duty to give information to residents can override obligations of commercial confidentiality.

The principal accountable person or the relevant accountable person will also not have to provide information where it does not exist or has been deleted in accordance with data protection requirements or deleted in line with the golden thread of information requirements. More detail on this is set out in the consultation section on the golden thread contents.

As set out above, the principal accountable person or the relevant accountable person will provide residents with certain information when a building becomes occupied or when a new resident moves in. This information must be provided unless it contravenes data protection legislation.

Where further information is requested, the principal accountable person or the relevant accountable person will not have to provide this information where they reasonably believe:

- The information may have an adverse impact on the security of the building, the residents, or other buildings in the vicinity or the local area; and
- The information may have an adverse impact on individual residents through the release of personal information about them.

The principal accountable person or the relevant accountable person will also need to consider whether information may infringe intellectual property rights or a legally-binding obligation of commercial confidentiality. The principal accountable person or the relevant accountable person may still have to provide this information even if providing this information may infringe intellectual property rights or commercial confidentiality, if the information would aid residents' understanding of the safety of their building. If the information can be redacted in such a way as to protect intellectual property rights and commercial confidentiality and still aid residents' understanding of the safety of their building, then it may be acceptable to redact the information.

However, if the information cannot be redacted in such a way, then the presumption will be that the information should be shared in an unredacted form where the information will aid resident's understanding of the safety of their building.

The government has the power to provide in regulations that the duty to give information to residents can override obligations of commercial confidentiality.

The principal accountable person or the relevant accountable person will also not have to provide information where it does not exist or has been deleted in accordance with data protection requirements or deleted in line with the golden thread of information requirements. More detail on this is set out in the consultation section on the golden thread contents.

Question: Do these exemptions strike the right balance between making sure residents can access information and the need to protect sensitive information?

- Yes
- No
- Don't know

Question: Explain answer

'Security' reasons for withholding information need to extend beyond the building or buildings in the vicinity, to also include infrastructure that might form parts of the plans of the building. Some of our members' buildings will straddle rail and tube lines, etc.

Consideration will also need to be given to instances of enforcement action, and what can be disclosed without prejudicing the right to a fair trial.

Question: Do you agree or disagree with the proposed approach to the intellectual property and commercial confidentiality exemptions?

- Agree
- Disagree
- Neither agree nor disagree
- Don't know

Question: Explain answer

No further comment.

The residents' engagement strategy

Under the new regime, the principal accountable person must ensure that they have a residents' engagement strategy. This strategy must set out:

- what information will be provided to residents about decisions relating to building management;
- what they will consult residents on;
- what aspects of a decision residents will have a say in;
- how they will consult residents; and,
- how they will review the appropriateness of the strategy.

The residents' engagement strategy must be prepared as soon as reasonably practicable after the building becomes occupied (by 2 households or more), or after the appointment of the principal accountable person, whichever is later. The strategy must be consulted on in prescribed circumstances.

The principal accountable person must provide a written copy of the principal accountable person's residents' engagement strategy to every resident who is 16 and over whom they are aware. If there are multiple accountable person(s) then each accountable person is responsible for providing the residents' engagement strategy to residents in the area they are responsible for.

Providing the residents' engagement strategy

We propose that the principal accountable person:

- must consider what format the residents' engagement strategy should be provided in that allows residents to clearly understand the content and aims of the strategy and promotes resident participation in building safety decisions, for example via email, posting hard copies etc;
- will be required to provide a copy of the residents' engagement strategy to any other accountable persons in the building, in a format that they can share with their residents; and,
- must store the residents' engagement strategy in the golden thread of information.

Question: Do you agree or disagree that it should be up to the principal accountable person to decide how to provide residents with a copy of the residents' engagement strategy?

- Agree

- Disagree
- Neither agree nor disagree
- Don't know

Question: Explain answer

This seems sensible.

The content of the residents' engagement strategy

We propose that the residents' engagement strategy requires the principal accountable person to inform residents about the following building safety decisions as a minimum:

- A decision to undertake works related to building safety where the associated costs would increase rent or service charge levels, for example, works that require a section 20 notice under section 20 of the Landlord and Tenant Act 1985; and,
- Appointment of contractors who are carrying out building safety works.

We propose that the residents' engagement strategy requires the principal accountable person to consult residents about the following aspects of a building safety decision:

- Quality and value for money options;
- The times at and days (for example weekend working) on which building safety work can take place; and,
- How potential disruptions to residents from building safety works could be mitigated, including their approach to carrying out emergency works.

Where works are required to commence on an emergency basis, and it would be unreasonable to consult, the principal accountable person will not be expected to consult on these issues but would be expected to work with residents as far as possible on managing disruptions.

Question: Do you agree or disagree with the proposed minimum requirements for when residents should be provided with building safety information?

- Agree
- Disagree
- Neither agree nor disagree
- Don't know

Question: please explain

If major works are being undertaken by a landlord via its managing agent, then it's highly likely that the bullet point information will be provided to leaseholders as part of the consultation process. Leaseholders/But to Let owners should be obliged to pass on this information to their tenants.

Question: Do you agree or disagree with the proposed minimum requirements for the aspects of a decision residents should be consulted on?

- Agree
- Disagree
- Neither agree nor disagree
- Don't know

Question: please explain

Our members fear that there are some residents who take a short-term view and only seek to drive down their service charges, regardless of the safety consequences. Consultation can be a helpful exchange of views, and it is right that APs should be asked to explain their decisions and courses for action. Consultation, however, should not simply become a barrier to action.

Section 20ZA Landlord and Tenant Act 1985 requires leaseholders to be consulted on:

Major works/works costing £250+ per leaseholder; or

Long term contracts (in excess of 12 months). Again, this is information that should be shared with tenants via their landlord.

Methods of engaging with residents

We propose that it is for the principal accountable person, working with accountable persons, to establish how best to seek views from the residents of a higher-risk building. We believe accountable persons will be best placed to understand the specific requirements of the residents in the building, and to be able to adapt their engagement to meet the requirements of their residents.

Question: Do you agree or disagree with allowing accountable persons to decide how best to seek residents' views?

- Agree
- Disagree
- Neither agree nor disagree
- Don't know

Question: Explain answer

This seems sensible.

Consulting on the residents' engagement strategy

To ensure the residents' engagement strategy takes account of the views of residents in the higher-risk building we propose that the principal accountable person must consult residents and any other accountable person(s) on their residents' engagement strategy when it is first prepared and when a new principal accountable person is appointed. We also propose that a consultation must take place following any material amendments being made to the residents' engagement strategy.

For new buildings that are being occupied for the first time, it will be for the principal accountable person to consider how to conduct this consultation, taking into account the need to consult promptly while allowing the majority of residents to share their views. We would encourage multiple staged consultations on the residents' engagement strategy where appropriate, for example, if the building is occupied in stages.

When consulting on the residents' engagement strategy, the principal accountable person must consider what period of time is reasonable for this consultation, but that this consultation period should be no shorter than 3 weeks. In addition, we propose to require that in buildings where there is more than one accountable person (i.e. there is a principal accountable person and at least one other accountable person) the principal accountable person must consult with other accountable person(s) in the building on the residents' engagement strategy.

The principal accountable person will need to review the strategy and decide whether to make any changes following a consultation.

It will be up to the principal accountable person to establish what methods of, and arrangements for, consultation are appropriate and reasonable for the residents of the building, the nature of the building and matters being consulted on. We would expect the principal accountable person to set out how they will consult residents and owners on building safety decisions within the residents' engagement strategy itself. The residents and owners will have the opportunity to comment on this when consulted on the residents' engagement strategy.

Question: Do you agree or disagree with the proposed approach to when the residents' engagement strategy should be consulted on and with who?

- Agree
- Disagree
- Neither agree nor disagree
- Don't know

Question: Explain answer

We agree in most circumstances, but in the case of scenarios like student accommodation, a survey of all residents may not be practicable and there may be better options, such as consulting with student representatives.

Question: Do you agree or disagree with the minimum period for consultation?

- Agree

- Disagree
- Neither agree nor disagree
- Don't know

Question: Explain answer

A minimum of three weeks seems sensible.

Keeping the residents' engagement strategy under review

We propose that the period of review should take place, as a minimum, every 2 years and following a consultation on the residents' engagement strategy under section 91(1)(c) of the Act; or more frequently where the principal accountable person considers a review necessary and/ or appropriate.

This review will look at the appropriateness of the methods used to promote participation from residents.

Question: Do you agree or disagree with the minimum timeframe for reviewing the residents' engagement strategy and the further instances where a review will be required?

- Agree
- Disagree
- Neither agree nor disagree
- Don't know

Question: Please explain

We agree, but again this may not work with scenarios such as student accommodation, where the residents are turning over each year.

Question: Are there other specific circumstances that should require a review of the residents' engagement strategy?

- Yes
- No
- Don't know

If yes, what circumstances should require the residents' engagement strategy to be reviewed? Explain your reasoning.

Change of a managing agent.

Making a complaint about building safety issues

A relevant complaint is defined in the Act as a complaint relating to:

- a 'building safety risk' - a risk to the safety of people in or about the building arising from either the spread of fire or structural failure; and
- the performance by an accountable person with regard to their duties.

Under the new regime, we propose that there will be no restriction on who can make a relevant complaint providing that it meets the definition of a 'relevant complaint' set out here. This would mean, for example, a contractor working in the building who identifies a building safety issue could raise a concern.

Question: Do you agree or disagree with the approach that anyone can make a relevant complaint?

- Agree
- Disagree
- Neither agree nor disagree
- Don't know

Question: Explain answer

We agree that anyone should be able to make a complaint from a building safety perspective. I should also be acknowledged that there are vexatious complainants. We think this issue needs some more guidance.

The complaints policy

To make sure complainants know how to raise a building safety issue and how their concern will be addressed, the principal accountable person will need to operate a complaints policy.

Many buildings already have effective policies for raising complaints. Where there are already effective processes for dealing with complaints and providing they meet the minimum requirements below, existing systems can be used for dealing with relevant building safety complaints.

We propose that as a minimum a complaints policy must include:

- How to make a complaint and the definition of a 'relevant complaint';
- The stages of the complaint process and the potential outcomes;
- How a complainant can challenge the decisions about a complaint and comment on any findings during an investigation;
- The expected timeframes for handling and investigating a complaint and service standards a complainant can expect; and,
- The complainants right to escalate a complaint to the Building Safety Regulator and how a complaint may be escalated.

The complaints policy will be part of the information the principal accountable person or the relevant accountable person has to provide to residents and be available on request. It therefore must conform with the requirements under those regulations.

Question: Do you agree or disagree with the minimum requirements for a complaints policy as set out above?

- Agree
- Disagree
- Neither agree nor disagree
- Don't know

Question: Explain answer

The steps seem sensible and follow good practice. This area of policy, however, could get quite cluttered. For example, the Government is intending to introduce compulsory redress into the private rented sector, and possibly also Commonhold. No AP should face double jeopardy. It will be important to define the lines of demarcation.

How to make a complaint

Building safety complaints could be incorporated into an existing complaints system.

The principal accountable person will be required to set out how to make a complaint in their complaints policy which will be provided to residents as part of the information the principal accountable person or the relevant accountable person is required to provide. The principal accountable person will also be required to prominently display instructions on how to make a building safety complaint in the common parts of the building.

Where a complainant specifies a preferred method of communication, the principal accountable person must consider whether it is reasonable to communicate using the complainant's preferred method.

Question: Do you agree or disagree with the requirement to have suitable mechanisms for receiving potential complaints and to consider a complainant's communication preference?

- Agree
- Disagree
- Neither agree nor disagree
- Don't know

Question: Explain answer

This seems sensible.

Question: Do you agree with the requirement to display how to make a complaint in the common parts of the building?

- Agree
- Disagree
- Neither agree nor disagree

Question: Explain answer

Given that anyone will have a right to make a complaint, this seems sensible.

Remedies

We propose that where a complaint is relevant and there is an issue, the principal accountable person, working with the relevant accountable person must:

- set out the steps that will be taken to rectify the issue;
- set out when they expect it will be rectified; and,
- communicate this to the complainant as soon as reasonably practicable.

When an issue has been rectified, the principal accountable person, working with the relevant accountable person or Responsible Person must communicate this to the complainant as soon as reasonably practicable. This may include working with other parties to remedy a situation, for example a Responsible Person acting under the Fire Safety Order.

Question: Do you agree or disagree with the requirements to communicate clearly with complainants when rectifying a relevant complaint?

- Agree
- Disagree
- Neither agree nor disagree
- Don't know

Question: Explain answer

No further comment.

The principle of escalation

We propose that the complaints system should include the ability for the complainant to challenge the response to their complaint, and for the principal accountable person to respond to this challenge.

Where the complainant is not content with the response to the challenge, then the complainant may escalate their complaint to the Building Safety Regulator. This balances the need to put the onus on those responsible for the building's safety with ensuring complainants have proper access to redress.

Question: Do you agree or disagree with this approach to escalating a complaint to the Building Safety Regulator?

- Agree
- Disagree
- Neither agree nor disagree

- Don't know

Question: Explain answer

No further comment.

Handling a complaint

To allow for different complaints and processes, we are not proposing complaints must be handled in a specific timeframe. In handling a complaint, the principal accountable person must make clear when a response to a complaint can be expected and when the complainant can expect issues to be put right.

We will require that building safety complaints must be handled in a timely manner, taking into account the particulars of that complaint, for example, a more complex complaint may take longer to resolve.

It will be for the principal accountable person and accountable person(s) to properly assess an appropriate timeframe to investigate and put issues right. Ultimately the arbiter of whether a relevant complaint has been handled in a timely manner will be the Building Safety Regulator.

Where building safety risks are considered as part of existing systems for handling complaints or issues, the principal accountable person will need to have an effective and appropriate prioritisation process that takes account the level of risk posed by the issue raised.

Where a complaint is considered to be not relevant, i.e. not a building safety complaint, then we would expect principal accountable persons and accountable person(s) to work appropriately with their counterparts, for example Responsible Persons, to ensure that issues are resolved appropriately, though they will not come under the requirements here.

Question: Do you agree or disagree with the approach of requiring the principal accountable person to respond to building safety complaints in a timely manner and appropriately prioritise them, rather than within a fixed timeframe?

- Agree
- Disagree
- Neither agree nor disagree
- Don't know

Question: Explain answer

We agree but have concerns about how the regulator will then judge whether the PAP is meeting their obligations.

Question: Do you agree or disagree that the principal accountable person should have to keep complainants regularly informed of the steps they are taking to resolve a complaint and whether any progress has been made, including reasoning for any delays?

- Agree

- Disagree
- Neither agree nor disagree
- Don't know

Question: Explain answer

This seems sensible.

We propose that a record of the complaint must be stored in the golden thread of information. The principal accountable person must record, as a minimum:

- contact details for the complainant;
- the date the complaint was raised;
- whether it is a first complaint on the issue or part of a series of complaints or related complaints;
- a summary of the complaint itself including reasoning for it being a 'relevant complaint' or not and any timeframes or prioritisation given;
- whether the response to the complaint was challenged and the details of that challenge or challenges;
- the date it was acknowledged;
- the date and summary of the initial response;
- the date and detail of any interim responses and any and all correspondence with the complainant; and,
- the date and detail of any final response, including any involvement of the Building Safety Regulator.

The principal accountable person must ensure that they review this information to ensure that they are only retaining relevant information. More detail on this is set out in the consultation section on the contents of the golden thread.

Question: Do you agree or disagree with these requirements on how a complaint should be stored?

- Agree
- Disagree
- Neither agree nor disagree
- Don't know

Resident contravention notices

The Act places 3 obligations on residents to support the work of the principal accountable person and the accountable person(s) in keeping the building safe. Residents must:

- not act in a way that creates a significant risk of a spreading fire or structural failure;

- not interfere with a relevant safety item e.g. sprinklers, smoke and fire alarm systems; and,
- comply with a request by the principal accountable person or the relevant accountable person for information reasonably required to allow the principal accountable person or the relevant accountable person to assess and manage building safety risks.

We anticipate that the majority of residents will already be fulfilling these obligations. The combination of better information and improved engagement by the principal accountable person or the relevant accountable person will help ensure that all residents understand the important role they can play in keeping their home and the building they live in safe.

Where a resident is not complying with their obligations, the relevant accountable person can issue a contravention notice. The relevant accountable person is the accountable person for the part of the higher-risk building which the resident lives in. If a resident does not comply with a contravention notice, it can be escalated to the courts who will be able to determine whether it should be enforced. In many cases where issues are identified, the accountable person will be able to resolve the issues by speaking to residents directly rather than by using a contravention notice.

If the relevant accountable person decides to issue a contravention notice, then the notice must specify the alleged contravention, the actions the resident should take and a reasonable time to take those steps. It must also set out the steps the relevant accountable person may take if the notice is not complied with.

Issuing a notice

We propose that when a contravention notice is issued, the relevant accountable person must comply with the following requirements:

- it must be in writing and served through an appropriate mechanism and that it is understandable to the resident in question, including taking account of any accessibility requirements;
- the accountable person must provide a copy of the notice to the resident in question's landlord (where the accountable person is not their landlord);
- refer to any relevant previous communication with the resident relating to the alleged contravention;
- when specifying potential escalation steps, the notice must signpost any relevant guidance issued by the Building Safety Regulator on contravention notices; and,
- it must include the accountable persons contact details.

Question: Do you agree or disagree with the requirements for issuing a contravention notice?

- **Agree**
- Disagree
- Neither agree nor disagree
- Don't know

Question: Explain answer

We broadly agree with the requirements. The relevant accountable person may also be able to rely on provisions in the lease. One should not prevent the other.

The relevant accountable person should also be able to communicate any contravention notice to insurers and mortgage providers, as contraventions may negate one or both.

The relevant accountable person will have to be mindful of any costs of seeking compliance from one leaseholder on all leaseholders. The costs involved in pursuing a contravention notice through the courts should be recoverable from the resident, and not just the service charge.

Recording information

We propose that the principal accountable person and accountable person(s) must all maintain a record of the contravention notices that they have served, and any relevant information connected with their use of contravention notices in the golden thread of information. The principal accountable person and accountable person(s) must ensure that they review this information to ensure that they are only retaining relevant information as required by the golden thread requirements. Retaining this information in the golden thread of information will be an important part of ensuring that these powers are not misused and that the Building Safety Regulator can request a copy of this information if a complaint is raised.

Question: Do you agree or disagree that the accountable person must maintain a record of the contravention notices that they have served, and any relevant information in line with the principles of the golden thread?

- Agree
- Disagree
- Neither agree nor disagree
- Don't know

8. The contents of the golden thread

Throughout this chapter we set out the information and/or copy documents the principal accountable person and the accountable person(s) need to store in their golden thread. However, this is only to be kept to the extent that this information remains relevant to supporting the safety of the building.

For instance, a principal accountable person may commission a fire risk assessment. After ten years the building is thoroughly refurbished and there are extensive changes made throughout the building. A new comprehensive fire risk assessment is undertaken. The old fire risk assessment would only need to be kept in the golden thread if there was a continuing need for it – i.e. that the information is relevant to the

ongoing safety of the building. In this case there is no need to retain the old fire risk assessment and it, therefore, does not need to be kept in the golden thread and can be deleted. The principal accountable person and accountable person(s) should explain their criteria or rationale for information being deleted.

The Building Safety Regulator intends to provide guidance to help the principal accountable person and the accountable person(s) identify the information/copy documentation that is relevant and should be retained in the golden thread. It is important to note that information may not always remain relevant and that it is important information and documents in the golden thread are regularly reviewed.

Question: Do you agree or disagree that only information relevant to building safety risks should be stored in the golden thread?

- Agree
- Disagree
- Neither agree nor disagree
- Don't know

Question: Explain answer

We agree that additional guidance will be required. We fear that the Golden Thread will end up stuffed with old documents as those with compliance obligations will not want to risk removing a document that they might have to later rely on.

Question: Do you agree or disagree that the information in the golden thread should be regularly reviewed to ensure it remains proportionate and relevant?

- Agree
- Disagree
- Neither agree nor disagree
- Don't know

Question: Explain answer

Agree, but see our response to the previous question and need for guidance.

Do you have any other comments on how to ensure the golden thread is relevant and proportionate?

No comment.

Responsibility

We expect that the principal accountable person will always retain overall responsibility for the golden thread. However, if there are multiple accountable persons – then the principal accountable person and the accountable person(s) are individually responsible for keeping information about the part of the

building which they are responsible for in the golden thread. Each accountable person will need to ensure that this information is up to date.

We also propose that if there are multiple accountable persons it will be the responsibility of the principal accountable person to ensure all accountable person(s) can access and use the golden thread. We propose that the principal accountable person and accountable person(s) should retain this information in the golden thread, in line with the requirements set out in the section on relevance and proportionality. This means this information should be retained for as long as it remains relevant to identifying, assessing, and managing building safety. We would expect a large part of the information would remain relevant until it is superseded by further maintenance and refurbishment work. Each accountable person is responsible for ensuring the information in the golden thread related to the part of the building for which they are responsible is accurate and up to date.

Question: Do you agree or disagree with the approach outlined above?

- Agree
- Disagree
- Neither agree nor disagree
- Don't know

Question: Please explain

No further comment.

Contents

We propose that for buildings which have been built under the new building control regime (the gateways process), the client should handover some of the information developed through the new building control regime to the principal accountable person. This information will be stored in the golden thread and should be handed over at the building handover stage. More detail on the information developed through the new building control regime can be found in the [consultation on the proposed changes to the building regulations](#).

We propose that for a new building the information in the golden thread that the client should handover to the principal accountable person is:

- the information required to be submitted to the Building Safety Regulator in a completion certificate application (the prescribed documents). The application will include the following:
 - i. Plans of the completed building work
 - ii. Construction Control Plan
 - iii. Change Control Plan
 - iv. Design and Build Approach Document
 - v. Fire and Emergency File
 - vi. Compliance declarations

- the relevant information/evidence required to support the prescribed documents
- completion certificate issued by the Building Safety Regulator under the building regulations.
- any further information that is relevant to the ongoing safety of the building and is not covered by the material above – this could include documents/information required to be submitted to the Building Safety Regulator at building control approval stage, and information required through the statutory change control process during the construction phase. We would expect that most information would be covered in the bullets above.

We propose that once the information is handed over, the principal accountable person is responsible for storing this information in the golden thread.

Question: Do you agree or disagree that the proposed information from the design and construction stage should be handed over to the principal accountable person, and that this information should be stored in the golden thread as long as it remains relevant to building safety?

- Agree
- Disagree
- Neither agree nor disagree
- Don't know

Question: Explain answer

It is not clear, however, how information on buildings coming via transitional arrangements will be treated.

As set out in the consultation sections on registration and certification all occupied higher-risk buildings will need to be registered and to apply, when directed, for a building assessment certificate. We propose that the principal accountable person should store in the golden thread the information/documentation required for registration and for the application for a building assessment certificate.

As set out in the section on relevance and proportionality in the golden thread, we consider this is subject to the overriding requirement around relevance. This means this information should be retained for as long as it remains relevant to identifying, assessing and managing building safety.

Question: Do you agree or disagree that the information/documentation provided at the registration and as part of the building assessment certificate application should be stored in the golden thread as long as it remains relevant to building safety?

- Agree
- Disagree
- Neither agree nor disagree
- Don't know

Question: Explain answer

This seems sensible.

The requirements and content of mandatory occurrence reports is set out in the consultation section on mandatory occurrence reporting. We propose that the principal accountable person and the accountable person(s) store mandatory occurrence reports in the golden thread.

As set out in section on relevance and proportionality in the golden thread, we consider this is subject to the overriding requirement around relevance. This means that this information should be retained for as long as it remains relevant to identifying, assessing and managing building safety.

Question: Do you agree or disagree that the mandatory occurrence reports are stored in the golden thread as long as the reports remains relevant to building safety?

- Agree
- Disagree
- Neither agree nor disagree
- Don't know

Question: Explain answer

This is sensible.

[The Fire Safety \(England\) Regulations 2022](#) will make it a legal requirement from 23 January 2023 for all high-rise residential buildings in England to have a secure information box installed on the premises. High-rise residential buildings are defined as a building at least 18 metres in height or at least 7 storeys containing 2 or more sets of domestic premises.

The information in the secure information box is the information deemed necessary for the use of the emergency services in an emergency. More information about the secure information box is set out in this [factsheet](#).

These regulations will require the Responsible Person to install a suitable secure information box in or on their high-rise building. They will also be required to provide in the box:

- Their UK contact details;
- The UK contact details of any other person who has the facilities to and is permitted to access the building as the Responsible Person considers appropriate;
 - Copies of the building's floor plans – which identify key fire-fighting equipment; and,
 - A single page block plan - which identifies key fire-fighting equipment.

We propose that a copy of this information should also be stored in the golden thread and that it will be the responsibility of the principal accountable person to ensure it is stored. The Responsible Person will be required to keep the information in the box up to date and we propose to require that the principal accountable person has to ensure the information in the golden thread reflects the information in the box, so that it is always up to date. Having the information in the golden thread will also enable it to be submitted to the fire service electronically for use in an emergency.

As set out in the section on relevance and proportionality in the golden thread, we consider this is subject to the overriding requirement around relevance. This information should therefore be retained for as long as it remains relevant to identifying, assessing and managing building safety.

Question: Do you agree or disagree that information deemed necessary for use by emergency services in an emergency, as stored by the Responsible Person in the information box, is stored in the golden thread?

- Agree
- Disagree
- Neither agree nor disagree
- Don't know

Question: Explain answer

We think that such duplication just means more documents for the Regulator to check for no real purpose. Providing the information is up to date in secure information box for the fire service it is serving its purpose.

Under the Fire Safety (England) Regulations 2022, the Responsible Person will be required to prepare a report of the design and materials of external walls and to share this information with the Fire and Rescue Service. We propose that a copy of this information should be stored in the golden thread and that it will be the responsibility of the principal accountable person to ensure this takes place. The Responsible Person will be required to keep the information up to date and we propose to require that the principal accountable person has to ensure the information in the golden thread reflects this so that it is always up to date. Having the information in the golden thread will enable it to be submitted to the fire service electronically and this information will support the principal accountable person and the accountable person(s) in the development of the safety case report.

As set out in the section on relevance and proportionality in the golden thread, we consider this is subject to the overriding requirement around relevance. This means this information should be retained for as long as it remains relevant to identifying, assessing and managing building safety.

Question: Do you agree or disagree that information the Responsible Person is required to collect on wall systems is stored in the golden thread as long as the information remains relevant to building safety?

- Agree
- Disagree
- Neither agree nor disagree
- Don't know

Question: Explain answer

We agree but believe this should be more prescriptive on format. Our members engagement with some Fire and Rescue Services at present is not helped by a lack of resource, with some Fire and Rescue Services far exceeding statutory and other deadlines. Having a standardised and digital format may help in terms of turnaround timescales.

The consultation section on residents' voice sets out details of the residents' engagement strategy, complaints process, contravention notices and the information to be provided to residents. It is important that the principal accountable person and the accountable person(s) have access to this information, as working with residents is an essential part of ensuring building safety. We propose that the following information should be stored in the golden thread:

- Residents' engagement strategy;
- Record of complaints;
- Record of contravention notices issued and any relevant information connected with their use of contravention notices; and
- Information provided automatically to residents.

The principal accountable person and the accountable person(s) must ensure that they review this information to ensure that they are only retaining relevant information as required by the golden thread principles. As set out in the section on relevance and proportionality in the golden thread, we consider this is subject to the overriding requirement around relevance. This means this information should be retained for as long as it remains relevant to identifying, assessing and managing building safety.

Question: Do you agree or disagree that the information set out above should be stored in the golden thread as long as the reports remains relevant to building safety?

- Agree
- Disagree
- Neither agree nor disagree
- Don't know

Question: Explain answer

No further comment.

Safety case and golden thread

The consultation section on the safety case sets out the information the safety case report should cover. We propose that the safety case report is stored in the golden thread.

The safety case report will be supported by the evidence and information that are detailed in the sections above (e.g. information provided through the new building control regime, the residents engagement strategy etc). However, there is other information/evidence that underpins the safety case report, but which may not be included in these documents. We propose that this other information is also stored in the golden thread. This does not mean that only the following information/evidence is required to support the safety case report. As set out in the section on relevance and proportionality in the golden thread, we propose that the principal accountable person and accountable person(s) should regularly review the golden thread to ensure the information remains relevant to building safety. This means that this

information should be retained for as long as it remains relevant to identifying, assessing and managing building safety.

We propose that the following information should be stored in the golden thread:

- plans of the building as it currently is;
- as built plans of the building if these are available and/or relevant to building safety;
- full and current fire risk assessments;
- other relevant fire risk assessments (i.e. previous fire risk assessments, if they are available, should be stored if they are relevant);
- details of preventive and protective measures for spread of fire and structural safety risks and information on the management and maintenance of these preventative and protective measures;
- fire strategy for the building;
- fire evacuation and management plan (if separate from the fire strategy);
- design intent if this is available. We are aware that for many existing buildings this is not possible but if the original design intent of the building can be identified then this should be stored in the golden thread if it is relevant to building safety;
- structural surveys/risk assessments/ reports if available, or assurance that a full structural survey is not necessary;
- details of whether the building has had a change of use together with the previous use;
- details of the building's construction – this could include the primary load bearing system (for example, pre-cast planks on a steel frame), the stability system (for example, concrete stair core(s), building façade material etc.
- details of when the building was built and relevant design codes or standards applying to that construction; and
- safety management system for the building. This should include but is not restricted to:
 - the planned maintenance and repairs schedules relevant to managing building safety risks,
 - outcome of building safety inspection checks, and
 - how assets and systems that are relevant to building safety risks are managed. Assets and systems could include: smoke extraction fans; lifts (in particular firefighting lifts); any pressure systems on site; energy sources and storage (natural gas, hydrogen, solid state batteries, PV cells); self-closing fire barriers. The Building Safety Regulator intends to provide more detailed examples of assets and systems in guidance.

As set out in the section on relevance and proportionality in the golden thread, we consider retaining this information is subject to the overriding requirement around relevance. This means that this information should be retained for as long as it remains relevant to identifying, assessing and managing building safety.

Question: Do you agree or disagree that the safety case report and safety case information set out in the list above should be stored in the golden thread as long as it remains relevant to building safety?

- Agree
- Disagree
- Neither agree nor disagree
- Don't know

Question: Explain answer

We agree, but as we have previously alluded to, we think further guidance on this is required. Otherwise, information will be retained as a defence against any enforcement actions.

As set out in this consultation, we propose to allow notifiable building work in a higher-risk building to be carried out through building control application to the Building Safety Regulator, a competent person scheme or through third-party certification.

We intend to require that if someone (other than the principal accountable person or an accountable person) intends to have building work carried out in a higher-risk building, they will have to notify the accountable person who is responsible for that part of the building (the relevant accountable person). The relevant accountable person will need to consider whether the building work will impact on the building safety risks and how they are managed. We propose that the relevant accountable person will be able to request further information from the person who has commissioned the building work. The level of information requested will depend on the nature of the building work. We propose that if a refurbishment is carried out through a building control application, the information and prescribed documents required in the individual building control approval application for that particular refurbishment project should be stored in the golden thread. We consider that this should include the necessary information relevant to building safety. It will be for the relevant accountable person to ensure that this information is stored in the golden thread. The relevant accountable person though will be able to request further information from the person who has commissioned the building work. The level of information requested will depend on the nature of the building work.

We propose that where work is carried out through a competent person scheme or third-party certification, it would be for the relevant accountable person to decide what information to request and store in the golden thread. Decisions on what information should be stored should depend on what the relevant accountable person considers to be relevant to ensuring building safety. So, for instance, the relevant accountable person could request a copy of the certificate (for building work done through a competent person scheme) from the resident and could store this in the golden thread. It would depend on what information the relevant accountable person considers to be relevant to ensuring building safety.

When the building work is complete, we propose that the relevant accountable person should ensure the golden thread is updated to reflect this and would include a copy of any completion certificate.

Question: Do you agree or disagree with the information about building work in a higher-risk building to be stored in the golden thread?

- Agree
- Disagree
- Neither agree nor disagree
- Don't know

Question: Explain answer

No further comments.

The requirements for the key building information are set out in key building information consultation section. We propose that the key building information is stored in the golden thread.

9. How the golden thread is stored and managed - golden thread principles

Definition of digital

To ensure that the principal accountable person and accountable persons(s) have information that is accessible, can be quickly updated and handed over, the golden thread has to be digital. However, we do not want to restrict innovation and hinder industry by setting a definition of digital in regulations that could become quickly outdated.

In practice, people and organisations may choose to implement the golden thread through very different digital systems. Some parts of the sector are already leading the way in exploring how to best deliver the golden thread. There are also many specialised software systems that are already in use. We also do not want to burden the sector by imposing requirements that would mean people have to invest in new digital systems when their existing systems are able to support building safety.

As a comparison we have considered the Computer Misuse Act 1990 which purposefully did not provide a definition of a computer because rapid changes in technology would mean any definition would soon become out of date. The definition was left to the courts. We propose to adopt a similar approach with the golden thread. We propose to require that the golden thread should be digital and that by digital we mean that information and data is stored and can be transferred electronically. This is a purposefully broad definition. The Building Safety Regulator intends to set out, in guidance, some best practice and examples of implementing the golden thread.

Question: Do you agree or disagree with the proposal to require that the golden thread should be digital and that by digital we mean information and data is stored and can be transferred electronically?

- Agree
- Disagree
- Neither agree nor disagree
- Don't know

Question: Explain answer

We disagree, although our difference may be resolved by guidance. We are significantly concerned about the timescales in which the Regulator will respond and think that some standardisation would be sensible, whilst still allowing some room for innovation.

Accurate

We also propose to require that this prescribed information needs to be accurate and valid at the point it was created. Some information will always have to be accurate and reflect the building at the present point in time. This means that some information will need to be continually updated. For instance, it will be important to always have an accurate understanding of whether the fire suppressant measures in a building are functioning correctly.

Some information will only need to be accurate at the point in time it was created, and this information will not need to be kept updated. For instance, the information submitted at the application for building control approval is accurate at the time it was produced. However, as the building is constructed the information will be updated. This does not mean that the prescribed documents submitted at building control application are themselves updated. These documents remain the same and need to be retained in the golden thread. This is because it is important for the principal accountable person and the accountable person(s) to be able to review the building as designed and the changes that were made through construction.

We, therefore, expect the golden thread to comprise both:

- information and documents that reflect the building at the present moment in time and are kept continuously updated to ensure that they remain accurate; and,
- information/documents that accurately reflects the building at a point in time (a 'snapshot') in the past. Older information/documents should only be kept if they are relevant to either complying with applicable building regulations or managing building safety as this relates to relevance and proportionality.

As set out in the consultation section on relevance and proportionality of the golden thread, all information in the golden thread should only be retained if it is relevant to ensuring the safety of the building.

Question: Do you agree or disagree with the proposed requirements for keeping information and documents in the golden thread accurate and valid?

- **Agree**
- Disagree
- Neither agree nor disagree
- Don't know

Question: Explain answer

We agree, but some guidance would be helpful on how quickly some information should be uploaded.

Single source of truth and ensuring information can be shared and transferred with other people

We propose that the golden thread should operate as a single point of truth that is accessible by those who require access. This means that all relevant people working on the building can access the same information even though they are working on different systems/software/platforms.

The benefits of operating as a single source of truth is that people can update the information/documents and other people can see these changes (in a timely manner). This avoids duplication of information and potential for error as it avoids the problem of having documents to be emailed between different companies and therefore creating multiple versions of the same document.

This means that the golden thread needs to be interoperable - the information in the golden thread needs to be able to be exchanged and used on different software systems whilst retaining its structured format and ensuring that no information is lost or distorted. In practice this means the information should be able to be shared and accessed by people who may use different software. For instance, designers and contractors involved in the design and construction process usually use different software systems and platforms to facilities and asset managers. However, the information and documents in the golden thread needs to be accessed and used by all these people. In addition, given the lifecycle of buildings it is likely that in the future the golden thread information will need to be transferred to systems that have not been developed yet but will be in use decades in the future.

In practice this means that people will be able to update the information/documents and that others can see these changes (in a timely manner). This will avoid duplication of information and the potential for error through the creation of multiple versions of the same document.

This approach aligns with the broad requirements of the International Standard ISO 19650 series and the guidance produced by the UK BIM Framework. These standards and guidance define digital information management principles in the built environment and are already used within certain parts of the sector.

9We do not want to require particular software and technical solutions which would rapidly become outdated. Instead, we plan to require that the principal accountable person and accountable person(s) have to ensure that their golden thread meets the 'principles of transferability'. This means that the information/documents in the golden thread need to be able to be transferred throughout the lifecycle of the building, and they should be able to be transferred without being altered or corrupted.

We propose that to meet the principles of transferability, the principal accountable person and accountable person(s) will need to ensure that the following elements are in place:

- an information management process – which should set out the process or steps that enables all those who need to provide, access or modify information to do so;
- all relevant persons (i.e., people who need to use the information) understand these processes and their responsibilities around information and documents (i.e. what they are responsible for creating, commenting on, contributing to, clearing, verifying, archiving); and are clear on the process for developing documents/information (i.e., processes around creating, sharing, contributing, clearing, verifying and archiving documents);
- a digital solution which enables the information management process to work so that the information in the golden thread can be shared, accessed and updated by people using different software platforms and based in different organisations. This means the digital solutions may be different for different organisations; and
- a transfer plan which sets out how information/documents will be transferred throughout the building lifecycle. This is needed because the digital solutions used for designing a building will not usually be the same as those used when managing a building. It is also possible that when a management company changes, there will be a change in the software or platform used.

It would not be reasonable to mandate that people use the same systems throughout the building lifecycle – as people have already invested in software systems, and certain systems are more appropriate for different phases. Instead, we consider there needs to be a clearly understood process for how information will be transferred. We consider that the transfer plan should set out clearly how the principal accountable person and accountable person(s) are meeting the requirements to ensure that the golden thread information can be transferred. We propose that transfer plan should set out how:

- data/information in the golden thread will retain its structured format (i.e. the information should retain fidelity with its original format – it should not be changed or lose anything by being transferred); and
- data/information remains accessible, for example, that any files containing data/information are still accessible and useable following transfer.

The principal accountable person will need to keep the transfer plan updated. The Building Safety Regulator intends to provide further guidance, including on, for example, how information could be transferred between different digital solution using for instance different types of exchange solution.

Question: Do you agree or disagree with proposed requirements that the golden thread operates as an interoperable single point of truth?

- **Agree**
- Disagree
- Neither agree nor disagree
- Don't know

Question: Explain answer

We agree, but this section provides another good illustration why the Regulator should be a little more prescriptive on formats so that transfers are easily effected.

Secure

We propose to require that the principal accountable person and the accountable person(s) do as much as is reasonably practicable to ensure the golden thread is secure and personal data is protected.

The government has published extensive guidance on digital security and ensuring compliance with GDPR (as set out below). We are going to consider whether any additional guidance is required.

- [NCSC guidance on cyber security for businesses](#)
- [NCSC guidance on protecting organisations from cyberattack](#)
- [CPNI guidance on cyber security for managing critical national infrastructure](#)
- [CPNI guidance on cyberattacks](#)

Question: Do you agree or disagree with proposed approach to ensuring the golden thread is secure and personal data is protected?

- Agree
- Disagree
- Neither agree nor disagree
- Don't know

Question: Explain answer

No further comment.

Accessibility

We propose to require that the principal accountable person and accountable person(s) must keep information and/or a copy of any documentation in such a way as to ensure, so far as possible, that relevant persons are able to:

- access the golden thread in a timely manner;
- navigate and find the relevant information within the golden thread; and
- access and use the information in a form appropriate for their needs.

We understand that relevant persons may alter through the lifecycle of a building and that different organisations may have different definitions for who is a relevant person. For instance, some organisations may require multiple people to have access to and update the golden thread, whereas others may nominate a single data manager.

We consider setting a high-level requirement in regulations will enable organisations to deliver an accessible and up to date golden thread that works for their organisation/building. The Building Safety Regulator intends to set out further detail on how to ensure systems are accessible in guidance.

Question: Do you agree or disagree with proposed approach to ensure the golden thread is accessible?

- Agree
- Disagree
- Neither agree nor disagree
- Don't know

Question: Explain answer

No further comment.

Understandable and consistent

The information in the golden thread needs to be understandable and consistent to the people who need to use the information. If people cannot understand the information, then they cannot effectively use the

golden thread. We are proposing to require that the language and information in the golden thread is consistent for the building and appropriate for the people who need to use it. People who input information in the golden thread need to be mindful that this information needs to be understood and used by others.

We do not want to mandate in detail any specific data dictionaries or data standards, as we consider that would be too prescriptive and burdensome. The Building Safety Regulator intends to set out more detail on the language and consistency of the golden thread in guidance.

Question: Do you agree or disagree with the requirement that the language and information in the golden thread is consistent for the building and appropriate for the people who need to use it?

- Agree
- Disagree
- Neither agree nor disagree
- Don't know

Question: Explain answer

No further comment.

Question: Do you agree or disagree with the approach not to mandate that the golden thread needs to comply with a particular British standard (BSI) or international standard (ISO) or data dictionary?

- Agree
- Disagree
- Neither agree nor disagree
- Don't know

Question: Explain answer

As rehearsed elsewhere in this response we believe the approach should be a little bit more prescriptive, primarily for reasons of simplicity and speed when information is received by the Regulator.

Accountability

The golden thread is part of how the new, more stringent regime is driving greater accountability within the sector. The proposal is that the principal accountable person and accountable person(s) will have to meet the 'principles of accountability'. This means they need to ensure the golden thread include records of who has approved the information within the golden thread, and who has changed or approved changes to it.

We propose that in order to meet these 'principles of accountability' the principal accountable person and accountable person(s) needs to ensure:

- That there is a record in the golden thread of who inputs information/documents into the golden thread (this could be done automatically as the system records when documents are

uploaded), or that the information management strategy makes clear who (this could be a role/s or team/s rather than a named person) is responsible for doing so.

- That the golden thread records when information/documents are changed/updated, or that the information management strategy sets how this will be recorded.
- That the information management system sets out whether all, or only significant changes are recorded, and the rationale for this.
- That the information management strategy sets out responsibilities for approving changes when they are made.

Question: Do you agree or disagree with the approach for ensuring accountability?

- Agree
- Disagree
- Neither agree nor disagree
- Don't know

Question: Explain answer

As rehearsed in answer to other questions, we think some guidance is needed as to the lag period for what is up to date: one day, one week, one month, etc? Some information will not be available instantly.

10. Duties on the principal accountable person and accountable person(s) to provide information

The principal accountable person and accountable person(s) will have to share information with various people and organisations at different points in the building lifecycle. This will include bodies such as the Building Safety Regulator, people such as the Responsible Person and residents of the building. It may also include organisations such as the Insolvency Service.

The aim is to ensure that people who need information about these buildings can access this information in a timely manner. This will also help support greater openness and transparency across the sector.

Sharing information with other accountable person(s)

Under section 109 of the Act, if a building has multiple accountable persons then the principal accountable person and the accountable person(s) are each under the duty to cooperate and coordinate with each other to ensure the overall safety of the building.

In addition to the duty to cooperate we propose to regulate under section 89 of the Act, that the principal accountable person and accountable person(s) should share relevant information with each other in order to fulfil their responsibilities to identify, mitigate and manage building safety risks.

We propose that information should be shared in a timely manner and in a format that the principal accountable person or accountable persons can use. By this we mean that the information should meet the golden thread requirements as set out in the consultation section on how the golden thread is managed and stored, as this would mean that the information would be accessible and transferable.

We propose that the only exception to this information sharing requirement would be for data protection purposes or for personal data.

Question: Do you agree or disagree with the proposed approach for information sharing between the principal accountable person and accountable person(s)?

- Agree
- Disagree
- Neither agree nor disagree
- Don't know

Question: Explain answer

We agree, providing the exceptions listed above are included.

Sharing information with the Responsible Person under the Fire Safety Order

The Fire Safety Order (FSO) defines the Responsible Person(s) who is responsible for the management of fire safety in the non-residential parts of the building. In some buildings the Responsible Person(s), will be the same person(s) as the principal accountable person and the accountable person(s). But in some buildings, they will be different people. Under section 109 of the Act, the principal accountable person and the accountable person(s) are under a duty to cooperate with the Responsible Person(s). Under the Fire Safety Order the Responsible Person will also be under a duty to cooperate with the principal accountable person and accountable persons. This duty to cooperate means that the Responsible Person must enable the principal accountable person and accountable persons to meet their duties under the Act.

We intend to define the Responsible Person as a prescribed person under section 89 of the Act and propose that principal accountable person and the accountable person(s) should be required to share relevant building safety information with the Responsible Person(s). We propose that relevant information should be considered as information that is necessary for the Responsible Person(s) to effectively carry out their duties in relation to the non-residential parts of the building.

We propose that information should be shared in a timely manner and in a format that the Responsible Person(s) can access and use.

We propose that the only exception to this information sharing requirement would be for data protection purposes or for personal data.

Question: Do you agree or disagree with the approach around information sharing with the Responsible Person(s)?

- Agree
- Disagree
- Neither agree nor disagree
- Don't know

Again, we agree, providing the exceptions listed above are included.

Please provide an explanation for your answer to the question above. If you've answered disagree or neither agree nor disagree, please explain what changes you would make to support the safe management of the building

Information and copies of documents to be provided to residents

Residents will have to be automatically provided with certain information. The principal accountable person or the accountable person who is responsible for the part of the building in which the resident lives will have to provide this information. The information to be provided is set out in more detail in the consultation section on residents' voice.

Under section 92 of the Act, residents of a higher-risk building will also be able to request further building safety information that is relevant to their building. Residents will be able to request this information from either the principal accountable person or the accountable person who is responsible for the part of the building in which the resident lives. The principal accountable person or relevant accountable person will be required to provide this information 'as soon as reasonably practicable' after the request has been received. More detail is set out on this in the consultation section on residents' voice, including what happens if the accountable person does not have the information and/or copy documentation. The principal accountable person or relevant accountable person will only be able to refuse or partially refuse or redact information, if there are issues relating to:

- data protection
- privacy
- security of the building, residents or local area
- intellectual property
- commercial confidentiality

Sharing information with the Client (building work)

10.14 The proposed changes to the building regulations consultation sets out more detail on the requirements of the new, more stringent regime with regard to building work.

10.15 In terms of information sharing, the client for the building work will need to have access to relevant information about the building. For building work carried out in an existing building, the principal accountable person or an accountable person may be the same person/entity as the client. However, in some instances another person may have commissioned the work (e.g. a resident), so the client would not be the principal accountable person or an accountable person. In these cases, we propose that the principal accountable person or accountable person(s) should provide the client with relevant information about the building as soon as is practicable. We consider relevant information to be information to support the client in their duty to ensure compliance with building regulations.

10.16 When the building work is complete, we propose that the principal accountable person or an accountable person(s) should ensure that the information in the golden thread is updated to reflect that the building work has been completed. This would need to include updated building information from the client.

Question: Do you agree or disagree with the approach for information sharing with the client?

- Agree
- Disagree
- Neither agree nor disagree
- Don't know

Please provide an explanation for your answer to the question above. If you've answered disagree or neither agree nor disagree, please explain what changes should be made.

Informing the Building Safety Regulator if the principal accountable person or an accountable person becomes insolvent or of other receivership type scenarios

Corporate administration or insolvency

If the principal accountable person or an accountable person, whether a company or individual, enters into an insolvency process^{[\[footnote 16\]](#)} then we propose that there is a duty on them to inform the Building Safety Regulator as soon as reasonably practicable.

This requirement is to ensure that the Building Safety Regulator is aware that the principal accountable person or an accountable person is in financial difficulty to the extent that it could have an impact on their ability to meet the building safety obligations. This will enable the Building Safety Regulator to alter its compliance and enforcement approach and liaise with the officeholder^{[\[footnote 17\]](#)} as necessary.

Whilst some officeholders will notify interested parties of such proceedings, they are not legally required to do so in all cases. Whilst the Building Safety Regulator could carry out their own investigations, we consider it would be more effective to compel the principal accountable person or accountable person(s) to notify the Building Safety Regulator if they become insolvent. We are therefore, intending to compel principal accountable person or accountable person(s) to inform the Building Safety Regulator of any insolvency proceedings.

In the case of a social housing provider who is the principal accountable person or an accountable person entering into insolvency, there is a separate Housing Administration regime, whereby the Regulator of Social Housing can apply to the court for the appointment of an insolvency practitioner as 'housing administrator' who will then seek to 'rescue' the company or transfer the assets to another social housing provider. This will help to ensure that the building safety obligations continue to be met. However, we propose that a social housing provider that is the principal accountable person or an accountable person should still be required to inform the Building Safety Regulator if the organisation is insolvent (i.e. is entering into Housing Administration) to facilitate effective regulation by the Building Safety Regulator.

Law of Property Act receivers

A receiver can also be appointed under statutory provisions^{[\[footnote 18\]](#)} or pursuant to terms of a mortgage where the lender chooses to enforce a charge secured against a property. In this scenario the principal accountable person or the accountable person may not necessarily be insolvent but has failed to comply with the terms of the mortgage and the receiver has been appointed with a view to selling the property or collecting rental income to pay the debt.

In this scenario we also propose to place a duty on the principal accountable person or the accountable person to inform the Building Safety Regulator if such a receiver has been appointed to take control of the registered building.

Information to be provided to the Building Safety Regulator

In the scenarios detailed above, the principal accountable person or the accountable person will have a duty to provide the following:

- The type of insolvency proceedings;
- The name and contact details of the appointed officeholder; and,
- Date of entry into insolvency proceedings.

The Building Safety Regulator will set out in guidance that officeholders will need to keep them updated as the proceedings progress (including where a liquidator or trustee intends to disclaim the building) and provide further information to ensure that the Building Safety Regulator is able to take appropriate regulatory action for the building.

Question: Do you agree or disagree with the proposals detailed above?

- Agree
- Disagree
- Neither agree nor disagree
- Don't know

Question: Explain answer

No further comment.

Sharing information with a resident's landlord (contravention notices)

We propose that when a contravention notice is issued to a resident the principal accountable person or accountable person who has issued the notice must provide a copy of the notice to the landlord of the resident in question (where the principal accountable person or accountable person is not their landlord). More detail on contravention notices is set out in the consultation section on residents' voice.

Handing over information to the new principal accountable person or an accountable person

Under section 90 of the Act, if a principal accountable person or an accountable person change, the outgoing accountable person (or outgoing principal accountable person) will need to handover information (i.e. the information stored in the golden thread) to the new principal accountable person or accountable person. This is important as the new principal accountable person or accountable person will need to have up to date and accurate information so that they can ensure the building is managed safely.

The information needs to be accessible to the new principal accountable person or accountable person. The information that needs to be handed over to the new principal accountable person or accountable person is all the information and a copy of documentation stored in the golden thread as set out in the consultation section on golden thread contents. The information and documents in the golden thread need to be stored in a way that means it is accessible and interoperable (i.e. can be used and transferred digitally by people working on different software systems). More detail on this is set out in consultation section on how the golden thread is managed and stored. The principal accountable person or an accountable person will need ensure the golden thread meets these standards when the information is

handed over. This will mean that the information retains its structured format and that the new principal accountable person and accountable person will be able to access the information.

The principal accountable person and the accountable person are defined in sections 72 and 73 of the Act. As per the definition in the Act, the principal accountable or accountable person may change when they:

- dispose of their legal estate in possession in any part of the common parts; or
- relinquish their relevant repairing obligation in relation to any part of the common parts.

As set out in section 90 the principal accountable person or the accountable person must handover the prescribed information (i.e. the golden thread) after the relevant time. The relevant time is when the principal accountable person or accountable person ceases to be responsible for all or any part of the building. We propose that such information must be handed over to the accountable person who will take over the responsibility for the part of the building that the outgoing accountable person is relinquishing responsibility as soon as reasonably practicable after the relevant time. Although it would be good practice to start engagement and to share information before they leave the role, the legal duty is that the prescribed information must be handed over once they have left the role. This is because up to the point where they leave the role the accountable person and principal accountable person is responsible for the ensuring the golden thread is updated.

Question: Do you agree or disagree with the proposals on handover of information to the new principal accountable person or accountable person?

- Agree
- Disagree
- Neither agree nor disagree
- Don't know

Question: Explain answer

No further comment.

Question: Do you agree or disagree that the principal accountable person or accountable person must handover information over to the new principal accountable person or accountable person as soon as reasonably practicable after the relevant time?

- Agree
- Disagree
- Neither agree nor disagree
- Don't know

Question: Explain answer

We agree, but think some timescales should be given.

Informing the Building Safety Regulator about a change in the principal accountable person or accountable person(s)

We propose that the outgoing principal accountable person or accountable person(s) must notify the Building Safety Regulator and provide the following information:

- their name and the building (or part of a building) for which they were responsible;
- the date that they ceased to be responsible for all or any part of the building; and
- the name, address and contact details of the person(s) who have taken responsibility for all or any part of the building (that is the new accountable person and if applicable, the new principal accountable person).

The Building Safety Regulator intends for this notification to be submitted electronically via the Building Safety Regulator's website/portal. The Building Safety Regulator is developing their website/portal and the system that will be used to collect this information in electronic format. We propose that the regulations will make provision for the Building Safety Regulator to give a direction setting out the details on the format and submission process for providing the notification to the Building Safety Regulator.

It is important that this information is provided to the Building Safety Regulator in a timely manner, as the Building Safety Regulator needs to understand who is responsible for safety of the building. As set out in section 90 the outgoing principal accountable person or accountable person(s) will have to notify the Building Safety Regulator as soon as reasonably practicable after they leave the role.

Question: Do you agree or disagree with the proposed content that the principal accountable person or accountable person must provide to the Building Safety Regulator after they leave their role?

- Agree
- Disagree
- Neither agree nor disagree
- Don't know

Question: Explain answer

We agree, but again think that what is reasonably practicable should be defined.

What if that information isn't provided to the outgoing PAP or AP or its incorrect.

What if the information is merely a company name and registered address. Is a phone number, email address, name of a person required?

Shouldn't the incoming PAP or AP be required to provide their own details?

Provision should be made in the event of the above situations occurring.

11. Enforcement

Service and content of compliance notices

Compliance notices during occupation have been modelled on the improvement and prohibition notices set out in section 23 of the Health and Safety at Work etc Act 1974.

We propose that regulations should require compliance notices contain the following information:

- The date the notice is issued to set out the period to appeal;
- Name and description of the accountable person (i.e., whether individual or company);
- The building or part of the building where the breach occurred;
- A statement setting out the consequences of failing to comply with the notice - by which we mean that it is a criminal offence not to comply with a notice without a reasonable excuse;
- A description of and details of the breach, making reference to the relevant requirement under part 4 of the Act or relevant regulations;
- Details of the route of appeal to the First-tier Tribunal; and,
- Where an urgent action notice is issued, the notice should clearly state that it is an urgent action notice and the consequences of that (i.e. that lodging an appeal will not suspend the effect of the notice).

Notices can specify the steps as to how to remedy the breach in question, but this will be at the discretion of the Building Safety Regulator. It will not be a requirement; they could just state in general terms that the contravention must be remedied.

Question: Do you agree or disagree with the proposed content of compliance notices detailed above?

- Agree
- Disagree
- Neither agree nor disagree
- Don't know

Question: Explain answer

No further comment.

We want the Building Safety Regulator to be able to withdraw notices at any time where they consider it appropriate, even where an appeal is pending. This will give the Building Safety Regulator the opportunity to avoid unnecessary legal hearings at the tribunal. For example, if a notice contains incorrect information or is disproportionate, the notice should be withdrawn, and the court proceedings dismissed.

We want the Building Safety Regulator to be able to amend and extend notices at any time where they consider it appropriate, except where an appeal is pending. This is because we do not want any amendment to overlap or interfere with tribunal proceedings. If the Building Safety Regulator wishes to amend or extend notices during appeal, they can either do so by agreement with the relevant accountable person or withdraw and issue a new notice.

The decision to issue, amend, extend or withdraw a notice will remain with the Building Safety Regulator. We do not want to prescribe any further requirements on requests for amendment, extension or withdrawal of notices. This is to allow for flexibility within the approach, and not tie the Building Safety Regulator and recipients to legally binding procedural timings

Question: Do you agree or disagree with the suggested approach for the amendment, extension and withdrawal of compliance notices?

- Agree
- Disagree
- Neither agree nor disagree
- Don't know

Question: Explain answer

We agree that this is acceptable, but for the BSR to be able to amend, extend or withdraw a notice should there be a provision for the recipient to highlight the error in the first instance?

12. Reviews and appeals

What can be reviewed

The government is committed to delivering swift access to justice. The reviews and appeals process is designed to be collaborative, fair and transparent. Where disputes arise over higher-risk building decisions, the first stage is informal discussion and mediation between the parties. Following that, in most cases, there is an internal review and appeals process provided by the Building Safety Regulator. If this cannot resolve matters, specified regulatory decisions are appealable to the First-tier Tribunal.

Additionally, in response to the new building safety regime, the First-tier Tribunal is establishing a specialist unit within the property chamber of the First-tier Tribunal to deal exclusively with building safety matters. The Building Safety Act 2022 (the Act) aligns the appeals procedure for all building safety decisions in England to sit with the tribunal, and to accommodate the Building Safety Regulator's position as a new building control authority and with oversight of building control authority in England.

The regulations will use the powers in section 25 of the Act to prescribe what part 4 decisions are eligible for internal review by the Building Safety Regulator.

We are proposing that the following decisions are in scope for an internal review by the Building Safety Regulator:

- a) not to register a building on an application under section 78(1);
- b) to remove a building from the register under section 78(3);
- c) to refuse an application for a building assessment certificate under section 81(3); and
- d) to give a direction under section 83(2) in regard of a safety case requirement.

Question: Do you agree or disagree that these decisions described above should be eligible for an internal review by the Building Safety Regulator prior to being appealed to the tribunal?

- Agree
- Disagree
- Neither agree nor disagree
- Don't know

Question: Explain answer

There seemed a lot that was missing from this list:

- Disagreements over ongoing management issues.
- Disagreements on the content of the safety case.
- Disagreements over other conditions.

We have expressed concerns on answer to other questions that there is a significant disincentive to appeal – which is time. Consideration should be given as to whether there are other means of reviewing decisions that stop short of going to the tribunal. For example, a system of Peer Review.

Under section 105, the government can create routes of appeal against decisions of the Building Safety Regulator made under regulations made under part 4 of the Act.

The government intends to create a route of appeal to the tribunal over a refusal to remove a building from the register on application from any accountable person for the building under section 78(3). We are proposing that an appeal may be made where the decision was based on an error of fact, wrong in law, or unreasonable.

Under section 106 of the Act, the Secretary of State has an additional power to provide in regulations for a suspension of the effect of a notice given or other thing done by the Building Safety Regulator during the appeal period at the tribunal. This does not apply to compliance notices for which the Act makes separate provision at section 103. Namely, unless the compliance notice is an urgent action notice it is automatically suspended on appeal.

For example, if the Building Safety Regulator decides to remove a building from the register because it appears that the building is not occupied under section 78(3), if the principal accountable person for the building appeals that decision under section 104, regulations may specify that the building remains on the register until the appeal decision is reached.

Similarly, if the Building Safety Regulator issues a direction in regard of an assessment of building safety risks under section 83(2) and it is appealed, section 104 allows the Secretary of State to make regulations that the Building Safety Regulator's direction does not have any effect on the accountable person until the appeal is determined or withdrawn.

The government intends to make regulations so that the effect of decisions or directions is suspended where there is an appeal to the tribunal for decisions

- a. to remove a building from the register under section 78(3), and
- b. to give a direction under section 83(2) in regard of the assessment of building safety risks requirement.

These decisions do not deal with situations where there is an immediate risk of death and significant injury, so it is right that while there is appeal in process, the effect of the decision is suspended.

Question: Do you agree or disagree that there should be a suspensive effect as described above?

- Agree
- Disagree
- Neither agree nor disagree

- Don't know

Question: Explain answer

This is sensible.

In terms of procedural arrangements, the government is also proposing:

- That, for registration and certification (ie paragraphs 12.5 (a) and (c)), the principal accountable person or any accountable person for the building can seek an internal review by the Building Safety Regulator; and for safety case directions (ie paragraph 12.5 (d)), the principal accountable person or the accountable person who has received the direction can request a review;
- That where the Building Safety Regulator removes a building from the register (ie paragraph 12.5 (b)), and where a principal accountable person's or an accountable person's request to have a building removed from the register (ie paragraph 12.7) is refused, the accountable person can request an internal review.
- That any notice seeking an internal review must be lodged within 21 calendar days of the original decision by the Building Safety Regulator;
- That there is a proposed period of 28 calendar days in which the Building Safety Regulator must respond to any request for a review of a decision; and,
- That if the Building Safety Regulator fails to respond to the applicant within 28 calendar days, the original decision is upheld (as in section 25(8)), but the applicant retains a right of appeal to the tribunal. Moreover, the deadline can be amended as agreed in writing.

Question: Do you agree or disagree with the internal review process outlined above?

- Agree
- Disagree
- Neither agree nor disagree
- Don't know

Question: Explain answer

We are staggered that a 'no response' from the Regulator simply gets swept under the carpet. Any professional service provider that has a 28-day deadline, should simply not be allowed to run the clock down. There are significant duties on various duty holders in the new regime. The least they should expect from the Regulator is to work to a service standard of 28 calendar days for an internal review. If the Regulator does not respond, then its original decision should be void and it should be accountable for the consequences.

13. Key building information

The government understands the importance of data and data analysis and how this can support better building safety. Data analysis enables greater knowledge of the characteristics of buildings and how these characteristics can inform building safety and building safety risks. It also enables understanding of trends and changes over time.

We propose to require the principal accountable person to provide the Building Safety Regulator with key building information about their building. The key building information will be high level information that will help the Building Safety Regulator to understand characteristics of all higher-risk buildings and to analyse and understand trends and risks across all buildings in scope.

The government is proposing that the principal accountable person will be required to submit the key building information to the Building Safety Regulator alongside but not as part of their application for registration. They will also have to provide updates whenever the key building information needs to be updated. The wider duties on the principal accountable person and accountable person(s) to provide information to the Building Safety Regulator and other persons (including residents) is set out in the consultation section on duties on the principal accountable person and accountable person(s) to provide information.

The key building information will provide additional information to the Building Safety Regulator (alongside the information provided through the registration process). The registration information and the key building information will enable the Building Safety Regulator to fulfil their duty to advise government and to make informed decisions to guide the regulatory regime.

It is not intended to provide all the information necessary to understand and assess the safety of an individual building. That is separately required through the safety case report and approach. The consultation section on the safety case approach sets out more detail on this.

It should be noted that the key building information has a different and distinct purpose to the golden thread. During occupation, the golden thread of information is primarily for the use of the principal accountable person and accountable person(s) to support them in their task of managing building safety. Through the golden thread, the principal accountable person and the accountable person(s) can demonstrate to the Building Safety Regulator that they are actively managing building safety risks. The key building information is specifically produced for the use of the Building Safety Regulator to support their data analysis.

The key building information will help the Building Safety Regulator to understand characteristics of all buildings in scope of the new regime and to analyse and understand trends and risks across all buildings in scope. The key building information will also help the Building Safety Regulator with its task of prioritisation of buildings to call in for a building assessment certificate application.

We also intend that the Building Safety Regulator should publish the key building information (alongside the publication of the registration information), with the exception of data which poses a privacy, safety or

security risk. This will support great openness and transparency in the sector as recommended by the Report. Key building information will also be accessible publicly to promote openness and transparency.

What information is required in the key building information

We propose that the following information will be required as part of the key building information. It should be noted that the key building information is in addition and separate to the registration requirements, which are set out in the consultation section on registration. The key building information therefore should be seen as additional information to the registration requirements – and it does not duplicate information already requested as part of registration and it does not affect the registration application.

- Principal accountable person or accountable person(s) name (if changed from registration)
- Building work – the date the Building Safety Regulator issued a completion certificate for building work carried out in a higher-risk building under the requirements of the new safety regime (where applicable)
- Declaration of a change of use within the building (where applicable)
- External wall system material, insulation and percentage coverage
- Type, material and percentage coverage of roof covering or roof system
- Types and materials of external features
- Energy supply to the building
- Building frame material
- The fire standard that applies to the building^{[\[footnote 19\]](#)}
- The total number of staircases and the number that serve all floors
- The evacuation strategy of the building (e.g. stay put, simultaneous evacuation)
- A list of the fire and smoke control provisions and equipment within the building
- Structural information of a building

We also propose that the Building Safety Regulator will record the date of registration of the higher-risk building through their digital submission platform, and that this information will be stored as part of the key building information.

As set out in the section on the golden thread contents, we are proposing that the key building information is stored in the golden thread. However, as the key building information is specifically produced for the use of the Building Safety Regulator to support their data analysis, we consider that the principal accountable person only keeps a copy of the most up to date key building information. The principal accountable person does not need to retain records of previous versions of the key building information in the golden thread.

Question: The key building information is to be provided to the Building Safety Regulator to enable oversight and analysis of the building industry. Do you agree or disagree with the information being required as part of the key building information?

- Agree

- Disagree
- Neither agree nor disagree
- Don't know

Question: Please select any specific data requirements you believe should be changed.

Question: Please select any data requirements which you believe will require additional guidance or resource to provide.

Submission of information

Since we previously consulted on the key building information, we have changed our proposals so that the Building Safety Regulator will only require the key building information when the higher-risk building is occupied.

The principal accountable person will be required to submit the key building information at the following points in the lifecycle of a building:

- At the same time as or following registration;
- At the same time as a building assessment certificate application is made (where there have been changes to the information since registration)
- At the same time that an application for a completion certificate application is made, when building work has been carried out in an existing higher-risk building and this building work has resulted in a change to the key building information; and,
- As soon as reasonably practicable following any changes to the key building information. This does not include when a accountable person(s) change(s), as the duty to inform the Building Safety Regulator sits with the relevant accountable person(s) and not with the principal accountable person.

The principal accountable person for an existing building will be required to register their building from 6 April 2023 and will therefore also be able to submit their key building information from that point.

It will only become an offence to breach the registration requirement from 1 October 2023. Following 1 October 2023, it will therefore be an offence for an occupied higher-risk building not to be registered, unless there is a reasonable excuse. More information is set out in the section on registration. From the 1 October 2023, the principal accountable person can choose to submit their key building information at the same time as their registration application or submit it within 28 calendar days of their registration application.

The principal accountable person for a new building which is partly or fully completed after the commencement of section 76 and 77 of the Act, can either submit their key building information alongside the registration application or submit it within 28 calendar days of their registration application. This includes buildings that are designed and constructed under the new building control regime for higher-risk buildings (i.e. the gateways process) and buildings that are part way through design and construction when the new building control regime comes into force. It also includes a change of use to residential.

The submission of the key building information does not impact the registration process which is a separate process. For instance, the Building Safety Regulator may be unsatisfied with a key building information submission as there is missing information – however this would not have any impact on the building registration.

Question: Do you agree or disagree with the timescale for submitting the key building information for new unoccupied buildings?

- Agree
- Disagree
- Neither agree nor disagree
- Don't know

Question: Explain answer

No further comment.

Question: Do you agree or disagree with the timescale and for submitting the key building information for existing buildings?

- Agree
- Disagree
- Neither agree nor disagree
- Don't know

Question: Explain answer

No further comment.

When the principal accountable person applies for the building assessment certificate, they will need to confirm either that the key building information is still accurate, or they will have to provide relevant updates. They will need to provide the relevant updates alongside the application for the building assessment certificate. More detail is set out in the consultation section on the building assessment certificate.

Question: Do you agree or disagree that any relevant updates to the key building information must be provided alongside the building assessment certificate application?

- Agree
- Disagree
- Neither agree nor disagree
- Don't know

Question: Explain answer

No further comment.

If there are any changes to a building, for instance if building work is carried out, that results in a change in the key building information, the principal accountable person will be required to update the key building information and inform the Building Safety Regulator of these changes. They should do this within 28 calendar days of the change.

As set out in the consultation on the proposed changes to the building regulations, controlled building work in an existing higher-risk building (refurbishment) can be carried out through building control application to the Building Safety Regulator, a competent person scheme or a third-party certification. If the key building information needs to be changed following the completion of work, it will be the responsibility of the principal accountable person to update the key building information and they will have to do this (and submit an updated version to the Building Safety Regulator) within 28 calendar days of the building work being completed.

Building work commissioned by residents within a dwelling should not change the key building information because of the nature of such work and the confinement to an individual dwelling. However, when a resident is carrying out notifiable building work (as defined in regulation 3 of the Building Regulations 2010), in line with requirements in their leases, we would expect for them to notify their landlord before submitting the building control approval application to the Building Safety Regulator. The requirement in leases will be notification to the landlord and in the majority of cases the landlord will be either the principal accountable person or an accountable person.

Should a resident not be required by their lease to inform their landlord before building work takes place, we would expect the good practice to be that the resident alerts the principal accountable person or the relevant accountable person before submitting their application to the Building Safety Regulator. This is set out in more detail in the consultation on the proposed changes to the building regulations and in the consultation section on residents' voice.

The principal accountable person or the relevant accountable person will be able to request further information about the proposed building work and determine whether or not the building work has resulted in a change to the key building information. Should this work result in a change to the key building information, the principal accountable person should notify the Building Safety Regulator of such changes. The principal accountable person will have to do this within 28 calendar days of the building work being completed or within 28 calendar days of them becoming aware of the work (if they were not notified of the work).

Question: Do you agree or disagree that key building information must be updated by the principal accountable person within 28 calendar days of any change or within 28 calendar days of them becoming aware of the work?

- Agree
- Disagree
- Neither agree nor disagree

- Don't know

Question: Explain answer

No further comment.

Openness and transparency

We propose that the Building Safety Regulator should publish the key building information (alongside the publication of the registration information). This will support great openness and transparency in the sector. In accordance with data protection requirements, data which poses a privacy, safety or security risk will not be published.

In addition to the key building information and the registration requirements the Building Safety Regulator will also publish the date of registration of each building.

The Report set out that it was important to improve transparency across the sector and that this was an intrinsic part of providing public reassurance on building safety. The government is committed to publishing open and accessible information, and this allows others to use this data.

Question: Do you agree or disagree with the proposal on publishing the key building information excluding any data that is a privacy, safety or security risk?

- Agree
- Disagree
- Neither agree nor disagree
- Don't know

Question: Explain answer

No further comment.