



PEAKS & PLAINS
Housing Trust

The Trust

Building Safety Policy Statement

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2025

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1. INTRODUCTION

- 1.1. This policy statement sets out the Trust's approach to ensuring our buildings are safe and meet regulatory requirements set out in the Building Safety Act 2022 (referred to as 'the Act') and its related secondary legislation. The Act received Royal Assent and became law on 28 April 2022 with secondary legislation coming into force over a two-year transitional period (see Appendix A). This policy statement outlines how we will:
- Follow new design and construction standards
 - Meet our commitment to keep residents safe
 - Engage with residents and share building safety information with them
 - Ensure qualifying leaseholders are protected from building safety defect costs
 - Hold those responsible for building safety defects to account
 - Work with regulators and provide them the information they need
- 1.2. The Act introduced several reforms to ensure homes across England are safer. It specifically set out requirements related to the design, construction, and management of 'higher risk buildings', which are defined as residential buildings at least 18 metres or seven storeys high and containing two or more residential units. The reforms and requirements will be managed through the creation of three new regulatory bodies:
- the Building Safety Regulator
 - the National Regulator of Construction Products
 - the New Homes Ombudsman
- 1.3. The requirements of the Act broadly introduce several key principles, and two main areas of reform:
- 1.3.1. Design and construction: Reforms providing new guidance and standards for the design and construction industry by way of amendments to the Building Act 1984 and the introduction of the Building Safety Regulator.
- 1.3.2. Occupation: Reforms providing new guidance and standards for the housing industry during a building's occupation overseen by the Building Safety Regulator. These will ensure building safety standards and resident engagement in blocks classified as 'higher risk buildings' are being met.

2. SCOPE

- 2.1. The Building Safety Act 2022 has a broad scope, covering various aspects of building safety throughout the lifecycle of a building. The key points include;
- 2.1.1. Lifecycle Coverage: The Act applies to all stages of a building's lifecycle, from planning and design to construction, occupation, and maintenance.
- 2.1.2. Higher-Risk Buildings: It introduces a more rigorous compliance and regulatory regime specifically for higher-risk buildings. These are defined as buildings over 18 meters in height or with at least seven storeys, containing at least two residential units.

2.1.3. New Regulatory Bodies: The Act establishes three new bodies:

- Building Safety Regulator (BSR): Oversees the safety and performance of all buildings, with a special focus on high-rise buildings.
- National Regulator of Construction Products (NRCP): Once established this will ensure the safety and quality of construction products.
- New Homes Ombudsman: Provides a mechanism for homeowners to escalate complaints about new-build homes.

2.1.4. Resident Protections: It offers significant protections for residents and leaseholders, including shielding them from the costs associated with remediating certain elements of historical building safety defects.

2.1.5. Information Sharing and Compliance: The Act mandates more stringent requirements for sharing information related to fire safety and other critical safety aspects.

3. LEGAL & REGULATORY REQUIREMENTS

3.1. Legal requirements

3.1.1. The Trust is required to meet the requirements of the Building Safety Act 2022 which created powers to prescribe requirements on those who procure, design, plan, manage and undertake building work. This obligation is in addition to the Trust's duties under the Regulatory Reform (Fire Safety) Order 2005, the Fire Safety Act 2021, and the Fire Safety (England) Regulations 2022.

3.2. Regulation

3.2.1. The Trust is required to meet the requirements of the Regulator of Social Housing's (RSH) Safety and Quality Standard which as a specific expectation at 2.2 states;

Health and safety

- Registered providers must identify and meet all legal requirements that relate to the health and safety of tenants in their homes and communal areas.
- Registered providers must ensure that all required actions arising from legally required health and safety assessments are carried out within appropriate timescales.
- Registered providers must ensure that the safety of tenants is considered in the design and delivery of landlord services and take reasonable steps to mitigate any identified risks to tenants.

3.2.2. The Trust is required to meet the requirements of the RSH's Transparency, Influence and Accountability Standard (previously known as the Tenant Satisfaction

Measures Standard). The Tenant Satisfaction Measures (TSMs) aim to provide tenants with greater transparency about their landlord's performance and inform the RSH about how a landlord is complying with consumer standards. With regards to fire safety, the TSM is the proportion of homes for which all required fire risk assessments have been carried out.

4. DEFINITIONS

- 4.1. The Act: The Building Safety Act 2022, which became law in April 2022. The act was developed following Dame Judith Hackitt's independent review of building regulations and fire safety, commissioned after the Grenfell Tower tragedy in 2017. It introduced wide scale reforms to support building safety across the industry through design, construction, and management of residential blocks classed as higher risk buildings.
- 4.2. Accountable person (AP) or Principal accountable person (PAP): The dutyholder legally responsible for an HRB's compliance with the Act, or the part of the building that they are responsible for. The PAP's key duty is to prevent and reduce the severity of building safety incidents relating to fire or structural failure in such buildings.
- 4.3. Building assessment certificate: The key document required by the principal accountable person (PAP) when an HRB is occupied. After an HRB has been registered with the BSR, the BSR may direct a PAP to make an application for a Building Assessment Certificate. The BSR will request the PAP to submit several prescribed documents. These will include a safety case report, an HRB-specific engagement strategy, a mandatory occurrence reporting strategy for reporting significant risks to the regulator, and a signed agreement between the PAP and any other relevant accountable persons in the building that appropriate processes for the identification, management and resolution of building safety risks are in place. Once the regulator is satisfied, they will provide a building assessment certificate to the PAP which will need to be displayed in the building and renewed every five years.
- 4.4. Building safety case (BSC): The body of evidence to demonstrate that fire and structural risks within a higher risk building are being identified, escalated, and resolved, or managed and monitored adequately on an ongoing basis. Management and review of a building's safety case is formally overseen by an appointed building safety manager (BSM) on behalf of the PAP. A summary of the BSC in the form of a safety case report will be submitted to the Building Safety Regulator under specific conditions.
- 4.5. Building safety fund: A government-led fund that aims to protect leaseholders from the cost of addressing fire-safety risks caused by unsafe non-ACM cladding systems on high-rise residential buildings. The fund is supported by the building safety levy.
- 4.6. Building safety levy: A levy put in place by government on developers of higher risk buildings in England designed to raise revenue for the replacement of defective cladding, in addition to remediating any other historical building safety defects.
- 4.7. Building safety manager (BSM): Building safety managers are not a specific requirement of the Act, but they are an important introduction to support the requirements of the

principal accountable person, the development of building safety cases and the introduction of specific engagement strategies for individual higher risk buildings. The role is designed to support the identification and management of building safety risks and to provide oversight of relevant processes involved in the management of higher risk buildings across the business.

- 4.8. Building Safety Regulator (BSR): The regulatory arm of the Health and Safety Executive (HSE) for building safety across design, construction and occupation introduced in the Building Safety Act 2022. The Building Safety Regulator will monitor industry performance to inform priorities, set direction, facilitate improvement in competence of both industry and the building control profession, and influence their operational standards.
- 4.9. Dutyholders: An appointed person responsible to maintain standards and quality that is conducive to good health and safety and quality of work in relation to a higher risk building.
- 4.10. Fire Safety Act: The Fire Safety Act 2021 extends the scope of building safety measures set out in the RRO. It amended the RRO so that applies to the structure, external walls (including cladding and balconies), and individual flat entrance doors of multi-occupied residential buildings. The requirements of the Building Safety Act 2022 are in addition to those of the Fire Safety Act 2021 and subsequent Fire Safety (England) Regulation 2022. An example of an area which has a level of crossover between the Fire Safety Act and Building Safety Act is the roles of the 'responsible person' and 'dutyholders', which broadly correlate to the principal accountable person and relevant accountable person.
- 4.11. Gateways: A set of three submission and approval gateways overseen by the new Building Safety Regulator required for the design and construction of HRBs. Gateway 1 (planning approval) came into force on 1 August 2021, with both gateway 2 (handover from planning to construction) and gateway 3 (completion of construction) due to come into force by October 2023.
- 4.12. The Golden Thread: A principle for storing, managing, and sharing building information and documents over a building's lifecycle, from design and construction through to occupation and disposal. The Golden Thread ties directly into the body of evidence needed to create and maintain building safety cases
- 4.13. Higher risk building (HRB): Defined in the Act as a residential building that is at least 18 metres or seven storeys high and contains two or more residential units. Secondary legislation further defining such buildings came into force on 6 April 2023. All HRBs will need to be registered with the Building Safety Regulator (BSR) by the principal accountable person, have a dedicated engagement strategy and building safety case, and adhere to the principles of the Golden Thread.
- 4.14. Regularisation: Building work regularisation refers to the process of certifying building works that have been conducted without building regulation approval. The process

enables the submission of a retrospective application relating to previously unauthorised works through the submission and review of prescribed documents. The government intends to apply the current regularisation procedure to higher risk buildings, with the Building Safety Regulator as the building control authority, rather than the local authority.

5. OUR POLICY

The Trust has developed a number of policies and procedures which relate to the two key elements of the Act, design and construction and occupation.

5.1. Design and Construction

5.1.1. The key dutyholders through design and construction set out in the Act are modelled on the dutyholder roles under the Construction Design and Management regulations 2015 (CDM). CDM and Building Safety Act dutyholders are independent and may be assigned to different individuals or organisations. The key dutyholders through design and construction set out in the Act are,

- the client
- the principal designer
- Designers
- the principal contractor
- Contractors

The main changes introduced in the Act relate to the role of the principal designer, principal contractor, and requirements for the client to ensure the competence of relevant dutyholders. Requirements for relevant dutyholders to meet the provision of prescribed documents required for each gateway submission will be put in place.

5.1.2. Building Safety Levy

The Trust will take reasonable measures to meet requirements for the building safety levy and provision of associated costs.

5.1.3. Gateways

The Trust will meet the requirements for the 'submission and approval' gateway regime related to the design and construction of higher risk buildings. The gateways process is overseen by the BSR with additional requirements for the submission of prescribed documents at each stage;

Gateway 1 (planning approval) came into force on 1 August 2021 and follows the pre-existing planning approval process. The BSR acts as an additional consultee through gateway 1.

Gateway 2 (handover from planning to construction) and Gateway 3 (completion of construction). The BSR acts as the building control authority through these gateways. When an HRB has successfully passed through gateway 3 approval, a valid completion

certificate (or partial completion certificate in the event of phased occupation) is issued by the BSR, and the building is ready for handover review, registration and occupation. An expected 12-week determination period for review and issuing of completion certificates and partial completion certificates is expected for Gateway 3, although that is subject to the BSR's capacity.

5.1.4. Change Control

The Trust will put processes in place for control planning and change control to be managed and communicated with the BSR throughout the gateways process. Any changes to the design and construction of a HRB must be recorded by the relevant dutyholders and provided for review. Requirements for 'permission' to be provided before significant changes are made must be acquired. This will apply to HRBs both through design and construction as well as through refurbishments.

5.2. Occupation

5.2.1. To ensure residents living in HRBs feel safe in their homes, the Trust has various roles and processes, each with different responsibilities for safety. We will collaborate and communicate with our residents, as well as other relevant colleagues third-party building management organisations and stakeholders such as fire and rescue services.

5.2.2. The Accountable Person (AP) and Principal Accountable Person (PAP)

A full list of AP and PAP duties relating to buildings in occupation (along with specific details about those duties) have been summarised in the table appended to this Statement.

The AP is the entity that must ultimately discharge the new duties in relation to an HRB. It is defined at section 72 of BSA as a person or entity that has a legal estate in possession of any part of the common parts of the building, or a person that has a repairing obligation in relation to the common parts of the building. There are limited exceptions to this definition, which includes circumstances where:

- The estate owner grants long leases that include tenant repairing obligations to the common parts of the property;
- Where all repairing obligations relating to the common parts are functions of an RTM company; or
- Where the HRB is on commonhold land and the commonhold association is the accountable person for the HRB.

Where a building only has one AP, the AP will automatically be the PAP. Where there is more than one person or entity that fits that description of an AP, a PAP is to be appointed. The appointed PAP will be the AP which holds legal estate in possession in the structure and exterior of the building or has the relevant repairing obligation in relation to the structure and exterior parts. This will usually be the freeholder or head

leaseholder.

There are a number of duties which are placed upon APs and the PAP. The core, overarching duties are to prevent a building safety risk from occurring and reducing the seriousness of an incident if one occurs. Among other things, the AP must:

- report safety occurrences to BSR and report them on the mandatory occurrence reporting system operated by the PAP
- carry out duties relating to the resident engagement strategy
- keep, update and manage the building's safety case
- keep certain information about the building, also known as the golden thread of information
- provide building information to relevant individuals and organisations

A full list of AP duties relating to buildings in occupation (along with specific details about those duties) have been summarised in the table appended to this Statement.

The Principal Accountable Person (PAP)

The principal accountable person will need to liaise with all relevant accountable persons, share information, acquire an approved building assessment certificate through occupation on a five-year basis, and take reasonable measures for compliance with the Act in all other ways. The accountable person could be a named entity (such as a housing association, council, or management company), or a named person. Notification to changes in responsibility of a higher risk building's accountable person or principal accountable person (such as when the ownership changes) must be provided to the BSR.

The PAP must register the building with BSR. As part of the registration process they must:

- submit structure and fire safety information about the building
- notify BSR of any changes to the information submitted at registration

The PAP must also make sure that the structural and fire safety risks are managed properly for the whole building.

The PAP must check that all APs for the building have:

- identified and assessed the fire and structural risks in their parts of the building
- taken steps to prevent incidents from happening
- put measures in place to lessen the severity of any incident

The PAP must:

- put together a safety case for the building
- prepare and update the building's safety case report
- report safety occurrences to BSR

- operate a mandatory occurrence reporting system
- operate a complaints system
- display required information and documentation clearly within the building
- prepare and update a resident engagement strategy
- apply for a building assessment certificate when told to do so by BSR
- provide building information to relevant individuals and organisations

A full list of PAP duties relating to buildings in occupation (along with specific details about those duties) have been summarised in the table appended to this Statement.

5.2.3. Building Safety Manager (BSM)

The Building Safety Manager role fulfils an assurance function, satisfying the BSR that a higher risk building's existing safety management system is effective via a series of audits, checks and reviews. This will be supported through:

- the review and oversight of building risks in a building safety case
- submission of safety case reports to the BSR when required
- acting as consultee at all gateways through design and construction
- engagement with residents and other stakeholders (such as contractors, managing agents and fire and rescue services) to develop a building-specific engagement strategy

5.2.4. Building Safety Case (BSC)

Management of building safety cases are formally overseen by an appointed Building Safety Manager on behalf of the principal accountable person. The building safety case is one of the many elements to be managed within the principles of the Golden Thread and will rely on it to remain up-to-date and effective. A detailed summary of the building safety case in the form of a safety case report will be submitted to the Building Safety Regulator under specific conditions or on request. Safety case reports could potentially also be used when sharing information between the principal accountable person and relevant accountable persons, or third-party stakeholders such as fire and rescue services as part of information sharing requirements and requests.

5.2.5. Mandatory Occurrence Reporting

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

Prescribed Circumstances

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

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

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

- Defective building work;
- Collapse of a HRB;
- The spread of fire;
- Failure or degradation of construction materials;
- Structural defects;
- Failure of fire safety measures (such as an AOV or smoke extraction or fire doors).

If a concern is submitted to your complaints system and it meets the criteria of a safety occurrence, the AP must identify it as soon as possible and submit a mandatory occurrence notice and report within the relevant timescales.

Pursuant to section 87(5) of the BSA, the PAP for an occupied HRB must establish and operate a mandatory occurrence reporting system. This is defined under section 87(6) of the BSA as a system whereby the PAP gives information to other AP(s) for the purpose of enabling them to comply with section 87, and vice versa. It enables prompt reporting of safety occurrences by all residents, AP(s) and others who use the building. It is therefore imperative that there is an interface between the Trust's complaints system and the mandatory occurrence reporting system for the Buildings.

If a safety occurrence arises, it must be reported to the BSR by the AP even if the safety occurrence is remediated immediately. The only exception is when a principal contractor remedies issues to ongoing building work, which are unlikely to risk significant numbers of deaths or serious injury.

Prescribed information

Regulation 6(2) sets out the information prescribed for the purposes of section 87(1). When a safety occurrence happens or is identified, you must submit to the BSR:

- A notice stating that a safety occurrence has taken place, a brief description of the nature of the safety occurrence and the address of the HRB;
- Following submission of the notice, a report containing:
 - Date and time of the safety occurrence;
 - Date and time the safety occurrence was first notified to the BSR;
 - Date of submission of the report to the regulator;
 - Address of the HRB;
 - Name, address and telephone number of the AP making the report;

- Details of the safety occurrence including whether any persons were injured or killed as a result of the safety occurrence, details of recent building work and how the safety occurrence was discovered;
- A description of measures taken to mitigate or remedy the safety occurrence;
- Details of any wider impact or other considerations.

Guidance on submitting mandatory occurrence notices and reports (**the Guidance**), published by the Health and Safety Executive (under which the BSR operates), goes further than Regulation 6(2) and suggests that a notice should also include the AP's contact details, the date the incident or risk was identified, and any immediate actions taken to keep people safe.

Prescribed time

Regulation 6(3) stipulates that an AP must give notice of the safety occurrence to the BSR as soon as reasonably practicable after the occurrence has taken place.

An AP must submit a report to the BSR within 10 days of the safety occurrence being identified.

Practicalities

An AP can submit a mandatory occurrence notice and report online via the following website: <https://www.gov.uk/guidance/submit-a-mandatory-occurrence-notice-and-report>

Once the AP has submitted a mandatory occurrence notice, it will receive a reference number which must be included within the report.

Other considerations

If a safety occurrence was identified before January 2024, a notice and report must still be submitted to the BSR if it meets the definition of a safety occurrence, taking into account safety measures in place, or the risk has worsened and now meets the criteria of a safety occurrence.

Failing to report

A person, who without reasonable excuse, fails to report a mandatory occurrence, commits an offence and may be liable to prosecution. If you are aware that a mandatory occurrence report has already been submitted to the BSR, the AP should obtain a copy of that report to support its decision not to report the safety occurrence.

Mandatory Occurrence Reporting System

As stated above, in accordance with section 87(5) of the BSA, the PAP must establish and operate an effective MOR system which complies with prescribed requirements. Regulation 6(4) sets out the prescribed requirements with which the PAP must comply for the purposes of section 87(5), and these are as follows:

- that there is a single reporting system within the building;
- that the system enables –
 - the reporting and recording of incidents and situations by individuals to the AP;
 - the recording of incidents and situations identified by the AP;
 - the timely assessment of reports or records of incidents and situations to determine whether they constitute a safety occurrence;
 - the notification and reporting of safety occurrences to the regulator within the required periods;
- that the system is accessible to all residents and other users of the building;
- that there are regular reviews of the system to ensure that it remains effective.

5.2.6. Competence

Review In line with requirements to evidence competence within the building safety case, we will undertake a process to review roles, responsibilities, and competencies across the business by liaising with relevant teams such as human resources and procurement to create a competency matrix.

5.2.7. Registration

All occupied HRBs have been registered with the Building Safety Regulator. The Trust shall ensure that all future HRBs are registered with the BSR accordingly.

5.2.8. Certification

Once invited to apply for one by the BSR, all registered HRBs will have a valid building assessment certificate provided after review by the Building Safety Regulator that will be clearly displayed in the building and will provide the principal accountable person's details, the current building assessment certificate and copies of any compliance notices relating to the building which are still in force.

5.2.9. Resident's Voice

Residents should be and feel safe in their homes. The Trust has established a resident group at its two HRBs and we inform them about building safety, ensure they are engaged in discussions about how to keep their building safe (including their own responsibilities) and are empowered to challenge unsafe or unreasonable decisions. Under the Resident Voice sections of the Act, the PAP is required to:

- provide residents with relevant building safety information
- establish a resident engagement strategy specific to each HRB
- establish and operate a system for the investigation of relevant complaints and building safety related questions.
- employ contravention notices in the event of residents falling short of meeting their safety obligations

5.2.10. Engagement Strategy

The Trust has developed an engagement strategies for our higher risk buildings. This includes how we communicate and share information with residents and identify their needs regarding building safety. This is a key pillar of Resident Voice requirements and sets out our responsibilities as landlord, as well as providing residents with clear guidance on their responsibilities to ensure their building is kept safe. This includes engagement with other potential stakeholders connected to the building such as Cheshire Fire and Rescue Service. The engagement strategy forms part of the prescribed submission documents required when requesting building assessment certificates.

5.2.11. Refurbishments

Principles set out in the Act relating to refurbishment works within HRBs will be met. A stricter regime for major works including remediation and refurbishments has been put in place to ensure risks posed by changes to the structure and fabric of such buildings are monitored and managed. These apply to schedule 3 and 3A works requiring appropriate schemes to be applied with appropriate oversight.

5.2.12. Leaseholder Protections

Leaseholder protections have been introduced in the Act to ensure qualifying leaseholders are protected from remediation costs associated with building safety defects for relevant buildings (multi-occupancy buildings which are at least 11 metres in height or five storeys and above). Where the Trust undertakes building safety defect remediation on relevant buildings, the following limitations on costs passed on to leaseholders are applied (subject to any additional limitations set out in individual leases):

- limitations have been placed on the permitted maximum cost that can be charged to relevant leaseholders for defects, based on their lease value and location
- leaseholders are protected outright from paying any costs associated with the remediation of external cladding defects
- defect remediation costs must first be applied to those responsible for the defects, such as the developer or client who instructed the building works
- any remediation funding costs covered by the building safety fund must also be deducted from costs before they are passed on to leaseholders.

Leaseholder protections are further supported through secondary legislation in The Building Safety (Leaseholder Protections) (England) Regulations 2022, relating to the leaseholder deed of certificates and landlord certificates. Leaseholder protections will be supported with the development of a leaseholder charging policy and related procedures.

5.2.13. Remediation

The key role of the PAP is to prevent and reduce the severity of building safety incidents relating to fire or structural failure in HRB. This is actively managed by our building safety

team through an ongoing programme to identify and remediate building safety defects. When a building safety defect has been identified, we will consult with our fire engineers and specialist consultants to understand whether temporary mitigation measures are required while we put in place relevant remediation works.

6. EQUALITY, DIVERSITY & INCLUSION

- 6.1. An equality impact assessment has been completed as part of developing this policy statement and is attached at appendix A

7. RESPONSIBILITIES

- 7.1. A list of the AP and PAP duties is appended to this statement. The key dutyholders through design and construction set out in the Act are modelled on the dutyholder roles under the Construction Design and Management regulations 2015 (CDM). CDM and Building Safety Act dutyholders are independent and may be assigned to different individuals or organisations. The key dutyholders through design and construction set out in the Act are;

- the client
- the principal designer
- Designers
- the principal contractor
- Contractors

The main changes introduced in the Act relate to the role of the principal designer, principal contractor, and requirements for the client to ensure the competence of relevant dutyholders. Requirements for relevant dutyholders to meet the provision of prescribed documents required for each gateway submission will be put in place. For the Trust the PAP is the Fire Safety Manager.

Single point of contact – Building Safety Manager

If the PAP is an organisation, then someone from the organisation can be the single point of contact for BSR. For the Trust the single point of contact is the Fire Safety Manager.

How APs work with Responsible Persons (Fire Safety)

A Responsible Person is a role under The Regulatory Reform (Fire Safety) Order 2005. In some buildings an AP or PAP will also be the Responsible Person. Where this is not the case, building safety information must be shared across these roles and any information shared must meet data protection requirements

7.2. Occupation

- 7.2.1. To ensure residents living in higher risk buildings feel safe in their homes, the Trust has various role roles and processes, each with different responsibilities for safety. We will

collaborate and clear communicate with our residents, as well as between teams at the Trust and stakeholders such as Fire and Rescue Services.

8. MONITORING AND REPORTING

- 8.1. A six monthly update report will be provided to the Board to ensure the Trust continues to comply with the Building Safety Act.
- 8.2. Key performance indicators such as the number of Fire Risk Assessments overdue, remedial actions and servicing, testing and inspection of fire related activity will be reported to PMG monthly and to Board as part of the Compliance Performance Report.

9. CONSULTATION

- 9.1. The Trust will continue to consult with tenants and Cheshire Fire and Rescue Service to ensure the safety of people, living and working in the building.

10. REVIEW

- 10.1. The Building Safety Act Policy Statement will be reviewed annually or if there is a further change in legislation

12. ASSOCIATED DOCUMENTS

Fire Safety Policy
Development Procedures
Investment Process Map
Commencement Regulations

- The Building Safety Act 2022 (Commencement No. 1, Transitional and Saving Provisions) Regulations 2022
- The Building Safety Act 2022 (Commencement No. 2) Regulations 2022
- The Building Safety Act 2022 (Commencement No. 3 and Transitional Provision) Regulations 2022
- The Building Safety Act 2022 (Commencement No. 4 and Transitional Provisions) Regulations 2023
- The Building Safety Act 2022 (Commencement No. 5 and Transitional Provisions) Regulations 2023
- The Building Act 1984 (Commencement No. 3) (England) Order 2023
- The Building Safety Act 2022 (Commencement No. 6) Regulations 2024
- The Building Safety Act 2022 (Commencement No. 7 and Transitional Provisions) Regulations 2024

Building Control

- The Building Regulations etc. (Amendment) (England) Regulations 2023
- The Building (Approved Inspectors etc. and Review of Decisions) (England) Regulations 2023
- The Building Safety Act 2022 (Consequential Amendments etc) Regulations 2023
- The Building (Restricted Activities and Functions) (England) Regulations 2023

- The Building Safety (Regulator's Charges) Regulations 2023
- The Building (Higher-Risk Buildings Procedures) (England) Regulations 2023
- The Building (Registered Building Control Approvers etc.) (England) Regulations 2024
- The Building (Registered Building Control Approvers etc.) (England) (Amendment) Regulations 2024

Higher-Risk Buildings

- The Higher-Risk Buildings (Descriptions and Supplementary Provisions) Regulations 2023
- The Building Safety (Registration of Higher-Risk Buildings and Review of Decisions) (England) Regulations 2023
- The Higher-Risk Buildings (Key Building Information etc.) (England) Regulations 2023
- The Building (Public Bodies and Higher-Risk Building Work) (England) Regulations 2023
- The Building (Higher-Risk Buildings Procedures) (England) Regulations 2023
- The Higher-Risk Buildings (Management of Safety Risks etc) (England) Regulations 2023
- The Higher-Risk Buildings (Keeping and Provision of Information etc.) (England) Regulations 2024

POLICY INFORMATION

Policy Name:	Building Safety Act – Policy Statement
Status:	Final
Approved by:	Executive Management Team
Drafted By:	Assistant Director of Asset, Development and Compliance
Date approved:	
Next Review Date:	September 2026

Key statutory abbreviations

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

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

**The below should be read in conjunction with the legislation*

Principal Accountable Person (“PAP”)

Building Safety Act 2022

BSA Ref	Duty under <u>Building Safety Act 2022</u>	Further detail of the duty prescribed under secondary legislation	Date duty came into force
S77(1-2) S78(1)	Ensure that the HRB is registered before occupation, unless there was a reasonable excuse for doing so. For HRBs that are already in occupation, the PAP must ensure that they are registered before 30 September 2023, otherwise it will have committed an offence.	The RRD Regs, which came into force on 6 April 2023, sets out the prescribed content of applications for registration. An application must include: 1. Where there is only one Accountable Person for the building, their name, address, email address and telephone number. 2. Where there is more than one Accountable Person for the building, confirmation of who is the Principal Accountable Person, details for which part the Accountable Person is responsible, and the details set out in 1 above. 3. Where the Principal Accountable Person is not an individual, the type of organisation (e.g., private registered provider of social housing, registered provider of social housing, resident management company etc.) 4. The name and address of the person authorised by the Principal Accountable Person to make the registration application on their behalf. 5. If the person making the application for the Principal Accountable Person is not an individual, the name and address of the single point of contact for the Principal Accountable Person for the purposes of the application. 6. A description of the building including, the address, name (if applicable), number of residential units, height in metres, number of storeys and year that the building was completed. 7. For buildings which were completed before Section 32 of the BSA came into force (not yet in force), the date of the	1 October 2023

		building certificate for the completed building, the reference number of the certificate and the name of the building control body who gave it. 8. For buildings completed after Section 32 of the BSA comes into force (not yet in force), the reference number for the building issued by the BSR and the date the certificate was issued. Regulations published under S.89 include the Higher-Risk Buildings (Key Building Information etc.) (England Regulations 2023 ("KBIR")), which requires the PAP to provide the key building information, as defined by KBIR, within 28 days of making an application to register an HRB. See the Higher-Risk Buildings (Key Building Information etc.) (England) Regulations section below.	
S79(1-2)	Where the BSR directs the PAP to apply for a building assessment certificate (issued under s81 of the Act), the PAP must make that application within 28 days from the day on which the direction is given. (See s80 of the BSA for more details)		16 January 2024
S80(1)	An application for a building assessment certificate must be accompanied by the following: - a copy of the most recent safety case report for the building unless a copy has already been provided under s86(2); - prescribed information about the mandatory occurrence reporting system operated by the PAP; - prescribed information demonstrating compliance by each AP for the building, with their duties under s89; a copy of any residents' engagement strategy	Applications must include: • The address, postcode and, if applicable, name of the building; • The name of the PAP; • The registration number given to the building; • A description of any changes of the information and the date of those changes; and • Details of any compliance notice given under s.99 of BSA. (Regulation 3(5) of HRB MSR Regs) Information regarding the mandatory occurrence reporting system is information, whether contained in the safety case report or not, which demonstrates compliance with s.85(5) of the BSA. (Regulation 3(1) of HRB MSR Regs) Information demonstrating compliance with the duties under s89 is to be a statement by the PAP confirming that each AP has complied with its obligations under the BSA. (Regulation 3(2) of HRB MSR Regs)	16 January 2024

BSA Ref	Duty under <u>Building Safety Act 2022</u>	Further detail of the duty prescribed under secondary legislation	Date duty came into force
S82(2)	Ensure that the following are displayed together, in a conspicuous position in the building: - a notice in the prescribed form containing prescribed information about APs; - the most recent building assessment certificate; - any relevant compliance notice	Regulation 3 (8) confirms the notice should include address, telephone number and email of PAP and all APs (Reg 3 of the HRB MSR Regs)	16 January 2024
S82(2)	Where a special measures order is in force in relation to an HRB, the PAP must ensure that <u>no</u> building assessment certificate is displayed in the building		16 January 2024
S85(1)	As soon as is reasonably practicable after the relevant time (i.e., date of occupation or date of appointment of PAP), the PAP must prepare a safety case report containing the following: - any assessment of the build safety risks make under s83 by an AP; and - a brief description of any steps taken under s84 by an AP.	Relating to safety case reports under s.85 of the 2022 Act A PAP must include the following information in a safety case report: • The building registration number • A brief description of the building and its wider environment • A description of the possible scenarios of building safety risks identified by each AP through the risk assessment process under s.83 of the 2022 Act, the likelihood of those risks materialising and likely consequences if they do arise	16 January 2024

BSA Ref	Duty under <u>Building Safety Act 2022</u>	Further detail of the duty prescribed under secondary legislation	Date duty came into force
		- A description of how the steps taken by each AP show compliance with s.84 of the 2022 Act - A description of the system for managing safety for the building, including - How safety measures are tested and maintained - The policies and procedures for managing work to the buildings - A description of emergency plans in place for the building, including: - A description of equipment in place to allow emergency services to respond - Details of the information provided to emergency services to support their emergency response planning - A description of how residents are to respond to emergency situations The safety case report must be kept in electronic form, any notification to the regulator under s.86(1) of the 2022 Act must include (1) an overview of the main revisions to the safety case report, and (2) an explanation why the revision has been made (Reg 5 of the HRB MSR Regs)	
S85(2)	PAP must revise a safety case report if they consider it necessary and appropriate to do so following any further assessment under s83, or the taking of further steps under s84 by an AP.		16 January 2024
S86(1-2)	Notify the regulator as soon as reasonably practicable after preparing/revising a safety case report. And where the regulator has asked for the report, the PAP must provide it as soon as reasonably practicable.	The Regulator may order that the safety case be issued via a specified website address. (Reg 5 of the HRB MSR Regs)	16 January 2024
S87(5-6)	Establish and operate an effective mandatory occurrence reporting system which complies with prescribed requirements. The mandatory occurrence reporting system is a system for the giving of information to APs so as to enable them to comply with s87(1), i.e., their duty to give prescribed information to the BSR.	Mandatory occurrence reporting system, that the PAP must comply with under s.87(5) of the 2022 Act, must meet specific requirements. These include: - having a single reporting system for the entire building - allowing individuals to report incidents to the AP and enabling timely assessment of these reports to identify safety occurrences.	16 January 2024

BSA Ref	Duty under <u>Building Safety Act 2022</u>	Further detail of the duty prescribed under secondary legislation	Date duty came into force
		ensuring the system is accessible for all building residents and users and undergo regular reviews to maintain its effectiveness. (Reg 6 of the HRB MSR Regs)	
S88(1)	AP must keep prescribed information in accordance with prescribed standards, and so far, as possible to keep such information up to date. This is referred to more commonly now as the golden thread. While this is an AP duty, all PAPs are APs and there are specific additional duties that apply only to PAPs.	The AP is to provide to each relevant RP of that building any information and a copy of any document which relates to the part of the building for which the AP is responsible and that the AP must keep pursuant to s.88 of the 2022 Act, and which falls into the provisions of Schedule 1 of the HRB KPI Regs - Golden Thread Information, relating to: • fire safety management • evacuation • plans (Reg 11(2) of HRB KPI Regs) Where that AP is also a PAP, the PAP must provide each relevant RP of that building: • a copy of the safety case report for that building; and • and information that an AP is required to keep pursuant to s.88 of the BSA which falls within paragraph 7(1) (evacuation) of Schedule 1 of the HRB KPI Regs. (Reg 11(3) of HRB KPI Regs)	16 January 2024

s91(1)	As soon as reasonably practicable after the relevant time, prepare a residents' engagement strategy for promoting the participation of relevant persons in the making of building safety decisions. For the purposes of already occupied HRBS, the relevant time will be 6 April 2023 which is the date the relevant person becomes the PAP. Review the strategy at prescribed times and revise where necessary/appropriate. In prescribed circumstances, consult relevant persons and prescribed persons on the strategy and take any representations made on the consultation into account when next reviewing strategy. The PAP must also act in accordance with the strategy.	Residents' engagement strategy- for purposes of s.91(1) of the 2022 Act The PAP must review the residents' engagement strategy: • at least once every two years • within a reasonable period after a mandatory occurrence report under s.87 of the 2022 Act • within a reasonable period after completion of 'significant material alterations' to the building, except if these alterations were already considered in a review conducted within the previous two years. Significant alterations include changes to the building's external dimensions, number of storeys, residential units, staircases, escape routes, external walls, and internal layout. The PAP must consult residents/owners and any APs for the building on the strategy, the circumstances are that: - the resident's engagement strategy has first been prepared; or - there has been a revision to the residents' engagement strategy. A residents' engagement strategy must include: • a requirement that the PAP must inform residents when works resulting from a building safety decision will be carried out, and the purpose of the works • (unless for emergency works) where works taking place for more than 1 day will limit access to the building or cause a nuisance, PAP must consult residents about ○ The days and times when works are to take place and ○ How to mitigate disruption to residents • A requirement that the PAP must give due consideration to responses to any consultation	16 January 2024
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BSA Ref	Duty under <u>Building Safety Act 2022</u>	Further detail of the duty prescribed under secondary legislation	Date duty came into force
		• Provision for keeping of records of reviews carried out by any PAP • guidelines in writing for residents on how consultations related to residents' engagement strategy and building safety decisions will be conducted Consultations under s.91 of the 2022 Act must: - Use appropriate methods (digital, postal, or in-person events). - Ensure awareness among relevant persons affected by the consultation. - Last for a reasonable period, with residents' engagement strategy consultations lasting at least 3 weeks (Reg 10 of the HRB MSR Regs)	
S91(3)	Ensure the residents' engagement strategy includes: - the information that will be provided to relevant persons about decisions relating to the management of the building; - the aspects of those decisions that relevant persons will be consulted about; - the arrangements for obtaining and taking account of the view of the relevant persons; and - how the appropriateness of methods for promoting participation will be measured and kept under review.	See also the requirements at Regulation 10 of HRB MSR Regs (as above)	16 January 2024
S93(1)	As soon as reasonably practicable after the relevant time, establish and operate a system for the investigation of relevant complaints. (For the purposes of HRBs that are already occupied, the relevant time is 6 April 2023, which is the date that the relevant person becomes the PAP)	PAP complaints procedures under s.93 of the 2022 Act The PAP must publish a complaints policy which explains: • what amounts to a relevant complaint; • how a relevant complaint may be made; • how a relevant complaint will be dealt with; • how a complainant can make representations and comments on any findings during an investigation; • the expected timeframes for investigation and determination of a relevant complaint; • the address, telephone number and email address of the regulator and details of how to take a complaint to the regulator where an agreed outcome cannot be reached between the PAP and complainant;	16 January 2024

BSA Ref	Duty under <u>Building Safety Act 2022</u>	Further detail of the duty prescribed under secondary legislation	Date duty came into force
		- details of how compliance with the Equality Act 2010(2) is secured, such as by giving examples of the types of reasonable adjustment which may be made; - details of how personal data is processed. A response to a complaint should cover all important aspects of the complaint, provide reasons for decisions, describe actions taken, and outline planned actions with specific timeframes (Reg 12 of the HRB MSR Regs)	

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

HRB KBI Regs Ref	Duty under <u>The Higher-Risk Buildings (Key Building Information etc.) (England) Regulations 2023</u>	Date duty came into force
	HRB KBI Regs	
Reg 19	The PAP must provide to the regulator 'key building information' for each HRB for which they are the PAP. Key building information is set out in Regulations 3-18, and includes: - Whether the HRB has any ancillary building and whether the ancillary building is an HRB - The principal use of: - The HRB - Any ancillary building - Any outbuilding (any permanent or temporary building whether or not attached to the HRB, used for purposes incidental to the enjoyment of the HRB) - Any storey below ground level in the HRB - The subordinate use (i.e. any use other than the principal use) of: - The HRB, save in respect of a residential unit in that HRB - Any ancillary building - Any storey below ground level in the HRB - Whether since its construction there has been a change to the principal use of the HRB "Use" must be described using the following categories	6 April 2023

Responsible Person	Duty under <u>The Higher-Risk Buildings (Key Building Information etc.) (England) Regulations 2023</u> HRB KBI Regs	Date duty came into force
	○ Residential (dwellings) ○ Residential (institutional) ○ Residential (other) ○ Office ○ Shop and commercial ○ Assembly and recreation ○ Industrial, or ○ Storage and other non-residential • For the external wall of the HRB ○ A description of the material used in its composition and; ○ If there is more than one material, what % of the whole does each material constitute • If there is insulation of the external wall ○ A description of the material used in the composition of that insulation; and ○ If there is more than one material, what % of the whole does each material constitute • For the roof of the HRB ○ The main material used in the composition of the part of the roof that provides a waterproof covering ○ Whether there is a separate layer of insulation ○ Whether the roof plane is pitched or flat or a combination of both • For any fixture attached to the external wall or roof of the HRB ○ The type of fixture and ○ The main material from which the fixture is composed • For the structure of the HRB ○ The main material used ○ The type of the structural design the building has in order to comply with Part A (Structure) of Sch 1 of the Building Regs. • The number of storeys below ground level that are in the HRB • In relation to staircases ○ The number of staircases that the HRB has and ○ How many of those staircases serve, as part of the same flight of stairs, the storey at ground level and every storey above it • The type of energy supply to the HRB • The type of energy storage system of the HRB • A description of the type of evacuation strategy that is in place for the HRB	
Reg 20-21 and 23-24	Submission of the key building information to the regulator: - must be submitted within 28 days of the PAP submitting an application for registration of that HRB. – see s.77 of the 2022 Act - may be made by a person authorised on behalf of the PAP for that building. - must be provided in electronic form. The PAP must notify the regulator of any change to the key building information within 28 days of the PAP becoming aware of the change.	6 April 2023

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

HRB KPI Regs Ref	Duties under <u>The Higher-Risk Buildings (Keeping and Provision of Information etc.) (England) Regulations 2024</u> HRB KPI Regs	Date duty came into force
Reg 11(3)	If the AP is also the PAP, they must provide to each relevant RP of that building- • A copy of the safety case report for that building • Any information that an AP is required to keep pursuant to s.88 of the 2022 Act which also falls within 7(1) of Schedule 1 of the HRB KPI Regs i.e. the evacuation strategy and evacuation information for the higher-risk building as a whole.	16 January 2024
Reg 12(2)	An AP who is also the PAP, must provide to <i>the fire and rescue authority</i> for the area in which that building is situated- • The information that the PAP is required to keep pursuant to- ○ Paragraph 4(1) (the key building information) of Schedule 1 of these HRB KPI Regs ○ Paragraph 7(1) (evacuation) of Schedule 1 of these HRB KPI Regs • The document that the PAP is required to keep pursuant to refusal of building assessment certification application of schedule 1 • The safety case report for the building.	16 January 2024

Accountable Person (“AP”)

Building Safety Act 2022

BSA Ref	Duty under <u>Building Safety Act 2022</u>	Further detail of the duty prescribed under secondary legislation	Date duty came into force
S76(2-3)	For new HRBs and where additional residential units are created in an existing HRB, ensure that a completion certificate relating to the relevant part of the HRB is issued before occupation, unless there was a reasonable excuse for doing so.		1 October 2023
S83(1-2)	Where an HRB is occupied, AP must as soon as reasonably practicable after the relevant time (i.e., date of occupation or date of appointment of AP) assess the building safety risks as regards the part of the building for which they are responsible. Further such assessments must be made: - at regular intervals; - any time the AP has reason to suspect the current assessment is no longer valid; or - at the direction of the BSR		16 January 2024
S84	Must take all reasonable steps to: - Prevent a building safety risk materialising as regards to the part of the building for which they are responsible; - Reduce the severity of any incident resulting from such a risk materialising. These steps may involve carrying out works to the part of the building for which the AP is responsible. The AP must act in accordance with prescribed principles, take steps promptly, make and give effect to arrangements for the purpose of ensuring effective planning, organisation, control, monitoring and review of steps taken.	The Ap must act in accordance with prescribed principles to manage building safety risks, including: • avoidance of building safety risks; • evaluating building safety risks that cannot be avoided and identifying proportionate measures to reduce, mitigate or control them; • combat building safety risks at their source by introducing proportionate measures to address, reduce, mitigate and control the risk at the earliest opportunity; • ensuring suitable and proportionate systems are in place for effective inspecting, testing and maintaining of measures taken; • prioritising collective safety measures over individual measures; • adapting to new technical progress; • replacing dangerous features for ones that are less dangerous; • consider the impacts on residents and engage with residents;	16 January 2024

		• providing clear instructions and information to employees and contracts; and • ensuring that any person responsible for assisting with compliance with a duty under Part 4 of the BSA has the relevant competence (i.e., the skills, knowledge, experience and behaviours necessary to perform the functions for which they are responsible (or the organisational capacity if not an individual) (Reg 4 of the HRB MSR Regs)	
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BSA Ref	Duty under <u>Building Safety Act 2022</u>	Further detail of the duty prescribed under secondary legislation	Date duty came into force
S87(1)	In prescribed circumstances, the AP must give prescribed information to the BSR by the prescribed time and in the specified way.	Where a 'safety occurrence' takes place, the information required for the purposes of s.87(1) of the 2022 Act are: • A notice that the safety occurrence has taken place, providing a brief description of the incident's nature and stating the building's address • A detailed report containing: ○ Date and time of incident ○ Date and time when incident was first reported to the regulator ○ Date of report submission to the regulator ○ Building address where the incident occurred ○ Contract information of the reporting AP, including name, address, phone number and email ○ Incident details including whether anyone was injured or killed, recent building work details, how the incident was discovered ○ Description of the measures taken to address the incident ○ Information on broader impacts or related considerations "safety occurrence" means an incident or situation relating to the structural integrity of, or spread of fire in, a higher-risk building that meets the risk condition; Timeframes for compliance: • The AP must notify about the incident as soon as reasonably possible after it occurs. • The detailed report must be submitted within 10 days from the day the AP becomes aware of the safety incident. (Reg 6 of the HRB MSR Regs)	16 January 2024
S88(1)	AP must keep prescribed information in accordance with prescribed standards, and so far, as possible to keep such information up to date. This is referred to more commonly now as the golden thread .	The prescribed information should be kept by the AP as follows: • Electronic • Accurate • Intelligible • Accessible as soon as reasonably practicable • Secure from unauthorised access • Only changed in accordance with required procedures	16 January 2024

BSA Ref	Duty under <u>Building Safety Act 2022</u>	Further detail of the duty prescribed under secondary legislation	Date duty came into force
		(Reg 7 of the HRB MSR Regs) If a HRB has multiple APs, each AP is responsible for keeping information or copies of documents listed in Schedule 1 of the HRB KPI Regs, specifically related to the part of the building they are responsible for. - see s.88 of the 2022 Act. (Reg 4(2) of HRB KPI Regs) The AP must provide to the client for a project which relates to the part of the building for which they are responsible, any information, as required by s.88(1) of the BSA <i>and</i> which falls within: • fire safety management where the information relates to the part of the building specified in the notice; • structural risks where the information relates to the part of the building specified in the notice (except where the client has previously given information to that AP and the information has not changed since); and • management of building safety risks, and building design where the information relates to the part of the building specified in the notice. (Reg 10(2) of HRB KPI Regs) The AP is to provide to each relevant RP of that building any information and a copy of any document which relates to the part of the building for which the AP is responsible and that the AP must keep pursuant to s.88 of the 2022 Act, and which falls into the provisions of Schedule 1 of the HRB KPI Regs - Golden Thread Information, relating to: • fire safety management • evacuation • plans (Reg 11(2) of HRB KPI Regs)	

BSA Ref	Duty under <u>Building Safety Act 2022</u>	Further detail of the duty prescribed under secondary legislation	Date duty came into force
		This does not apply to any information that the relevant RP has previously given to the AP and that has not changed since it was given. It does not apply to any document that the relevant RP has previously given to the AP and is the same version of the document as the version that was given	
S88(2-3)	Keep copies of prescribed documents in accordance with prescribed standards (S88(1)). Where an AP does not hold prescribed information (or a copy), they must obtain it except where it is not practicable to do so.	Copies of prescribed documents must be kept in accordance with prescribed standards. Those standards are that the documents must be: • Held electronically • Accessible as soon as reasonably practicable • Secure from unauthorised access • Only changed in accordance with the procedures (Reg 7 of the HRB MSR Regs) The prescribed documents for the purposes of s.88(2) include: • The completion certificate (or partial certificate) application and any document that accompanies that application; • The completion certificate (or partial certificate); • In relation to Scheme Work, the certificate that the person carrying out the Scheme Work is required to give the client as 'occupier'; • The registration certificate that the PAP is required to give to the BSR pursuant to 4(b) and 18(1)(d) of the Building Safety (Registration of Higher-Risk Buildings and Review of Decisions) (England) Regulations 2023 (if the AP is also the PAP); • Any document that accompanied or supported the most recent application for a building assessment certificate (if the AP is also the PAP); • Any notice in relation to the HRB the BSR has given pursuant to s.81(3)(b) (building assessment certificate) in the last 5 years (if the AP is also the PAP); • The most recent building assessment certificate (if the AP is also the PAP); • Fire Safety management documents created or received by an AP in relation to Article 9 of the Regulatory Reform (Fire Safety) Order 2005;	16 January 2024

		• The record of the design materials of the external walls; • The floor plans; • Any statement or report confirming that an assessment of structural risks is not necessary; • Any statement assessment or report evaluating the structural risks of the HRB; • Any report that contains an up to date assessment of the building safety risk to the HRB or such part for which the AP is responsible; • The safety case report; • A record of any maintenance of and repairs undertaken to any equipment, device or materials which were planned by, or on behalf of, any AP within the last 7 years; • The most recent version of any document relating to building safety risks in the HRB that was created for the enabling of the effective planning, organisation, monitoring, control and review of steps taken to manage building safety risks; • Plans of the current construction and of the original construction of the building; • The document which describes the detailed arrangements for mandatory occurrence reporting; • The resident engagement strategy document; • The log that records the subject and nature of any reoccurring complaints and the dates which they were made within the last 7 years; and • Any contravention notice given by an AP within the last 5 years. (Reg 4(1)/Schedule 1 of HRB KPI Regs) If a HRB has multiple APs, each AP is responsible for keeping information or copies of documents listed in Schedule 1 of the HRB KPI Regs specifically related to the part of the building they are responsible for. (Reg 4(2) of HRB KPI Regs) An AP must provide to a client for a project which relates to the part of the building for which the AP is responsible a copy of any document which the AP must keep, as required by s.88(2) of the BSA and which relates to the following provisions of Schedule 1 of the HRB KPI Regs: • Fire safety management; • Structural risks; and	
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		Plans. (Reg 10(3) of HRB KPI Regs)	
S89	The Secretary of State may by regulations require an AP for an HRB to give prescribed information or a copy of a prescribed document to: - the BSR - Another AP for the building - Residents of the building - Owners of residential units in the building, or - Any other prescribed person.	An AP must give information and copies of documents prescribed by regulations to the prescribed persons as soon as reasonably practicable after it has been created or updated, or as reasonably practicable after a relevant request. (Reg 8(1) HRB MSR Regs) An AP must give the prescribed information and documents to all other APs in the building. (Reg 8(5) HRB MSR Regs) Information and documents must be provided to any resident: - As soon as reasonably practicable after the HRB becomes occupied, or if later, the time when the person becomes the AP for the HRB; - For new residents, as soon as reasonably practicable after the AP is aware that the resident has moved in; - Where the information has become out of date, as soon as reasonably practicable after the AP becomes aware that the information is out of date; - In relation to non-resident owners, as soon as reasonably practicable after the AP becomes aware that the person has taken ownership of a residential unit and as soon as the AP is aware that any previously supplied information is out of date. (Reg 8(7) HRB MSR Regs) Information and documents provided to residents and non-resident owners must be in writing and in a form which allows the recipients to understand the content and aims of the document. It must also be displayed in common parts of the building if the information relates to the reporting of a building safety risk, how to make a relevant complaint or the identity of the AP, PAP or RP of the building or the types of information they are able to request and the process to obtain it. (Reg 8(9) HRB MSR Regs) Where a client, whose projects involves a HRB, the obligation to provide the information is to provide it as soon as reasonably practicable after the client for the project gives written notice to the AP that the project is taking place. (Reg 8(2) HRB MSR Regs)	6 April 2023

		For the purposes of s.89, the following are prescribed persons: • A relevant landlord; • A client for a project within the building; • A relevant RP • A relevant fire and rescue authority Different documents are prescribed for each prescribed person (e.g., the safety case report is prescribed for an RP and a fire and rescue authority, but not for a client on a project). The regulations should be reviewed to ensure the correct prescribed documents are submitted. (Reg 9-12 of HRB KPI Regs) The duty to provide documents does not extend to material that is “security sensitive”, “commercially sensitive” or “personal data”. If there is a concern that the information should not be provided, review the relevant sections of the regulations to determine if an exclusion applies. (Reg 15-19 of HRB KPI Regs)	
S90(1-3)	An outgoing AP ceasing to be responsible for all/part of the building, must give prescribed information and a copy of any prescribed documents to the new AP. Information/documents must be given by the prescribed time, in the prescribed way and in accordance with prescribed standards.	In relation to s.90(2) of the 2022 Act, the prescribed information is required to be given electronic and without any lost data and must be intelligible to the recipient.	16 January 2024
S90(4)	An outgoing AP must give prescribed information to the BSR in the prescribed way, as soon as reasonably practicable after the relevant time.	In relation to s.90(4) of the 2022 Act, the following information is required: • the outgoing person’s name • the building, or part of building for which the outgoing person is responsible • the building registration number the date the outgoing person ceased to be responsible for the building or part of building	16 January 2024

BSA Ref	Duty under <u>Building Safety Act 2022</u>	Further detail of the duty prescribed under secondary legislation	Regs Ref
		The name, address, phone number, and email of the person now responsible for the building or part of it (Reg 9 of the HRB MSR Regs)	
S91(4)	When the residents' engagement strategy is prepared, give a copy to: - each resident over the age of 16 and residing in a residential unit for which the AP is responsible; - each owner of a residential unit; and - any other prescribed person. This duty does not apply in relation to a resident the AP is not aware of, and where the AP has taken all reasonable steps to make themselves aware of those who reside in the residential units they are responsible for.	The prescribed persons are confirmed to be any APs for the building that are not the PAP. (Reg 10 of the HRB MSR Regs)	16 January 2024
S92(1-3)	Where a resident or owner of a residential unit makes a request for a copy of prescribed information or a prescribed document, the AP must as soon as reasonably practicable, provide that information or document requested.	The information must be: a) in writing b) in a form that can be understood by the recipient, ensuring technical language is explained where required or with summaries of complex or technical provision (Reg 11 of the HRB MSR Regs)	16 January 2024
S109(4)	An AP must cooperate with every other AP for the HRB when undertaking their duties. Every AP must also cooperate with each Responsible Person for the purpose of the Responsible Person carrying out duties under the Regulator Reform (Fire Safety) Order 2005 ("FSO"). Responsible Persons under the FSO have a reciprocal duty to cooperate with APs to enable them to perform their duties under the BSA.		6 April 2023

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

HRB KBI Regs Ref	Duty under <u>The Higher-Risk Buildings (Key Building Information etc.) (England) Regulations 2023</u> HRB KBI Regs	Date duty came into force
Reg 22	If there is more than one AP for the HRB, each AP must, for the part of the building for which they are responsible, provide the PAP with: - Notice and details of any change to the key building information within 28 days of the AP becoming aware of the change. - If requested by the PAP, 'key building information' as soon as reasonably practicable from the date of the request of the PAP. Key building information is set out in Reg 3-18, and includes: • Whether the HRB has any ancillary building and whether the ancillary building is a HRB • The principal use of: ○ The HRB ○ Any ancillary building ○ Any outbuilding (any permanent or temporary building whether or not attached to the HRB, used for purposes incidental to the enjoyment of the HRB) ○ Any storey below ground level in the HRB • The subordinate use (i.e. any use other than the principal use) of: ○ The HRB, save in respect of a residential unit in that HRB ○ Any ancillary building ○ Any storey below ground level in the HRB • Whether since its construction there has been a change to the principal use of the HRB • "Use" must be described using the following categories ○ Residential (dwellings) ○ Residential (institutional) ○ Residential (other) ○ Office ○ Shop and commercial ○ Assembly and recreation ○ Industrial, or ○ Storage and other non-residential • For the external wall of the HRB ○ A description of the material used in its composition and; ○ If there is more than one material, what % of the whole does each material constitute • If there is insulation of the external wall ○ A description of the material used in the composition of that insulation; and ○ If there is more than one material, what % of the whole does each material constitute • For the roof of the HRB ○ The main material used in the composition of the part of the roof that provides a waterproof covering ○ Whether there is a separate layer of insulation ○ Whether the roof plane is pitched or flat or a combination of both • For any fixture attached to the external wall or roof of the HRB	6 April 2023

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	○ The type of fixture and ○ The main material from which the fixture is composed • For the structure of the HRB ○ The main material used ○ The type of the structural design the building has in order to comply with Part A (Structure) of Sch 1 of the Building Regs. • The number of storeys below ground level that are in the HRB • In relation to staircases ○ The number of staircases that the HRB has and ○ How many of those staircases serve, as part of the same flight of stairs, the storey at ground level and every storey above it • The type of energy supply to the HRB • The type of energy storage system of the HRB • A description of the type of evacuation strategy that is in place for the HRB	
Reg 26(1)	If the HRB has only one AP, and the AP <u>IS</u> a commonhold association, the AP is responsible for the following parts of the building- • The common parts of the building • The commonhold unit • Any balcony, and • Any other part of the building to which the Regulatory Reform (Fire Safety Order) 2005 does not apply.	6 April 2023
Reg 26(2)	If a HRB has only one AP and the AP is <u>NOT</u> a commonhold association, the AP is responsible for the following parts of the building – • The common parts of the building • The residential unit • Any balcony, and • Any other part of the building to which the Regulatory Reform (Fire Safety Order) 2005 does not apply.	6 April 2023
Reg 27-30	Where a HRB has <u>more than one</u> AP: 1. An AP is responsible for the part of the common parts of the building for which they hold a legal estate in possession or a repairing obligation (Reg 28). 2. An AP who holds a legal estate in possession in or a repairing obligation in relation to any part of the exterior of the building, is responsible for any balcony attached to that part of the exterior (Reg 29). 3. If an AP has the right to rent out a residential unit in the building, they are responsible for that unit, unless it's leased on a long-term basis (Reg 30). • If a residential unit is leased under a long-term contract: • (a) The landlord mentioned in the lease is responsible.	6 April 2023

HRB KBI Regs Ref	Duty under <u>The Higher-Risk Buildings (Key Building Information etc.) (England) Regulations 2023</u> HRB KBI Regs	Date duty came into force
	• (b) If the landlord isn't an AP according to the 2022 Act, the responsible AP is in charge of the common areas near the unit's main entrance. • This rule also applies to any associated spaces like gardens, yards, garages, or outhouses within the building, used by the resident.	

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

HRB MSR Regs Ref	Duty under <u>The Higher-Risk Buildings (Management of Safety Risks etc) (England) Regulations 2023</u> HRB MSR Regs	Date duty came into force
Reg 6	Where a 'safety occurrence' takes place, the information required for the purposes of s.87(1) of the 2022 Act are: • A notice that the safety occurrence has taken place, providing a brief description of the incident's nature and stating the building's address • A detailed report containing ◦ Date and time of incident ◦ Date and time when incident was first reported to the regulator ◦ Date of report submission to the regulator ◦ Building address where the incident occurred ◦ Contract information of the reporting AP, including name, address, phone number and email ◦ Incident details including whether anyone was injured or killed, recent building work details, how the incident was discovered ◦ Description of the measures taken to address the incident ◦ Information on broader impacts or related considerations "safety occurrence" means an incident or situation relating to the structural integrity of, or spread of fire in, a higher-risk building that meets the risk condition; Timeframes for compliance: • The AP must notify about the incident as soon as reasonably possible after it occurs. • The detailed report must be submitted within 10 days from the day the AP becomes aware of the safety incident.	16 January 2024
Reg 13	An AP has authority to issue a contravention notice under s.96 of the 2022 Act where it appears to the AP that a resident has gone against its duty under s.95 which involves residents: - not acting in a way that creates a significant risk of a building safety risk materialising	16 January 2024

HRB MSR Regs Ref	Duty under <u>The Higher-Risk Buildings (Management of Safety Risks etc) (England) Regulations 2023</u> HRB MSR Regs	Date duty came into force
	- not interfering with relevant safety item and - complying with any requests of the AP for information. A contravention notice under s.96 of the 2022 Act must contain: • details of any statutory provision which the resident has contravened • details of any previous communication between the AP and the resident relating to the contravention • details of any guidance issued by the regulator which is relevant • and explanation why the AP considers that steps should be taken to remedy the contravention • and if a sum is specified, an explanation why the sum is required and evidence of the amount specified • details of the complaint's procedure operated by the PAP- see Reg 12 of the HRB MSR Regs detailed in the PAP Responsibilities • name and contact details of the AP giving the contravention notice	
Reg 15	An AP for the building may appeal to the tribunal against a decision of the regulator made under regulations • The grounds for appeal are that the decision was (1) based on an error of fact, (2) wrong in law, and (3) unreasonable.	16 January 2024

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

HRB KPI Regs Ref	Duty under <u>The Higher-Risk Buildings (Keeping and Provision of Information etc.) (England) Regulations 2024</u> HRB KPI Regs	Date duty came into force
Reg 5(1)	Where an <u>appointment</u> is made in relation to an AP, the AP must provide the following information to the regulator- • Their own name and the address of each HRB for which they are responsible as an AP. • Where the AP is a company, the company registration number. • The name and the description of the appointment of that office-holder or person appointed. • A postal address, and a telephone number or email address for that officeholder or person appointed.	16 January 2024
Reg 6(1)	Unless stated otherwise, if there are multiple APs for a HRB, each AP must share Golden Thread information with every other AP responsible for that building. This information is what each AP is required to maintain for the building.	16 January 2024

Responsible Person	Duty under <u>The Higher-Risk Buildings (Keeping and Provision of Information etc.) (England) Regulations 2024</u> HRB KPI Regs	Date duty came into force
Reg 7	An AP for a HRB must give information or a copy of specific documents listed in Schedule 2 of the HRB KPI Regs to every resident aged 16 or above in the part of the building they are responsible for, except when: • The AP is unaware that the person lives in that part of the building. • The AP has made reasonable efforts to find out who lives in the residential units in that part of the building. In such cases, the AP is not obliged to provide information or documents to that person.	16 January 2024
Reg 8	Unless stated otherwise, an AP for a HRB is required to make reasonable efforts to give each owner of a residential unit in their designated area the necessary information or a copy of specific documents mentioned in Schedule 2 of the HRB KPI Regs.	16 January 2024
Reg 9	Unless stated otherwise, where an AP has given a contravention notice to a person who resides in, but is not the owner of, a residential unit in an HRB, the AP must make reasonable efforts to provide a copy of that notice to the relevant landlord. – see s.96 of the 2022 Act.	16 January 2024
Reg 12(3)	An AP for an HRB must provide to the fire and rescue authority for the area in which that building is situated: • the information that the AP is required to keep pursuant to Schedule 1- Golden Thread Information of the HRB KPI Regs, relating to: ○ evacuation ○ fire safety regulations information ○ building design • the documents that the AP is required to keep pursuant to Schedule 1- Golden Thread Information of the HRB KPI Regs, relating to: ○ Fire Safety Regulations information ○ Plans ○ Contravention notices	16 January 2024
Reg 12(4)	Where the fire and rescue authority makes a request to an AP to be provided with any information or a copy of a document that the AP is responsible for keeping as Golden Thread information, the AP <u>must</u> provide the documents and information requested.	16 January 2024