

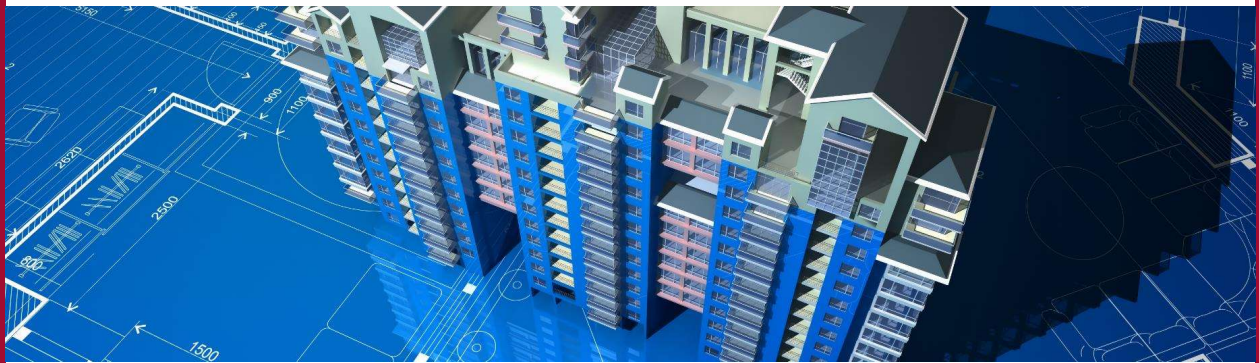
Building Safety Act 2022:

All Reasonable Steps – Approach and Examples

A webinar hosted by TPI – 1 December 2023



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Welcome to this webinar that aims to provide more detail on the concept of ‘all reasonable steps’ and how this might work in practice.

Webinar Overview

- Introduction and background
- What all reasonable steps isn't
- All reasonable steps – factors to consider
- Making a demonstration in the safety case report
- Prescribed Principles
- Principles and benchmarks – practical examples
- Q&A

We'll start by setting the scene with some background information and then, before discussing what 'all reasonable steps' is, we'll talk about what it isn't.

Next, we'll go through a number of factors that may be relevant to determining 'all reasonable steps', and the concept of balancing a range of factors that together tend towards or against a demonstration of 'all reasonable steps'. We'll finish that part of the webinar by discussing how that may translate into a demonstration within the safety case report.

The last section of the webinar before Q&A will introducing the prescribed principles and how these might be applied in a practical way as part of building the demonstration of 'all reasonable steps'.

We will then end with a Q&A and, as with previous webinars, if there are questions we don't get to or can't answer on the day, we'll take them away and feedback via TPI.

Poll: Who's is the room?

Before we start however, we just wanted to do a poll of who's in the room – over to you Jac.

Introduction and background #1

- Webinar is about occupied high- rise residential building (Part 4 of the Act)
- Scope:
 - 18m+ / 7 storeys or more + at least 2 residential units
 - Risks covered: spread of fire and structural failure
- Overarching duty in Section 84(1):

An accountable person for an occupied higher-risk building must take all reasonable steps for the following purposes –

- (a) preventing a building safety risk materialising as regards the part of the building for which they are responsible;
- (b) reducing the severity of any incident resulting from such a risk materialising.

This webinar is about occupied high-rise residential buildings covered by Part 4 of the Act. Buildings in-scope are those 18m+ or 7 storeys or more – and in either case with at least 2 residential units. We are also of course talking about only spread of fire and structural failure. That is not to belittle other risks in such buildings, but those are the two currently specified in the Act.

The main focus will be on the overarching duty under Section 84(1) of the Act – that APs must take ‘all reasonable steps’ to prevent and mitigate building safety risks.

‘All reasonable steps’ is a new term that is not defined in the Act or accompanying Regulations. It is similar, but not identical, to concepts like “as far as reasonably practicable” which many of you will be familiar with from health and safety law.

One of the challenges is what ‘all reasonable steps’ looks like and the fact that it will differ from building to building. It is therefore not possible to be prescriptive about what it means in any particular building. Hence this webinar will look at factors to consider when weighing up specifics of a building.

This links into the whole concept of a proportionate approach to managing building safety risks.

Eventually there will be case law as this is tested in the courts, but we don't have that yet.

Introduction and background #2

- Other requirements of S.84:
 - Steps may involve the AP carrying out works to the part of the building for which they are responsible (S.84(2))
 - When taking the steps the AP must act in accordance with prescribed principles (S.84(3))
 - The steps must be taken promptly (S.84(4))
 - AP must have arrangements for the purpose of ensuring the effective planning, organisation, control, monitoring and review of steps taken under this section (S.84(5))
 - AKA a safety management system (or SMS)

There are other requirements under Section 84 that frame the overarching duty to take ‘all reasonable steps’.

The steps referred to may involve APs carrying out works to their part of the building. This is set out in Section 84(2). It should be noted that this is a “may” not a “will” or “must”. However this does acknowledge that some APs may have to take action and make physical improvements to the building. The status quo may not be enough to demonstrate ‘all reasonable steps’.

Section 84(3) sets out the requirement that in taking steps to prevent and mitigate building safety risks, APs must act in accordance with prescribed principles. These are listed in one of the sets of regulations relating to Part 4 of the Act– we will cover these in much more detail later in the webinar

Section 84(4) simply states that the steps taken must be taken promptly – bear in mind this could initially be interim measures to manage risk until you can put more permanent measures in place.

Section 84(5) requires APs to have arrangements in place to manage building safety risks, or to use the phrasing of the Act, the “effective planning, organisation, control, monitoring and review of steps taken”. This is essentially a

safety management system or SMS. As will the rest of these requirements, the arrangements should be proportionate and fit for purpose – no more complicated than they need to be to get the job done.

What all reasonable steps isn't

- Two ends of the scale:
 - It is not just saying the building was “built to standard in 19XX”
 - But it does not mean every building has to be brought up to the standards relevant if it was built today
- Won't be the same for all buildings – cannot be prescriptive

Just because something is *possible*, does not automatically mean it is *reasonable* – it will depend on the circumstances

Although ‘all reasonable steps’ will vary, the two extremes are easier to describe. This is about saying what ‘all reasonable steps’ is not.

At one end of the scale, it is not just about saying the building was “built to standard in 19XX”. Partly this is because it may or may not have been (and your assurance on this will vary with availability of historical information); and partly because, even if it was, changes with almost inevitably have happened in the meantime. Again, the level of information you will have will vary so it may be difficult to say with certainty exactly what has been done.

At the other end of the scale, ‘all reasonable steps’ does not mean every building has to be brought up to current standards (as if it was built today). APs will however need to consider whether there are other, reasonable, steps they could take.

This links in to the whole concept of a proportionate approach to managing building safety risks

Another thing BSR is very clear on is that just because something is physically possible, does not automatically mean it is reasonable – it will depend on the individual circumstances of the building.

All reasonable steps – factors to consider

- Cannot be prescriptive but can describe a number of factors APs – and BSR – should consider when determining ‘all reasonable steps’
- Not all will be relevant in all cases, and there may be other relevant factors for some buildings
- Overall, it’s a balance between cost (in the widest sense) and benefit – between what’s possible, and what’s reasonable in that particular case
- Approach in next few slides represents current thinking in BSR

All buildings are different – even if they look similar – so BSR cannot be prescriptive and say what ‘all reasonable steps’ will be generally or in specific situations. It will depend on the individual circumstances of the building.

What BSR has set out to provide is a number of factors that APs can consider so they can form a judgement on ‘all reasonable steps’ for their building(s).

Not all the factors will be relevant in all cases, and on occasion there may be additional factors that should be considered.

None of the factors are weighted more or less than the others – promoting a holistic approach to managing building safety risks.

Determining ‘all reasonable steps’ is a balance. APs will need to balance the cost in its widest sense (time, resources, money) against the benefit in terms of risk reduction.

Sometimes, something you could do is not possible due to the layout of the building. For example, if you don’t have a fire-fighting lift, it is likely that the lift shaft is not big enough to install one, so that is clearly not reasonable. There may however be things you could do to upgrade your existing lift to improve safety. In

this example, you would want to liaise with the local fire and rescue service to see if the changes would make any difference to how they would approach an incident – if not, whilst it may be reasonable in terms of cost, the lack of benefit means it will not be reasonable take those steps.

The approach described in the next few slides represents current BSR thinking on 'all reasonable steps'.

A balance



As mentioned previously, ‘all reasonable steps’ is about a balance. It may be helpful to think of it in terms of factors / evidence that tend towards or against a demonstration of ‘all reasonable steps’.

One single factor is unlikely to provide an answer on its own – particularly in terms of tending towards ‘all reasonable steps’.

Does it have what you'd expect?



The first factor consider is whether the building actually has what you would expect it to have.

Whatever the age, height and method of construction of your building(s) there will be measures that would be expected – whether it is a wet riser instead of a dry riser, permanent, manually operated or automatic opening ventilation.

The information you will have about the building – from general records as well as the details gathered to support registration and key building information (KBI) – will provide a guide on what *should* be present to control building safety risks. If you have the original specification and / or as built plans this will provide greater certainty about was intended to be present in the building.

APs should then take reasonable steps to ensure those measures are actually there:

- Previous reports, surveys or maintenance records may be able to provide APs with the assurance they need
- In other cases, simply looking at the building may be enough – the measures may be obvious without the need for specialist help (e.g. signage or emergency lighting)
- Although APs should be able to justify any assumptions they make, that does

not necessarily mean they will need to open up the building or involve consultants.

Although the presence of expected measures will not in itself demonstrate 'all reasonable steps', their absence would tend strongly against such a demonstration.

For this factor, we are just considering the *presence* of expected measures. The next slide will consider whether they will work as intended and how you know; and a later slide will consider arrangements to manage the measures in place.

Will those measures work if needed?



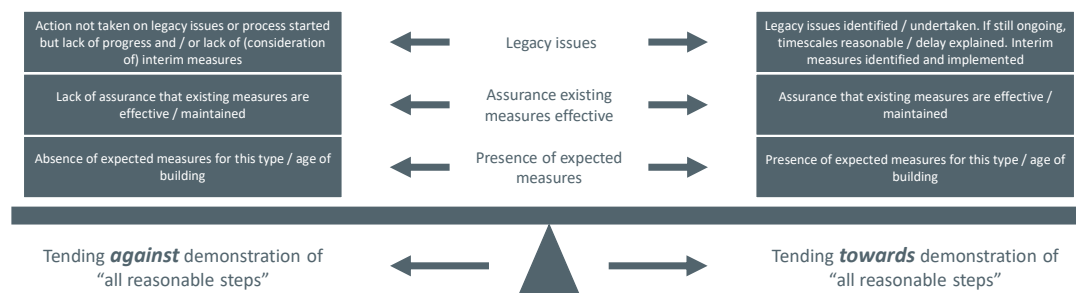
Having established whether the building has the measures that you would expect a building of that age / height to have, it's important to establish whether they are in good condition / working order and will actually perform as intended in the event of a building safety incident.

Commissioning records, manuals or specifications will provide evidence whether the measure(s) concerned would do what they are being asked to (at least initially). Maintenance and inspection records, including (where appropriate) records of functional tests, will provide assurance that the measures still work as intended. In the case of measures (such as sprinklers, automatically open vents, or fire doors that release / close when the alarm sounds) you can also gain assurance that the intended trigger does in fact operate the measure.

If you identify issues with existing measures, you will need to remedy those problems. This could include taking additional, interim, measures to manage the risk in the meantime.

As with the previous factor, assurance that the measures in place will work will not in itself demonstrate 'all reasonable steps' but the absence of such assurance will tend strongly against such a demonstration.

Historical issues



Although we would wish it wasn't the case, the fact is there are buildings that have legacy issues to manage. This could be because of increased knowledge (combustible cladding – some types in particular – for example) or they may stem from when the building was built or as a result of alterations since. APs may be aware of any issues after gathering the information for registration or KBI or following work done preparing for the building's safety case report.

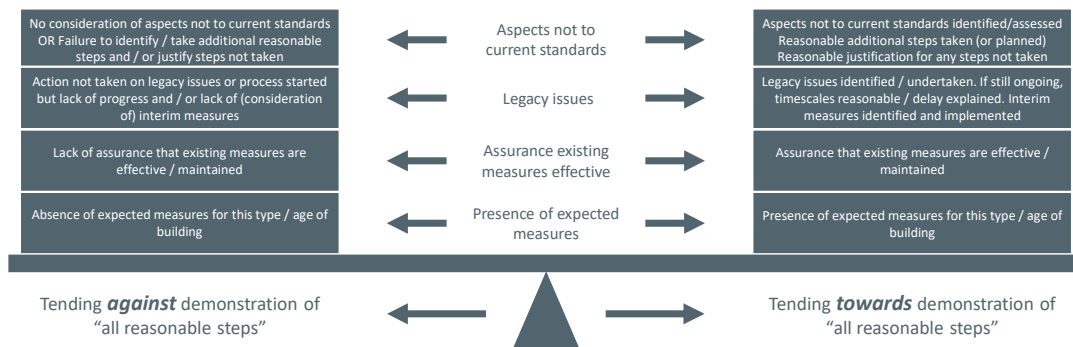
If APs are dealing with legacy issues, these should be explained in the safety case report, along with the actions being taken to put them right. This should include:

- What APs are doing
- Who is responsible for doing it
- The timescale for completing the work
- The measures taken to manage the risks in the meantime – this is important because when BSR assesses building assessment certificate applications, it will assess whether the relevant legal duties – including S.84 – *at that point in time*

For this factor to tend towards a demonstration of 'all reasonable steps', there should be a recognition and description in the safety case report covering the elements listed above

Where action has not been taken on remediation or the process has started without making reasonable progress, this will tend against demonstrating “all reasonable steps”. Similarly, the lack of (consideration of) interim measures put in place to manage the risk whilst remediation is completed will reinforce that view.

Features not to current standards



It is possible, even likely, that existing buildings – particularly older ones – will have features and / or measures that were in accordance with the rules and standards in place at the time it was built, but those standards have subsequently changed.

To be clear the law, and BSR, does *not* require a building to be brought up to the standards required if it were being built today. However, the duty under S.84 to take 'all reasonable steps' and the duty under S.83 to assess building safety risks, should identify and consider such situations and acknowledge any differences.

APs should then consider – by gap analysis – the impact of the differences on building safety risks and what, if any, additional measures could be taken. Once they have determined what is possible, they should consider what is reasonable. In some cases, taking steps may be reasonable, even if they only partially address the issue.

This links to an acknowledgement of Section 84(2) of the Act that “works” may be required in order to satisfy the requirement for “all reasonable steps”. When considering anything extra that could be done, the prescribed principles – more later – should be considered.

For example: A building may not have a fire-fighting lift. It may be that a fire-fighting lift physically cannot be retrofitted (due to shaft size), so the reasonableness of the action is not relevant. However, there may be actions that are possible to upgrade a non-firefighting lift so that the fire and rescue service could use it. Consultation with the fire and rescue service would contribute to determining what is reasonable. If there is nothing that can be done that would allow the fire and rescue service to use the lift, the measures identified will not be reasonable. If, however, some or all of the measures identified would allow the lift to be used, APs should consider them and either plan to implement them or justify why they haven't.

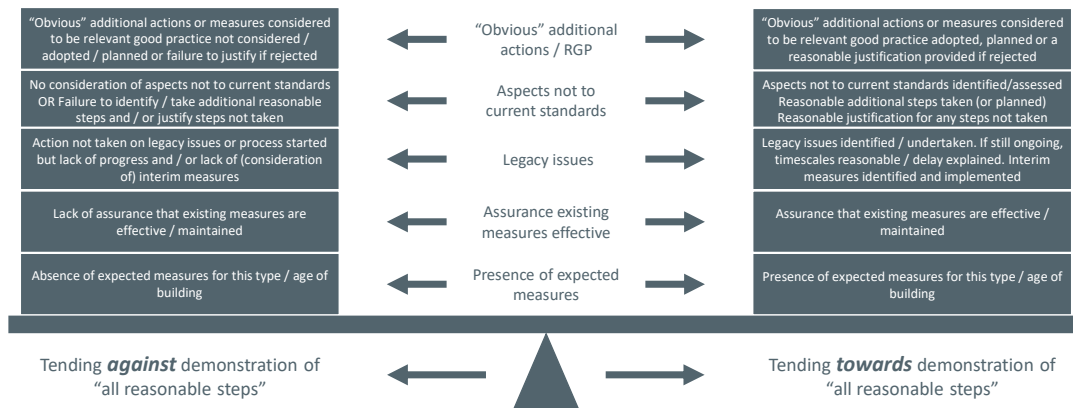
This highlights another key thing to remember – APs should not adopt an ‘all or nothing’ approach. Whilst the ideal solution may not be possible (or is possible but not reasonable), there may be some actions that be taken that reduce the risk.

APs should also ensure they consider the implications of any changes made – not just in terms of elements that are not to current standards, but whenever changes are made. What you don't want to do is reduce risk in one area at the cost of increasing (or creating) risk in another area.

In terms of determining whether ‘all reasonable steps’ have been taken:

- A lack of consideration of aspects of the building not to current standards or a failure to identify / take additional reasonable steps and / or justify steps not taken will tend against such a demonstration
- If the safety case report provides evidence the such aspects have been identified assessed, reasonable additional steps have been taken (or are planned) and / or a reasonable justification provided for measures not taken, this will tend towards a demonstration of ‘all reasonable steps’

“Obvious” additional actions

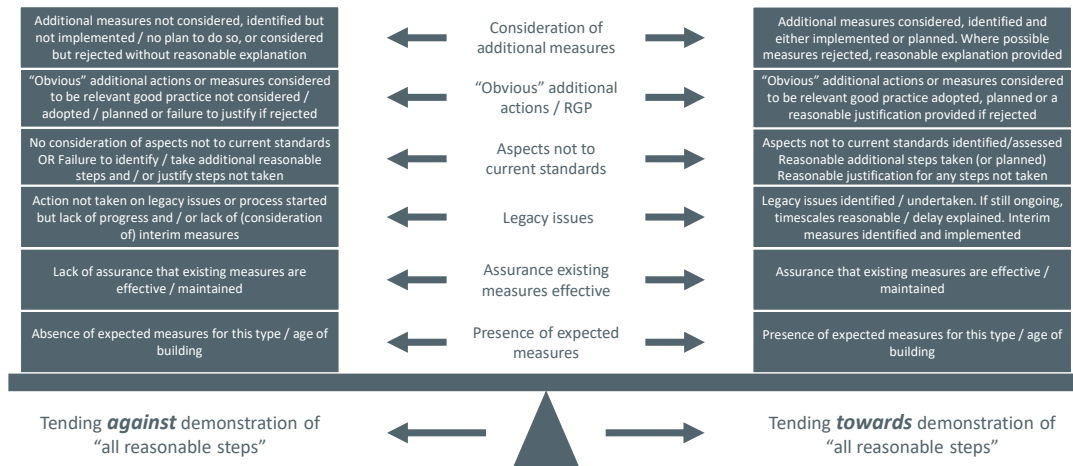


Sometimes, there may be additional measures which appear, at first glance, to be obvious, or which would align with relevant good practice (standards, guidance etc.).

That does not mean such measures will automatically be reasonable – as always, it will depend on individual circumstances – but, where identified, APs should consider them.

Where the safety case report shows that such measures have been either adopted or are planned (or provides a reasonable justification if they have been rejected), this will tend towards a demonstration of ‘all reasonable steps’
If the report does not indicate that such measures have been considered, or if considered have not been adopted or planned / a reasonable justification provided for their rejection, this will tend against a demonstration of ‘all reasonable steps’

Is it reasonable to do more?



As part of the risk assessment required by Section 83 of Act, APs should consider more generally whether additional measures could be taken that reduce risk. As mentioned previously, it should not be an "all or nothing" approach – there may be simple or partial measures that can reduce risk even when a more complete or ideal solution is not possible / reasonable.

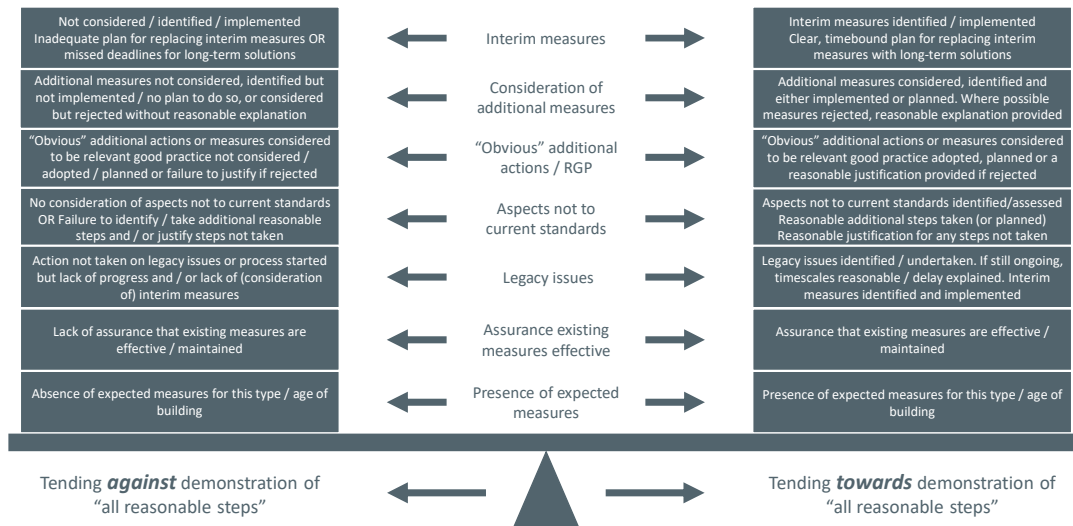
This will of course vary from building to building, but the risk assessment should consider – and the safety case report demonstrate – that additional measures have been considered. Again, bear in mind Section 84(2) the steps required may involve carrying out works to the AP's part of the building. Similarly, APs should have regard to the prescribed principles (S.84(3)) – more detail on those shortly.

If APs have not considered whether additional measures could be taken (or the safety case report does not demonstrate that they have) this will tend against demonstrating that 'all reasonable steps' have been taken. Similarly, if identified

measures have not been taken / are not planned, or have been rejected without reasonable explanation, this will also tend against a demonstration of 'all reasonable steps'

Where APs have identified additional measures and either implemented them or plan to do so in a reasonable timescale (see also interim measures); or have provided a reasonable justification for not doing so, this will tend towards a demonstration of 'all reasonable steps'.

Rome wasn't built in a day



We've touched on interim measures a number of times in this webinar.

When considering both existing measures and any potential improvements, there may be a need for interim measures to manage risk because:

- Risks have been identified that require further investigation before permanent action can be taken
- Identified improvements (or repairs / dealing with legacy issues) may take time – possibly months – to complete

Assessment of BAC applications will capture the management of risk at a specific moment in time. The presence of interim measures will not necessarily tend against a conclusion that 'all reasonable steps' have been taken.

Factors that might support a conclusion of 'all reasonable steps' having been

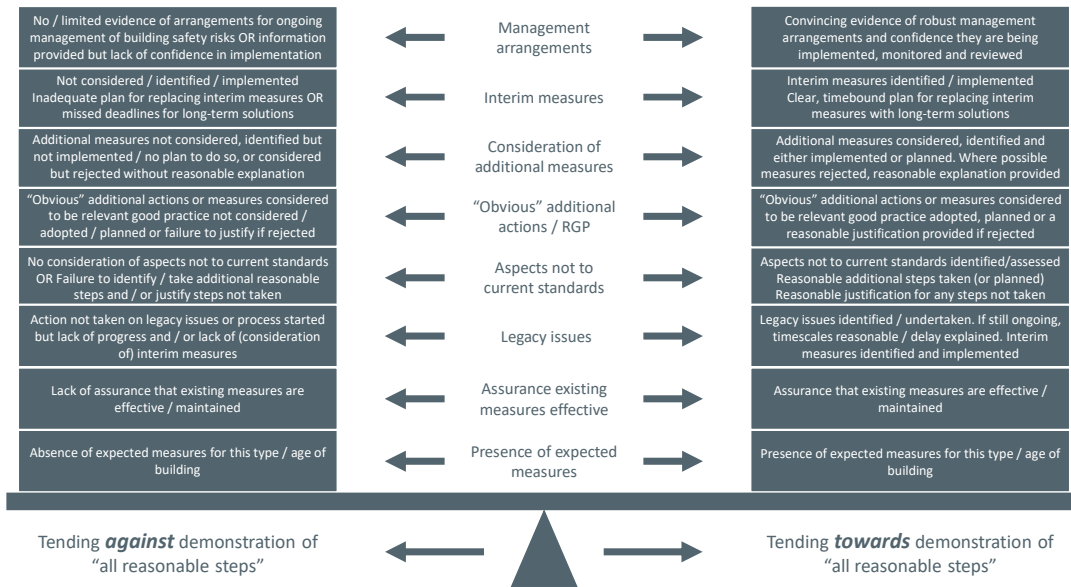
taken include:

- Consideration of interim measures
- Identification of reasonable interim measures
- Implementation of such measures (or justification why they are not reasonable)
- A clear, timebound plan for replacing interim measures with a long-term solution

Factors that would tend against such a conclusions may include:

- Interim measures not considered or identified
- Identified measures not implemented / no or inadequate justification for not doing so
- A conclusion that interim measures are a permanent solution
- No, or inadequate plan for replacing interim measures with a long-term solution
- Presence of interim measures for an unreasonably long time without reasonable explanation
- Missed deadlines for long-term solutions without reasonable explanation

Manging building safety risks



Section 84(5) of the Act requires APs to put arrangements in place for managing building safety risks.

The safety case report should provide sufficient evidence for BSR to have confidence both that appropriate arrangements are in place, and that they are being implemented.

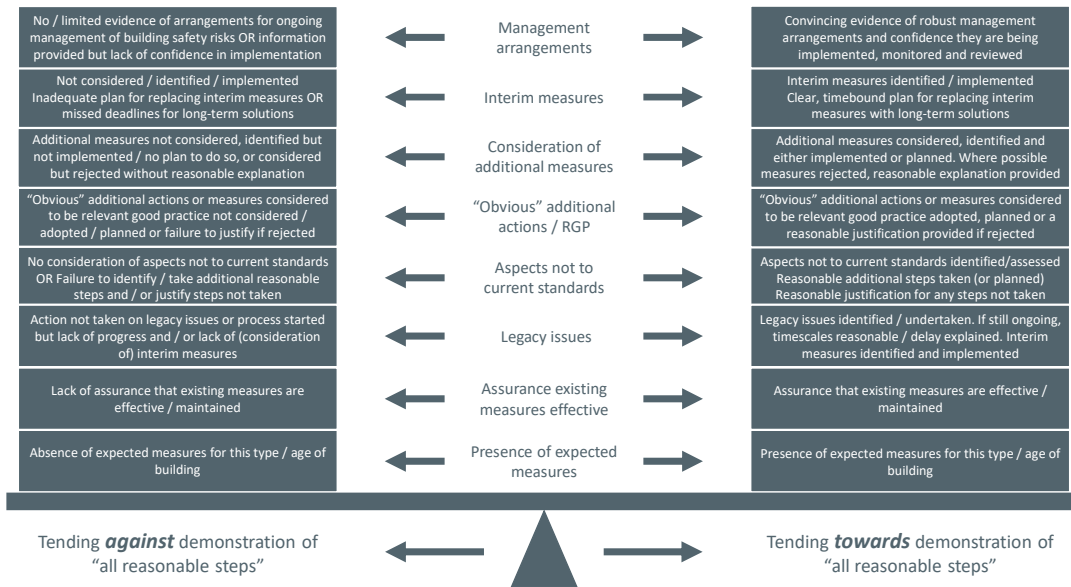
Exactly what this will include will depend on the nature of the building, the size of the AP / PAP's organisation and how many (in-scope) buildings they are managing.

Arrangements should be proportionate and should not be more complex than necessary for effective management of the risks in that particular building.

If the report provides little or no evidence of arrangements for ongoing management of building safety risks OR information is provided but does not provide assurance that they are being implemented; this will tend against a demonstration that “all reasonable steps” have been taken.

Where the report provides convincing evidence of robust management arrangements and confidence they are being implemented, monitored, and reviewed, this will tend towards a demonstration of “all reasonable steps”.

Remember – it’s a balance



Remember, ‘all reasonable steps’ is a balance between factors that tend towards or against such a demonstration.

Making a demonstration in the safety case report #1

- The safety case report needs to make a demonstration that APs / the PAP have taken 'all reasonable steps' to manage building safety risks
- Proportionality is important
 - The measures in place, and the demonstration to BSR, should be proportionate to the risks in that particular building
- BSR will assess the management of building safety risks as it is at that moment in time – not how it was or how it will be
 - If work ongoing, the report should say what you will be doing, but critically it should explain how you are managing risks in the meantime

The **safety case** is a written record of how you manage the building safety risks defined in the Act – essentially, it's the golden thread of information and the arrangements you have in place to manage the risks

- All APs need to keep their own records

The **safety case report** is a summary of the safety case, that demonstrates you have taken all reasonable steps to manage building safety risks

- The PAP will have to prepare it
- But will need to co-operate with any other APs for the building

The safety case report needs to make an argument, supported by evidence, that APs / the PAP have taken all reasonable steps to manage building safety risks

- It isn't just a list of control measures or a collection of unlinked reports and assessments
- It should summarise and link to the supporting evidence in the wider safety case for the building as part of the demonstration

A proportionate approach is important - the measures in place, and the demonstration to BSR, should be proportionate to the risks in that particular building. Those buildings which present the most risk will require the most robust demonstrations.

As mentioned earlier, BSR will assess the management of building safety risks as it is at that moment in time – not how it was or how it will be. If work ongoing, the report should say what you will be doing, but critically it should explain how you are managing risks in the meantime.

Making a demonstration in the safety case report #2

- No “right” way to demonstrate ‘all reasonable steps’ but...some pointers:
 - Don’t just list what you have done – explain why it’s important and how you know it will (continue) to do its job
 - Tell a story – claim, argument, evidence that shows you how you are managing risks
 - BSR cannot make assumptions or connections for you, so be clear in the report
 - Sometimes it’s as important to confirm the negative
 - Don’t make statements that beg questions without further explanation

There is no “right” way to demonstrate ‘all reasonable steps’ but here are some things to consider that may help when preparing the safety case report:

- Don’t just list what you have done – explain why it’s important and how you know it will (continue) to do its job
 - Consider the building holistically and how each element contributes to the safety of those who live there.
 - Explain how you have assurance that the control measures will work if needed provides BSR with assurance that you are managing building safety risks
- Tell a story – claim, argument, evidence that shows you how you are managing risks
 - Demonstrating that you have taken ‘all reasonable steps’ involves making an argument – providing a narrative that explains not only what has been done, but how it contributes
- BSR cannot make assumptions or connections for you, so be clear in the

report

- This is important – BSR can only assess the information and arguments provided in the safety case report (and, if relevant, further information that it requests)
- Sometimes it's as important to confirm the negative
 - If you've had some kind of survey, inspection or report that you mention in the safety case report that has either not identified any actions that are required, or it did but they have been completed, say so
 - It's the difference between saying "we carried out a risk assessment" and saying "we carried out a risk assessment. No further actions were identified" or "we carried out a risk assessment. This identified 3 actions, X, Y and Z, all of which have been completed"
 - This links to the previous point about not being able to make assumptions – BSR cannot assume that because you don't mention any actions arising or remaining outstanding that that is in fact the case
- Don't make statements that beg questions without further explanation
 - This is a similar point to the previous points. If the safety case report says, for example, "we had a condition survey undertaken by a consultant" but provides no explanation or detail on who or what this involved or what the outcome was, it leaves questions unanswered

Prescribed principles - introduction

- When taking steps to manage building safety risks, APs need to have regard to the 'prescribed principles (S.84(3))
- Essentially a hierarchy of control – similar to those in health and safety / fire safety legislation
- Listed in Regulation 4 of [The Higher-Risk Buildings \(Management of Safety Risks etc\) \(England\) Regulations 2023 \(legislation.gov.uk\)](https://www.legislation.gov.uk/uksi/2023/116/regs/4)

When demonstrating the steps taken to manage building safety risks, the Act requires APs to have regard to the 'prescribed principles'.

Essentially these are a hierarchy of control similar to those you may be familiar with under health and safety or fire legislation. The link in the slide will take you to the regulation where these principles are listed. There are 10 of the them and the next slide lists them and provides some context on each one.

Prescribed principles – what are they and what do they mean?

Avoid building safety risks

Evaluate building safety risks that cannot be avoided, including identifying the proportionate measures required to address, reduce, mitigate and control the risks

Combat building safety risks at source by introducing proportionate measures to address, reduce, mitigate and control the risk at the earliest opportunity

Ensure suitable and proportionate systems are in place for the effective inspection, testing and maintenance of the efficacy of measures taken

Give collective protective measures priority over individual protective measures

Adapt to technical progress

Where reasonable to do so, replace the dangerous with the non-dangerous or less dangerous

Consider the impacts on residents and carry out engagement with residents

Give appropriate instructions and information to employees and persons working on or in the building

Ensure that any person responsible for or assisting with compliance with a duty in or under Part 4 of the 2022 Act has the relevant competence

- avoid building safety risks;
 - The first step in the hierarchy is to avoid building safety risks where possible to do so
 - For example, the best way of preventing the spread of fire is to prevent the fire occurring in the first place
 - BSR recognises that it will not be possible to avoid those risks entirely, so the next principle comes into play

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- evaluate building safety risks that cannot be avoided, including identifying the proportionate measures required to address, reduce, mitigate and control the risks;
 - The next step is to assess the remaining building safety risks and identify how they can be managed
 - Although the risks are defined at a high level in the Act – spread of fire and structural failure – the assessment is about how those risks can occur, and escalate, in the building in question
 - Managing the risks is likely to include a mixture of physical controls and management arrangements. Many of those measures will already be in place, but the assessment may identify additional things you could do

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- combat building safety risks at source by introducing proportionate measures to address, reduce, mitigate and control the risk at the earliest opportunity;
 - Where proportionate (reasonable), it is better to control risks at source rather than allow them to develop.
 - Controlling a risk as soon as possible after it happens can help to minimise the impact of the event. This can help to protect both people and the building.
 - Common examples include:
 - Effective compartmentation designed to prevent the spread of fire from where it starts into other areas of the building
 - Structural design to reduce the risk of disproportionate collapse

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- ensure suitable and proportionate systems are in place for the effective inspection, testing and maintenance of the efficacy of measures taken;
 - Parts of a high-rise residential building and the equipment within it will require periodic inspection, testing and maintenance. This could include statutory examinations (for example lifts) or servicing / inspection in line with British Standards or manufacturer's recommendations
 - Inspection, testing and maintenance will form part of an effective safety management system – the arrangements required by Section 84(5) of the Act
 - When reports, certificates or other maintenance documents are received, they should be reviewed to see if further action is required. Systems should be in place to consider, implement and track identified actions to completion.
 - Records should be kept of the maintenance and inspection work undertaken as part of demonstrating that building safety risks are being managed on an ongoing basis.

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- give collective protective measures priority over individual protective measures;
 - Collective protective measures protect everyone and usually do not require anyone to act for them to be effective
 - Individual measures protect only that person and often require someone to act for them to be effective

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- adapt to technical progress;
 - It may be several decades or more since a building was built
 - In that time, technical progress with have been made. Control measures exist now that didn't at the time and others that were prohibitively expensive then may be much more affordable now
 - This principle does *not* mean that all controls measures in existing buildings must be brought up-to-date with current standards. Nor does it mean that newly developed measures will be reasonable in all cases.
- However, APs should technical progress when, for example:
 - Existing control measures are being replaced
 - Building work or refurbishment is taking place
 - The building safety risk assessment or safety case report is being reviewed or updated

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- where reasonable to do so, replace the dangerous with the non-dangerous or less dangerous;
 - The hazards in a building can be reduced by substituting something dangerous with something non- or less dangerous.
 - One example of this might involve replacing the combustible parts of external wall systems with materials that are non-combustible.

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- consider the impacts on residents and carry out engagement with residents;
 - The report into the Grenfell tragedy highlighted the importance of putting residents at the heart of the new regulatory regime.
 - Where reasonable, the impact on residents of steps taken under the Act should be considered
 - Section 91 of the Act sets out the requirement for, and content of, a residents' engagement strategy

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- give appropriate instructions and information to employees and persons working on or in the building;
 - Everyone who works on or in a high-rise residential building needs to know how to work safely.
 - To do this, APs / PAPs will need to provide clear instructions and information, and adequate training, to employees. Information will also need to be provided to contractors.
 - The level of information and training should be proportionate to the risks. As well as any job-specific training, typical information provided could include
 - The hazards and risks

- The measures in place to control those risks
- The arrangements for emergencies
- APs should also bear in mind existing responsibilities under, for example, health and safety legislation or the FSO.
- Some employees – such as new recruits or young people (under 18s) – may need additional training and information.
- As well as working safely, employees and contractors should be made aware of any impact their work may have on the safety of the building, in particular:
 - Any temporary changes made while work is ongoing; and
 - The need to reinstate any control measures (for example fire-stopping) that may have been disturbed by their work

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- ensure that any person responsible for or assisting with compliance with a duty in or under Part 4 of the 2022 Act has the relevant competence
 - Anyone carryout of work relating to Part 4 of the Act should be competent to do what they are being requested or required to do.
 - This does not mean that one person (or organisation) has to be competent in everything.
 - Competence is often now referred to as a combination of skills, knowledge, experience and behaviours (a.k.a. SKEB).

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Principles and benchmarks – practical examples #1

- BSR has sought to provide examples of real situations APs may find in buildings and explain both:
 - The actions that could be considered as part of demonstrating ‘all reasonable steps’
 - How those steps relate to the prescribed principles
- The first batch includes:
 - An introduction to the approach
 - 11 examples:
 - 4 relating to spread of fire
 - 5 relate to structural safety
 - 2 are relevant to resident engagement
- Plan to build on this with further examples

BSR was and is aware that APs need guidance on how they could approach common issues in existing buildings. It has sought to provide examples of how APs may demonstrate ‘all reasonable steps’. They also seek to illustrate how possible actions links to the prescribed principles. This work is known as ‘principles and benchmarks’ or ‘P&B’.

The initial group of documents that you have / will have access to as a result of this webinar includes:

- An introduction to the approach
- 11 examples – 3 relating to fire, 5 to structure and 2 to resident engagements

BSR plans to build on these with further examples in due course.

Principles and benchmarks – practical examples #2

- Each example follows a similar format
 - Scenario
 - Background / possible reasons
 - Short-term responses
 - Additional responses
 - Ongoing management
- Each is presented in a text format with an accompanying flowchart to help APs visualise the potential actions

Each example follows a similar format:

- Scenario
 - This sets out the issue or problem
- Background / possible reasons
 - This section looks to provide background / explore possible reasons for the situation
- Short-term responses
 - This section provides a number of potential actions that APs could take to resolve the issue (and help demonstrate ‘all reasonable steps’)
- Additional responses
 - Here the examples turn to longer-term, sometimes more permanent measures APs could implement
- Ongoing management
 - Finally we look at the how APs can prevent the issue happening again

Each example is presented in text format, and is accompanied by a flowchart which will help APs to visualise the process they could follow

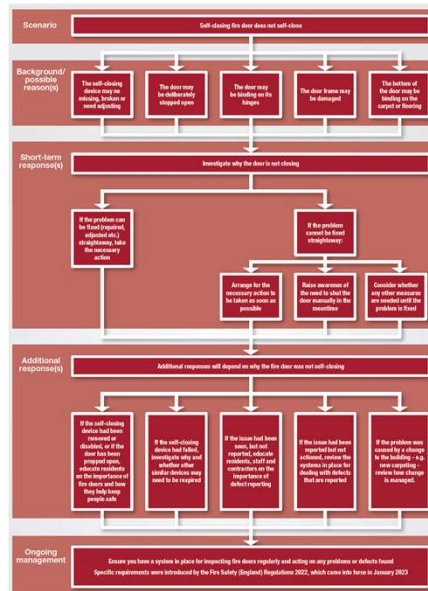
Principles and benchmarks – practical examples #3

- Apart from investigating / assessing the issue, none of the possible actions should be seen as prescriptive
 - They are presented as possible options
 - They won't always all be relevant, and in some cases there may be other relevant actions to consider
- Next slides go through a couple of examples, but you will have the full set as part of the additional information for this webinar (along with the slides and speaker notes)

It's important to note that the possible actions listed are *not* prescriptive or mandatory, they are presented as options. They won't always be relevant, and sometimes other, unlisted, elements to consider. Some kind of assessment or investigation of the issue(s) is likely to be needed in any such case, but the approach may vary and there is no specified 'right' way to go about it.

The next couple of slides go through examples of the P&B work. The full set will be available as part of the extra information provided for this webinar along with the slides and speaker notes.

Example 1 – Self-closing fire door doesn't self-close



Don't worry if you can't read it on the screen, you will have all the examples in the documents that accompany this webinar.

Fire doors – not closing

Fire doors are an important safety measure in higher-risk buildings. They can help prevent the spread of fire and smoke from the compartment where it starts and provide a barrier between people and the fire during any evacuation.

Fire doors is a shorthand for fire-resisting door sets or fire-resisting door assemblies. A door set or door assembly is made up of not only the door itself but also the frame and door furniture such as locks and handles.

Some fire doors – such as to cupboards or rarely used rooms may be kept locked when not in use. Other fire doors are usually unlocked and need help to make sure they close after use – often by using a self-closing device. If one of these types of fire doors does not close after use, and there is a fire in that compartment, there is a risk that the fire could spread.

This example relates to a self-closing fire door not closing, but there are other issues that can happen with fire doors. Similarly, the possible responses listed

are not exhaustive. The key thing is to investigate any problems and fix them.

The example also assumes that the door is a fire door (of the correct type) and needs to be one based on the relevant standards and fire risk assessment.

Scenario:

A self-closing fire door does not self-close.

Background/possible reason(s):

There are several reasons why a self-closing fire door does not self-close.

Examples include:

- The self-closing device may be missing, broken or need adjusting
- The door may have been deliberately propped open
- The door may be binding on its hinges
- The door or frame may be damaged, preventing it from closing
- The bottom of the door may be binding on the carpet or flooring

Short-term responses:

The first thing to do is investigate why the door is not closing. You may be able to do this yourself, but if the reason is not obvious you may need a fire door specialist to help you. Whoever does any work on your fire doors should be competent to do so.

If the problem(s) can be fixed straightaway (e.g. by adjusting the door or replacing the self-closing device) then action should be taken there and then.

If the problem(s) cannot be fixed straightaway (e.g. because a part or a new door is needed), then you should do a combination of things:

- Arrange for the necessary action to be taken as soon as possible
- Raise awareness of the need to close the door manually in the meantime. This may include telling the residents of the flat/corridor affected or considering signage or a notice. Although signs or a notice would not be acceptable as a long-term solution, they may be helpful as an interim measure
- Consider whether any other measures are needed to manage the risk until the problem has been fixed

Additional responses:

The additional measures that you should take will depend on why the fire door was not self-closing.

Measures could include:

- If the self-closing device had been removed or disabled, or if the door has

been propped open, educate residents on the importance of fire doors and how they help keep people safe

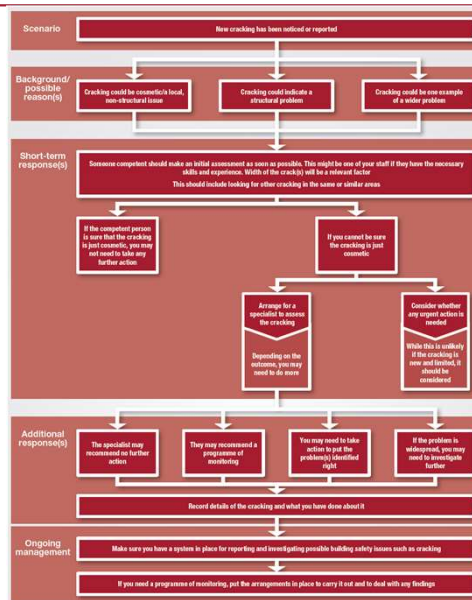
- If the self-closing device had failed, investigate why and whether other similar devices may need to be replaced
- If the issue had been seen but not reported, educate residents, staff and contractors on the importance of defect reporting
- If the issue had been reported but not actioned, review the systems in place for dealing with defects that are reported
- If the problem was caused by a change to the building – e.g. new carpeting – review how change is managed

Ongoing management:

Ensure you have a system in place for inspecting fire doors regularly and acting on any problems or defects found.

Specific requirements were introduced by the **Fire Safety (England) Regulations 2022**, which came into force in January 2023.

Example 2 – New cracking noticed / reported



Again don't worry if you can't make this out on screen – you will have the PDF as part of the webinar information.

New cracking has been noticed or reported

Cracks in walls or concrete are common. They do not necessarily mean that there are structural problems with the building, but new cracks should be investigated and may need to be monitored.

Scenario:

New cracking has been noticed or reported in the building. This might be as part of routine inspections of the building or it may have been reported by a resident.

Background/possible reason(s):

There are a number of possible causes for cracking. These include:

- Cracking could be cosmetic or a local, non-structural issue
- Cracking could indicate a structural problem
- Cracking could be one example of a wider problem

Short-term responses:

The first thing to do is for someone competent to make an initial assessment as soon as possible. This might be one of your staff if they have the necessary skills and experience. Width of the crack(s) will be a relevant factor

This should include looking for other cracking in the same or similar areas.

If the competent person is sure that the cracking is just cosmetic, you may not need to take any further action.

If you cannot be sure the cracking is just cosmetic, you will need to do more:

- Arrange for a specialist to assess the cracking
 - Act on the assessment
- Consider whether any urgent action is needed
 - While this is unlikely if the cracking is new and limited, it should be considered

Additional responses:

There are a number of possible outcomes after the cracking has been assessed. These include:

- The specialist may recommend no further action
- They may recommend a programme of monitoring
- You may need to take action to put the problem(s) identified right. What you need to do will depend on what the problem is, what caused it and how widespread it is
- If the problem is widespread, you may need to investigate further

Whatever the outcome, you should record details of the cracking and what you have done about it.

Ongoing management:

Make sure you have a system in place for reporting and investigating possible building safety issues such as cracking.

If you need a programme of monitoring, put the arrangements in place to carry it out and to deal with any findings.

Any questions?

- If we can't answer a question today, we will take it away and feedback the answer via TPI

Thank you for attending this webinar, I hope it has been useful.

Please ask any questions you have . If we cannot answer a question today, we will take it away and feedback the answer via TPI.