



Llywodraeth Cymru
Welsh Government

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John Griffiths MS, Chair
Equality, Local Government and Communities Committee
Welsh Parliament
Cardiff Bay
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16 March 2021

Dear John,

Thank you for your letter of 9 March regarding your recent evidence gathering sessions and consultation with residents on the Building Safety White Paper.

I am grateful to the Committee for sharing some of the key issues leaseholders and residents have raised as part of this process. I have provided a response to each of the issues you raised in turn.

Consultation and Engagement

The proposals in our White Paper consultation have placed tenant voice at the heart of our vision for building safety reform. Tenants' views and lived experience are critical to ensuring we reach the right solutions so I was disappointed to hear that some residents were unaware of the White Paper Consultation. My officials have taken part in a number of engagement events specifically targeted at residents and leaseholders. This includes webinars and information sessions with TPAS Cymru, which were attended and distributed amongst members as a tenant representative organisation, and briefing sessions with social landlords to allow them to engage with their tenants and leaseholders.

My officials have engaged with leaseholders in the private sector, providing briefing sessions with resident representative bodies and campaign groups. For example, we held a briefing session on the day that the consultation was launched which included a number of representatives from 'high profile' buildings as well as the Leaseholder Action Group. We have emailed all managing agents of high rise residential buildings to highlight the consultation to encourage them to bring the consultation to the attention of residents. We have also met with representatives from individual buildings to discuss the White Paper, as well as other issues. We continue to arrange resident briefing sessions.

We have developed materials based on the White Paper that are specifically aimed at residents to help them identify and understand the key proposals that are relevant to them and how they can share their views and participate in the consultation. In addition, we have

targeted materials for building owners and managing agents. We will be hosting a virtual event later this month to support them in sharing these materials with their residents. In this way we hope to provide those responsible for building management and tenant engagement with the right information and communicative aids to create opportunities to encourage discussions with their residents on our proposals and maximise resident engagement.

I attach copies of these materials for the Committee's reference and encourage you to share them with any of the individuals you have engaged with on this issue as part of your focus groups.

At the time of the launch there was a significant interest from the press and media on this issue, and we continue to promote the consultation through social media and other communications channels.

My officials will continue to consider ways to engage with residents and will continue to work with management companies, management agents and landlords to promote the consultation.

Existing buildings

I am acutely aware of the significant challenges presented by buildings with existing safety defects. I have personally met with many residents and leaseholders of affected buildings who have shared with me first-hand the considerable toll this situation is taking on them. I am in no doubt about our need to respond quickly. However, working at pace cannot be at the expense of reaching the right solution for this complex issue. Prioritising shortcuts over safety is a large part of the problem we have with the existing system.

I have been very clear that building safety is a priority for this government.

Following the Grenfell fire we took prompt and decisive action to identify buildings with ACM cladding and provided £3m capital funding to remove and replace the non-compliant ACM cladding identified on three social sector high-rise residential buildings in Wales. In the private sector we engaged closely with building owners and cladding has now either been removed or plans are in place with the aim of taking forward work this year. This was all achieved at no additional cost to leaseholders. Beyond ACM cladding, we have made £10.5m available this year to support high rise buildings in the social sector with building defects which will see 12 buildings accessing support. We have also committed £32m of capital funding to support remediation for both the private and social sector in 2021/22.

We will establish a funding offer for Wales that goes further than that proposed in England. As the Committee recognises, we want to ensure a remediation fund provides a holistic approach to building remediation, which goes beyond just cladding, to ensure these buildings are truly safe for residents. The fund we intend to offer will look beyond cladding to include compartmentation, fire breaks and – importantly – fire alert, evacuation and suppression systems.

I will provide further details on the funding offer and how to access it as soon as I am able.

Access to Information

I am aware that it can be challenging to obtain information about buildings and as the Committee acknowledge this is a key area our proposed reforms seek to address with the creation of a Golden Thread of Information which ensures that accurate and reliable information about buildings is collated and maintained throughout its lifecycle.

Access to Advice

As the Committee recognises, building safety is a very complex area that can require specialist knowledge and expertise to navigate. As a Government, we fund the LEASE service who are able to provide advice on a case by case basis to support individuals to navigate this complexity.

We actively promote accessing LEASE in our correspondence. We will amend our documentation to include their information to further promote awareness.

We recognise this is a complex area and this is why our reforms will ensure that dutyholders have the right level of competence and expertise to properly manage their buildings and provide the right information and support to residents.

Identifying defects

Building owners undertake the EWS process. The building owner or managing agent is responsible for confirming what materials are on their building and whether an assessment is required. If the building owner does not acknowledge their legal responsibility and refuses to undertake the necessary assessment, the local authority can provide further advice on what steps might be taken.

It is important to ensure an appropriately qualified member of a relevant professional body, with sufficient expertise to identify relevant materials within external wall cladding undertakes the review process. The RICS website provides information on professionals that can undertake these assessments (<https://www.rics.org/uk/news-insight/latest-news/fire-safety/new-industry-wide-process-agreed-for-valuation-of-high-rise-buildings/>).

We have also received a high number of queries and concerns from residents and leaseholders regarding the EWS1 process. The process has also been subject to recent change following Royal Institution of Chartered Surveyors (RICS) publishing updated guidance which aims to encourage a more proportionate approach to assessing buildings and to ensure that any additional investigations are focused on the most at risk buildings (the updated guidance is available [here](#)).

We continue to signpost to useful guidance and FAQs on the RICS website to ensure individuals have access to accurate information on developments and any actions they may need to take in relation to their building.

I hope this information provides clarity on the steps we are taking in this important area and is useful to you and Committee members.

Yours sincerely



Julie James AS/MS

Y Gweinidog Tai a Llywodraeth Leol
Minister for Housing and Local Government

Safer Buildings in Wales: consultation guidance for residents

Our proposals to change building safety legislation and how you can get involved.

About the White Paper

The [Safer Buildings in Wales' White Paper](#) sets out our proposals for changes to the way we design, build, manage and live in multi-occupied buildings in Wales.

The tragedy at Grenfell Tower made it clear that we need to take important steps to improve building safety so that residents can be confident their homes are safe and well managed.

A White Paper is a policy document produced by the Welsh Government that sets out our proposals for future legislation. It provides an opportunity for consultation and discussion with those interested in, or affected by, the proposed changes.

The main changes we are proposing that will affect residents

We want to make changes that mean residents can have more of a say in the matters that affect their homes and how they are managed. These include:

- Creating new roles for those responsible for safety of the building so it is clear who is accountable and what you can expect from them
- A duty on those who own or manage your building to promote building safety for the benefit of all residents
- Sharing essential safety information with you such as what fire safety measures are in your building (e.g. fire doors, sprinklers etc) and advice on what to do in the event of a fire
- Information on how you can contact those who manage your building to raise a concern or make a complaint
- Information on steps you can take to promote safety in your building

How the proposals in the White Paper may apply to your building

Many of the proposals in the White Paper apply to all multi-occupied residential buildings in Wales, whether they are purpose-built or conversions. However, we are proposing to have two categories of buildings, with greater requirements on Category 1 buildings than Category 2 buildings.

We propose Category 1 buildings are those buildings with six storeys or that are 18m or more in height.

Category 2 buildings will be residential properties with two or more dwellings that are no more than 18m in height.

How the proposals will apply to existing buildings and new ones built after the new Building Safety Regime is introduced

The majority of the proposals that will change the way buildings are designed and built will apply to new buildings or existing buildings that go through the building regulations process. However, we are also proposing to make lots of changes to the way occupied buildings are managed. These changes will apply to new and existing buildings.

Responsibility for building safety

We are proposing to introduce new roles to make it clear who is responsible for ensuring building safety under the new system. They will be called 'dutyholders'. The dutyholder roles can be filled by either an individual or a legal entity such as an organisation. We are planning to create two new roles:

1. The Accountable Person

All multi-occupied buildings will have an Accountable Person. They will have legal responsibility for the safety of the whole building used for residential purposes. Their duties will include:

- a duty to register all in-scope buildings under their ownership / control;
- undertaking relevant fire and risk assessments;
- probity and responsible working;
- ensure that there are sufficient funds to address building safety issues
- maintaining proper engagement with others; and
- informing and supporting residents.

2. The Building Safety Manager

In Category 1 buildings only there will also be a Building Safety Manager, the Accountable Person can take this role on themselves if suitably qualified. The Building Safety Manager will support the Accountable Person to meet the new safety requirements and will have a more practical day to day responsibility for management of the building. This role could be taken on by an organisation like a managing agent or competent individual. Their duties will include:

- creating, reviewing and maintaining building information (referred to as 'the Golden Thread');
- planning and monitoring any maintenance or improvement works;
- ensuring any third parties engaged to work on the building are suitably competent and qualified to do so;
- cooperating with other dutyholders and enforcement bodies; and
- engaging with, and informing, residents (including proactively promoting building safety).

The Accountable Person must be registered so that we know which buildings they are responsible for. If they have a Building Safety Manager they must also make sure they are registered too.

Training or qualifications for the Accountable Person or Building Safety Manager

We want to make sure that dutyholders have the required expertise to fulfil their roles. We are still developing the training and qualification requirements but we are proposing that the Accountable Person and Building Safety Manager obtain licenses so that they can demonstrate they have undertaken relevant training and understand their duties under the new system. The training and qualification requirements will be different depending on the category of building and the role they are taking on.

We are also proposing to introduce a licensing system for those involved in the management of buildings, for example, managing agents and letting agents to ensure that the services people receive improves and is professionalised.

How the proposals will make your building safer

The proposals will make it clear who is responsible for maintaining safety in your building and how you can contact them if there are any problems, or escalate problems if they are not addressed. We also want to strengthen the way some current safety measures are provided. For example, we want to make important changes to the way fire risk assessments are carried out. We want them to be undertaken more frequently, by someone with the right qualifications and for those responsible to record the risks identified and steps taken to prevent or mitigate them so that this information can be made available to residents.

What you can do to ensure your building is safe

All residents have an important role to play in ensuring their buildings are as safe as possible. Unsafe behaviour can lead, or contribute, to a fire and other safety risks. As well as requiring dutyholders to ensure they reduce the safety risk, we are proposing additional responsibilities for residents to support the safety of the building for everyone.

We are proposing a requirement on residents to cooperate with the Accountable Person and support them in fulfilling their duties in relation to building safety. For example, this could include:

- allowing an approved person to access to your property for safety checks or work to be carried out;
- providing reasonable information on works you have undertaken within your property;
- seeking permission before you undertake work in your property that may compromise fire safety measures.

We are also proposing a requirement on residents (and others) not to knowingly breach the 'compartmentation' of their property. Compartmentation is the ability of a building to contain a fire where it starts for long enough to allow it to be extinguished. Examples of breaching the compartmentation include:

- drilling through an external wall, any part of the internal structure separating one flat from another, a roof or ceiling void, or a common area (including front doors) without applying adequate and appropriate fire-stopping;
- modifying fire doors or replacing the fire doors with doors which do not adequately resist the spread of fire;
- tampering with or removing self-closing devices on fire doors; or
- installing windows or window vents which do not adequately resist the spread of fire.

Additional costs for residents as a result of the proposals in the White Paper

There will be a cost to the new Building Safety Regime. However, we believe these costs are necessary and reasonable for things that will present a measurable increase in safety.

We know that many residents are currently facing significant costs due to issues that have been identified with their buildings. We are currently working to develop a funding offer to address existing issues relating to cladding, building defects such as compartmentation and fire breaks, fire suppression systems (sprinklers) and fire evacuation sounders. We will provide further details on the funding available and how to access it as soon as we can.

Funding for remediation work your building needs now

Our proposals do not relate to any remediation work required on existing buildings. They are about major reforms to the way we design, build, manage and live in properties, to make buildings safer in the future and make sure that we avoid these types of problems occurring again.

Further Information

You can find more information on these proposals and have your say on the [Safer Buildings in Wales consultation](#).

[Quick Read and Easy Read versions of the White Paper](#) are also available.

We have asked a number of questions about our proposals. If you would like to respond to the questions, [complete the online form](#) or [download the consultation response form](#) and send to us.

Post:

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Llywodraeth Cymru
Welsh Government

Safer Buildings in Wales: A Consultation

What do the proposals mean for residents?

What is a White Paper?

A White Paper is a **policy document produced by the Welsh Government that sets out proposals for future legislation**. It provides an opportunity for discussion with those interested in, or affected by, the proposed changes.

The '[Safer Buildings in Wales](#)' White Paper sets out **changes to the way multi-occupied buildings, such as flats, are designed, built and managed in Wales**. The White Paper was published on 12 January 2021.

The proposals are intended to make buildings safer in future – both while they are being designed and built, and when people live in them.

We want your views on our proposals, especially the ones that will directly affect residents, like yourselves, in the future.

*These proposals do **NOT** relate to funding for any remediation work currently required for buildings with existing safety defects. Welsh Government are exploring options in relation to a funding offer and an announcement will be made in due course. The changes set out in the White Paper are about making changes to avoid these problems happening in again in the future.*

Safer Buildings in Wales – A Consultation

Our proposals are for major **reforms to the way we design, build, manage and live in properties**, so that safety is observed at all stages of a building's lifecycle. They focus on changes to the law across the lifecycle of buildings and culture change in the way buildings are designed, constructed and managed.

Statistically, casualties as a result of fires are more likely to occur in Houses in Multiple Occupation and properties converted into flats. But Grenfell demonstrated that where a fire occurs in a high rise block of flats the results can be devastating. To address this, we propose that the **new requirements will apply to more than just high rise buildings** and include these other types of buildings where there may also be a risk to residents.

The buildings the changes will apply to are separated into two categories or groups:

- **Category 1** - buildings that are 18m or more in height or more than 6 storeys and contain two or more dwellings. These buildings will be subject to more changes under the requirements of the Building Safety Regime. Changes with regards to design and construction will apply only to this category.
- **Category 2** - residential properties with two or more dwellings that are no more than 18m in height. These buildings will be subject to numerous requirements of the Building Safety Regime.

The **proposed changes to the way buildings are designed and built will apply to** new residential buildings or existing buildings that go through the building regulations process that are **18m or more**.

The **proposed changes to the way occupied buildings are managed will apply to new and existing buildings** in both Category 1 and Category 2.

Proposed changes that will affect residents

We want to make changes that mean **residents can have more of a say** in the matters that affect their homes and how they are managed. These include:

- Creating new **roles for those responsible for safety of the building** so it is clear who is accountable and what you can expect from them
- A duty on those who own or manage your building to **promote building safety** for the benefit of all residents
- **Sharing essential safety information** with you such as what fire safety measures are in your building (e.g. fire doors, sprinklers etc) and advice on what to do in the event of a fire
- Information on how you can contact those who manage your building to **raise a concern or make a complaint**
- Information on steps you can take to promote safety in your building

These reforms **will apply to existing buildings as well new buildings** or buildings that are converted into residential properties.

Accountable Person

We propose to create new **roles for those responsible for safety of the building** so it is clear who is accountable and what you can expect from them.

All multi-occupied buildings will have an **Accountable Person**. The Accountable Person is ultimately responsible for meeting the requirements of the new regime for their buildings/properties. **They will have legal responsibility for the safety of the whole building used for residential purposes. Their duties could include:**

- A duty to register all in-scope buildings under their ownership/control
- Undertaking relevant fire and risk assessments
- Probity and responsible working
- Ensuring there are sufficient funds to undertake duties and address building safety issues
- Maintaining proper engagement with others
- Informing and supporting residents

Building Safety Manager

For Category 1 (or high rise) buildings only, we are also proposing the creation of a **Building Safety Manager** role, the Accountable Person can take this role on themselves if suitably qualified.

The Building Safety Manager will support the Accountable Person to meet their responsibilities and will have a more **practical role in day to day management**. Whilst they may undertake day to day duties, the Accountable Person remains ultimately responsible for the safety of the building.

This role could be taken on by an organisation like a managing agent or competent individual. Their duties will include:

- Creating, reviewing and maintaining building information (referred to as the 'Golden Thread')
- Planning and monitoring any maintenance or improvement works
- Ensuring any third parties engaged to work on the building are suitably competent and qualified
- Cooperating with other dutyholders and enforcement bodies
- Engaging with and informing residents (including proactively promoting building safety)

Training or qualifications for the Accountable Person or Building Safety Manager

We want to make sure that **dutyholders** have the required expertise to fulfil their roles.

We are proposing that the **Accountable Person and Building Safety Manager** obtain licenses so that they can demonstrate they have undertaken relevant training and understand their duties under the new system.

The training and qualification **requirements will be different depending on the category of building** and the role they are taking on.

We are also proposing to introduce a **licensing system for those involved in the management of all buildings**, for example, managing agents and letting agents would also have to be licensed to ensure that the services people receive improves and is professionalised.

Fire Risk Assessment

To make sure that buildings are properly managed in a way that ensures safety for all residents, there are **new safety measures that Welsh Government want to introduce**.

One example of this is making changes to the way that fire risk assessments are conducted. This will apply to all buildings in scope of the new system.

There are currently no legal restrictions on who can conduct a fire risk assessment, or any requirement for those doing so to have any particular qualifications or experience. The proposals want to change this so that all fire risk assessments must be **conducted by suitably qualified and experienced individuals**.

We are also proposing that fire risk assessments for all buildings within scope must be **reviewed annually**, and on every occasion that the premises are subject to major works or renovations or are otherwise subject to a significant change in circumstances.

The fire risk assessment is critical to maintaining fire safety, and its findings need to be clearly recorded, understood, acted upon and updated. Therefore we are proposing that all fire risk assessments **must be permanently recorded** in documentary or electronic form. In addition to ensuring accurate records, this also means that this information can be shared with residents so that you can understand what steps are being taken how to keep your building/properties safe.

Promoting Building Safety

All Accountable Persons should **provide a minimum level of information to residents** to promote safety in their buildings. This information is proposed to include:

- Information on fire safety measures within the building.
- Advice on what to do in the event of a fire/if the fire alarm is activated.
- General fire safety advice for residents.
- Information on the roles and responsibilities of the dutyholders
- Information on the expectations on residents.

The level and detail of information provided to residents should reflect the complexity of the building.

The Accountable Person should be mindful of the needs of residents. **Information should be provided in a way that is accessible.** For example, taking language requirements into account.

The Accountable Person should be proactive, providing information to residents and updating them as and when appropriate. This will help **promote a culture of openness and transparency.**

Complaints and Concerns

The Accountable Person will need to make sure they **listen to, and address complaints and concerns raised by residents** for all buildings under the new system.

For **Category 1** buildings there will be an additional requirement for the Accountable Person to set up a process for residents to raise building safety concerns, including a formal complaint. It would need to set out:

- The process for raising a concern and escalating it into a formal complaint.
- How complaints information will be recorded (including assessment of the concern and decision making around any action taken).
- How responses to concerns and complaints will be provided to the complainant and how information on concerns and complaints will be reported back to all residents and leaseholders.
- Information on how to escalate a concern to the regulator if it is not being addressed or taken seriously by those responsible.

Whilst **Category 2** buildings will not be required to have such a formal system in place, we would expect the Accountable Person to give due consideration to how residents might raise concerns with them.

Roles and Responsibilities for Residents

As **residents you also have an important role to play in ensuring your homes are as safe as possible**. Unsafe behaviour can lead, or contribute, to a fire and other safety risks.

As well as requiring dutyholders to ensure they reduce the safety risk, additional responsibilities for residents have been proposed to support the safety of the building for everyone.

We are **proposing a requirement on residents to cooperate with the Accountable Person** and support them in fulfilling their duties in relation to building safety. For example, this could include:

- allowing an approved person to access to your property for safety checks or work to be carried out;
- providing reasonable information on works you have undertaken within your property;
- seeking permission before you undertake work in your property that may compromise fire safety measures.

Compartmentation

Compartmentation is the ability of the structure of a building to contain a fire where it originates for long enough to allow it to be extinguished. For example, if a fire starts in a flat, effective compartmentation means that it will be contained there and reduce the risk of it spreading to other flats or to common areas, such as corridors and stairwells.

Effective compartmentation is critical to fire safety. The proposed changes include a **new general duty to maintain compartmentation** in all buildings within scope of the new system. This means avoiding making changes that would damage compartmentation.

This **duty would apply to all buildings in scope and to everyone**, including dutyholders, residents and contractors. Examples of breaching the compartmentation include:

- drilling through an external wall, any part of the internal structure separating one flat from another, a roof or ceiling void, or a common area (including front doors) without applying adequate and appropriate fire-stopping;
- modifying fire doors or replacing the fire doors with doors which do not adequately resist the spread of fire;
- tampering with or removing self-closing devices on fire doors; or
- installing windows or window vents which do not adequately resist the spread of fire.

Costs of Reform

Our proposals do not relate to any remediation work required on existing buildings. They are about major reforms to the way we design, build, manage and live in properties, to make buildings safer in the future and make sure that we avoid these types of problems occurring again.

There will be a cost to the new Building Safety Regime. However, **we believe these costs are necessary and reasonable** for things that will present a measurable increase in safety. We set out information on these likely costs in the [Economic Impact Assessment](#).

We know that many residents are currently facing significant costs due to issues that have been identified with their buildings. We are currently working to develop a funding offer to address existing issues relating to cladding, building defects such as compartmentation and fire breaks, fire suppression systems (sprinklers) and fire evacuation sounders. We will provide further details on the funding available and how to access it as soon as we can.



This is an overview of the key proposals that affect residents of multi-occupied buildings. **You can find more information on these proposals**, and other areas that will also be subject to changes, via the links below on the Welsh Government website.

Also available on the same webpage are [Quick Read](#) and [Easy Read](#) versions of the White Paper.

Welsh Government have asked a number of questions about their proposals and **want to hear your views**. If you would like to respond to the questions, or share your thoughts on the changes, there is an online form available via the same link, or you can submit your responses via email or post at:

<https://gov.wales/safer-buildings-wales>

For further information:

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<https://llyw.cymru/adeiladau-mwy-diogel-yng-nghymru>

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