



PLYMOUTH COMMUNITY HOMES BUILDING SAFETY POLICY

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1. Purpose and Scope

1.1. This policy sets out our 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.

1.2. This policy outlines how we:

1.3. 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.

1.4. The Act introduces several reforms to ensure homes across England are safer. It specifically sets 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.

1.5. The reforms and requirements will be managed through regulatory bodies:

The requirements of the Act broadly introduce several key principles, and two principal areas of reform:

1.6. **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

1.7. **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. Introduction

2.1. This Policy applies to all employees of Plymouth Community Homes (PCH) and is applicable to all high-rise blocks as defined in the Building Safety Act (BSA) which currently defines high-rise (also referred to as higher risk) buildings as those of 18m+ in height, or 7 storeys and above.

2.2. This includes all tenures including leasehold, and social rent.

2.3. It is anticipated that in future years the buildings that are within the scope of the BSA may change (for example to include buildings over 11m+ in height) and this policy will be reviewed and updated should these changes fall within the scope of future changes to the BSA to ensure this policy remains fit for purpose.

3. Definitions

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 introduces wide scale reforms to support building safety across the industry through design, construction, and management of residential blocks classed as higher risk buildings.

- 3.1. **Accountable person (AP) or Principal accountable person (PAP):** The duty holder legally responsible for a higher risk building'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.
- 3.2. **Building assessment certificate:** The key document required by the principal accountable person (PAP) when a higher risk building (HRB) is occupied. After an HRB has been registered with the Building Safety Regulator, the regulator 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.
- 3.3. **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 principal accountable person. A summary of the BSC in the form of a safety case report will be submitted to the Building Safety Regulator under specific conditions.
- 3.4. **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.
- 3.5. **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.
- 3.6. **Duty holders:** 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.
- 3.7. **Fire Safety Act:** The Fire Safety Act 2021 clarifies the scope of building safety measures set out in the Fire Safety Order 2005. It highlights how the order 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 'duty holders,' which broadly correlate to the principal accountable person and relevant accountable person.

- 3.8. **Gateways:** A set of three submission and approval gateways overseen by the new Building Safety Regulator required for the design and construction of higher risk buildings. 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) came into force in October 2023.
- 3.9. **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.
- 3.10. **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.
- 3.11. **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.

4. Key Principles

- 4.1. Several key principles of the Act apply across both *design and construction*, and *occupation*:
- 4.2. **Higher risk buildings (HRBs):** Where applicable under the requirements of the Act, we are taking reasonable measures to ensure that relevant duty holders of our HRBs in England will; conform to duty holder requirements and competencies through design, construction, and occupation.
- 4.3. **The Building Safety Regulator:** The Act provides regulators with stronger enforcement powers and has increased the penalty for a breach of building regulations under section 35 of the Building Act 1984 to a maximum penalty of an unlimited fine and/or two years in prison. We will ensure all requirements set out under the Act are met and that we respond to requests from the Building Safety Regulator when required.
- 4.4. **Approved Construction Products:** We will put in place appropriate governance to ensure our contractors use approved products as set out by the *National Regulator of Construction Products*. This regulator has been set up to provide information and oversight of product standards applied through design, construction, refurbishment, and remediation.
- 4.5. **The Golden Thread:** We are undertaking reasonable measures to implement the requirements and principles of the Golden Thread for storing, managing, and sharing building information and documents over a higher risk building's lifecycle. The Golden Thread will apply from design and construction, through to occupation and disposal. It constitutes a '*single source of truth*' for a higher risk building's safety information, and ties directly into requirements for the creation and management of building safety cases.
- 4.6. **Mandatory Occurrence Reporting (MOR):** We have a mandatory occurrence reporting process in place to inform the Building Safety Regulator of 'safety occurrences' related to fire and structural safety issues in our higher risk buildings. The reporting criteria and process for mandatory occurrence reporting will be set out in further guidance from the regulator.

- 4.7. **Holding Developers to Account:** The Act includes a new section 2A to the Defective Premises Act which updates the period under which defect claims to developers can be made. The change extends the usual limitation period (the time a valid claim can be made) from six years to 15 years for claims that accrue after the Act took effect (28 April 2022), and 30 years retrospectively for claims that accrued before. The change, combined with the government's requirement for large scale developers to sign a developer remediation contract, which forces developers responsible for defects to agree to fix them or face significant consequences, means we have a greater ability to hold developers to account.
- 4.8. **Enforcement:** We will act swiftly in response to enforcement measures imposed by the Building Safety Regulator through design, construction, and occupation:

The following enforcement changes apply to the design and construction of all buildings, including higher risk buildings:

- An increased penalty for a breach of building regulations to a maximum penalty of an unlimited fine and/or two years in prison.
- Expansion of section 35 of the Building Act 1984 so that it applies not only to breach of provisions of building regulations, but also to breach of individual requirements imposed under building regulations.
- Amendments to section 36 of the Building Act 1984 to extend the time limit to take action to correct non-compliant work under this section to 10 years and for the Building Safety Regulator as a building control authority to have powers under this section.
- The Building Safety Regulator and local authorities can issue compliance and stop notices against non-compliant work. Failure to comply with either notice will be a criminal offence, with a maximum penalty of up to two years in prison and an unlimited fine.

5. Design and Construction – (New build, Major works projects including refurbishment)

5.1. Duty holders

We will take reasonable measures to ensure that updates relating to the role and competency of duty holders through design and construction introduced in the Act are met.

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

The key duty holders 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 (PCH) to ensure the competence of relevant duty holders **which is to be included in employer's specifications.**

Requirements for relevant duty holders to meet the provision of prescribed documents required for each gateway submission will be put in place.

5.2. **Building Safety Levy**

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

5.3. **Gateways**

We will take reasonable measures to ensure we meet 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 Building Safety Regulator 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 Building Safety Regulator acts as an additional consultee through gateway 1.

Gateways 2 (handover from planning to construction) and gateway 3 (completion of construction) came into force October 2023. The Building Safety Regulator acts as the building control authority through these gateways.

When a higher risk building 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 Building Safety Regulator, 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.

5.4. **Change Control**

We will take reasonable measures for control planning and change control to be managed and communicated with the Building Safety Regulator throughout the gateways process.

Any changes to the design and construction of a higher risk building must be recorded by the relevant duty holders and provided for review.

Requirements for 'permission' to be provided before significant changes are made must be acquired. This will apply to higher risk buildings both through design and construction as well as through *refurbishments*.

5.5. **Handover Review**

As part of our Building Safety Act policy and process review, a cross-department review of the handover process will be undertaken to assess the impact and challenges raised by the reforms within the Act.

6. **Occupation**

To ensure residents living in higher risk buildings feel safe in their homes, our building safety team will introduce various roles and processes, each with different responsibilities for safety.

We will take reasonable measures for collaboration and clear communication with our residents, as well as between building safety managers, housing officers, environmental services, asset team, third-party building management organisations and stakeholders such as fire and rescue services.

6.1. **Building Safety Case (BSC)**

Management of building safety case reports 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.

Building safety cases and safety case reports will be supported with the development of a building safety management policy and related procedures.

6.2. **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.

6.3. **Registration**

All occupied higher risk buildings have been registered with the Building Safety Regulator.

6.4. **Certification**

All registered higher risk buildings 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.

If the Building Safety Regulator has put a special measures order in force for the building at any point, the building assessment certificate will be removed.

6.5. **Resident's Voice**

Residents should be and feel safe in their homes. We will take reasonable measures to inform residents 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 principal accountable person is required to:

- Provide residents with relevant building safety information.
- Establish a resident *engagement strategy* specific to each higher risk building.
- 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.

6.6. **Engagement Strategy**

There are specific *engagement strategies* for our higher risk buildings. These documents are developed in accordance with the Building Safety Act.

6.7. **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 meters in height or five storeys and above)*.

Where we undertake 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 relevant policy and procedures.

6.8. Refurbishments

Principles set out in the Act relating to refurbishment works within higher risk buildings 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. Where the Building Safety Regulator acts as the building control authority, a process like the gateways may be employed.

6.9. Remediation

The key role of the principal accountable person is to prevent and reduce the severity of building safety incidents relating to fire or structural failure in higher risk buildings. This is actively managed by our building safety team through an ongoing programme to identify and remediate building safety defects. When a safety defect has been identified, PCH will engage a relevant specialist.

The Act also introduces the concept of *remediation orders*, which require those responsible for managing repairs in a building to remediate building safety defects in 'relevant buildings' by a specific time where they are not actively doing so. 'Relevant buildings' in this instance refer to buildings in England that are at least 11 meters in height or five storeys and above that contain at least two dwellings.

Remediation orders can be made through First Tier Tribunal on the application of an '*interested person*' such as the regulator, local authorities, local fire and rescue services, leaseholders or any other person prescribed by law.

Like remediation orders, the Act also introduces the concept of *remediation contribution orders* which require responsible corporate entities, such as a landlord or developer or those associated with them, to make payments to a specified person to meet costs incurred in remedying relevant defects in relevant buildings. These are made through First Tier Tribunal under the same criteria with the addition that the Secretary of State can also apply for a remediation contribution order.

6.10. Monitoring & Review

This Policy will be reviewed every 3 years from approval date. (Or sooner if legislation or risk changes).

6.11. Related Documents

Health and Safety at Work Act 1974

Building Safety Act 2022

Building Act 1984

Fire Safety Act 2022

Defective Premise Act 1972

The Regulatory Reform (Fire Safety) Order 2005

The Fire Safety (England) Regulations 2022

The Higher-Risk Buildings (Keeping and Provision of Information etc.) (England) Regulations 2023

Building Safety Regulations

6.12. Roles and Responsibilities**6.13. Board Members**

The Board has the overall governance responsibility for ensuring that PCH is compliant with regulatory standards, legislation, and codes of practice.

6.14. The role of the Board includes:

- Establishing key Health and Safety policies
- Awareness of risks and risk controls in place
- Agree performance targets and a performance monitoring framework.
- Ensuring availability of adequate resources and competencies for delivering policy commitments
- Ensuring appropriate reporting and auditing activity
- Hearing the voice of residents.

Under this policy, PCH has identified the following appropriate persons within the organisation to manage this area of risk with the support of appointed specialist contractors and consultants. Only competent and suitable qualified contractors will be appointed by PCH.

Duty Holder/s

<p>Duty Holder - PCH</p>	<p>Fulfil requirements of the BS Act as above mentioned in this Policy document.</p> <p>The client is identified as any person for whom the project is carried out. Often, they will be the developer of the building. Where there is more than one client, the parties may agree in writing which party is to be responsible for the role of 'sole client,' for these duties.</p> <p>The client will have several responsibilities mandated by the BSA, in addition to their current obligations. It will be the client's role to establish the direction of the project, ensuring that an environment is created that adheres to the Building Regulations.</p> <p>Their duties will include:</p> <ul style="list-style-type: none"> • Making suitable arrangements for the planning, management, and monitoring of a project. • Ensure that the planning, management, and monitoring of the project is compliant with the relevant requirements of the building regulations and that they are maintained throughout the project. • Ensuring that the individuals/organisations who are employed are competent to carry out the work which they have been contracted to undertake in accordance with the new competency requirements imposed by the British Standards Institution (BSI). • Providing building information as soon as is practicable to every designer and contractor on the project. • Operate a mandatory occurrence reporting system. • Communicating with any other person working on or in relation to a project to the extent necessary to enable any person with a duty or function under these Regulations to fulfil that duty or function.
<p>Duty Holders – Role of the Principal Designer</p>	<p>The Principal Designer will have several duties which they must carry out to ensure compliance with the Building Regulations.</p> <p>The responsibilities of the Principal Designer include:</p> <ul style="list-style-type: none"> • Planning, managing, and monitoring the design work during the design phase. • Coordinating matters relating to the design work and ensuring all designers coordinate with the client, the designers, the principal contractor, and each other. • Liaising with the principal contractor and sharing any information in relation to the above to ensure the maintenance of the 'golden thread.' <p>When the principal designer's appointment ends, no later than 28 days after the end of the appointment, they must give the client a document explaining the arrangements</p>

	<p>which they have put in place to fulfil the duties and any replacement principal designer must review the arrangements which the previous principal designer put in place for fulfilling the duties to ensure that the building work is compliant with the relevant requirements.</p>
<p>Duty Holders – Role of the Principal Contractor</p>	<p>The principal contractor has several responsibilities during the construction of a building, with even stricter duties for higher-risk building projects.</p> <p>The responsibilities of the Principal Contractor include:</p> <ul style="list-style-type: none"> • Planning, managing, and monitoring the building work during the construction phase. • Co-ordinating matters relating to the design work and ensuring all designers coordinate with the client, the designers, the principal contractor, and each other. • Operate a Safety Occurrence reporting system either used by PCH or their own. • Liaising with the principal designer and sharing any information in relation to the above to ensure the maintenance of the ‘golden thread.’ <p>When the principal contractor’s appointment ends, no later than 28 days after the end of the appointment, they must give the client a document explaining the arrangements which they have put in place to fulfil the duties and any replacement principal contractor must review the arrangements the previous principal contractor put in place for fulfilling the duties to ensure that the building work complies with the relevant requirements.</p>

6.15. The Chief Executive has ultimate responsibility for health and safety across the organisation and will nominate appropriately qualified and suitable experienced people to discharge those duties in relation to Building Safety management.

Policy Management and Assurance

The Principal Accountable Person (PAP)	Position:	Chief Executive
	Responsibilities:	<p>The principal accountable person is the duty holder legally responsible for a higher risk building’s compliance with the Act, primarily based on who is the named freeholder of the building or who holds responsibility for communal and external wall repairs.</p> <p>Other relevant accountable persons may also be identified, dependent on their individual obligations to manage and repair common parts of the building.</p> <p>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.</p> <p>The accountable person could be a named entity (such as a housing association, council, or management company), or a named person.</p> <p>Notification to changes in responsibility of a higher risk building’s accountable person or principal accountable person</p>
Accountable Person	Position:	Building Safety Manager
	Responsibilities:	<p>The building safety manager role fulfils an assurance function, satisfying the Building Safety Regulator 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:</p> <ul style="list-style-type: none"> • the development of a safety dashboard for specific higher risk buildings • the review and oversight of building risks in a <i>building safety case</i> • submission of <i>safety case reports</i> to the Building Safety Regulator 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 <i>engagement strategy</i>. • The building safety manager role will ensure procedural arrangements are in place.

7. Equality, Inclusion and Diversity Statement

- 7.1. PCH is committed to valuing and promoting equality and diversity and inclusion across our services. We recognise we have a duty to eliminate unfair treatment and discrimination in the services we provide and to promote and value respect in everything we do. We expect our staff to share these values and treat all residents with fairness and respect. We also require our contractors and suppliers to mirror our values and comply with our policies in this respect and their own respective duties.
- 7.2. PCH will apply a zero-tolerance response to acts of discrimination.
- 7.3. PCH recognises that residents have diverse needs and may require a tailored and reasonable adjustment to our service to access our services or a property feature, either on a permanent or temporary basis.
- 7.4. PCH will ensure it meets its duties under the Equality Act 2010 to consider the need to:
- Eliminate discrimination, harassment, and victimisation.
 - Advance equality of opportunity.
 - Foster good relations between various parts of the community
 - All contractors employed by PCH or carrying out works on PCH owned or managed premises are required to adhere to the commitments we have made to valuing and promoting equality and diversity and inclusion across our services.
- 7.5. **Communication**
- 7.6. PCH will ensure that appropriate Building Safety information is provided to relevant persons on the website and upon request.
- 7.7. PCH will ensure effective emergency procedures are in place and that staff and contractors are clear on their responsibilities.
- 7.8. PCH will promote awareness of fire related risks through training and induction of relevant staff. The training will be designed to fit the needs and roles of the employees being trained.
- 7.9. To ensure that appropriate and suitable training is provide to staff, PCH will carry out training needs where appropriate.
- 7.10. PCH has adopted and is undertaking surveys in accordance with the Regulatory standard tenant satisfaction measures. These will be utilised to address any reports on outstanding works, issues or concerns that warrant further action or learning and will be shared with out contractors delivering services.

Document Control – Change History

Version	Date	Created/Amended By	Purpose
1	August 2024	Marc Gray, Interim Building Safety and Fire Safety Manager	New policy to set out PCH's approach to ensuring our buildings are safe and meet regulatory requirements of the Building Safety Act 2022.