



**DORSET & WILTSHIRE
FIRE AND RESCUE
AUTHORITY**

Item 22/58

MEETING	Dorset & Wiltshire Fire and Rescue Authority
DATE OF MEETING	14 December 2022
SUBJECT OF THE REPORT	Building Safety Regulator
STATUS OF REPORT	For open publication
PURPOSE OF REPORT	For information
EXECUTIVE SUMMARY	<p>Following the fire at Grenfell Tower in 2017 there have been changes to existing fire safety legislation including the introduction of the Building Safety Act 2022. The intent of the Act is to improve the safety of persons residing in higher risk buildings by improving standards of fire safety.</p> <p>This paper outlines the implications to the Fire and Rescue Authority of this Act with regard to supporting the Health and Safety Executive as the new Building Safety Regulator (BSR).</p> <p>The paper will be supported by a presentation at the meeting.</p>
RISK ASSESSMENT	<p>It is unclear what the medium to longer-term resourcing implications are associated with all of the new fire safety legislation and more specifically our role in supporting the Building Safety Regulator. The Home Office has provided several one-off grants to support the general transition period for meeting all of these new responsibilities, but the on-going financial burden has not yet been built into our base funding. In line with its Strategic Risk Register, the Authority has built into its medium term finance plan the need to make a</p>

	<p>significant investment in the protection department, whilst also needing to address a considerable financial deficit.</p> <p>There may be a need to review the resources supporting the BSR once it has been in operation and the recharging mechanisms have been established.</p> <p>We will also need to ensure that our liability insurance arrangements sufficiently cover any proposed work that we undertake on behalf of the BSR. Discussions are ongoing with our insurers to ensure that adequate arrangements are in place.</p> <p>Recruitment and retention of highly qualified staff remains a risk nationally.</p>
COMMUNITY IMPACT ASSESSMENT	None for the purposes of this report
BUDGET IMPLICATIONS	<p>The Home Office has provided one off Protection Uplift grant funding to support fire and rescue services in preparing for the introduction of new fire safety legislation. We expect to receive further one-off funding in 2023-24 but there remains a risk that this additional financial resourcing requirement will not be built into our base funding for future years.</p> <p>Additional resources will be required to fulfil the statutory requirements associated with the role of the Building Safety Regulator and £26m of New Burdens funding has been agreed nationally to support the initial investment. There will be a recharge model in place which will apply once work for the BSR commences. The Health and Safety Executive (HSE), as the BSR, have recently completed a consultation on proposals for the recharging model. Until the outcome of this review is concluded, it is not clear what long-term funding will be available to support this work.</p> <p>We may see increased insurance premiums for our official indemnity and professional indemnity cover. It is anticipated that this additional cost will be covered by the New Burdens funding and future charging mechanism.</p>

RECOMMENDATIONS	Members are asked to discuss and note the report.
BACKGROUND PAPERS	<p>Building Safety Act 2022 https://www.legislation.gov.uk/ukpga/2022/30/contents/enacted</p> <p>HSE Building Safety Regulator https://www.hse.gov.uk/building-safety/regulator.htm</p> <p>BSR consultation on proposed fees and charges regulations https://consultations.hse.gov.uk/bsr/fees-and-charges-regs/</p>
APPENDIX	Appendix A - Home Office BSR Funding letter
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1 Introduction

- 1.1 Following the fire at Grenfell Tower in 2017, Dame Judith Hackitt published recommendations within her Building a Safer Future report on improvements to the regulatory framework, competence, and responsibility for fire safety in high rise residential buildings.
- 1.2 Among other legislative and regulatory changes affecting residential buildings, new legislation in the form of The Building Safety Act 2022 (the Act) was granted Royal Assent on 28 April 2022. The intent is to improve the safety of persons residing in higher risk buildings by improving standards of fire safety in planning, design, build and occupation stages of a building's life cycle.
- 1.3 Part 2 of the Act details the function of the Building Safety Regulator (BSR), currently the Health and Safety Executive (HSE), as a new body to oversee the design and safety of higher risk buildings in scope.
- 1.4 Fire and rescue services may be directed by the BSR to support a multi-disciplinary team to review complex cases and provide expert guidance on fire safety within new buildings. This will be achieved through an enhanced Planning Gateway, a process which ensures specific fire safety considerations are included in the planning applications and within existing buildings as part of a 'safety case' regime.
- 1.5 The aim of the safety case regime is to ensure that those responsible for buildings, known as Accountable Persons, deliver a continuous preventative and proactive approach to managing building safety risks.
- 1.6 Work by National Fire Chiefs' Council (NFCC) and the Protection Policy Reform Unit (PPRU) have identified that protection staffing nationally requires uplift to support this new burden and have proposed a regional approach to BSR support. This model requires the Authority to provide additional resources. The impact of this, as currently understood, is outlined within this report.

2 Building Safety Regulator

- 2.1 The NFCC and the PPRU have supported discussions nationally to propose a regional approach to supporting the Building Safety Regulator (BSR), whilst maintaining levels of competence within the sector and providing consistency across the country.
- 2.2 Twenty six million pounds of New Burdens funding to support recruitment of 111 Protection staff nationally has been agreed by HM Treasury and was communicated by them in November 2022. This funding will be via a grant from Department for Levelling Up, Housing and Communities (DLUHC) and Home Office with payment in arrears and subject to invoicing and reporting protocols, as for other protection uplift funding.

- 2.3 This funding will be one off funding for a fixed period, it will not be included in the base revenue budget. The additional responsibilities and resources required to meet the responsibilities will be permanent. As with other one-off funding from the Government for protection work there will be criteria for the use of funding, full details of how this can be used is still awaited at the time of this report.
- 2.4 In consultation with PPRU and regional colleagues, Officers have agreed in principle to a regional model based on each fire and rescue service (FRS) within the South West providing staff commensurate with the risk within their service area. Each FRS will be responsible for employment and contractual arrangements for the staff they employ for BSR work.
- 2.5 As the Service has the highest number of buildings in scope within the South West region, (i.e., those over 18 metres high and used for residential, student or hotel accommodation), it is likely the Service will become the designated lead organisation in the region. Consequently, it will require the most additional resources, including a regional management role and a fire safety engineer role.
- 2.6 The Service does not currently employ a dedicated and highly qualified fire safety engineer, who can review complex building control consultations and able to provide guidance to Fire Safety Regulators. The regional approach will provide an opportunity for the Service to have a member of staff qualified to this level. Although the release of a competent fire safety inspector, to gain the necessary qualification, will result in a short-term reduced output by the department, the added knowledge and expertise of a fire engineer will have a longer-term benefit.
- 2.7 The Building Safety Act 2022 allows BSR, the HSE in this context, to make proposals to allow for the charging of fees and to recover charges. Following a recent consultation, a proposal for this charging regime is being presented to the Secretary of State at DLUHC. If approved, it is expected that this will provide a mechanism for fire and rescue services to recover costs for work undertaken on behalf of the BSR.

3 Competence framework

- 3.1 Competence standards for fire safety regulators are set according to the nationally agreed Competence Framework for Fire Safety Regulators, published by NFCC. This is currently undergoing a review but underlines the importance of consistent and competent training and continual professional development (CPD) for all staff working in the sector as a key component of safety. The Service adheres to the current framework document and all fire safety protection staff who audit premises are expected to achieve a Level 4 Diploma in Fire Safety as part of their role.
- 3.2 It is expected that all staff involved with the regulation of higher risk and complex premises (including but not exclusively work associated with the BSR) will also undertake a minimum level of continuous professional development (CPD) per annum and be accredited to the third party Contextualised Auditors' Register, currently administered by the Institution of Fire Engineers and Engineering Council.

- 3.3 The process for accreditation and reaccreditation of staff is expected to represent an additional cost to the Service of approximately £30,000 for initial accreditation, spread over the next three years and subject to numbers being accredited each year. This is variable due to availability of assessors. One off grant funding has been provided to each fire and rescue service as an initial contribution towards this cost, but ongoing funding will need to be met by the Service. Once all staff are accredited there will be an estimated annual financial burden of circa £5,000 to the Authority for reaccreditation.

4 Summary and key points

- 4.1 The introduction of the Building Safety Regulator as part of the Building Safety Act 2022 will improve the safety of persons residing in higher risk buildings by improving standards of fire safety. The role of the Service in supporting the Health and Safety Executive as the new Building Safety Regulator will have resource and potential financial implications for the Authority. It will also present an opportunity for the Service to maintain highly skilled fire safety inspectors and benefit from the introduction of a specialist fire safety engineer and meet our statutory duties in relation to the new legislation. There remains an outstanding financial risk to the Authority that the new burdens placed upon us are being funded from one-off grants and need to be built into the Revenue Support Grant.