



NFCC
National Fire
Chiefs Council

The professional voice of the
UK Fire & Rescue Service

National Fire Chiefs Council
West Midlands Fire Service
99 Vauxhall Road
Birmingham
B7 4HW

Telephone +44 (0)121 380 7311
Email info@nationalfirechiefs.org.uk



Health and Safety Executive

Chief Inspector of Buildings
1.1 Redgrave Court
Merton Road
Bootle
Merseyside
L20 7HS

cib@hse.gov.uk

Sent via email

Monday 7th February 2022

Re: A Joint Message from the NFCC Chair and HSE Chief Inspector of Buildings

Dear Chief Fire Officer/Chief Executive,

Further to our recent presentation at the September National Fire Chief's Council meeting, we wanted to jointly write to you to provide an update on work to develop the new building safety regulatory regime and the role of Fire and Rescue Services (FRS) within that. In this letter we set out some of our early thinking on how the regime may operate in practice and the implications this will have for FRSs, and to also outline our proposed next steps.

As you are all aware, the Building Safety Regulator (BSR) is being set up within HSE to deliver a new regulatory regime for high rise residential buildings (HRRBs - defined in the Bill as buildings that are 18 metres or over or 7 or more storeys in height with two or more residential units). The regime is currently planned to commence from April 2023 and will operate in England. The new design and construction requirements will also apply to hospitals and care homes.

Under the Building Safety Bill, the BSR will deliver the building control function for new-build HRRBs as they undergo construction and for those under refurbishment, as well as being the regulator for HRRBs once they are occupied, including all existing HRRBs. A new 'gateway' consultation process has been introduced for buildings at the planning stage, and further gateway approvals will apply as buildings undergo design and construction. A new registration and certification regime will be introduced for buildings once they are occupied and for existing buildings, with periodic assurance activity by regulators based on an assessment of duty holders' safety case and management of building risk. These new

processes will ensure there is more stringent, ongoing scrutiny applied to these buildings throughout their entire lifetime.

The Bill will enable the BSR to use a Multi-Disciplinary Team (MDT) model to deliver its new HRRB regulatory functions. MDTs will be made up of HSE/BSR staff together with local regulators including Building Control and FRS. They will also be augmented by other disciplines, such as LA Environmental Health and Housing Officers and other technical specialists, as necessary.

The new regime will be delivered in partnership, bringing together the skills, knowledge, and experience of HSE, FRS and building control. MDTs will be organised to deliver the new functions with maximum efficiency, considering capacity issues and the need for stable work programmes and workforce planning, alongside capability to assess building safety risks. HSE is working with its regulator partners to develop the BSR's operating model for delivery of this work and the NFCC are considering options for consultation with Fire & Rescue Authorities (FRA) and FRS on how FRS support for MDTs might best be provided and reflects the distribution of HRRBs across England.

The Building Safety Bill is currently passing through Parliament and does not provide all of the detail on how the gateways and safety case regime will operate in practice. However, based on the supporting notes and high-level assumptions that underpin the Bill, NFCC initial estimate is that around 250 additional FRS protection staff will need to be recruited and trained to meet this demand.

Work over the coming months on the outline of the MDT operating model and the phased introduction of the BSR functions will help to refine this further. This will also inform DLUHC's development of the secondary legislation during 2022 that is needed to implement the new regulatory framework.

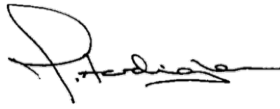
Once the regime is up and running, FRA will be reimbursed by the BSR for FRS contribution to the MDTs and the HRRB regime through a cost recovery mechanism. But clearly an extensive, upfront programme of recruitment and training will be required to build the required FRS capability in time to deliver this additional role, along with exploring how existing capability can be reprioritised and deployed in the meantime. A funding bid was submitted by DLUHC under SR21 for this purpose.

NEXT STEPS

While we await the outcome of the funding bid, there is some work we need to do at pace, in particular start considering and planning the recruitment and training programme. We want to work with you on the design of an FRS delivery model to support the MDT process. This cannot be done in isolation and should be taken forward as part of the current and additionally funded work to enhance FRS capability to meet existing recruitment and retention challenges and implement the new Fire Safety Act enhancements.

We have started the process of engagement to consider the options and best way we may do that and want to make sure that you, FRS protection teams, LGA and others are kept fully updated on developments going forwards. We will bring this back to future Council meetings so that you have an opportunity to ask us both any questions that you may have.

Yours sincerely,



Mark Hardingham
NFCC Chair



Peter Baker
Chief Inspector of Buildings