

Communities and Local Government Committee

Oral evidence: Independent review of building regulations and fire safety, HC 555

Monday 18 Dec 2017

Ordered by the House of Commons to be published on 18 Dec 2017.

[Watch the meeting](#)

Members present: Mr Clive Betts (Chair); Mike Amesbury; Helen Hayes; Kevin Hollinrake; Andrew Lewer; Fiona Onasanya; Jo Platt; Mr Mark Prisk; Mary Robinson; Liz Twist.

Questions 1-79

Witness

I: Dame Judith Hackitt, Chair of the independent review of building regulations and fire safety.

Examination of witness

Witness: Dame Judith Hackitt.

Chair: Good afternoon, Dame Judith. Welcome to the Committee. As chair of the independent review of building regulations and fire safety, you have come to discuss with us your interim report. Thank you very much for coming. Before we get on to questions, I ask members of the Committee to put on record any interests they have that are not necessarily in the Register of Members' Financial Interests but may be relevant to considerations of this inquiry. I am a vice-president of the Local Government Association.

Mr Prisk: I am a fellow of the Royal Institution of Chartered Surveyors.

Mary Robinson: I employ a councillor in my office.

Mike Amesbury: I employ a councillor in my office.

Kevin Hollinrake: As do I.

Jo Platt: I employ two councillors in my office.

Q1 **Chair:** Thank you. That puts on record matters that may be relevant. Thank you very much for coming this afternoon to discuss what is clearly



HOUSE OF COMMONS

a very important issue following the tragedy at Grenfell. It is important that we make sure we have building regulations in this country that are fit for purpose, and there are concerns that the current ones are not. Members of the Committee have not necessarily had a chance to read your report in detail, but we have had a briefing and look forward to hearing what you have to say. To begin, you would like to make an opening statement to the Committee.

Dame Judith Hackitt: I would indeed. Thank you very much. I very much welcome this opportunity to share with the Select Committee the findings to date of my interim review of building regulations and fire safety, focusing particularly on how they are applied to high-rise buildings. As you said, my interim report was published earlier today, and I fully expect to be able to publish the final report in spring 2018.

At this interim stage of the review, I can confirm that there is a systemic failure here that needs to be addressed by a significant culture change and will need to involve a wide range of people who are part of the system. That means those who design, build and maintain high-rise and complex buildings. It includes regulators and policy makers, among others. The system we have in place today has evolved. It is overly complex, and it is confusing. There is confusion about roles and responsibilities throughout and a general lack of competence and accreditation in many areas. We have identified numerous ways in which the system is gamed or worked around because of these factors. That is how I have concluded that the regulatory system is not fit for purpose.

In the interim report, I have been able to outline a direction of travel for the future that will lead to a simpler but more effective system and enable residents to be assured that their buildings are and will continue to be safe to live in. We can start the process of implementing this culture change without having to wait for regulatory change to be enacted if we enlist the support of stakeholders. To that end, the interim report is a call to action for those who are being invited to attend a summit meeting on 22 January, and that invitation is going out as we speak.

My work has been and will continue to be independent of the public inquiry process that will investigate the details of what happened to cause the tragedy at Grenfell Tower in June. However, I believe that the regulatory review will be an important input to that inquiry, and I will be sharing the work of the review in full with the inquiry team.

Q2 **Chair:** Thank you very much. That is a pretty damning comment about the failings of the current system and what needs to be put right. In reaching those conclusions, do you feel you had a broad enough range of evidence from different sources to get a complete overview of what the current system is, what its failures are and what needs to be put right?

Dame Judith Hackitt: I do. I feel very confident, in that we issued a call for evidence in September, we had over 250 responses to that call for evidence and, in addition, I have personally spoken to more than 300 people during the course of a series of roundtable meetings that we have



HOUSE OF COMMONS

held. I think we have had a very good cross-sectional view from the whole range of different stakeholders. What is clear to me from all of those responses is a very strong sense that we are at a point where the regulatory system in its entirety needs an overhaul.

- Q3 **Chair:** Sometimes when calls for evidence go out, those who have professional knowledge and expertise are the ones who can easily access the systems and get their evidence in, while others just do not know how to go about it.

Dame Judith Hackitt: Yes.

- Q4 **Chair:** Do you feel therefore that you have got more than the usual professional people giving you evidence? In particular, have you had evidence from the survivors of the Grenfell tragedy and others closely related to it?

Dame Judith Hackitt: Bearing in mind that this review has been looking at how regulations apply to high-rise buildings in the broader sense, I would answer that by saying that we have held two of those roundtable meetings that I referred to specifically for residents' groups. Residents attended those, and we have had some extremely good feedback. We held one in Manchester and one here in London. Both were very well attended and we had some very good input from people on what it was like to be in their position. As I have noted in the report, some of that evidence was some of the most impactful evidence we heard—about what it is like to be in that position and about what some of their concerns are.

- Q5 **Chair:** Specifically about Grenfell and the survivors?

Dame Judith Hackitt: Not specifically about Grenfell, although we would have welcomed responses from people resident in Grenfell. We did in fact write to them on Friday to inform them that this report was going to be coming out today, and we have offered to talk them through it as and when they are ready, if they wish to do so.

- Q6 **Chair:** So you didn't actually have evidence directly from them?

Dame Judith Hackitt: We don't believe so—unless they sent it in through residents' associations. We could not trace specifically evidence from people who lived at or near to Grenfell Tower.

- Q7 **Chair:** Right. But you are saying that, having produced your interim report, you are going to make a specific effort to contact them?

Dame Judith Hackitt: We have already written to them to say so, yes.

Chair: And offered to have meetings with them to discuss the findings.

Dame Judith Hackitt: Yes indeed.

Chair: And to get any reaction from them about that.

Dame Judith Hackitt: Yes.

- Q8 **Chair:** You also mentioned the relationship with the public inquiry, saying



HOUSE OF COMMONS

that you are independent of it but that you will feed into it. Is there anything more that you want to add about the relationship between the public inquiry and the work you were doing—particularly the further work you will do to produce the final report.

Dame Judith Hackitt: As I have already stated, the difference is that this piece of work is independent of, and independent of the timing of, the public inquiry. What I have been asked to do by the Secretary of State is to produce some timely recommendations for how the regulatory system can be improved. It is my intention to work to the timetable that I was asked to meet; I see no difficulty in doing so. We will share all the information that we generate with the public inquiry. I would expect that information to inform their work. I am more than happy to give evidence to them, and I anticipate having to do so—that's fine—but what I have also indicated is that if at the end of the public inquiry there is a need to look again at the recommendations that I have made in the light of the public inquiry, I will be equally happy to do that as well.

Q9 **Chair:** But your timescale won't be affected in any way by the public inquiry—you have got a timescale and you are going to stick at it.

Dame Judith Hackitt: It will not be affected by the public inquiry. My report will be published in the spring and will make recommendations for how the regulatory system can be adjusted. The timing for the implementation of that clearly rests with others.

Q10 **Kevin Hollinrake:** Dame Judith, in the inquiry's terms of reference is a requirement to look at other international systems. How did you follow that process and what shape did it take?

Dame Judith Hackitt: We have done that in a number of ways, including through some professional bodies. Early on in the process, we enlisted the support and help of the Royal Academy of Engineering to make contact with engineering experts in their network to provide us with details of regulatory regimes and how they operated elsewhere in the world. The team that has been supporting me within DCLG and the Home Office has also made contact with a number of other Governments, both in European countries and also further afield, including Singapore and United Arab Emirates, and we have met with people who have been visiting here, including people from Australia and the United Arab Emirates. We have reviewed in detail their experience of fires in high-rise buildings and the details of their regulatory regimes and how they differ from ours.

Q11 **Kevin Hollinrake:** Is it a specific stream of work within your inquiry to look at international systems, particularly where problems have not happened as well as places where these things have happened?

Dame Judith Hackitt: It has been a specific stream of the review and there is specific text within the interim report that identifies some of the findings so far. We will revisit that again in due course when we come on to the next phase of this process, which is when we will start to look at what a revised regulatory regime here in England would look like. I should also add that I have visited Wales. We have talked to the Welsh

Government and we have had detailed conversations with people in Scotland as well.

- Q12 Mr Prisk:** Dame Judith, in your opening remarks in your report you make it clear that in your view the current system is not fit for purpose. Could you briefly highlight from the six areas that you focused on, both now and in the future direction of travel, where you think the principal problems lie?

Dame Judith Hackitt: I'd be happy to. First, it is important to recognise that, as we have stated in the report, the regulatory system depends on much more than what is written in statute. How well a regulatory system works depends on the regulations themselves. It also depends on the people who are part of the system, how things are interpreted and the whole culture to which that regulatory regime applies. For me the overriding requirement of all of this is to drive a culture change.

To answer your specific questions, in the areas of regulations and guidance, I was told when I started out on this exercise that our regulatory system was goals-based. What I found is a great deal of confusion between what is regulation and what is guidance. Many people refer to the guidance as the regulations when it clearly isn't. For the future, I would want to see a system that was simpler, streamlined, risk-based and proportionate. I do not believe that the guidance in particular has been written with the user in mind at the moment. There are too many sections of separate guidance written in tramlines. That needs to be brought together in a more coherent fashion so that rather than looking at trying to meet several different aspects of safety and making buildings fit for purpose, driving that towards a coherent conclusion rather than several different answers from different sets of guidance would be much more helpful to the user.

In terms of roles and responsibilities, there is a need for greater clarity and less ambiguity in the system. I have still to find someone who can point and say, "That's the person doing the work." And that is someone who gets referred to an awful lot in the regulations and the guidance because at any given time that could be anybody. What we need is a much clearer and unambiguous system with senior people at different stages in the process. Remember, I am talking now not just about the construction phase but the ongoing management of the life cycle of a building. At every one of those stages, there needs to be a clearly identified individual with responsibility, not having that diffuse among numerous people within the system. Because part of the problem currently is that people point to others and say, "Well, that's their job, not mine." We have to resolve that in the next phase.

I have said in the report that there is a lack of competence throughout the system, and that is in all areas. In the construction industry, while there are clearly many competent people, the system for identifying and differentiating those who are competent from those who are not is ineffective. There is also a mismatch on the regulatory side between where the regulatory system now exists partly in local authorities and



HOUSE OF COMMONS

partly in the private sector. There is a requirement upon those inspectors in building control in the private sector to have a level of competence, which is not reflected in the requirements of those employed by a local authority. Yet, on the other hand, it is the local authority people who have the ability to take enforcement action, not those in the private sector. So there is a need to raise competence and, indeed, level up between those two groups of people as well as creating greater independence.

That leads me to my fourth point, which is about the process and enforcement of this. We definitely need stronger enforcement and more realistic sanctions in this process. Currently, the disincentive for taking shortcuts in the system is, in my view, so low that it encourages people to hope they just won't get caught. Even if they do, the worst that can happen is they will be asked to put it right. There are no real penalties in the system.

Fifthly, we have talked about the need for the residents themselves to have a much stronger voice in this process. I said earlier that I was deeply impacted by talking to residents, and what is quite clear is that they do not know who to go to. Because of the complex ownership models in many of the properties they live in, it is very difficult for them to know and particularly to raise some of the sensitive issues that they are concerned about. They fear eviction and have a fear of saying things about their neighbours that may not be kept in confidence, as well as not knowing where in the system to go. If they are not heard by their landlord or the building owner, where to go after them really is a mystery to many of them.

Finally, my sixth area of recommendation is around quality assurance and products. Again, the system is less than clear—which is a kind way of putting it. There is the means of testing results in a series of classifications of products, but the way in which those products are marketed, again, does not help to make clear to those using the products what is suitable for what applications. Again, an intelligent approach to that, which is much more aimed at helping the user get the right answer, would help to make the system much more effective.

- Q13 **Mr Prisk:** Thank you for that. There are clearly lots of issues there. Let me touch on one. In your report, in item 1.17, you say, "There is a widespread culture in relation to building and fire standards of waiting to be told what to do by regulators rather than taking responsibility for building to correct standards." Is that the issue in terms of culture change that you feel is important? I appreciate that there may be others, but is the issue of where responsibility lies part of the shifting culture you have mentioned?

Dame Judith Hackitt: Indeed. You have put your finger on one of the key points for me in looking at the system, which has been quite a surprise to me: the extent to which we have arrived at a place where we have a system where somehow Government is expected to be the one prescribing the detail of what materials can be used where, to an industry that ought to be the experts in their own right.



HOUSE OF COMMONS

For me, an effective regulatory regime is one where Government sets standards and those outcomes that I talked about earlier but where the regulator then ensures that the people doing the work and the people who have clear responsibility for that are assessing the risk and demonstrating that the materials they are using are fit for purpose. That shift in responsibility is absolutely fundamental to where we need to go.

- Q14 **Mr Prisk:** Can I just ask one question about immediate action? You said at the start that you saw this as a call to action and yet, certainly some of the other major spokesmen in this field—people like the Royal Institute of British Architects—have been arguing that from this moment there should be a ban on, for example, combustible materials. In other words, Government should do something now. I recognise that there are some initial recommendations for changes in your report, but you are not suggesting substantive action by the Government at this moment. What is the reasoning for that?

Dame Judith Hackitt: The main actions I am suggesting the Government need to take at this point are to revisit the current guidance and simplify it significantly, as a step towards moving that change in ownership. The reason I am not yet at the point of picking up the specifics is that that would simply replicate the flaw we have just described. If it remains with the Government to specify what can and cannot be used, before we have moved people to this place where we have a different ownership model, we would simply be reinforcing the current approach rather than taking people on that journey to a different ownership model, in which the risk and responsibility lie clearly with those constructing the buildings.

- Q15 **Mr Prisk:** So is the thinking behind your idea of a summit at the beginning of next year that a wide range of people who have a responsibility—Government, the private sector and, indeed, local government—have to gather at your summit? Is that the purpose of the summit?

Dame Judith Hackitt: Absolutely it is. We will be looking to set up a number of specific workstreams at that summit to take some of those things forward—the industry competence issues, and some of those areas of looking at how products are marketed and tested and so on. We will be looking to engage industry and Government in taking a number of workstreams forward in parallel with us redesigning the overall regulatory framework.

- Q16 **Kevin Hollinrake:** Following on from Mr Prisk's questions, I think you referred to looking for an outcomes-based system rather than a prescriptive one, and on your direction of travel—the second point—you say that there "should be a shift away from government solely holding the burden for updating" guidance. Isn't the risk with that that it would take us back to where we are today, which is around interpretation? Isn't that one of the problems that has gone wrong? People have interpreted the rules and therefore it has not been clear what people are supposed to do. Isn't that one of the difficulties?

Dame Judith Hackitt: Yes, one of the difficulties today is that the complexity of the current guidance is not helpful in terms of people getting to the right answer. Let me explain what I mean by that. I mentioned earlier that the guidance is written in a number of different sections. You can read through, for example, the section on fire safety, which will give you some indication of materials you can use. You can read a different, completely separate, section of the guidance, on thermal insulation, which will give you a different set of materials. Somehow, and at some point, those things have to be brought together. I envisage a system in the future in which it will be much easier for those people who are specifying those materials to find which materials meet all the criteria at the same time, rather than their knowingly or unknowingly preferring one criterion over another.

Q17 **Kevin Hollinrake:** As I understand it, the EU-based system simply says that over 18 metres you can use only non-combustible materials.

Dame Judith Hackitt: Yes.

Q18 **Kevin Hollinrake:** Isn't that a prescriptive system that works, rather than one that is open to interpretation?

Dame Judith Hackitt: If you look at any of the specifics in this, and lift them out of the regulation, you'll see that they look pretty clear. It is only when you look at the map of how all this fits together that you start to see how complex it is. One of the current problems with the regulatory system we have in place is that there is an ability in there to substitute one material for another on the basis of what is called a desktop review. The evidence we have gathered indicates that sometimes those desktop reviews of substitute materials are done thoroughly. However, at other times, a material has been tested and approved, and a desktop review is then done that says something else is close to or equivalent to that, and then another desktop review happens that is compared with the previous desktop review. You can see how you can start to drift away from materials that were thoroughly tested and approved for use. Elsewhere in the report, you will see that we recommend a real, thorough look at how and when desktop reviews are allowed within the system.

To come back to your original question about how we make this effective, the new system will become effective because we will change the way in which it is regulated, and we will focus on areas of highest risk. That is why it needs to be risk-based. There is no intention in my head or in my plan for all of the things I am suggesting here to be applied to every house that is built. This needs to be risk-based and about multiple occupancy complex buildings where large numbers of people are placed at risk in the event of fire. We need a different level of attention in the regulatory arena on those sorts of buildings.

Q19 **Kevin Hollinrake:** To summarise your findings: the rules are unclear, the roles are unclear, the assessment of competence was inadequate and the compliance was weak. As well as ascertaining that, did you look at how we had arrived at a system like that? It seems incredible that we would



HOUSE OF COMMONS

be at a position like that in 2017. Did you look at how we developed that level of inadequacy, in terms of how we both specify and supervise our building regulations?

Dame Judith Hackitt: We looked at some of that, and I allude to some of that in the report. For example, we present clear evidence in the report that shows that the number of deaths in fires prior to Grenfell was reducing year on year. That perhaps suggests that there was an element of complacency building in, or that people no longer thought that really catastrophic incidents of the nature of Grenfell Tower could happen. I think there is an element of that in there.

I think there is also an element in here that is to do with the complex ownership models that we talked about earlier, where you have residents' associations, housing associations and landlords in all sorts of different ownership models, or you have high-rise buildings in which some of the flats are owned and some are still rented. It gets very difficult to assign those responsibilities, which is why we have to address all those issues.

Q20 Kevin Hollinrake: In terms of looking forward, you will be aware, as I think you say in the report, that building owners, landlords and people in the construction sector are keen for clear guidance on how they can move forward. You have urged them not to wait, and to consider what has already been identified and tested as safe. However, you will probably concede that many are reluctant to spend at this point, until they see the full outcome of your review. Could you comment on what people should do today while they are left with these difficult choices?

Dame Judith Hackitt: I see no reason at all why people should wait at this point for further advice on what to do if they are considering replacing cladding. The guidance—not from me but from the expert panel—on what has been tested and what is safe is clear and unambiguous, and there is no reason at all why that cannot be followed. The only caveat that I have put on that in this report is that, in order to put in place a system that has integrity, not only do you need to use the right materials but you need to quality assure the installation of those materials. It is those two things together that will ensure that you put on a proper system.

Q21 Fiona Onasanya: I want to touch on two points that you made. One is about owners and the different types of tenure in these complex buildings. Surely, ensuring that the building itself is safe is the responsibility of the owner of the building. If you own a flat in Grenfell, for example, you own and pay for the leasehold but the building itself is not the owner's responsibility. That is the first observation that I would like some clarity on.

Secondly, you talk about the cladding and the material and other authorities seeking some guidance. Do you think that leans more towards the installation as opposed to the material itself? The testing was of the actual material, but the installation of the material is really important. Yes, sometimes, in some authorities, you might highlight what materials aren't safe, but if they are installed correctly, with certain measures in place, they are no longer unsafe. I would like some clarity on that as



well, please.

Dame Judith Hackitt: I will take the second one first, if I may. Yes, the way in which materials are installed is equally important as whether you are using the right materials. It is the combination of the two that provides the integrity in the system. I am very conscious of having said that there is a shortage of competence in the system. Some may wonder whether that means some of this cannot be done because there are not enough competent people out there, but certainly my experience in industry over many years is that the other way of achieving quality assurance of installation is to ensure that you have appropriate levels of supervision. Many, many people have commented to us as part of this review that there has been a real fall away in the number of projects on which clerks of works are employed to oversee the quality assurance of all aspects of modifications and construction work.

In terms of who is responsible for which parts of buildings, I wish it were that simple to trace who owns the building. In many cases where there are housing associations or tenants' associations in place, owners will be offshore. It might even be a financial organisation that is offshore; we have come across models like that. It has proven quite difficult for us to pin it down and say, "It is the building owner who will take responsibility." We still have to do more work on looking at that, but what I am sure of is that once a building is commissioned—this is a very important part of this—whoever is appointed at that time to be the responsible person for the whole building, as opposed to the individual compartments, must be in possession of the information that they need to manage that process. Right now, that information, at the point of handover of a building, is sadly lacking. We must not make any assumptions in this system, because what we have found is that you can start out with a design of a building but by the time the building is built it has been changed and those changes have not been recorded. For someone to be charged with managing that building for decades to come without knowing what they are starting with is for someone to be handed an impossible task.

There are so many elements to this. That is why I keep coming back to saying this is a systemic problem. There are many, many elements of the system that have to be fixed in order to regain the level of integrity that we all want to see.

- Q22 **Fiona Onasanya:** On that point, when it comes to insuring the building, if people do not have the relevant documentation, or if adaptations are made that are not detailed—there are no specifications—how is the building insured?

Dame Judith Hackitt: We have talked to the insurance industry. They have indicated to us that they share our concern about the lack of information available to them, but to be absolutely fair to them and give them credit, they recognise their social responsibility. They were very clear to us that they choose to underwrite things even though they may not have all the information they want, because they think it would be



HOUSE OF COMMONS

irresponsible for them to refuse to insure buildings and leave the residents therein exposed.

Q23 Fiona Onasanya: So they still underwrite in the absence of the information they require?

Dame Judith Hackitt: But they don't feel comfortable about it, so they are very supportive of this direction of travel, as are most of the other people we have spoken to.

Q24 Mr Prisk: You have highlighted the problem of a lack of consistent information, from the design to the building process and the subsequent management of the buildings. The Government has talked about digitisation of construction—moving building information modelling forward. Do you think that there is a role for a single shared digital record that incorporates the various systems you referred to and allows the subsequent manager of the building to have a clear record of every step of the design process?

Dame Judith Hackitt: Yes, I do. I have spoken to the people who are promoting the building information modelling system; we have started that conversation and they will certainly be part of our discussions about setting things up in the future. One of the advantages I see in that process is the ability to build that information bank up over time; we have what we have, and we can add to it as more information is determined through surveys or reviews as they become available.

Q25 Mike Amesbury: In the report, you say that you were shocked by some of the practices that you had heard about in the construction industry. However, you identify that the reforms are “not simply a task for central government through revised legislation.” You focus on competency throughout the report. Are you confident that the construction industry is sufficiently competent to implement your report's recommendations now and in the future?

Dame Judith Hackitt: I am confident that they are capable of doing it. As long as the will is there, I believe that it is eminently possible. Why? Because I have already seen them do it once. I spent 10 years as chair of the Health and Safety Executive. When I started as chair, construction had a rather poor record for the safety of its own employees, but it underwent a transformation in that decade, which resulted in us building the safest Olympic project ever in 2012. That was a massive culture change within the construction industry in terms of the way it cares for, looks after and manages the safety of its own employees. What we are asking them to do in this report is to repeat that, but with their focus on the people who are going to live in the buildings they build for the decades after they walk away from those projects.

Q26 Mike Amesbury: How clear are the roles and responsibilities of those certifying the safety of building works at the moment?

Dame Judith Hackitt: They are not clear in terms of what they are saying a building is certified for. Indeed, I think we need to be careful about the effectiveness of that process. Again, I urge you all to look at the



very complex map at the back of the report, which describes all the steps in the process. We know how the system should work, but there are a number of weaknesses in it. One of those is that the handover process for complex buildings is often compromised by a phased handover process, where some parts of the building are occupied before the rest of the building is complete and we have even come across cases where that documentation—that certification—never appears in its final form.

- Q27 Chair:** Let us move on to sprinklers. There has been quite a bit of discussion and debate about whether sprinklers should be retrofitted to all high-rise residential buildings, and certainly some councils have decided to go down that road, often on the advice of their fire services. Other councils haven't, and Ministers have made various comments and then said, "Well, really it's down to local authorities to take advice and pursue the line they think is appropriate". You haven't made any recommendations on this issue in your interim report. Have you got any thoughts about what should happen with regard to retrofitting sprinklers?

Dame Judith Hackitt: Two things. There is a clear case for looking at additional layers of protection that you can provide in a number of different ways. Again, one of the surprises for me in this system was the non-worsening approach that is taken to older buildings in the regulations. There is no requirement to try to improve things when you make modifications to the building; the requirement is simply to ensure that things are no worse than they were before. I would much prefer to see a system where people are encouraged to do what is reasonable and sensible and affordable to improve protection when they are making significant changes to buildings, and that is one of the things that we will look at in the next phase. That could include sprinklers. It could include a number of other measures, including additional staircases, additional doors, and different means of protection and alarm systems. I think that all those different ways of providing adding protection are valid to be considered.

What is clear to me is that there is not one simple answer to this that will apply to every building. It depends on the nature of the building, and on the residents who occupy that building and their vulnerability. We have said quite clearly in our interim report that we have to look in some more detail in this next phase of the review at what constitutes the higher end of this risk spectrum that we are looking at, because it isn't simply about high-rise. It is also about the complexity of the building, and the residents who live in these buildings and their capabilities.

- Q28 Chair:** So what you're saying is that when modifications are made to buildings—high-rise buildings or other buildings where there are challenges—there should be a look at what more needs to be done as well as the modifications to make those buildings safer, which could involve sprinklers or other changes like extra staircases?

Dame Judith Hackitt: Yes, exactly.

- Q29 Chair:** What about those buildings where no modifications are planned to



HOUSE OF COMMONS

be made? Are you saying that we should just do nothing?

Dame Judith Hackitt: Not at all. What is clear to me is that the current fire risk assessment that is required to be done on a regular basis is insufficient in many different ways, not least of which is that there is no specified time period. It also doesn't have to be reported to anyone, which I find rather strange. At the very least, I think that a fire safety risk assessment of every complex building should be done annually, even if there are no modifications. What is more, in order to upgrade the quality of those risk assessments, they ought to be made available both to the fire and rescue service and to the residents, so that they are aware of the work and the review of their building that is being done.

Q30 **Chair:** So, even without modifications, all these buildings should be looked at on a regular basis?

Dame Judith Hackitt: Yes, absolutely.

Q31 **Chair:** And you're not saying that retrofitting is the answer.

Dame Judith Hackitt: No, I am saying that modifications should trigger that process, but every building should be subject to a regular review regardless of whether it is modified or not.

Q32 **Chair:** Okay, and sprinklers may be looked at as part of that regular review. You are not saying that they are the answer, but that they should be considered as one possibility.

Dame Judith Hackitt: They should be considered as one of the additional layers of protection that may be reasonable and affordable.

Q33 **Mary Robinson:** Dame Judith, you talked about the review being every year, and that sounds like a really positive step. Given that that may assess a building as needing to have some staircase or other modifications—you spoke about the voice of residents being heard—when the residents get to know that something may need to be done, there will be a great clamour for it to be done immediately. How will you change that risk assessment into action?

Dame Judith Hackitt: First of all, I have been surprised in many ways by talking to residents as part of this process. What has surprised me more than anything is that they are both pragmatic and very reasonable. They understand risk, and we should be wary of doing to them rather than involving them in the decision about what is done. I think it is hugely important that they are part of the decision about what is done to their home and the community, which is what they see that building as being. It is absolutely essential that they are part of agreeing the solution, rather than being done to.

Q34 **Mr Prisk:** On that point, is it not peculiar that in most commercial buildings that are occupied as offices there are regular fire drills, yet this does not seem to be the case for most homes? The opportunity to have an annual review, and for residents to see the outcome of that, seems a sensible notion; but should the regulations not also ensure that the ability



HOUSE OF COMMONS

of the people who live in those buildings to get out if there is an emergency is tested, and not wait until an incident occurs?

Dame Judith Hackitt: If I may slightly modify what you are asking me, do I think the emergency procedure needs to be tested for its effectiveness? Absolutely. Part of the problem with residential properties is that for a large number of them the first emergency response is to stay put in your building until told to do otherwise. So the question of when and if evacuation is required is put further out than it would be in the case of an office building. Having said that, does the system need to be tested and does it need to be reviewed as part of a regulatory process to ensure that it would be effective if it were ever called into action? Yes, it does.

- Q35 **Mr Prisk:** I welcome that, but clearly many residents will want to know—yes, there may be a good reason why, in some circumstances, they should be advised to stay in their building, which is the current fire service approach, but most residents will want to be clearer in their own mind about their ability to get down the stairs if something does go wrong. I am thinking particularly of the elderly and the infirm on level 20 or, indeed, 5 and above. In terms of your review of the fire safety standards, regular fire drills are surely something that needs to be incorporated in this kind of property in future.

Dame Judith Hackitt: Regular tests of the emergency procedures will be an integral part of this. Whether that goes all the way to evacuation, given many of the challenges in some cases—but being absolutely sure that the emergency response would work, is clearly critical to this and is critical to rebuilding the confidence of those residents.

One issue that we have undoubtedly encountered among the residents we have spoken to is that whole question of whether or not they would stay put, in spite of that being the instruction. Whether human behaviour would override that instruction at this point in time is a question that we have to revisit in this next phase.

- Q36 **Liz Twist:** Dame Judith, you talk in your report about the route for residents' concerns to be raised and addressed being unclear and inadequate. You talk also about regulators having similar problems in getting concerns addressed. Do you think we need to relook at the approach taken in listening to residents' concerns and ensure that there is follow-up and that they are addressed?

Dame Judith Hackitt: Yes, I do. I absolutely agree with both things. There has to be a much more effective way of getting those concerns raised, and raised beyond the landlord or agent if residents feel that they are not being heard.

- Q37 **Liz Twist:** So there needs to be a common pathway through which people can take things outside their landlord.

Dame Judith Hackitt: Yes.

- Q38 **Liz Twist:** When residents raise their concerns, do you think they have access to sufficient information to know whether those concerns are



reasonable or not?

Dame Judith Hackitt: An effective system for residents' voices to be heard will not be effective if there is no feedback loop. That is the simple answer, but I would go further than that. Part of what we have uncovered is that sometimes the information provided to residents is wholly inadequate. The residents themselves have responsibilities in this system. When you live in a high-rise complex building in close proximity to other people, you can make changes—sometimes very simple changes—to your own compartment or property that can put you and other residents at risk. You can make simple changes, such as installing broadband or changing your front door, without understanding that you are compromising the integrity of that compartment, which is fundamental to being able to stay put. Part of what we have to do is improve the information provided to residents to enable them to make informed decisions about they can do and what they should not do within their own properties.

- Q39 **Liz Twist:** Where there may be a difference between a landlord and residents about whether concerns are real or not, do you think there is a case for those residents having access to external support?

Dame Judith Hackitt: Yes. Whether that is some form of ombudsman or whether that is direct to the regulator is to be determined as part of what we look at in this next phase. As I said, this is an interim report. Other than the direction of travel, I cannot give you the details of what the new framework will look like at this stage, but be assured that that is all part of our thinking for what the new framework needs to look like for the future.

- Q40 **Helen Hayes:** I completely understand that this is an interim report, but in regard to the need for residents' voices to be more clearly heard, do you think there might be a need for a new statutory framework that establishes a rights-based approach to residents and their homes, gives a right to independent information and to trigger reviews, and confers a responsibility in statute on landlords to respond to the findings of an independent review that has been triggered through that process?

Dame Judith Hackitt: At this stage, I cannot answer that. What I do know is we need to do much more work looking at that. To give this some balance, while I absolutely recognise all the concerns of residents, I also have to put alongside that some of the evidence we have heard from those who try to take a responsible approach to being a landlord, agent or whatever. They tell us in the team that sometimes part of their difficulty is gaining access to properties so that they can carry out reviews that enable them to look at whether there are problems within individual properties that create a problem for the whole. There are two sides to this, and I think we have got to look at both and how you bring that together and what the best framework is to ensure that everyone gets access to the information they need.

- Q41 **Helen Hayes:** Just to come back briefly on the rights to gain access, each of us knows from our constituencies that there are cases where access is difficult, but the rights of access are established under tenancy agreements and leasehold agreements—in emergency situations,



HOUSE OF COMMONS

landlords can undertake reviews that are a matter of fire safety. As far as residents are concerned, there is an imbalance in the rights that residents have with regard to their landlords, so there are processes for raising concerns which are not fully on a statutory footing at the moment. It is that redressing of the balance that I am seeking to explore.

Dame Judith Hackitt: As I said, at this stage we need to look at that in its entirety and get the right balance into that approach. It is too early for me to be able to say whether that will be a rights-based approach or what it might look like.

- Q42 **Jo Platt:** Following on from the issue of residents' voices, have you taken evidence from representatives of those with disabilities about the adequacy of safety regulations? Is that in the report?

Dame Judith Hackitt: I have indeed. Some of the people who have attended our roundtable meetings for residents have themselves been severely disabled, so we have heard from them directly. Again, some of the stories that we have heard about properties where they have been placed, and the difficulty of getting out of the building, have been heartbreaking. Yes, we have heard from them, and yes, it has been part of that very strong, heartfelt voice that we have heard from the residents.

- Q43 **Jo Platt:** To go back to the Chair's earlier point about sprinklers, they may not be the ultimate answer; some disability groups have voiced concerns about evacuation procedures if that were so, haven't they? All this will be taken into account.

Dame Judith Hackitt: Yes.

- Q44 **Mike Amesbury:** Do the current systems and processes for testing electrical appliances need to be improved?

Dame Judith Hackitt: It is not something that we have looked at in detail at this stage in the process. I know a little bit about portable appliance testing from my previous life, but no, we have not looked in detail at the testing of domestic appliances at this stage, so I could not answer that question at this point.

- Q45 **Chair:** Is it something you might like to look at?

Dame Judith Hackitt: We could certainly give it consideration. That is one of the real reasons why we wanted to issue an interim report at this stage. If there are things that people feel we need to look at before we take this to its final stage, now is the time to be telling us. That is why we are asking for feedback from people at this point. We can take it away and look at it, and come back to you and let you know whether and how we would accommodate that in our review.

Chair: Because clearly it is a potential risk in terms of fire.

- Q46 **Mary Robinson:** It seems to me that an awareness will need to be inculcated for residents, then. You have spoken about broadband and the possible testing of appliances and doors, which are the sorts of things that people think they are okay to do in their own homes and have



HOUSE OF COMMONS

charge of. Is there going to be an element of going into people's homes specifically to check that all of these things are okay? It sounds intrusive. Or is part of the culture change that you want to bring forward about people knowing what is okay in their homes?

Dame Judith Hackitt: What is interesting is that we focus a lot on how we need to fix this where it is bad, but what we don't spend enough time talking about is that there are some extraordinary examples of good practice out there. Some of those things already happen, and residents do not regard it as intrusive because of the way in which it is done. I hope that as part of bringing about this culture change throughout the whole system, we can bring together those people who are already doing these things well and share that good practice more widely, to avoid the risks of it becoming confrontational or intrusive, because that is clearly the sensitivity that we have to avoid. I fully recognise that.

Q47 Mr Prisk: Following on from that point, as we all know, the awful tragedy at Grenfell started in a fridge-freezer. For some time, this Committee has felt that part P of the building regulations relating to the installation of electrical goods and so on in buildings needs to be modernised and improved. We have been in correspondence with the Ministers concerned, and they have told us that they are going to wait for the outcome of your review before they take any action on part P of the regulations. Is the review going to look specifically at bringing that part of the regulations up to date? That seems fairly central to the origins of this inquiry.

Dame Judith Hackitt: The remit of my review at this point does not include looking in detail at sections of the guidance other than fire safety and building regulations. That said, we are going to be looking at producing a much more coherent and joined-up framework. We have already tasked people within DCLG to start looking at what that might look like. Within that, I see no reason why some of those other sections could not be more quickly updated as part of producing guidance aimed at helping people raise the standard of a number of other issues in this area all at the same time.

Q48 Mr Prisk: But obviously part P of the building regulations is part of the building regulations. Therefore, your review logically covers that.

Dame Judith Hackitt: It covers it in an umbrella sense, in terms of the overall framework. I have not looked in detail at part P and the electrical regulations. We will take that away and come back to you.

Q49 Mr Prisk: Okay. We have had a slightly different message from the Secretary of State, so your clarity on that would be helpful.

Dame Judith Hackitt: We will get back to you with an answer on the extent to which we will be looking at electrical regulations.

Q50 Jo Platt: Following on from learning from other countries, I know that you said that you will be taking learnings, but is there anything specific you can think of that we can take from other countries and bring forward?



HOUSE OF COMMONS

Dame Judith Hackitt: I think there are a number of things. One of my early observations would be that many other countries have a much more rigorous system than we do of assuring the competence of people throughout the system. In many countries, people have to be licenced to do some of these important decision-making roles within the system of building complex buildings. We do not have that system here.

Q51 **Chair:** Is that something you are likely to recommend? Is a licensing system the direction you want to move in?

Dame Judith Hackitt: I have said already that we have to have a much more robust framework of assuring competence. The report quite clearly says that we are looking to the professional bodies to come together very quickly and come back to us with a proposal. I hope they recognise that it needs to be a significantly more robust system of registration and competence than it is currently.

Q52 **Kevin Hollinrake:** I asked questions about this earlier. Dame Judith, you were saying that you want to look at a more outcomes-based approach, rather than a prescriptive approach. Following on from that, you agree that is allowing people to make a judgment or an interpretation. Is that not correct?

Dame Judith Hackitt: It allows people to make judgments. It also allows people to come up with innovative solutions. It also places the onus on them to think about the consequences of the decisions they take and to recognise their responsibilities in making them. That also requires an effective regulator to hold them to account.

Q53 **Kevin Hollinrake:** We don't just want accountability; we want the right end point. We want to stop this situation ever happening again. In your first interim report findings, you say: "Current regulations and guidance are complex and unclear. This can lead to confusion and misinterpretation". Isn't the difficulty that if you leave the system open to interpretation, it will be misinterpreted again?

Dame Judith Hackitt: Not if those people who are doing that interpreting have to demonstrate to an effective regulatory body the integrity of the decisions that they are making. That is why this is an interrelated system where, without an effective regulator in place, there is a risk of what you are suggesting, and why we have to fix a number of elements of the system all at the same time.

Q54 **Kevin Hollinrake:** Are there any other countries that have effective systems, that have not had these problems and that are using a system of interpretation rather than a prescriptive approach?

Dame Judith Hackitt: It varies enormously, but yes, there are some other systems out there that are outcomes-based and where specifications are produced—involving industry much more, rather than it all being prescribed by Government.

Q55 **Kevin Hollinrake:** Which countries use an interpretive, outcomes-based approach?



HOUSE OF COMMONS

Dame Judith Hackitt: There is a group of countries that meet on a regular basis to talk about this that includes New Zealand and Australia. I would need to come back to you with details of which out of the ones that we have looked at have a more outcomes-based approach, but we could do that.

Kevin Hollinrake: I would be very interested in that.

Q56 **Chair:** You could drop us a note.

Dame Judith Hackitt: Yes.

Q57 **Kevin Hollinrake:** In France, for example, they have simply banned combustible materials on high-rise buildings of 80 metres and above. Wouldn't that be a simpler way to tackle the problem we have seen at somewhere such as Grenfell?

Dame Judith Hackitt: I think we need to be careful not to stray into focusing on the specifics of what happened at Grenfell, as opposed to thinking about what has subsequently been demonstrated in terms of a number of flaws in the system.

Kevin Hollinrake: I accept that; I accept there are a number of flaws, but—

Dame Judith Hackitt: Simply to fix what we allow to be put on the outside of a building as cladding would fix only one element of this system. What I would hope we have been able to demonstrate from this mapping exercise and from the myriad problems that we have found with changes being made in an uncontrolled fashion to doors, changes being made to the outside of buildings, and fire and rescue services not being listened to when they make recommendations, is that there is more to fixing this system than simply specifying what cladding can and can't be used.

Q58 **Kevin Hollinrake:** I accept that totally, but something either burns or does not burn.

Dame Judith Hackitt: Yes.

Q59 **Kevin Hollinrake:** If something on the outside of Grenfell had been non-combustible, it would not have burned. Would it not be a sensible conclusion to arrive at very quickly that that is one of the things we need to be very prescriptive about?

Dame Judith Hackitt: I think we need to be clear that materials can be used only if they have been properly tested and meet the specification, however that is defined, yes.

Q60 **Kevin Hollinrake:** But that is not what you say at the moment; that is not what you are intending. You are intending an outcomes-based approach rather than a specific, prescriptive approach.

Dame Judith Hackitt: Let's be clear that an outcomes-based approach does not mean you can do whatever you like. Within any outcomes-based



HOUSE OF COMMONS

approach, there are some fundamental standards that provide the framework to that.

Q61 Kevin Hollinrake: Are you going to prescribe at some point?

Dame Judith Hackitt: There will be some standards. It may not be me who prescribes them, but there will be scope for certain things to be prescribed where they are so important that they cannot be left open to interpretation.

Q62 Mary Robinson: We have referred on a number of occasions to competence in construction. Clearly, this is a really important matter. You spoke about the need for licensing, perhaps, for the construction of complex buildings. Are you moving towards almost two strands of construction: ordinary-sector construction and complex buildings separately? If so, are regulations and rules going to apply just to that set of buildings—that is, complex buildings?

Dame Judith Hackitt: Certainly I think we need to recognise that more complex buildings need people with a higher degree of competence to be involved in that process, so yes, we are recommending a risk-based approach. Whether that will be two systems or a graded system whereby at different levels of risk there will be different requirements, it is at this stage too early to say. It is for the phase 2 exercise to look at how we would set up that risk-based approach.

Q63 Mary Robinson: I am wondering whether there will be construction businesses that will solely be entitled to operate in this field—in other words, it will be a separate sector entirely.

Dame Judith Hackitt: It would be dependent upon their level of competence. Equally, I am very conscious in all of this that there is a social need for housing in the UK today, and one of the things I am clearly not wanting to do is to stand in the way of that process going ahead because of cost, resource or anything else. I am convinced and I firmly believe that if we simplify the system and apply a risk-based approach, we will make it not only more effective but more efficient and more cost-effective in the long haul. Putting the time into getting the design of these buildings right will be much more efficient and effective for everyone.

Q64 Fiona Onasanya: On that note of effectiveness and efficiency, it is obviously very important that buildings are extremely safe. I want to go back to what Mr Hollinrake said. When you were talking about an outcomes-based approach, I wanted some clarification. You are saying that there will be prescribed terms “as well as”, not “instead of”. So if we feel that something needs to be done, we say, “This needs to be done,” and if people think outside the box and come up with ideas and suggestions, we can do both, rather than one instead of the other.

Dame Judith Hackitt: That would be subject to scrutiny, and it would have to be approved before a different approach could be taken. That would require the people who come up with that different approach to demonstrate that they have put in all the necessary thinking and to demonstrate the effectiveness of the system they are proposing.



HOUSE OF COMMONS

- Q65 **Fiona Onasanya:** I ask that question because to use non-combustible cladding does not seem like it would be a negative thing. I am trying to clarify that if we say this is outcomes-based and people can come to us, instead of us prescribing something, some things may be prescribed “as well as”. Is that correct?

Dame Judith Hackitt: Yes.

- Q66 **Liz Twist:** Dame Judith, are you confident that your conclusions will be implemented by the Government, given past examples of delays in this area?

Dame Judith Hackitt: I am reasonably confident, not least because I think the overwhelming evidence we have gathered thus far in this process is able to show that there is a general recognition of the need for change. I do not feel I am going out on a limb in what I am proposing in my report today. That call for evidence and those conversations we have had with stakeholders clearly demonstrate that there is a wish to see this happen, which is what gives me confidence that there is strong support for the direction of travel here.

- Q67 **Liz Twist:** So as you go into the second stage of your review, you feel confident that whatever you come forward with will be implemented without delay.

Dame Judith Hackitt: I am optimistic.

- Q68 **Chair:** I want to turn to one particular issue. You refer to fire and rescue services a number of times. Very often they seem peripheral at present to decisions about fire safety in high-rise properties. Do you think in future they should be integral to decisions that are made about fire safety in particular blocks?

Dame Judith Hackitt: That is the easiest question of all. Yes. I find it extraordinary that, while they are consulted at an early stage in the process, one of the first pieces of evidence that I heard from the fire and rescue services is that their advice is often not listened to. It seems strange to me that the experts who ultimately may have to fight fires in these buildings offer their advice and then it is not taken on board. It is very clear in this interim report that that process needs to be strengthened so that their advice is listened to and taken on board at the earliest possible stage in a building proposal.

- Q69 **Chair:** So they would have a statutory right to have their advice acted on, rather than simply listened to and ignored.

Dame Judith Hackitt: We will work out the detail of how that needs to happen, but it needs to be formalised, most definitely.

- Q70 **Chair:** Okay. On where we go to, there are obviously many people living in high-rise properties at present who will probably get the headlines of what you have said today. They will hear that there will be another report and a summit, but in the meantime they will still be living in the same high-rise block with the same regulations and guidance in place, which



HOUSE OF COMMONS

you have said are not fit for purpose. Should people be comfortable with that situation for the next few months?

Dame Judith Hackitt: I have been asked that question several times by the media today. We must point residents to the many other activities that are taking place and not see the review I am conducting in isolation. There has been an extraordinary amount of work done by those fire and rescue services, in conjunction with local authorities and central Government, to put in place measures to improve their safety since Grenfell. I am trying to build a better system for the future.

My report does not say that all buildings are unsafe. There is clear evidence that many people build to high standards, in spite of the weaknesses and the flaws in the regulatory system. We have to make that much more widespread and effective, and in particular we have to keep that process going throughout the life cycle of a building, not just during its construction.

Q71 **Chair:** Even when waiting for the change of system that you will eventually recommend—

Dame Judith Hackitt: They should take assurance from the measures that have already taken place, and further measures are coming that will take that even further and give them even greater assurance.

Q72 **Chair:** And building owners should be doing a review with the immediacy that you have suggested to make sure their buildings are safe?

Dame Judith Hackitt: Yes.

Q73 **Chair:** What sort of timeframe do you have in mind for a new system—which that takes on board the criticisms you are making of the current system and puts them right—to be fully in place?

Dame Judith Hackitt: I would prefer to answer that question after we have had the summit with the stakeholders, because as I said in my opening remarks, I think much of this is about a change of culture. Shifting ownership and recognition of responsibilities are things that can happen relatively quickly. I accept that culture change does not happen overnight, but I think that clarity of roles and responsibilities, and people taking a different approach that recognises the need to build safe buildings that can be occupied safely for the long haul, are shifts that can take place relatively quickly.

We can shadow operate without waiting for regulations. There are many steps we can take in the next six to 12 months that can start to move us to a very different place, in terms of how we manage the building and maintenance and management of complex buildings.

Q74 **Chair:** So in 12 months' time, we will want to see in place a different system, although trying to change the culture will probably still be going on.

Dame Judith Hackitt: In 12 months' time, I would hope that we would start to see some shift in culture and numerous different practices, but we

may still be waiting for the formal enactment of legislation. There will ultimately be some legislative change as a result of this.

- Q75 Chair:** On the question of where we get to when we have a change of system, one thing that has been raised as a matter of concern is that it took the tragedy of Grenfell to actually established the review that you are undertaking. Even when your review has reported and the changes are made, everyone should not sit back and say, "We've done it now; we've got a new system in place so we can all go away and forget about it." Should there be regular reviews of the system to make sure it is fit for purpose and is operating properly and effectively in the way we would want?

Dame Judith Hackitt: Yes, and I emphasise that the words you used are absolutely the right ones: there should be regular reviews of the effectiveness of the system. A number of people have asked me whether there should be regular reviews of the regulations. I draw a distinction between the two. If we get the regulatory framework right, and it is effective and less prescriptive, there should be less need to keep updating it to keep pace with new changes and innovations. However, we need to continue to keep its effectiveness under review.

- Q76 Mr Prisk:** At the heart of much of what you are suggesting it seems that, whatever is written on the page, in the end what matters is that someone is held to account for what they do. Is that the argument about outcomes-based and risk-based? People with a technical background will grasp all of that, but, for most of our constituents, it seems a little vague. Is that the essence of it: what matters here is that people are held to account?

Dame Judith Hackitt: Yes. There need to be clear roles and responsibilities in the system. And people need to feel that responsibility.

- Q77 Chair:** Is there anything else you would like to add?

Dame Judith Hackitt: I don't think so.

- Q78 Chair:** Thank you very much for coming and answering such a wide range of questions. We look forward to your final report in due course. No doubt you will probably come back and talk to us about that.

Dame Judith Hackitt: I will be happy to.

- Q79 Chair:** We will probably give you one or two other areas to have a look at and add to your considerations, such as part P and electrical appliances.

Dame Judith Hackitt: We will get back to you on where we are with those things. I will be happy to come back and update you when the final report is out.

Chair: Thank you very much. That brings us to the end of our public proceedings for today.