

Housing, Communities and Local Government Committee

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

Thursday 17 May 2018

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Members present: Mr Clive Betts (Chair); Bob Blackman; Helen Hayes; Kevin Hollinrake; Mr Mark Prisk; Liz Twist; Matt Western.

Questions 80 - 199

Witness

I: Dame Judith Hackitt, Chair, Independent Review of Building Regulations and Fire Safety.

Examination of witness

Witness: Dame Judith Hackitt.

Chair: Good afternoon. Thank you for coming, as you did on the occasion of your interim report. I am just going to ask Committee members, first of all, if they have any particular interests that may be relevant to our considerations today. I am a vice-president of the Local Government Association.

Liz Twist: I employ a councillor in my office.

Helen Hayes: I also employ a councillor in my team.

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

Bob Blackman: I am a vice-president of the LGA as well.

Kevin Hollinrake: I employ a councillor in my office.

Q80 **Chair:** We have put that on the record. I think you want to make an introductory statement to the Committee. Before that happens, Dame Judith, I just say, on behalf of the Committee and for the information of anyone wanting, that Committee members have not had a chance to read your report yet. Our officials got it first thing this morning and have done



an excellent job in providing a briefing for us. For obvious reasons, Committee members have not read it in the detail we would have liked.

We asked for an embargoed copy of the report, so the Committee could have considered it in that way in advance. We are disappointed that, as elected Members of Parliament and members of a Select Committee of the House of Commons, we were not trusted to have an embargoed copy, which would have better informed our questions to you this afternoon. That is disappointing. As a result, there may be areas we cannot explore as thoroughly as we would like or issues that we are not aware of that we could become aware of when we have had a chance to consider the report. It may well be that we want to invite you back on a future occasion to reconsider those sorts of matters, in due course.

Dame Judith Hackitt: I would be happy to. If there are any areas where I can help with detailed explanation from my in-depth knowledge of what it says, in the course of the questioning, I will do my best to explain the thinking behind it and the details that I am recommending.

Q81 **Chair:** We just put on record our disappointment that that was not allowed to happen, because we could have been that much better informed this afternoon. Anyway, over to you, Dame Judith: would you like to introduce your report?

Dame Judith Hackitt: Thank you for inviting me here before you today. I am pleased at the level of interest you have had in this review and, indeed, the opportunity that I had back at Christmas and in subsequent discussions to share information with you, because this is a very important element of the overall follow-up to the review of activity that needs to take place.

As we all know, in June last year a devastating fire broke out at Grenfell Tower, which was home to more than 350 residents. People lost their lives. Many more lost their loved ones and hundreds lost their homes and possessions. Subsequent to that, other buildings were found to have significant safety concerns. I have been deeply affected by many of the personal stories that I have heard from residents of Grenfell and of those other tower blocks.

I was asked to carry out this review of the regulatory system. I made it clear at the outset, back in July/August, that this review would not get into the detail of editing specific guidance or regulations, but that I would provide a better framework for that to be done in the future. Over the last 10 months, we have seen further evidence confirming deep flaws in the current system. We have seen the lack of an audit trail as to whether essential safety work has been carried out on the Ledbury Estate and other large-panel systems on tower blocks. All of this reinforces my conclusion that fundamental reform of the current system is needed to improve building safety and to rebuild the trust among those residents of high-rise buildings.



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I have talked to industry representatives. I have talked to professional bodies, tenants, landlords and of course residents, through a summit, a series of roundtables, working groups and individual meetings, but the recommendations in this report are mine. The regulatory framework that I am proposing in this review is designed to deliver a fundamental change in the way the system works, ensuring that buildings are designed safe, constructed safe and remain safe in use. That framework also will enable crucial decisions to be taken about the continued use or not of things like desktop studies and allowable materials. The current system also fails to drive the necessary and reasonable improvement to existing buildings, and my recommendations address that as well as new build.

At the heart of the new framework is the need for risk ownership. Those who create the risk will be required to account for managing that risk. The framework will also create a much stronger regulator to oversee these new duty holders, with positive incentives for those who undertake detailed design planning upfront. It will have rigorous processes to manage building work and to keep the buildings safe. There needs to be effective and meaningful sanctioning tools for those who do not step up to meet those responsibilities, and those sanctions need to recognise that lives are being put at risk and they need to do so before another tragedy happens. We need a preventive system, not one that reacts to tragic events.

The current system is far too vague, but it is also too complex. I know those two things may not add up for some people, but that is the reality. It lacks clarity on who is responsible for what and there is inadequate checking and enforcement from the regulators. While there are responsible people in this industry, I am glad to say, who do create safe buildings, it is nevertheless clear that there are far too many opportunities for those who seek to take shortcuts to do so. I am recommending an outcomes-based system backed up by a regulator with real teeth. I hope this will support innovation and intelligent decision-making, and create a new and lasting way of working in this sector.

No longer should the building industry look to others to tell them what is or is not acceptable. They need to recognise their fundamental responsibility, not only to look after the safety of their workforce, but to provide safe buildings for people to live in. The ultimate test of this new framework will be rebuilding public confidence in our system. The voice of residents has been key for the review and, as I say, I have spoken with residents and their associations, including Grenfell United. The new system provides means for them to gain that reassurance and a more effective recourse route for residents to have their voice listened to. It will involve a periodic formal review of building integrity, sharing that information with them and making them part of the decision-making process.



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The recommendations I am making in this review will not be sufficient given some of the concerns around specific issues, such as cladding specifications. I recognise that, but these issues can be addressed in parallel with this new framework that I am recommending. This is a major change; I know that, but I am confident that it can be achieved. We have had a lot of support from a lot of people for the direction of travel, and it is by no means a leap into the unknown. My recommendations are in part about making what should already be happening happen through stronger regulatory oversight and sanctions, with clear roles and accountabilities. What we need now is strong support and action from Government and from industry to move to implementation. Thank you.

Q82 Chair: Thank you very much for that introduction. It is important that you had a chance to say that and spell out your thinking. I am sure there will be general support for your ultimate objectives of making buildings safer and the public safer, and feeling safer as a result of what you are suggesting, and for many of the specific recommendations. Could I just ask a general point to begin with? You have said the important thing is rebuilding public confidence in the regulatory system. Can I turn it around and ask why you did not say, in a different way, that we need to rebuild the regulatory system in order for people to have confidence in it?

Dame Judith Hackitt: In my mind, there is no difference between the two. I do not expect to rebuild public confidence on the basis of promises. It has to be based on proven delivery of a much better system.

Q83 Chair: I have another general question then. Despite the many detailed recommendations, there seems to be an overarching view in your report that an industry that, as you say, has almost an inbuilt adherence to shortcuts and cost-cutting is somehow going to change its culture. That change of culture is then going to deliver all the improvements. What confidence do we have that that is going to happen? Have you got real confidence that the industry is going to fundamentally change its whole approach?

Dame Judith Hackitt: I have. I do not think that is based on whim or wish. First of all, let us not make the problem insurmountable. I know that there are many people out there who do build safe buildings. In a review like this, of course we focus on those who do not and those who do not because the system allows them to find ways around the system. There are many examples of good practice out there already and of people who do the right thing, because their motivation is right. There is already evidence of people who are doing the right thing. However, we have to create a system that does not allow those who would choose to flout the system to do so.

Q84 Chair: That is about regulation, not culture, is it not?

Dame Judith Hackitt: It is about the culture that exists in parts of the industry. In terms of confidence that this industry can change, I would



also say this. As I mentioned when I was here last time, we have seen this industry go through a transformation once before, when it moved from a position of accepting that it was a dangerous industry where people would suffer serious injuries and deaths to one of creating a safe workplace. That is a very significant transformation that has taken place in our construction sector, here in the UK, over the last 15 to 20 years. If they can do it with regard to the safety of their employees, I would suggest it is not such a great step to do the same again in relation to the safety of the people who live in the buildings they create.

Chair: We will come back to that point, I am sure, in due course.

- Q85 **Mr Prisk:** Dame Judith, in your report and your opening remarks, you have recommended an outcome-based systemic approach to the regulatory regime and to have that then enforced. You seem unclear about the role or scope of prescription: whether prescription has some role within that or is contrary to it. In some of the reported remarks, it is unclear as to whether you see them as diametrically opposed, interwoven or what. What is the basis of having an outcomes-based approach and how will the public that we represent see that make a difference?

Dame Judith Hackitt: The principle of an outcomes-based approach to me is that the standards that must be achieved need to be clearly set. Those charged with the delivery of that then need to be held to account to do just that and deliver to those standards. Where there are elements that are absolutely critical, there is room for prescription to avoid any doubt in people's minds as to what is allowable or not.

The reason that I keep coming back to the need to address the system is that we already have a great deal of prescription in the guidance that we have in existence. In spite of those reams and reams of prescription, people are still doing things that the guidance says you should not be doing. An outcomes-based approach backed up by a strong and effective regulator that holds them to account is, for me, the only way to ensure that we get delivery of what we are looking for.

- Q86 **Mr Prisk:** In your report's recommendation, under the "products" chapter, you say, "Clear statements on what systems products can and cannot be used for should be developed and their use made essential". Does that include mandatory regulations? "Essential" is one thing, but is that actually required by law? One of the uncertainties is what you are trying to achieve in terms of the balance between prescription and making individuals responsible for doing the right thing.

Dame Judith Hackitt: This is where I come back to this notion of things being overly complicated but, at the same time, vague. In some of the ways in which products are specified and the ways in which products are tested, there is a great deal of confusion about the different classifications. The testing regimes are inadequate. That whole system of product testing needs to be looked at again if we are going to create a clear and unambiguous system for people to use.



Q87 **Mr Prisk:** Given that complexity, why did you not advocate a ban on combustible materials?

Dame Judith Hackitt: As I said in my opening remarks, my remit was to look at the regulatory framework and the regulatory system. I made it very clear in the early meetings I had with many people that my role was to look at that system, and that I would not be going into the detail of individual regulations or the specifics of the guidance, but creating a framework that would enable others to do that. Having said that, I have made remarks this morning, as I am sure you know, and I have seen examples of where people are continuing to do things even when that current prescription says they should not be done.

Q88 **Mr Prisk:** One of the ways of removing the complexity of the combustible materials and gaining, as you describe it, the ultimate test of regaining the public confidence would be to ban combustible materials on cladding and in the insulation related to that. Would that not just sweep away all of that uncertainty and complexity, and give the public confidence, albeit on one element of a wider system, that this review is going to make a difference to their safety?

Dame Judith Hackitt: On its own it would not achieve the end.

Mr Prisk: I said it would be part of a wider system.

Dame Judith Hackitt: As part of a wider system, putting some of those critical bans in place may well be the solution. I am pleased to see that the Secretary of State has announced today that he is going to consult on whether combustible materials should or should not be banned. That is complementary to this review. I think it is the right thing to do but, on its own, it will be insufficient. We already have clear statements about what can and cannot be done that we know people are navigating their way around. Simply banning something from happening is no guarantee of compliance. That is fundamental to what I have found in this review. For me, if people attach too much reliance to banning activities and particular materials as being a solution to this problem, it will create a false sense of security. Unless we put a robust system around that, those critical bans where they are required will not be effective.

Q89 **Mr Prisk:** This is just a final one from me on this. As part of a wider framework of changes, are the actions the Secretary of State has announced today ones that you support?

Dame Judith Hackitt: Yes.

Q90 **Kevin Hollinrake:** Thank you, Dame Judith. I know it has been a busy day for you today. Can you help me understand? Right at the start, you said that you did not feel it was within your remit to edit the current building regulations. In your interim report here, "background", 1.1, it says, "The Government announced an independent forward-looking review of building regulations". Why would you then not look at building regulations themselves?



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Dame Judith Hackitt: The system of building regulations in relation to high-rise buildings is where I focused my attention. I have not looked at the whole suite of building regulations as applied to all buildings. The focus has been narrow but clear, and I have tried very hard to stay within that remit and to look at the framework.

Kevin Hollinrake: I accept that point. I accept it is about high-rise buildings, but it is also about the actual building regulations themselves. You said in your statement that you are not going to look at the building regulations themselves; you are looking at the system.

Dame Judith Hackitt: I said I was not going to edit them in detail. The point I am making here, which we discussed when I was here last time, is that the building regulations themselves are a very small package. Some of the confusion arises here around the reams of guidance in all of the approved documents that sit underneath that. I have made some very detailed recommendations about how that needs to be restructured.

Q91 **Kevin Hollinrake:** Yes, I am aware of that. I have the document here. You accept that part of your remit in the review is to look at the actual building regulations themselves.

Dame Judith Hackitt: Yes.

Q92 **Kevin Hollinrake:** That hardly features at all in your report, apart from making reference to the Government maybe needing to look at them. You have not looked at the building regulations at all in your report, in any detail.

Dame Judith Hackitt: In terms of defining which of them need to be changed, or indeed if any of them need to be changed, no, I have not. Have I looked at them in terms of whether they have delivered the outcome they are supposed to? The answer is they do not. It is my diagnosis that the principal problem is not the regulations themselves, but the way in which those regulations are applied and the lack of proper enforcement to ensure that people comply with what is required of them.

Q93 **Kevin Hollinrake:** They patently do not work because we have had Grenfell but, on that basis, I put it to you that you have jumped to a conclusion before looking at the building regulations themselves. You are assuming that that is the problem: it is the system, rather than the regulations themselves. I would contend that that is the position you have jumped to, rather than looking at the building regulations themselves, despite your remit definitely being about building regulations, because that is clear in what it says in the Government's instructions to you for your review.

Dame Judith Hackitt: My review called for and took evidence from a large number of people. The overwhelming feedback from the more than 250 people who responded to us was to look at the system as a whole and to recommend a change of approach, not to tinker with the detail. That reinforced my view. Having said that, I had many detailed



discussions with a large number of those stakeholders, asking them to explain to me how the system works in practice. One of my concerns is that, all too often, we look at what it says on paper when we try to do regulatory reviews, and we do not take the critical step of looking at how that works in practice.

Q94 **Kevin Hollinrake:** You agree you made the decision not to go into the building regulations in detail. That is the decision you made.

Dame Judith Hackitt: Yes, I did, in detail.

Q95 **Kevin Hollinrake:** In this interim document, in the first paragraph of your statement, it says that investigations “revealed widespread use of aluminium composite materials which did not meet the limited combustibility requirements of building regulations guidance”. Why do ACMs not meet the regulations?

Dame Judith Hackitt: As I have discussed with the Chair in an exchange of correspondence, for high-rise buildings the requirement is for materials of limited combustibility or for those materials to have been subject to a full system test. There are materials in use out there today that do not meet those requirements.

Q96 **Kevin Hollinrake:** In terms of the external cladding, which we are talking about here, it does not specify that they need to be of limited combustibility. It specifies that they need to meet a definition of Class O, which is combustible.

Dame Judith Hackitt: That is one of the areas that I have identified clearly as being open to different interpretations. That has to be cleared up. It requires people who understand the details of all of those technical issues, and they are deeply technical issues, to sit down and clarify all of that. I have covered that in this report.

Q97 **Kevin Hollinrake:** You accept then that the current building requirements permit combustible materials to be used on the surface of external walls at a height of more than 18 metres. You accept that is the case.

Dame Judith Hackitt: That is my understanding, if they are subject to a full system test.

Q98 **Kevin Hollinrake:** That is not the case. The Housing Minister confirmed this to us in writing, only very recently. The Housing Minister confirmed that building requirements permit combustible materials.

Dame Judith Hackitt: My understanding is that he has now announced that he is going to go to consultation on that.

Q99 **Kevin Hollinrake:** That is not the Housing Minister; that is the Secretary of State. The point is that the current regulations permit combustible materials on external cladding, yet you decided in your review not to look at the current building regulations, even though they may be the reason



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that this tragedy has happened.

Dame Judith Hackitt: I go back to the point I made earlier that my review was not and is not intended to look at the detail of what went wrong in the Grenfell tragedy.

Q100 **Kevin Hollinrake:** That is not what your review says. I can read out the remit from the Government. It says you will map the current regulatory system. That is the regulations, guidance and processes.

Dame Judith Hackitt: The regulatory system comprises the regulations, the guidance and the regulatory enforcement that is in place to ensure that people comply with those regulations. All of that comprises the regulatory system and that is what I have looked at.

Q101 **Kevin Hollinrake:** You seem to say two different things. At one point, you say the guidance is confusing. I think you have used that word. The other thing you have said is that the guidance is also prescriptive. Those sound like contradictions to me.

Dame Judith Hackitt: They are not if two elements of prescription give different answers to the same question.

Q102 **Kevin Hollinrake:** Is that not the exact point? Kingspan came out with a report. They looked at this and they contradicted the Government's claim that building regulations clearly require products to be of limited combustibility. They say it is open to interpretation. The problem with the current building regulations is not that prescribing is wrong; it is that they have been prescribed badly and in a confusing manner. Is that not the problem?

Dame Judith Hackitt: That is your view. It is not mine. The point I was trying to make earlier is that, unless and until we get to the point when the people who are doing the work take responsibility for building safe buildings, we are going to continue to generate more and more prescription and guidance that tells people what they can and cannot do.

Q103 **Kevin Hollinrake:** You said earlier, in answer to a question from Mr Prisk, that this is not all universally bad and that people build safe buildings, but what percentage of buildings that were tested have failed the tests, whether the Government believe they meet regulations or not?

Dame Judith Hackitt: I cannot tell you the percentage.

Kevin Hollinrake: You accept it is a high percentage.

Dame Judith Hackitt: I know that, of the residential buildings that have had their cladding systems tested, there are concerns about the state of around 300. I do not have the numbers to hand as to how many that constitutes as a percentage.

Q104 **Kevin Hollinrake:** Would you be surprised that Manchester was 75%, for example? That is a matter of record.



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Dame Judith Hackitt: It is not a number I have heard before.

- Q105 **Kevin Hollinrake:** It is a very high percentage. I agree with you entirely that people do not go out there to do a bad job. They are trying to follow guidance and the guidance is not leading them to the right conclusion. It cannot be coincidental. It is a position that you absolutely accept that people generally try to build safe buildings and yet that is not the outcome. Is the guidance not the problem behind that situation?

Dame Judith Hackitt: I would not go so far as to say that I think people set out to do a bad job, but the mindset is much more one of, "What can I do as cheaply as possible?" rather than, "My primary goal must be to deliver a safe building." Until we have that front and centre of the minds of people in this industry, we will continue to have a percentage of people out there gaming the system and looking for ways to take shortcuts.

- Q106 **Kevin Hollinrake:** Are you aware that in Scotland they have a simple requirement within their building regulations that external wall cladding should be constructed of non-combustible materials? Are you aware of that statement?

Dame Judith Hackitt: Yes, I am.

- Q107 **Kevin Hollinrake:** We talked earlier about the percentage in England that have failed the test. Do you know the percentage of council high-rise buildings in Scotland that have failed the test?

Dame Judith Hackitt: It is a very small number, if any at all, from my discussions with Scotland.

- Q108 **Kevin Hollinrake:** Does this not lead you to the conclusion that, if we had had a simple requirement such as that in our building regulations, instead of the rather confusing statements in 12.6 and 12.7 within Approved Document B, this probably would not have happened?

Dame Judith Hackitt: On its own, no, I do not agree with you. There is every reason to clarify what it says in 12.6 and 12.7, as you say. There is every reason to be much clearer on that. I think we are going to get there, but that alone will not drive the level of improvement that I am looking for across the whole system. What concerns me greatly, from what I have seen over the last 10 months, is that cladding is but one issue in this; there are many other ways in which our high-rise buildings are being compromised and put at risk.

- Q109 **Kevin Hollinrake:** Nobody is doubting there are other factors, but you cannot simply say it is coincidental that we have a very, very high percentage of failure in England. You regard it as confusing guidance. You have simple guidance in the building regulations in Scotland. Actually, I think the figure was zero in Scotland, in terms of the failure of council high-rise buildings. Does that not lead you to the conclusion that the guidance itself is wrong?



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Dame Judith Hackitt: The guidance is partly to blame, but not solely, in my personal view. That is my personal view.

Q110 **Kevin Hollinrake:** Why is the Secretary of State considering a ban on combustible materials and you are not? Why is it that he has jumped to that conclusion?

Dame Judith Hackitt: I come back to the point that I was looking to put in place a new regulatory framework in which some of those details can be prescribed. In the same way, I said in the interim report I thought we should look at restricting the use of desktop studies and we have now gone to consultation on that. As I have already indicated, I very much welcome going to consultation on whether or not combustible materials should be banned, because that is very much part of clarifying yet another element of this system that is confusing and creates loopholes for people to exploit.

Q111 **Kevin Hollinrake:** Do you not find it a bit surprising that, in the Secretary of State's statement today based on your review, probably half of it was centred on the potential banning of combustible materials, which was not recommended in your report? Do you not think that is somewhat surprising?

Dame Judith Hackitt: I was not aware that he was going to make the statement he did but, having said that, I am pleased that he has made the recommendation that he has.

Kevin Hollinrake: You obviously felt that was a potential problem, yet you have chosen not to put it in your report.

Dame Judith Hackitt: I recognise there is a problem and the current confusion is not helpful. It needs to be clarified. I said that in my review. We are going to consultation on whether to ban combustible materials, because that is what the Secretary of State has decided. That is a level of detail and an approach that he is taking, based on my recommendation that things need to be clarified.

Kevin Hollinrake: That is despite the fact that you accept that regulations came under the remit of your review, in the terms of reference from the Government.

Dame Judith Hackitt: I have done this review to the best of my ability and focused on the areas that I believe needed to be focused on. I accept that someone else could have done this review and taken a different approach, but I have done it the way I chose to do it, because I feel that this is a broken system. Unless we recognise that, we will not deliver lasting change in this system.

Q112 **Kevin Hollinrake:** The Local Government Association recently said it would call for an immediate new review if you did not recommend a complete ban on combustible materials and desktop studies. Is that a concern to you?



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Dame Judith Hackitt: It is deeply disappointing, because we are now in a position where the issue of combustible materials is going to be addressed. The recommendations in my review are part of addressing a much broader issue of widespread non-compliance, with many other issues beyond the subject of cladding.

Q113 **Kevin Hollinrake:** They are only going to be addressed in a consultation because the Secretary of State has announced that. That was not a recommendation of your review.

Dame Judith Hackitt: It was not a specific recommendation at that level, in my review. I have already said it was never my intention to get into that detail, but to provide a framework for the future.

Q114 **Kevin Hollinrake:** Can I just ask one final question? In terms of large-scale tests, in a letter to us you pointed out that there are two ways to try to meet guidance. One was using products of limited combustibility and we can argue whether that was a requirement or not. The other is to undergo a full-system test. You acknowledge in your letter, and I cannot remember the date of the letter you sent to the Chair, "My view is clear that the former is undoubtedly the low-risk option." Do you think it is right now that we only pursue the low-risk option? Is that not where the country and Parliament are?

Dame Judith Hackitt: Yes, it is. When you have a chance to read this review in detail and look in depth at what I am proposing, in terms of those strict gateways in the system, there is no way in which anyone who tries to put through a proposal with combustible materials will even get past the first gateway in that process. In a system where the regulator says, "I want to be convinced that you are going to build a safe building," anyone who comes forward with a proposal that includes combustible materials will not get past that gateway, even if we were not to ban them. There is no way they would get past that gateway in the way that I have designed the system.

Q115 **Kevin Hollinrake:** You accept the current regulations allow for that. You said that earlier in your answer to the questions.

Dame Judith Hackitt: The new system that I have proposed for the future puts accountability for delivering a safe system where I believe it belongs, with the duty holder. The role of the regulator is to hold them to account and to prevent them from doing things that would not deliver a safe building.

Q116 **Kevin Hollinrake:** Can we talk about large-scale tests then, because there are real concerns? The Fire Protection Association and the Local Government Association have said that the BS 8414 fire safety tests are inadequate. They fail to reflect real-world conditions and can be rerun until they get the result that they want. I have not read it in here, but are you saying that we should not allow large-scale tests in future?



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Dame Judith Hackitt: I have said that the whole system of product testing needs to be looked at in great detail, because there are a number of flaws in the system. I acknowledge that other work has been done by other people that has identified that the tests that are currently in place do not reflect some of the duties that those materials are called upon to do, so they do not reflect real life. There is a major issue with this ability to do one test and then rely on that indefinitely, without the need for any materials to be brought back for a retest to see whether they still comply in a manufacturing process with something that was made on the same production line five or 10 years before. There are many ways in which the product testing system needs to be improved.

Q117 **Kevin Hollinrake:** How would a product testing system ever reflect a real-world situation? How would that ever happen? You are aware of things like cavity barriers, fire stopping not being applied correctly, holes that go through walls where people put in a duct, air vent or whatever. All these things happen in the real world that do not happen in a rig in a warehouse. How would we ever make sure that that was always going to be done properly? How would a large-scale test ever meet a real-world condition?

Dame Judith Hackitt: That is for the people who design the tests to address. One way in which you do that is not by testing individual elements, but testing true systems. Even then, and as we have discussed previously, it relies upon proper installation of those systems. That is why, as part of this report, I have also addressed issues to do with competence and supervision. You cannot simply fix one part of this system and have a solution. Unless we all recognise that there are many flaws in many parts of this system and we need to fix them all, we are not going to change things. I am sorry, but simply fixing cladding is not the only solution that we need to this problem.

Q118 **Kevin Hollinrake:** I do not think this Select Committee is suggesting that; nor am I. We are suggesting that you have not addressed one of the most important things that caused this tragedy at Grenfell.

Dame Judith Hackitt: As I have already acknowledged this morning, in not addressing that within the report, I recognise that I have failed to meet some of the expectations of the people of Grenfell Tower. I recognise it is hugely important to all of us, but I want to stop future tragedies as well as recognising that we need a better system to ensure that cladding does not get through the system.

Q119 **Kevin Hollinrake:** Finally, you remember that we addressed these very points to you in December, when you came before this Select Committee last.

Dame Judith Hackitt: Yes.

Kevin Hollinrake: You decided not to take those comments on board.



Dame Judith Hackitt: I did not decide not to take them on board. I decided to create a framework for a new system of the future that would be much more robust and would put a regulatory framework in place that would prevent those things falling through the gaps, whether or not people ignored any subsequent bans put on specifics. I keep coming back to this point that banning things is no guarantee that people are not going to use them. That is the real world.

Q120 **Helen Hayes:** Just to follow up on that point, there has been a distinction in some of your comments today, following the publication of the report, that we are somehow talking about either banning things or changing the regulations. The RIBA among others has said that it is important that the framework is put right and is comprehensively overhauled, but a signal also needs to be sent very clearly that the use of the type of materials used in Grenfell Tower, which ultimately was responsible for the loss of so many lives, cannot happen again and is not appropriate. They are saying that we can have both. We can have a ban on certain materials being used, and that would be helpful for RIBA members who specify the materials for use in buildings, as well as transforming the regulatory system. Do you have some regret that there has been such focus on this issue around banning materials that cause loss of life, perhaps detracting from the wider recommendations that you have made? Actually, the two things are not incompatible and it might have been possible to recommend it.

Dame Judith Hackitt: That is absolutely right and I had hoped that was how I answered Mark Prisk's question. There is scope and there is a need for both. I absolutely agree with the line that RIBA is taking: we need both. I have addressed the framework issue and I would be the first to agree that we need to look again at the specifics of the detailed things that need to be banned, if that is the case on critical elements. That was how I tried to address the question earlier. Yes, we are all in agreement that we need both.

Q121 **Helen Hayes:** Why does your report not say that?

Dame Judith Hackitt: It puts in place additional mechanisms to ensure that, even when things get past those bans, they are picked up by the system. That is the whole intention.

Q122 **Liz Twist:** Dame Judith, you acknowledge in your report that these proposed reforms will take some time to implement. Given the urgency of reforming building regulations after Grenfell Tower, can you tell us why your review has focused so much on long-term and cultural changes, as opposed to recommending immediate measures that would give reassurance to tenants and ensure that such a tragedy cannot happen again?

Dame Judith Hackitt: I have said that the legislative change will take time to implement. I do not believe or think that there is any reason to suppose that practice cannot change ahead of regulation. Now that we



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have described a system, when we have the feedback on people's views on this, even if this is not complete as a standalone package—and there are other measures that need to be taken alongside, which we have been discussing—making progress on this does not have to wait for regulation. We can start to operate in this new mode very quickly, with support from Government and industry.

Q123 Liz Twist: I see that you say within your report that some will require primary legislation but, in the meantime, the industry must start living the cultural change.

Dame Judith Hackitt: Yes, absolutely.

Q124 Liz Twist: How likely do you think that is to happen? You say that some people are already applying the rules properly and behaving safely, but others are not. How do you see that change coming about, by all parties, without that legislation in place?

Dame Judith Hackitt: During the course of conducting this review, I have encountered from everyone I have spoken to in the industry a real will to see this system change. I encountered a large number of people who said, "This system needs to change. It has been broken for a long time and, once we know the direction of travel, we are all committed to making this happen." Now, they said that during the course of the review. If we can maintain that momentum by moving quickly and keeping those people engaged, I see no reason at all why we cannot accelerate the rate of progress, especially if there is a clear demonstration of political will to put the necessary legislative moves in place to support that for the longer term.

Q125 Liz Twist: We are talking about some that is voluntarily or willingly done and some change that will need to be forced or legislated for as we go along.

Dame Judith Hackitt: Yes.

Q126 Liz Twist: What would you say to those people who are worried at the moment about their buildings and would want to see some swifter change, rather than this whole-system approach, which will take time?

Dame Judith Hackitt: That is a slightly different issue and I would like to address it by talking about something slightly different, if I may, and then I will come back to the question. The first thing is that, for existing buildings, where there has been found to be a problem with the cladding, there are already interim measures in place. They are not ones that I have prescribed, but things that others have put in place to assure people of their safety in those buildings right now. What I need to do as part of this review and what I have done is to address the issue of that existing stock of buildings in such a way that they are kept at the level of safety that is necessary.



The previous system stopped at the point of handover. The system that we have now does not necessarily result in assurance of a building being safe at completion and handed over as safe. What I have done is not just to address that to get us to that point in the future, but to ensure that the existing building stock is subject to periodic review, to ensure that that level of safety and integrity is maintained and, where it is found to be wanting, to bring it up to a higher standard. They should take reassurance from that, as the current measures are in place to ensure their safety in the interim. The new system will ensure that that is done in a sustainable way, and we are also adding a number of measures through this new system for raising concerns. In the past, it has been shameful, the way in which people who live in these buildings have been ignored when they have raised issues. They have not been listened to. As part of the recommendations here, we are creating a much more effective means for them to be heard and for action to be taken in response to those concerns, when they raise them.

Liz Twist: That sounds like a three-pronged approach.

Dame Judith Hackitt: When you address a system, you fix it in several different places at the same time.

Liz Twist: You are suggesting that there are measures in place for existing buildings that are recognised as being at risk.

Dame Judith Hackitt: They are below the required standard.

Liz Twist: We can develop a future system now, rather than wait. As well as that, there is a completely new system.

Dame Judith Hackitt: Yes, and there is also a requirement on others within the system to whistleblow on systems that they find wanting or bad practice when they find it. One problem that has undoubtedly come to light through this review has been people who had concerns about the system and the practices that were going on in the past, but were not raising them. We have tried to address that by ensuring there is a mandatory system for reporting concerns, not just from residents but also from others who are part of the construction sector.

Liz Twist: But, importantly, from residents as well.

Dame Judith Hackitt: Yes, absolutely.

Q127 **Helen Hayes:** How do you respond to accusations that some have made that your review was too close to industry, particularly the Building Research Establishment, which created the original fire test and assessment process, and is paid by manufacturers to test their products?

Dame Judith Hackitt: I have been accused of being too close to industry. I have been accused of being too critical of industry. It is hard for me to see how I can be both at the same time. I do not have any associations with the Building Research Establishment. One of the



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recommendations I have made in this report is that we do not have sufficient testing capability to do the level of testing that is required. One recommendation that is clearly laid out in this report is that we need to increase that capacity, and I have been specific in saying that that should not be simply by increasing the capacity of BRE, but by creating a number of different testing houses, so that we have a broader range of facilities at our disposal. That does not feel like being close to BRE to me.

Q128 Chair: Do you agree it is important that any testing is done by independent third-party approved organisations?

Dame Judith Hackitt: Yes.

Q129 Chair: Is there a danger that, if you have more than one organisation capable of doing it, you get a competition between them? I have heard examples, and I think the Committee is going to get some evidence of this, of organisations going to testing and saying, "Actually, we have somebody else who will do the test who fails our products less than you do." How do you stop that sort of thing happening?

Dame Judith Hackitt: No system will ever be perfect. One of the problems that we have currently and one of the criticisms that I have heard many times from people during the course of this review is that when you have a limited testing capacity, you inevitably end up with a system where people are marking their own homework. That is not desirable. In terms of independent testing houses and having more than one of them, I do not see them as being set up in competition with one another, given that they would all have to test to the same standards. They would all have to achieve the same levels of competence and be able to demonstrate that the work they did was truly independent of the industry they were serving.

Chair: We may come back to you on that point in due course, but the intention is exactly right.

Q130 Matt Western: Thank you, Chair, and thanks, Dame Judith, for coming in this afternoon. You probably sense an air of frustration around the room throughout the course of the day. I guess it is about this expectation of what was anticipated in the report and what was actually delivered.

Dame Judith Hackitt: Yes, I have picked that up.

Q131 Matt Western: I was not here for the interim report, so I can only hear what colleagues say about that, but I want to pick up on something that seems to be coming across loud and clear from what you have said and the summary I have received of the report. That is the emphasis on and importance you ascribe to competency and how you attribute that to the various professionals involved in the complex business of building or maintaining buildings. Perhaps you, rather like me, have had an extension to your house or something like that. Did it measure up to what you were expecting? Was it quite what the architect had drawn? In



my experience, quite often it does not measure up.

Dame Judith Hackitt: I have experienced that. I have experienced buying a new house and finding rather a long snag list associated with it, which I have found deeply disappointing. Yes, of course I have.

Q132 **Matt Western:** I guess that would probably go for most of us around the table. My experience is that, for any industry but particularly for certain sectors, and certainly the construction industry, the more it is standardised, the better.

Dame Judith Hackitt: Yes.

Q133 **Matt Western:** Therefore, the greater the regulation, the better. They work more efficiently once they know what sort of parameters they are working in. That goes back to this point about frustration. There is a desperate need to see stronger regulation or an emphasis on regulation in this. Your emphasis on competency suggests that different areas, if they were more competent—whether they are builders, architects or whatever—would come up with the right sort of solution, as opposed to it being a combination of that and more emphasis on the materials used.

Dame Judith Hackitt: It depends on what level of the system you are looking at. For those engineering competences that you have talked about—although I recognise the architects will not like me calling them engineers—at that high professional level, yes, the people who are doing the design or responsible for the design and engineering overall need to be competent. I am equally clear that we need to ensure that the tradesmen within the system are competent to install the systems that they are being asked to install, and know the critical factors associated with what will make that system operate as it should and ways in which they can compromise the safety of that system. That ranges from the people who put the cladding on through to the person who comes to install broadband in someone's flat. There are many areas of this where you need competent people or their work to be very closely supervised by people who will ensure that they do it properly.

Q134 **Matt Western:** At the end of the day, this is a very complex process. What is clear from what has happened and the tragedy of Grenfell, and maybe with Lakanal before and elsewhere, and what we see in the simplicity of houses or towers being built is that it is an incredibly complex process of construction and maintenance. Policymakers have to ensure that the risks are totally minimised. Whether it is the architect doing their role, the labourer doing bricklaying or whatever it may be, there must be minimum room for error between them. Therefore, we need more mandatory power and regulation to ensure that there is no chance of some sort of repeat of what has happened at Grenfell.

Dame Judith Hackitt: I have taken a different approach. I believe that the way to achieve this is to make people responsible for delivering safe designs. I come from an industry sector that does not look to other people to tell it what to do. It is a concept that is alien to me for



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Government to be prescribing the detail of how things will be built. The people who do the design should be competent to do what they are there to do. The role of the regulator is to ensure that they are doing the right things.

Q135 Matt Western: I come from an industrial background too, a slightly different one perhaps, where the regulator is all important. If we placed our faith in the manufacturer, constructor or whoever, I do not think we would have the sort of standards that we need. That goes back to this point about the management of expectation. Perhaps the gap in this report is that people are desperate to see much tighter regulation on the use of materials and how those materials are employed. Responsibility has to be ascribed, whether it is to the manufacturer of the material, if the material fails the testing, or whether it is down to the component elements of the material, the construction of those sub-materials to make a product or the actual placement of those materials into a building. It needs to be very clearly defined and demarcated, so that accountability and responsibility are clear. This report seems to suggest that we want to put in place a framework for greater competency and so on, but it seems very much to be hopeful and based around faith.

Dame Judith Hackitt: I do not agree. This is a proven and tested system in other sectors. I do not understand why this sector lags so far behind so many other industry sectors in its ability to keep good records of what it uses and manage the process of design and change of buildings. In any other sector, that simply would not be allowed.

Q136 Mr Prisk: I am looking at your issue around competences and so on. I am thinking about the period when the property is in occupation, long past design and construction, and people are living in the building. Would an unqualified person be able to manage social and private rented sector housing under your recommendations? I can see no mandatory changes in here that would prevent an unqualified person doing that job.

Dame Judith Hackitt: The duty holder would have to satisfy the joint competent authority that is in place that the building was being maintained in a safe way. They would do that by producing a safety report. It may not necessarily be that they themselves have done the work, but they would have to demonstrate that they had employed competent people to do an assessment, so there would be a requirement for the work to have been done by someone who could demonstrate that they were competent to do that.

Q137 Mr Prisk: You would have to secure accreditation before you could be taken on in that role.

Dame Judith Hackitt: Yes, either as the person with that responsibility or someone they had commissioned to do it for them.

Q138 Mr Prisk: In the private rented sector and, let us be clear, in the public rented sector, standards may not be what they should be. We would not be here if they were. Do you recognise that that still leaves a gap? If it



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was mandated that you had to be a member of a listed, accredited organisation, that would be clear. This does not say that. It talks about the duty holder, which is a nice phrase, around the CDM regulations, but it does not say you must have these qualifications to do this job.

Dame Judith Hackitt: It is more than a nice phrase in the CDM regulations. It works and it is clear. Elsewhere in the report, I have asked industry to look at these recommendations on competence and come back within a year with a proposal as to how this coherent framework of competence is going to be put in place by all of the actors in the system. We only give them a year because, if they do not do that, we will need to look again at a greater level of prescription. If it cannot be done in any other way, it needs to be prescribed and mandated.

Mr Prisk: We may come back to this later.

Q139 **Chair:** Who is the industry going to come back to who is then going to decide what happens as a result?

Dame Judith Hackitt: The people who implement these recommendations.

Q140 **Chair:** Who are they?

Dame Judith Hackitt: I presume it will be a team within the Ministry of Housing, Communities and Local Government, but I have indicated to the Minister and the Secretary of State that, if they wish me to continue to be involved, I am happy to be, but that is their choice.

Q141 **Bob Blackman:** I want to move on to enforcement of the regulations. In your interim report, to quote what you said, you highlighted the need for stronger and more effective enforcement activity, backed up with sufficiently powerful sanctions. As you will understand and appreciate, we have not had chance to read your report in detail, but can we be clear who you see enforcing the regulations and who will impose sanctions if sanctions are required?

Dame Judith Hackitt: Enforcement will be with the joint competent authority, which will be made up of local authority building standards, formerly known as Local Authority Building Control, the Health and Safety Executive and the fire and rescue authority. Those three bodies will form the joint competent authority. They will be responsible for enforcement.

Q142 **Bob Blackman:** They are going to be the regulator and the responsible agent for enforcement. Is that the position?

Dame Judith Hackitt: Yes, for buildings within scope of this recommendation.

Q143 **Bob Blackman:** Do you envisage this being a national body, or a local or regional body? How do you see that working?

Dame Judith Hackitt: The scope of this review is England. In that sense, it will be national within England, but at regional level it will



involve the local authority and fire and rescue authority people from that region. Again, we are talking about pockets of concentrated activity here. High-rise buildings tend to be in cities, so the expertise, competence and the people engaged are more than likely to be those involved in specific areas.

Q144 Bob Blackman: I want to be clear on this, because certain of these buildings are local authority responsibility or they have now vouchsafed them to the housing associations. Do you envisage that local authority enforcing the regulations on the buildings that it is responsible for or will an external body impose the requirements on it?

Dame Judith Hackitt: It will be the responsibility of the joint competent authority. We have not worked through the detail yet.

Bob Blackman: I understand that. I am looking at how you envisage this working.

Dame Judith Hackitt: I am trying to answer your question. It would be the joint competent authority. We have not gone so far in the detail yet as to whether we should specify that, in a case where a building is local authority owned, the Local Authority Building Control from a different area should be part of the active JCA for that particular project.

Q145 Bob Blackman: In terms of the sanctions that may be required, on a local authority, housing association or private landlord, how do you envisage the sanctions regime working? The JCA determines that there is something at fault. What happens?

Dame Judith Hackitt: It depends on how serious that something is, but if it is something that puts lives at risk, I would fully expect sanctions including criminal sanctions to be applied.

Q146 Bob Blackman: Will the JCA be the final determiner of what happens and whether something is breach? Do you envisage an appeals process if the landlord says, "Actually, we think we are in accordance with the regulations"?

Dame Judith Hackitt: Of course, because if these are criminal sanctions, they will be subject to a court of law.

Q147 Bob Blackman: They are criminal sanctions, but if the JCA says, "The building is at fault and needs to be fixed," and then the landlord says, "I do not think it needs to be", what happens?

Dame Judith Hackitt: There will need to be an appeals procedure, of course.

Q148 Bob Blackman: Just to be clear, how is the JCA that you envisage going to make sure that fire safety is enforced all the way through the process of building the building and occupation?

Dame Judith Hackitt: They will be part of the golden thread in this system. If we start with a new build now—I recognise that this is very



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complicated, because we are covering existing buildings as well as new—let us follow the lifecycle. At the point when a new building is proposed and planning permission is applied for, the building will be identified as being in scope of this tighter, tougher regulatory regime. At that point, the joint competent authority will be notified and will start its gateway system of looking at that proposal. They will look at it again at the detailed design stage and decide whether the proposal is acceptable and whether it will lead to a safe building. They will look at it again when it is complete, if they decide it can go ahead. When it is complete, they will decide whether they have built what they said they were going to be build and whether it is safe for occupation.

For a period yet to be determined, but likely to be of the order of three or five years, they will keep that building under periodic review, even if there are no major changes, to ensure that safety and integrity are being preserved. At any point in that system, anyone, whether a resident, an EHO once the building is in occupation or someone who visits to do maintenance work, can raise a concern and that could trigger an interim review outside of that periodic review that we are putting in place.

Q149 Bob Blackman: Do you envisage that the JCA will have some form of enforcement powers?

Dame Judith Hackitt: Absolutely.

Q150 Bob Blackman: What will they be, in your view? Obviously this has to be designed, but I am teasing out what your view is, having done this review. What will the extent of the JCA powers be?

Dame Judith Hackitt: I have laid out clearly in the report that, in my view, they should be the same as those afforded to the Health and Safety Executive to deal with people who put the lives of their employees at risk. I see no difference between people who put members of the public at risk as a result of what they do and those who put their own employees at risk.

Q151 Helen Hayes: This is just a quick follow-up on that. Is there not a very clear difference between a live building site situation where injury can occur in the moment, on the site, and the consequences of building a building where the results of somebody having done something wrong at some way along the way, whether in the design or the build process, may only come to light a very long time afterwards? There may then be a great difficulty in identifying who is responsible. I am a bit concerned about this analogy between the two things, because there are lots of things about those circumstances that are not in fact comparable.

Dame Judith Hackitt: I would agree there are differences, not least of which is the timeframe in which those problems would manifest themselves, but we deal with it in exactly that way in other industry sectors. There is a clear requirement in other sectors to deal with not only the safety of the people who make the product, but also to ensure the safety of those who use the product of that industry. This is a direct



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analogy of that to me. That is the way we look at car manufacture. We would not expect car manufacturers to produce cars that put those of us who drive them or the passengers at risk.

Q152 Helen Hayes: That is how the system is supposed to work at the moment, and yet it is broken. You are talking of it in terms of the analogies to the culture change that took place around zero harm in the construction industry, where the accountability is very different. I am concerned about the challenge of achieving culture change in an industry where it is still going to be easier to hide shoddy practice, because the consequences may only come to light so much further in the future. It is a different challenge to change culture, and a deeper challenge perhaps.

Dame Judith Hackitt: Yes, it is, which is why the report goes into quite a lot of detail about what we expect them to record and that we want to see them being far more disciplined about the way they make changes as they go. One of the greatest weaknesses in this whole system is the design and build contract, which allows people to get permission to go ahead with a fairly sketchy design, which they then modify as they go and do not record. In this new system that would not be possible. It would not be allowed for high-rise buildings because, unless they present a detailed design at the early stages, they will not get permission to go ahead. You have to put that discipline into a system where it currently does not exist.

Q153 Chair: This is about the structure of the JCA. I am trying to get my head around it, because you are pulling together responsibilities from two bodies of elected members and one government quango, the HSE.

Dame Judith Hackitt: It is an arm's length body, yes.

Q154 Chair: How are you going to do that? Are you taking the powers away from local councillors in buildings control and from councillors on the fire authority?

Dame Judith Hackitt: No. We have a number of joint competent authorities in operation elsewhere already, so it is not new. We have health and safety regulation that is enforced by both the Health and Safety Executive on some premises and by local authorities on others.

Q155 Chair: They do that separately and are accountable for their particular actions. Here you are combining accountability in one body, are you not?

Dame Judith Hackitt: We are combining skills to be able to assess the adequacy of what people are doing together, yes.

Q156 Chair: If you are doing it on a regional basis, in some cases you are combining skills of dozens of local authorities. Are you suggesting that we have these bodies on a regional basis?

Dame Judith Hackitt: We need to take a step back and look at how many buildings we are going to regulate in this new mode. It is a small proportion of the total number of properties that are built—less than



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10%. It is concentrated in certain areas, as I said, which are cities, with a major centre of gravity here in London and in other large cities. While, on the face of it, it looks like a widespread system, areas of expertise will build up around this model in certain parts of the country. I do not think that is difficult at all and there is a will to make that happen.

Q157 **Chair:** I just wonder if you are calling for the development of a new quango, as it looks like, or simply an arrangement where competent authorities with an interest in this work together more closely.

Dame Judith Hackitt: It is the latter: competent authorities will come together to regulate buildings within scope and cover all aspects of those buildings.

Chair: It did not come across like that with setting up this big new authority. It sounded like a whole new system of quangos was being created.

Dame Judith Hackitt: I hope it is clear in the report, and I think it is when you get to read the detail, that I was specific about not creating a new body, but combining the competences that already exist and bringing them to work together as a single regulator on the buildings that are in scope.

Q158 **Matt Western:** I have a quick one following on from that. One of the phrases you use is "A race to the bottom". If the culture of the sector is as you describe it and there is such a strong drive to race to the bottom in terms of cost, against a budget envelope that they have agreed on, it is going to be very hard to change that in a generation, do you not think?

Dame Judith Hackitt: One key can unlock all of that and it appears in the final chapter of the report, which is procurement. The way in which projects are procured drives a lot of that "race to the bottom" behaviour currently. That is an area that we can change very quickly and where Government have a key role to play in showing leadership. If we procure in the right way and make the requirement to deliver safe buildings a key part of the procurement process, you will see that culture move very quickly.

Q159 **Matt Western:** Thank you. There is no requirement in the current building regulations for existing buildings to be brought up to the latest fire standards. What have you recommended to address this?

Dame Judith Hackitt: That is true. I have recommended that we no longer accept that non-worsening clause. The way in which the system will work is that any proposal to refurbish a building, even if that refurbishment does not involve things that are to do with the fire safety system but any major refurbishment work, will trigger a review of the current safety state of that building. The joint competent authority will conduct that safety case review and have a dialogue with the owner of that building about what can reasonably be done to improve the safety of that building. In addition to that, if the buildings do not come up for



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refurbishment, they will be subject to that cyclic review that I spoke to you about earlier, where they will be looked at on a three or five-year cycle, even if they are not subject to refurbishment in that period. Every building in scope will get looked at on a periodic basis to check whether the safety integrity is still acceptable and, if not, to raise it, not necessarily to current building standards, but to make it better than it is today.

Q160 Matt Western: You used a term in your answer just now, which is what can reasonably be done. Do you mean by that what is possible to be done under a budget?

Dame Judith Hackitt: It means what is possible to do within the economic and physical constraints of the building.

Q161 Matt Western: Do you not agree that, by setting a standard and having a threshold agreed, we raise the bar? I think you were saying that there is a race to the bottom. If we say we are not in a very good place right now, do we need to put in place a very high bar and then do whatever to achieve that level?

Dame Judith Hackitt: Yes, we need to get as close to that as we can.

Matt Western: We surely need to be at it; otherwise we are failing, if we are below that standard.

Dame Judith Hackitt: The problem we have today is that every building is different. Not all of them were purpose-built to be used as apartment blocks. There has been a lot of conversion. The realistic hope is that we will get them to the point that is as safe as is reasonably practicable.

Q162 Matt Western: Could I just move into an area that is slightly more specific for existing tower blocks? When I moved to London last summer, I was in a hotel for a while. It had sprinkler systems throughout. I then moved into a 1960s tower block. I live above 18 metres and there is no sprinkler system. Why do you not recommend that we just fit sprinkler systems?

Dame Judith Hackitt: It may be right for many buildings. There are some for which it will not be right or physically possible. When you have a chance to look at this report in detail, what you will see introduced into this space around this new system is the notion that every building should have a number of layers of protection. I would be the first to agree with you that sprinklers are one of the most important layers of protection that you can put in any building, but they are not the only ones. They will work for some, but not for others.

The report recommends that the review that takes place on every building looks at what layers of protection there are in place both to prevent fire, and to deal with and mitigate the effect of fire if it breaks out and to get people out safely. There are many different ways in which you can do that. For any given building you need to have more than one



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and, in some cases, many more than one layer of protection in place, depending on how high it is. That is the concept that we are trying to introduce as part of this safety case review.

Q163 **Matt Western:** We are going back to the point a moment ago about what is reasonable. You seem to suggest that sprinkler systems would be quite reasonable in most cases.

Dame Judith Hackitt: For any new building that will be subject to this process, a proposal that includes a fully sprinklered building is bound to find itself an easier passage to approval than if someone tries to justify not doing that.

Q164 **Matt Western:** What about a retrofit, such as a building that is 50 years old that only has one staircase?

Dame Judith Hackitt: It is subject to whether it is practical or not.

Matt Western: If it only has one staircase, surely it would be sensible to have a sprinkler system.

Dame Judith Hackitt: It would if it is possible to fit it, but it is not possible in all cases.

Q165 **Chair:** The fire service is clearly a very important organisation. It currently offers advice to building owners on the appropriate way to deal with fire risks in their buildings. Should we be giving the fire service greater powers to insist on certain works to improve fire safety in buildings as opposed to advising the owners about what to do?

Dame Judith Hackitt: That is exactly the intention of giving them a role within the competent authority. It gives them powers to make that happen.

Q166 **Chair:** That is only for specific buildings of 10 storeys or more. What about in other buildings generally?

Dame Judith Hackitt: There are a number of areas in this report where I have made it clear that my scope was limited to looking at high-rise buildings, but a number of these recommendations have broader application. I have commended the Government to look at making those principles more widely applicable.

Q167 **Chair:** That would be the principle of giving more direction powers, as opposed to simply advisory powers.

Dame Judith Hackitt: Yes.

Q168 **Chair:** I know the LGA has raised this as well, quite rightly. There are very substantial risks in not just high-rise buildings but, say, residential homes for the elderly, where getting people out when there is a fire is a major challenge and the current advice of the fire service can be ignored. Is that the sort of area that you would expect the Government to have a particular look at in terms of more powers for the fire service?



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Dame Judith Hackitt: Yes, and I have indicated that I have focused on the areas of highest risk. We have explained the logic behind setting the bar at 10 floors and above in the first instance, but made it clear that, over time, that should be extended to other areas where there is a risk, because of people's vulnerability or the nature of the building.

Q169 **Chair:** As you have raised that, 10 floors or more was not the traditional definition of high-rise, was it? It was 18 metres. Why has it suddenly changed?

Dame Judith Hackitt: Let us be clear that this is not making life easier for those buildings that were in scope at the lower level. We are quite clear that the existing schemes, as a minimum, need to apply at the level that they are applied now. This very tough safety case regime, in the first instance, will be applied to buildings of 10 floors and over. Based on the evidence that we have looked at, that is where the majority of serious fires occur. The evidence, even without the addition of data for Grenfell, makes it clear that multiple fatalities have occurred there in the past.

Q170 **Chair:** You would expect it to probably apply to other buildings in due course.

Dame Judith Hackitt: Yes. Because we have chosen to tackle the problem of existing buildings, rather than just restrict ourselves to what gets built from here on in, we are already looking at somewhere in the region of 2,500 to 3,000 buildings being in scope of needing that review. That is a significant workload that we need to get through and demonstrate that this works, before we tackle a much bigger number.

Q171 **Chair:** I will ask one further follow-up on that. Do you think the transfer of responsibilities for fire and rescue policy from the Ministry of Housing, Communities and Local Government to the Home Office has reduced the links between those with responsibility for fire safety and those with responsibility for building regulations? They have a very close link together, as you have identified in your report. Do you think it would be better if that was back with the Ministry?

Dame Judith Hackitt: I know some people think that. The people need to work together, and certainly my experience over the last 10 months has been that they work together pretty well, because they were all in the same building. It happens anyway, but if that were to make things easier it could be done. I do not think it is absolutely necessary. It may well be a good idea, but it is not critical to making this work.

Q172 **Matt Western:** This is just to go back and explore, in your evidence-taking, how much you looked at best practice in other countries. Tower blocks are in most countries in the world. What are their approaches to specification, retrofitting and enforcement? Did you find a particularly good approach in another country where you thought, "That is what I would strongly recommend"?



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Dame Judith Hackitt: We found elements of good practice elsewhere. I have not found any single system about which I can say, "That is it. We can copy that and we will all be fine." There are elements of good practice, some of which have already been identified. It is certainly the case that the system in Scotland for engaging residents, ensuring they are informed and part of the system is much better than ours, although it is only applied to the social housing sector. We have unashamedly copied that over into the way that we want to engage residents here in England. We have also been ambitious enough to say that it cannot stop with social housing; it must apply to all ownership models. We have picked up good practice from elsewhere.

Having said that, there is clear evidence that we are not alone in having this problem. I have picked up and included in the report some extracts of a report from Australia where, if you remove the word "Australia" from their report and substitute "England", it describes our situation exactly. They have exactly the same problems with the system; no enforcement, unclear standards and a race to the bottom are all there. There is a very powerful point here that, if we succeed in doing this and in re-establishing links internationally and sharing good practice more broadly, we can make a bigger difference than just here in the UK. There is a real opportunity to raise the bar more broadly and for us to lead the way.

Q173 **Matt Western:** I was just wondering if you looked at Germany, say. In my experience, their approach to materials testing, for example, is much more stringent than here. Did you look at Germany and their approach?

Dame Judith Hackitt: Yes, and some of that has fed into our view about the way in which we approach materials testing here, in a fairly minimalist and not frequent enough basis, and been reflected in the recommendations we have made around those things. We have tried to pick up on the elements of good practice, wherever we have found it.

Q174 **Kevin Hollinrake:** Just to clarify the point about your recommendations, do all these recommendations only apply to buildings of 10 storeys or more?

Dame Judith Hackitt: No, some of the recommendations say they must be applied at least to buildings of 10 storeys or more. The Government are recommended to consider applying it more broadly.

Q175 **Kevin Hollinrake:** I am sorry; I have not read the whole report. Where are you stipulating that we should introduce new rules at 10 storeys or more? Where has that come from? I know this would not have affected Grenfell; that was a 24-storey building, I think. Why are you focusing on 10 storeys or more? Where has that come from?

Dame Judith Hackitt: It has come from the analysis of evidence that shows where fires occur and where the consequence of those fires is, most often, fatalities and in particular multiple fatalities. There is a very clear threshold in the analysis of that data. Even if you take a single



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major event like Grenfell out of that data, it is still clear that there is a threshold at that point. That is the basis on which we have drawn there for now. I keep coming back to “for now”. This is not the end of the story. This is the start of a process of change that needs to cascade down through the whole system.

Q176 **Kevin Hollinrake:** I am right in saying, though, that all of the recommendations in here apply to 10 storeys or more, at the moment.

Dame Judith Hackitt: The majority of them do, yes.

Q177 **Kevin Hollinrake:** You do not make any suggestion of any change whatsoever for a building between six storeys, which is roughly 18 metres, and 10 storeys.

Dame Judith Hackitt: No, there are some areas where we have said there should not be that kind of immediate drop-away and that some of those things should apply more broadly.

Q178 **Kevin Hollinrake:** The majority are 10 storeys or more.

Dame Judith Hackitt: Yes.

Q179 **Kevin Hollinrake:** Finally, in terms of where you are recommending that Government look, you have said you do not want to look at building regulations yourself; you want the Government to look at them. Where in these recommendations is it saying that? I can see in 6.3.a you want “clear user friendly language”.

Dame Judith Hackitt: That is in the guidance, yes.

Q180 **Kevin Hollinrake:** Where have you said they should look at the building regulations themselves to make sure they are fit for purpose, other than clearer language?

Dame Judith Hackitt: Without ploughing through the report, I cannot remember the clause in which we have said that.

Kevin Hollinrake: You think there is a clause like that.

Dame Judith Hackitt: There is a requirement for primary legislation to deliver what I am looking to deliver here, so there is the opportunity to make any changes that are necessary. That will come from that detailed review of where there needs to be greater clarity in the regulations themselves, as opposed to the guidance that underpins the regulation. You are quite right that I have not looked in sufficient detail, as part of my review, at whether the regulations need to change, the guidance needs to change or where we may need something that sits in between the two of those, which are codes of practice.

Q181 **Kevin Hollinrake:** You accept that you have not made a recommendation that the Government actually revisit the regulations.



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Dame Judith Hackitt: I have made a recommendation that we look at that whole suite of regulation and guidance, and maybe the need for codes of practice, and make it clearer and better defined.

Q182 **Helen Hayes:** One of the key themes in your final report is that residents need a bigger voice in the safety arrangements for the buildings that they live in and that there should be a more transparent relationship between building owners and landlords. How should this be achieved in practice?

Dame Judith Hackitt: This should be achieved by copying the model that they use in Scotland, which already works very well. It includes a charter that requires that, but it also needs to be underpinned by the requirements we are describing in here. When we talk about the need for the building owner to produce a safety report that they prepare for the regulator, we also say in this report that that same report must be shared with the residents of the building. They have a right to see it and to be made aware of the view of the regulator with regard to their building, as to whether it is safe or not, so we are calling for much greater transparency in terms of the information they are provided with, as well as a route for them to raise their concerns and get them acted upon.

Q183 **Helen Hayes:** What does the enforcement process look like to enforce that code of practice and the reporting mechanisms? Who makes sure that building owners do what they are supposed to do under that system?

Dame Judith Hackitt: It will form part of the periodic review once buildings are in occupation that is conducted by the joint competent authority that we have talked about. In the intervening period of time, when it is clear to everyone what the new system looks like, there is every possibility that the residents themselves will raise the fact that they are not being provided with that information. That may be a concern that they put up through the system. It may come through the EHOs' visits. There are a number of different routes by which it could be made known to the regulator that that was not being done in accordance with the requirement of the new system.

Q184 **Helen Hayes:** You recommend a new independent route of recourse be established to support tenants when they feel that their concerns are not being taken seriously. Could this be achieved through the proposed new single housing ombudsman or did you have a separate mechanism?

Dame Judith Hackitt: It needs to be combined with that discussion about the role of the ombudsman, but it also needs to have a link into the new regulator that is going to be in place in this system, because some of this will require enforcement action to make people do what they need to do, until such time as we get more people compliant with the new approach.

Q185 **Helen Hayes:** When you came to the Committee in December, you had not, at that stage, met with the survivors of Grenfell Tower and their representatives. I understand that you have now done that and



representatives from Grenfell United were expressing their disappointment, this morning, on the basis of that discussion about some of the recommendations and particularly the decision not to include a recommendation to ban certain types of cladding from being used on high-rise buildings. What plans have you now to engage with Grenfell survivors and their representatives on the recommendations in the draft report, to take their feedback, respond and react to that?

Dame Judith Hackitt: I have written to them already. I wrote to them earlier this week to tell them that the report was coming out and acknowledge that my report on its own will not satisfy all of their concerns. That was never going to be the case. I hope they would recognise it went some way towards addressing some of their concerns. They will now be looking at that in the light of the latest statement that was made by the Secretary of State around one of their major concerns in relation to cladding. I said to them in my letter that I would be more than willing to go back at any time and discuss my recommendations with them, and I am happy for them to tell me where it does not go far enough and what else they think needs to happen.

Q186 **Liz Twist:** I want to ask about desktop studies, which we talked about previously. The Government recently launched a consultation into the use of desktop studies.

Dame Judith Hackitt: I recommended that in my interim report, yes.

Q187 **Liz Twist:** That is right. It was following your call in the interim report to significantly restrict their use. We wrote to the Minister from this Committee to express our view that, for as long as it is permitted to use combustible materials in the cladding of high-rise buildings, the use of desktop studies should be prohibited. Do you agree with us, RIBA and the LGA?

Dame Judith Hackitt: What happens to desktop studies will be determined by the consultation that is now going on. I have already said they need to be severely restricted. Whether that is possible or we end up with a complete ban on the use of them will depend on whether we can assure ourselves and the system that people will use them responsibly and in limited cases, where they are not being put to what I would call misuse. There is the scope for a process whereby you read across from what you do now to a very small change, but unless you have people who understand that that is very limited and do not take it too far, the decision is whether you ban it altogether or not.

The added mechanism that comes into play as a result of my system is that, where the regulator now looks at the proposal to do the work or indeed to review what was actually built, there is now a further review in that process. It says, "Did you at any time in this process use desktop studies as part of the process to define what will or will not be used?" If the regulator says that desktop study is not adequate, it will again be a red flag in the system that stops things proceeding.



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Q188 **Liz Twist:** Thinking specifically about the use of combustible materials, do you agree with us that, as long as combustible materials can be used—and we talked about that a lot earlier—desktop studies should be banned for those materials?

Dame Judith Hackitt: You can ban the desktop study, ban the combustible materials or do all of those things. Which of those we end up in will fall out of a result of the consultation on those two things that are now in play. I am clear that we have to end up with a system where we have more than one mechanism in place to ensure that combustible materials, particularly if they have not been tested, which would be the desktop study situation, do not end up on high-rise buildings. We all want to achieve the same thing; we are arguing about the means to get there.

Q189 **Liz Twist:** If there is a need for such studies to be carried out in certain cases, is there not a need to ensure that there is complete independence of those carrying out the tests? We touched on this a little bit earlier as well.

Dame Judith Hackitt: Yes, there is absolutely. There are far too many conflicts of interest and vested interests in play in this whole system. I say that very clearly in my report. We have to find mechanisms and means to remove as many of those as we possibly can.

Q190 **Bob Blackman:** Dame Judith, about four years ago, those of us who were on the Committee then reviewed Part P of the building regulations. We were genuinely shocked by the standards of training and the competence that people, particularly in the electrical industry, were required to have before they were allowed out to fix electrical installations in people's homes. As part of the discussion on your interim review and in correspondence, you agreed to have a look at this.

Dame Judith Hackitt: We had a discussion about this, yes.

Bob Blackman: Do you agree with us that this Part P needs considerable reform and should be changed quite radically?

Dame Judith Hackitt: Yes, and thank you for raising that, because I went away and looked at some of that after the consultation we had in December. I am glad that we were able at the time to clear up where the boundaries of that lay, because this needs to be about electrical installations associated with the fabric of the building and separate from the appliance side of things, which is another area and one that we could also spend a long time talking about, but it is not that. We are focusing on the fabric of the building.

I agree with you that we need to ensure that people who work on high-rise buildings are sufficiently competent, and of a higher level of competence than those who work on simple buildings. That is clear to me. We need to have a much more rigorous level of competency among those who work on buildings that are, in and of themselves, complex systems. What I was also surprised about in relation to Part P is that it



does not cover all electrical aspects of the building. It covers some, but not all. By moving to this safety-case approach, we will look at electrical safety with a much broader perspective than is currently within Part P. I would sincerely hope that Part P would catch up with that as quickly as possible.

Q191 Bob Blackman: Do you see this also as part of the legislation required? One of the issues is a concern that we shared—this was a deep shock when we did our review—that people could basically take three days’ training and suddenly they were classified as being a competent person. Therefore, it would be truly shocking that those people were going out to do quite complicated work. As long as they were overseen by some more qualified supervisor, who might not even inspect the work that was done, that was considered adequate. Do you envisage this being a change in the law as well as the regulations?

Dame Judith Hackitt: It will be a change in the requirement that will be enforced by the new regulatory system, yes. Furthermore, there will be scope within the new regulatory system, as I have described it, if the regulator finds a major problem in this area. As a result of this system, with all the reporting that is part of it, we will get better evidence on where things are failing. We have to move from the situation we are in now, where one major tragedy uncovers a whole raft of other issues the same. We have to get on the front foot. We have to get on a position where we have a wealth of evidence that enables us to make informed decisions about where we need tighter regulatory oversight of what is going on. That could and should include specifying requirements for formal certificates of competence and formal competency schemes, where they are justified and where there is evidence they are needed.

Q192 Chair: To pick up on that, that could be across the industry for a range of different skills, not just for high-rise.

Dame Judith Hackitt: Yes, absolutely. Fire engineering is a classic example for me. At the moment, anyone can call themselves a fire engineer. We need a much more rigorous system, so that we know that the people who do fire engineering really know what they are talking about, and are properly assessed and accredited by a body that is itself accredited by someone we can place our faith and trust in, such as UKAS.

Q193 Chair: Before we do concluding points, leading on to the change of nature of the building industry and modern methods of construction, presumably we have to be swift and adapt to making sure that people engaged in that industry are competent and also that the products themselves are properly tested, so that they are fit for purpose as well.

Dame Judith Hackitt: Absolutely, and we are trying to regulate an industry that is changing rapidly, like every other one. I am confident, partly to do with this legislative change, but also everyone’s commitment to get greater levels of quality assurance into the system, that in the future we will see the innovation kick in, which will result in many more



elements of buildings being produced in a factory environment, such that that quality can be properly assured. We will move to more modular construction, rather than putting it together on site. Those are the ways of the future that we have to design a regulatory system to deal with.

- Q194 **Chair:** In conclusion, the problem is that Whitehall shelves are full of reports gathering dust. I presume you hope that your report does not have the same fate. You are expecting Government now to act. Indeed, the Secretary of State said today that that was his intention. In what sort of timescale would you anticipate the Government being able to put most, or indeed all, of your recommendations into effect?

Dame Judith Hackitt: If nothing else, the level of emotion about this subject has been apparent to everyone today from the level of interest in this report, and what it does and does not address. No one can be in any doubt but that this issue needs to be treated as urgent. The legislation, I am confident, will be enacted as quickly as is possible, given all the other things that are going on. Equally, we need to look at how far we can push this, on a voluntary basis, ahead of that legislation being put in place, because the changes are needed and they are needed now.

I do not intend to wash my hands and walk away from this, having done what I said I was going to do. I, too, have become very emotionally involved in this. I care very much about seeing this through, and I want to stay with it and make sure that this gets delivered.

- Q195 **Chair:** You obviously have expert groups that have been advising on this and are going to look at building regulations. Should they be kept permanently in situ? As you say, things are changing all the time and you need to adapt and address them.

Dame Judith Hackitt: We have identified a wealth of talent. We have an awful lot of people out there who tell us that they are willing and want to continue to participate in this. We also have a lot of people who were very upset when we did not include them in those working groups, so we have a much bigger pool of people who we can call upon to help us to deliver this, going forward.

- Q196 **Chair:** In the end, we come to the beginning, when you said that there were many good people in the industry doing the right thing. In the end, we need to have systems and regulations in place to make sure that those who do not want to do the right thing are made to do it, and brought up to the standard of everybody else.

Dame Judith Hackitt: Yes, we do, and we also need leaders within the industry to help us show the way forward to the laggards within their community.

- Q197 **Kevin Hollinrake:** Dame Judith, you said that you would like the industry to go forward with your recommendations on a voluntary basis now, rather than wait for legislation.



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Dame Judith Hackitt: It is a bit carrot and stick, isn't it? It is hardly voluntary if you know the legislation is coming.

Q198 **Kevin Hollinrake:** I think it is a perfectly reasonable thing to ask. I am sorry to come back to this, but had you looked at the regulations themselves and made a recommendation, for instance, that we should only use non-combustible materials, would it not have given the whole sector the clarity that it needed? They could then have moved forward on the basis of what you said you would like to see, which is no combustible materials being used. It would have provided the clarity, so the industry could have gone on now, on a voluntary basis, in a framework it truly understood.

Dame Judith Hackitt: Yes, it could. Had it been my decision to have included that within my remit, we would have got there. However, where we are today, as of now, is that the Secretary of State has decided we are going to consultation on that, at the same time that we are consulting on the recommendations in my report. We have two complementary packages of things to discuss. We have the outcome of the discussion on desktop studies. We can be getting on with the change to design. This is less than 10 months from when we started on this process. I do not know of any other reviews that have been done in that time.

Q199 **Kevin Hollinrake:** You say it was not your decision not to look at the regulations.

Dame Judith Hackitt: No, I said it was my decision to focus on some key issues within this area. To the extent that I have not met your expectations and those of others, I regret that, but I chose to look at what I chose to look at. I am satisfied that the combination of my recommendations and what the Secretary of State has also called for now covers a large proportion of the ground that we need to cover, but this is not the end of the story.

Chair: Dame Judith, thank you very much for coming this afternoon and answering a lot of questions. We may have even more questions when we have had a chance to read the report fully. We will take on board and listen to the responses of other organisations and may take evidence from them as well, before giving our views to the Secretary of State. We may ask you to come back and you have already indicated you would be willing to do that. I am sure the Committee will want to look not merely at our immediate response, but at the progress that is made on these recommendations over a period of time. We will be keeping our eye on that. You have indicated 12 months as one target for certain recommendations to be implemented by, and I am sure we will want to hold Ministers to that. We will probably seek your views on that aspect in due course. Thank you very much indeed for coming this afternoon.