

From the Chief Executive

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Sent via email

21 October 2020

Mr Clive Betts MP
Chair
Housing, Communities and Local Government Committee
House of Commons
London
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Dear Mr Betts,

**FURTHER INFORMATION FOLLOWING THE HEALTH AND SAFETY EXECUTIVE
(HSE) EVIDENCE SESSION ON 5 OCTOBER 2020**

Peter Baker and I would like to thank you for giving us the opportunity to give evidence before the Housing, Communities and Local Government Committee on pre-legislative scrutiny of the Building Safety Bill.

During the session, you asked us to send further information on a number of points raised by the Committee and thank you to the Committee Clerk for confirming these points in his email on 9th October.

Those points on which the Committee requested further information were:

Question 1: Resident Engagement – Does HSE have examples of where it has heard from residents and changed its plans?

Question 2: Should there be some form of register for dutyholders?

The responses to both of these questions are in the attached annex.

A copy of this letter will go to Mims Davies, Parliamentary Under-Secretary of State for Employment, and to Lord Greenhalgh, Minister for Building Safety and Communities.

We thank you once again and HSE looks forward to working with the Committee in the future.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Sarah Albon', is positioned below the 'Yours sincerely' text.

Sarah Albon
Chief Executive, Health and Safety Executive

Q1: Resident Engagement – Does HSE have examples of where it has heard from residents and changed its plans?

- MHCLG has led on the consultation for the development of policy in the draft Building Safety Bill and retained ownership of residents and resident groups engagement. They established a mixed-tenure Residents Reference Panel that ran between October 2018 and July 2019 and made a major contribution to the development of the proposals to give Residents a Stronger Voice in the new regulatory regime. Amongst other things they shaped work on building safety information lists (in terms of their relative interest levels in different areas and what should be automatic and what could be on demand) and what would need to be included to make a good Resident Engagement Strategy as well as suggesting ideas from how their landlords have approached it.
- For the future, an HSE led Stakeholder Engagement Plan, with particular focus on residents and resident groups, is in place seeking stakeholder views to inform the Building Safety Regulator's (BSR) strategies and plans.
- Work is beginning to handover the lead role of resident engagement from MHCLG to HSE, and this will include, alongside wider resident's engagement, early work to explore the most effective way to establish the Residents' Panel. HSE is confident that MHCLG has reflected the views of residents and resident groups in the draft Bill, whilst balancing the views of other stakeholders.

Q2: Should there be some form of register for dutyholders?

- As part of ensuring the regulatory functions of the new regime, the BSR will be responsible for overseeing the competence and performance of registered building inspectors and the building control bodies.
- The BSR will also be responsible for assisting and encouraging competence among the built environment industry. Whilst the BSR will support industry to build its own capability and to continuously improve, it is important that industry takes ownership of improving competence; therefore, the decision on a register of dutyholders should be one for industry.
- A register of dutyholders may help to identify a suitable source of competent individuals and organisations for these roles; encourage reassessment of individual competence; and support continuous professional development. However, to serve this purpose, registration should be supported by robust and consistent assurance processes across industry, which includes independent oversight of those assessing the competence of those working on higher risk buildings, to deliver these benefits. The Building Safety Competence Committee, when established, will advise both the BSR and industry on these matters. The potential business burden (blue tape) should also be considered.

- For other roles, there are a number of registers or schemes already in place within the built environment (eg registers of chartered professionals or Competent Persons Schemes) that may be used or adapted to improve industry competence. The Building Safety Competence Committee will have a role in overseeing sector-specific competence frameworks and signposting to the relevant registers to help dutyholders identify competent individuals.