

Rt Hon Meg Hillier MP
Chair, Public Accounts Committee
House of Commons
London SW1A 0AA

27 July 2021

Dear Chair,

Following my appearance at your Committee's meeting on 1 July to consider Protecting Consumers from Unsafe Products, I offered to write on the issue of construction products safety.

On 19 January 2021, the Government announced that a National Regulator for Construction Products would be established. In April 2021, the remit of the Office for Product Safety and Standards (OPSS) was formally extended to include construction products, enabling it to undertake preparatory work, including working with other regulators, for the broader, more effective regulatory regime that will be established when the Building Safety Bill comes into force. I am writing to the Committee as part of that expanded role, for which OPSS is directly accountable to Ministers in MHCLG.

I welcome the Committee's interest in construction products. This is a high priority for Government, and there is significant public interest in getting these reforms right. The Government introduced the Building Safety Bill in Parliament on 5 July 2021, and second reading took place on 21 July.

The Bill marks the next step in the Government reforms aiming to ensure everyone's home is a place of safety, strengthening oversight and protections for residents in high-rise buildings, and giving the home-building industry the clear, proportionate, framework it needs to deliver more safe and high-quality homes.

As part of these reforms, the Bill will create a stronger and clearer construction products regulatory regime that will require all products on the UK market to be safe, accurately labelled and traceable and will introduce more stringent requirements for safety-critical products. It will also pave the way for the national regulator for construction products, being established in OPSS, to enforce the law, encourage good practice and educate the industry.

The Committee asked when the new regime would be in place and making a difference. The regulator will begin to operate using future powers once the Building Safety Bill and corresponding secondary legislation come into effect. Subject to the will of Parliament, our working assumption is that full powers will come into force within 12-18 months of the Bill being granted Royal Assent.

In the meantime, OPSS has begun to set up this national regulator and is working closely with other regulators within the scope of the existing regime. Up to £10m has been set aside for this work in 2021/22. As I mentioned to the Committee, OPSS has begun to support colleagues in Local Authority Trading Standards to ensure that construction products currently on the market are compliant. We are providing regulatory advice to Local Authority Trading Standards in undertaking assessments of current compliance and risks and giving them access to intelligence, risk, engineering, technical, legal and regulatory capability.

Future funding will be determined through the Spending Review. MHCLG owns and is accountable for OPSS work on construction products. OPSS's other work on product safety, metrology and environmental regulations will continue to be funded separately.

Once the Bill and corresponding secondary legislation comes into force, OPSS, as the national regulator for construction products, will take on overall responsibility for market surveillance and enforcement, leading on nationally significant safety issues and working with local authorities. We will provide leadership of local enforcement action, including maintaining a national complaints system and have access to a suite of powers to tackle non-compliance including the power to require removal from the market any products that do not comply with regulations.

OPSS is also working closely with the new Building Safety Regulator, which has been established in the Health and Safety Executive (HSE) in shadow form to assist with preparations for proposed reforms to building safety and standards. We already have established mechanisms for regulatory co-operation including sharing data with HSE, London Fire Brigade and other regulators on product safety and intend to build on the strengths of this model. OPSS will lead on regulating the safety of construction products placed on the market, whereas the Building Safety Regulator will lead on the safety of people in or about buildings and improving the standard of buildings across the built environment.

Finally, the Committee asked how OPSS will manage the task of regulating a high volume of different construction products. We recognise the scale and importance of the task. More effective regulation is necessary but not sufficient: all stakeholders must take responsibility for changing practice and culture. One of OPSS' priorities is to bring national leadership to the regime. To that end we will bring transparency to our regulatory approach and always base our interventions on risk, prioritising those with the highest levels of risk to maximise our impact across the sector.

This response was drafted jointly with MHCLG. I hope the Committee finds this information of assistance.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'G Russell', with a stylized flourish at the end.

Graham Russell

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