

Climate Change, Housing and Communities Panel

28 September 2023

Report title	Building and Asbestos Safety
Report of	Ian Gardner (Director of Property at Wolverhampton Homes), and Simon Bamfield (Head of Assets and Stock Investment at Wolverhampton Homes)
Portfolio	Cabinet Member for City Housing

Recommendation(s) for action or decision:

The Climate Change, Housing and Communities Panel is recommended to note the report and comment on progress.

1.0 Purpose

- 1.1 The report is presented to committee members to summarise progress in enhancing building safety of the Council's social housing properties.

2.0 Background

- 2.1 The Grenfell Tower disaster, which resulted in 72 deaths, was a watershed moment for Government and the housing and construction sectors. Dame Judith Hackett was commissioned by Government to undertake an Independent Review of Building Regulations and Fire Safety (known as the Hackett Review), with the subsequent report being published in May 2018.
- 2.2 The headline finding of this report was that the system of building regulations and fire safety was not fit for purpose and that a culture change was required to support the delivery of buildings that are safe. This systemic failure had allowed a culture of indifference to perpetuate, and more specifically:
- The roles and responsibilities of those procuring, designing, constructing, and maintaining buildings was unclear.
 - The package of regulations and guidance (in the form of Approved Documents) can be ambiguous and inconsistent.
 - The processes that drive compliance with building safety requirements are weak and complex with poor record keeping and change control in too many cases.
 - The competence across the system is patchy.
 - The product testing, labelling, and marketing regime is opaque and insufficient.
 - The voices of residents often go unheard, even when safety issues are identified.
- 2.3 The Government also instigated a public inquiry, led by Sir Martin Moore-Bick to understand the sequence of events that occurred on the night of the 14 June 2017, with the second phase of the inquiry focused upon examining the causes of these events, including how Grenfell Tower came to be in a condition which allowed the fire to rapidly spread.
- 2.4 Within Wolverhampton, the response to the tragedy included the formation of a Scrutiny Panel sub-group, chaired by Cllr Brackenridge, to investigate the preparedness of the Council, Wolverhampton Homes and West Midlands Fire Service.

3.0 Progress on the management of Building Safety

- 3.1 In the weeks that followed the Grenfell Tower fire, Wolverhampton Homes undertook surveys of all its high-risk buildings. As within many other landlords, we identified the need to undertake some urgent fire safety remedial work, to ensure all fire compartmentation was satisfactory. This work was completed during 2018.

- 3.2 There has been a continued and increased focus on compliance, not just for fire safety, but for all building safety systems and equipment. This has included ensuring that all our policies and procedures are suitable and sufficient, and all necessary management controls are in place.
- 3.3 In addition, there has been significant investment in the tower-blocks managed by Wolverhampton Homes. To date, the fire safety improvement programme has delivered improvements to 11 blocks, with work currently underway in ten blocks, with further work planned for the remaining 15 blocks over the next five years.
- 3.4 The programme includes the replacement of fire doors and screens, waste chute hoppers, fire-stopping, and the introduction of sprinklers, plus the upgrading of wet and dry risers where appropriate and the renewal of other landlord services, including emergency lighting and escape signage. The expenditure on fire safety improvements over the past five-years has been as follows:

Financial year	2018-19	2019-20	2020-21	2021-22	2022-23	Total
Total expenditure	£4.2m	£8.92m	£7.70m	£8.22m	£10.89m	£39.93m

4.0 Future challenges with the delivery of Building Safety

- 4.1 As identified by the Hackett Review, the regulations and guidance were at best ambiguous and inconsistent, which when coupled with unscrupulous manufacturers and installers, created the devastating affects which resulted in the Grenfell Tower tragedy. The culture of the previous regulatory regime had created a legacy across the country, where previous construction work, which was certified as compliant, would not be acceptable today.
- 4.2 There are no high-rise residential blocks of flats in Wolverhampton with Grenfell style cladding formed from Aluminium Composite Materials. We undertake robust Fire Risk Assessments, and in accordance with the requirements of the Fire Safety Act 2021 (effective from May 2022), these include an assessment of the external walls. If an issue is identified through the Fire Risk Assessment process, Wolverhampton Homes will develop proposals to remediate the issue(s) in a timely manner and if necessary, employ interim mitigation measures, in consultation with the West Midlands Fire Service.
- 4.3 As part of their response to the Grenfell Tragedy, the Government has undertaken the most significant transformation of the fire safety regulatory landscape for fifty years, with the introduction of the Building Safety Act 2022, along with a plethora of supporting secondary legislation.

- 4.4 Under the more stringent higher-risk regulatory regime, the Building Safety Act 2022 prescribes the role of a new duty holder for the safety management of higher-risk residential buildings, known as the Accountable Person, who is responsible for managing fire and structural safety risks for the entirety of each in-scope building. The new regime requires the appointment of a Principal Accountable Person, where there are multiple Accountable Persons within a building, but where there is a sole Accountable Person, then they are automatically deemed to be the Principal Accountable Person.
- 4.5 The Principal Accountable Person must comply with the following additional duties:
- To register all new buildings before occupation and existing buildings (between April 2023 and October 2023) with the Building Safety Regulator.
 - To prepare and submit a Safety Case Report demonstrating that the Accountable Person has assessed all building safety risks.
 - To apply for a building assessment certificate (when directed to do so by the Building Safety Regulator).
 - To establish a mandatory occurrence reporting system and adhere to the specified reporting requirements.
 - To prepare a residents' engagement strategy and establish a complaints procedure.
- 4.6 In accordance with Building Safety Act 2022, the City of Wolverhampton Council is the Principal Accountable Person (as a body corporate). In June 2023, the Council formally delegated the delivery of their duties to Wolverhampton Homes Limited (as an Accountable Person in accordance with the Act).
- 4.7 The Building Safety Act 2022 primarily focuses on High-Risk Buildings (defined as being at least 18 metres high or having at least seven floors). Wolverhampton Homes currently manages 44 such buildings, on behalf of the City of Wolverhampton Council, with a further Council owned building (Hampton View), managed by Sanctuary Housing. All these buildings have already been registered with the new Building Safety Regulator.
- 4.8 As part of our response to the new Building Safety Regime, we have developed and are implementing a new Building Safety Strategy, and an updated Fire Safety Policy, which were approved by the Board of Wolverhampton Homes on the 21 September 2023.
- 4.9 The Building Safety Strategy sets out Wolverhampton Homes' approach to 'Building Safety' and how it will fulfil its responsibilities and duties to ensure the assets under its management control, remain safe and serviceable for its residents, communities, and colleagues.
- 4.10 This strategy forms part of a wider suite of policies and documents that underpins the company's commitment to managing building safety, as illustrated below.



- 4.11 The operational delivery has been enabled by the formation of the Building Safety Team, combining fire safety and construction specialisms. The team now holds third-party approval for the provision of life safety fire risk assessments via the British Approvals of Fire Excellence (BAFE) scheme, SP205.
- 4.12 Work to prepare the Building Safety Cases for each of these “in-scope” buildings, is underway, and is supported by the capital programme delivery, as Fire Strategies are developed to document the arrangements of each existing building and to inform the design process to ensure the completed projects enhance the fire safety of these buildings.
- 4.13 This approach is illustrated by the refurbishment of the high-rise blocks of flats on the Heath Town estate, where we are retrofitting these blocks using non-combustible materials, to improve their thermal performance, whilst enhancing the fire safety characteristics of these buildings. Similar work is due to start soon on Vauxhall, Boscobel, and Chetton Green estates and will also include the creation of new heat networks to provide significantly improved heating within the flats.
- 4.14 The Building Safety Act 2022 sets a requirement for the Principal Accountable Person to prepare and keep under review a residents’ engagement strategy as well as provide residents with relevant safety information about their building. The strategy should ensure that residents are kept informed, are able to participate in decision-making regarding the safety of their building and establish a clear complaints procedure for residents to raise concerns about the safety of their home. We are working with the Tenant Participation and Advisory Service (TPAS), and a small number of like-minded proactive social housing landlords to develop what best practice resident engagement should look like, so we can then implement these measures locally.
- 4.15 The Building Safety Team, with support from colleagues in the Communications Team, recently ran a media campaign from May to August 2023, incorporating the UK-wide National Sprinkler Week from 15-19 May, Home Fire Safety Week from 12-16 June and Green for Grenfell day on 14 June. This campaign reached almost 23,000 people with its messaging, receiving 243 ‘likes’, comments and ‘shares’, and more than 850 content clicks to fire safety information on our website or to watch videos or other linked content. This included 149 video views, including 61 views of alternative language versions of the

'fire safety – stay safe, stay put' video. Overall, the campaign saw an increase of 293% in traffic to the main Fire Safety landing page during the 13-week campaign period.

- 4.16 We will build on these successes and incorporate multi-media messaging within the residents' engagement strategies, to ensure they continue to be impactful. We have also recently recruited additional staff to develop and deliver meaningful and effective resident engagement on the building safety agenda.
- 4.17 The Building Safety Act 2022 also sets out statutory duties on all residents and flat owners (i.e., leaseholders) to cooperate with the appropriate Accountable Person. Residents and flat owners have legal responsibilities to avoid actions that could pose a risk to the fire or structural safety of the building. Part of the residents' engagement strategy will ensure that residents and owners are informed of their own responsibilities and to increase residents' understanding of building safety and how it impacts them.
- 4.18 The aim of building safety is to prevent or reduce the severity of a serious fire or structural failure. This activity is not only focussed on the delivery of Fire Risk Assessments and enhancements to the built environment, but also through the ongoing compliance checks and planned maintenance of the critical safety equipment within these blocks of flats.

5.0 Improving other aspects of compliance.

- 5.1 The performance of this activity is monitored through the 'Big-6' compliance dashboard, which is reported to the Wolverhampton Homes' Delivery Plan Quarterly Monitoring Group, in addition to the Wolverhampton Homes' Board and Audit and Business Assurance Committee.
- 5.2 The Big-6 assesses the performance of the key metrics for compliance activity, namely the performance managing the risks from asbestos, electricity, fire, gas, lifts (& other lifting equipment), and water hygiene (i.e., legionella testing). Whilst the performance remains strong across the board with the Key Performance Indicators, there has been an additional focus on asbestos management to further enhance assurance.
- 5.3 As part of a review of how Wolverhampton Homes complies with the Regulator for Social Housing's Consumer Standards, a 'task and finish' project group was formed in April 2020 to review our asbestos management arrangements. This identified several enhancements, improving our compliance with the duties prescribed by Regulations 4, 5 and 10 of the Control of Asbestos Regulations 2012. This included role-specific asbestos awareness training, with more comprehensive training provided for those who work in construction related disciplines, and updated policies and procedures.
- 5.4 The project also included improving how asbestos data and asbestos information (surveys, removal certification, etc.), was stored, managed, and shared across the business, including with third party contractors. Our initial aspiration was to utilise our existing integrated housing management system provided by NEC; however, its current functionality did not fully meet our requirements. We have therefore procured a new

best-in-class cloud-based compliance management software solution (Compliance365), which will significantly improve how we manage and report on the full range of our compliance activity.

- 5.5 The first phase of the implementation of this new solution, is the migration of asbestos data and information. There are more than 30,000 pieces of information that are currently being formatted to enable them to transfer and be accurately attributed to the correct property and location.
- 5.6 To provide the Council with additional reassurance on our asbestos management arrangements, an independent third-party specialist consultant has been appointed, to undertake an assurance audit of the implementation of the new Asbestos Register and our standard operating procedures and Asbestos Management Plan.