

Building Safety Policy

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1. Purpose

- 1.1 This Policy sets out the Flint Housing’s approach to ensuring our buildings are safe and meet regulatory requirements set out in the Building Safety Act 2022 (referred to as ‘**the Act**’) and its related secondary legislation.
- 1.2 For the purposes of this Policy, any reference to Flint Housing or “our” or “we” shall be relevant to all its associated entities and administered, where applicable, by its housing management provider(s).
- 1.3 It is noted that Flint Housing does not act as the developer and does not engage in the design and construction of buildings. Flint Housing relies upon the developer to ensure that design and construction standards are achieved up to the point of Practical Completion.
- 1.4 This Policy outlines how we will:
- Meet our commitment to keep residents safe;
 - Engage with residents and share building safety information with them;
 - Ensure qualifying leaseholders are protected from building safety defect costs;
 - Hold those responsible for building safety defects to account; and
 - Work with regulators and provide them the information they need.
- 1.5 The Act introduced several reforms to ensure homes across England are safer. It specifically set out requirements related to the design, construction, and management of higher risk buildings (HRBs) (noting that the design and construction elements are not applicable to Flint Housing), which are defined as residential buildings at least 18 metres or seven storeys high and containing two or more residential units. The reforms and requirements will be managed through the creation of three new regulatory bodies:
- the Building Safety Regulator
 - the National Regulator of Construction Products
 - the New Homes Ombudsman
- 1.6 The requirements of the Act broadly introduce several key principles, and two main areas of reform:
- **Design and construction:** Reforms providing new guidance and standards for the design and construction industry by way of amendments to the Building Act 1984 and the introduction of the Building Safety Regulator.
 - **Occupation:** Reforms providing new guidance and standards for the housing industry during a building’s occupation overseen by the Building Safety Regulator. These will ensure building safety standards and resident engagement in blocks classified as ‘higher risk buildings’ are being met.
- 1.7 This policy is concerned with the occupation of buildings only.

2. Scope

- 2.1 This Policy is applicable to all Flint Housing entities (please see paragraph 1.2 above).
- 2.2 The Act has a broad scope, covering various aspects of building safety throughout the lifecycle of a building. The key points include:
- 2.2.1 **Lifecycle Coverage:** The Act applies to all stages of a building's lifecycle, from planning and design to construction, occupation, and maintenance.
- 2.2.2 **Higher-Risk Buildings:** It introduces a more rigorous compliance and regulatory regime specifically for HRBs. These are defined as buildings over 18 meters in height or with at least seven storeys, containing at least two residential units.
- 2.2.3 **New Regulatory Bodies:** The Act establishes three new bodies:
- Building Safety Regulator (**BSR**): Oversees the safety and performance of all buildings, with a special focus on high-rise buildings.
 - National Regulator of Construction Products (**NRCP**): Ensures the safety and quality of construction products. The NRCP has not yet been set up.
 - New Homes Ombudsman: Provides a mechanism for homeowners to escalate complaints about new-build homes.
- 2.2.4 **Resident Protections:** It offers significant protections for residents and leaseholders, including shielding them from the costs associated with remediating certain elements of historical building safety defects.
- 2.2.5 **Information Sharing and Compliance:** The Act mandates more stringent requirements for sharing information related to fire safety and other critical safety aspects.

3. Compliance and adherence to Policy

- 3.1 Flint Housing's staff, housing management provider(s) and third-party block managers employed or engaged by Flint Housing shall comply with this Policy and any associated procedures and guidance and we will encourage Flint Housing residents to be safe and responsible when occupying Flint Housing accommodation or properties.

4. Communication

- 4.1 This Policy shall be:
- 4.1.1 communicated throughout Flint Housing's organisation, and through relevant training understood by staff;
- 4.1.2 made available to residents, contractors and stakeholders, as appropriate; and
- 4.1.3 formally reviewed and revised as necessary in accordance with the review requirements detailed in this Policy.

5. Legislation and guidance

- 5.1 Flint Housing is required to meet the requirements of the Act which created powers to prescribe requirements on those who procure, design, plan, manage and undertake building work. This obligation is in addition to Flint Housing's duties under the Regulatory Reform (Fire Safety) Order 2005, the Fire Safety Act 2021, and the Fire Safety (England) Regulations 2022.
- 5.2 Flint Housing is also required to meet the requirements of the Regulator of Social Housing's (**RSH**) Safety and Quality Standard which as a specific expectation at 2.2 states:

Health and safety

- *Registered providers must identify and meet all legal requirements that relate to the health and safety of tenants in their homes and communal areas.*
- *Registered providers must ensure that all required actions arising from legally required health and safety assessments are carried out within appropriate timescales.*

5.2.1 Registered providers must ensure that the safety of tenants is considered in the design and delivery of landlord services and take reasonable steps to mitigate any identified risks to tenants.

5.3 Flint Housing is required to meet the requirements of the RSH's Transparency, Influence and Accountability Standard (previously known as the Tenant Satisfaction Measures Standard). The Tenant Satisfaction Measures (**TSMs**) aim to provide tenants with greater transparency about their landlord's performance and inform the RSH about how a landlord is complying with consumer standards. With regards to fire safety, the TSM is the proportion of homes for which all required fire risk assessments have been carried out.

6. Definitions

The following definitions are relevant to this Policy:

- 6.1 **The Act:** The Building Safety Act 2022, which became law in April 2022. The Act was developed following Dame Judith Hackitt's independent review of building regulations and fire safety, commissioned after the Grenfell Tower tragedy in 2017. It introduced wide scale reforms to support building safety across the industry through design, construction, and management of residential blocks classed as higher risk buildings.
- 6.2 **Accountable Person (AP) or Principal Accountable Person (PAP):** The dutyholder legally responsible for an HRB's compliance with the Act, or the part of the building that they are responsible for. The PAP's key duty is to prevent and reduce the severity of building safety incidents relating to fire or structural failure in such buildings.
- 6.3 **Building assessment certificate:** The key document required by the PAP when an HRB is occupied. After an HRB has been registered with the BSR, the BSR may direct a PAP to make an application for a Building Assessment Certificate. The BSR will request the PAP to submit several prescribed documents. These will include a safety case report, an HRB-specific engagement strategy, a mandatory occurrence reporting strategy for reporting significant risks to the regulator, and a signed agreement between the PAP and any other relevant APs in the building that appropriate processes for the identification, management and resolution of building safety risks are in place. Once the regulator is satisfied, they will provide a building assessment certificate to the PAP which will need to be displayed in the building and renewed every five years.
- 6.4 **Building safety case (BSC):** The body of evidence to demonstrate that fire and structural risks within an HRB are being identified, escalated, and resolved, or managed and monitored adequately on an ongoing basis. Management and review of a building's safety case is formally overseen by an appointed building safety manager (BSM) on behalf of the PAP. A summary of the BSC in the form of a safety case report will be submitted to the BSR under specific conditions.
- 6.5 **Building safety fund (BSF):** A government-led fund that aims to protect leaseholders from the cost of addressing fire-safety risks caused by unsafe non-ACM cladding systems on high-rise residential buildings. The fund is supported by the building safety levy.
- 6.6 **Building safety levy:** A levy put in place by government on developers of HRBs in England designed to raise revenue for the replacement of defective cladding, in addition to remediating any other historical building safety defects.
- 6.7 **Building safety manager (BSM):** Building safety managers are not a specific requirement of the Act, but they are an important introduction to support the requirements of the PAP, the development of building safety cases and the introduction of specific engagement strategies for individual higher risk buildings. The role is designed to support the identification and management
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of building safety risks and to provide oversight of relevant processes involved in the management of higher risk buildings across the business.

- 6.8 **Building Safety Regulator (BSR):** The regulatory arm of the Health and Safety Executive (HSE) for building safety across design, construction and occupation introduced in the Act. The BSR will monitor industry performance to inform priorities, set direction, facilitate improvement in competence of both industry and the building control profession, and influence their operational standards.
- 6.9 **Dutyholders:** An appointed person responsible for maintaining standards and quality that is conducive to good health and safety and quality of work in relation to a higher risk building.
- 6.10 **Fire Safety Act:** The Fire Safety Act 2021 clarifies and extends the scope of building safety measures set out in the RRO. It highlights how the order amended the RRO so that applies to the structure, external walls (including cladding and balconies), and individual flat entrance doors of multi-occupied residential buildings. The requirements of the Act are in addition to those of the Fire Safety Act and subsequent Fire Safety (England) Regulation 2022. An example of an area which has a level of crossover between the Fire Safety Act and the Act is the roles of the 'responsible person' and 'dutyholders', which broadly correlate to the PAP and relevant AP.
- 6.11 **Gateways:** A set of three submission and approval gateways overseen by the new BSR required for the design and construction of HRBs. Gateway 1 (planning approval), Gateway 2 (handover from planning to construction) and Gateway 3 (completion of construction).
- 6.12 **The Golden Thread:** A principle for storing, managing, and sharing building information and documents over a building's lifecycle, from design and construction through to occupation and disposal. The Golden Thread ties directly into the body of evidence needed to create and maintain building safety cases.
- 6.13 **Higher risk building (HRB):** Defined in the Act as a residential building that is at least 18 metres or seven storeys high and contains two or more residential units. Secondary legislation further defining such buildings came into force on 6 April 2023. All HRBs will need to be registered with the BSR by the PAP, have a dedicated engagement strategy and building safety case, and adhere to the principles of the Golden Thread.
- 6.14 **Regularisation:** Building work regularisation refers to the process of certifying building works that have been conducted without building regulation approval. The process enables the submission of a retrospective application relating to previously unauthorised works through the submission and review of prescribed documents. The government intends to apply the current regularisation procedure to HRBs, with the BSR as the building control authority, rather than the local authority.

7. Commitments and obligations

- 7.1 Flint Housing has developed procedures which relate to the occupation element of the Act. To ensure residents living in HRBs feel safe in their homes, we have various roles and processes, each with different responsibilities for safety. We will collaborate and communicate with our residents, as well as other relevant colleagues, third-party building management organisations and stakeholders such as fire and rescue services.
- 7.2 **The Accountable Person (AP) and Principal Accountable Person (PAP)** (a full list of AP and PAP duties relating to buildings in occupation (along with specific details about those duties) have been summarised in the table appended to this Policy):
- 7.2.1 The AP is the entity that must ultimately discharge the new duties in relation to an HRB. It is defined at section 72 of the BSA as a person or entity that has a legal estate in possession of any part of the common parts of the building, or a person that has a repairing obligation in relation to the common parts of the building. There are limited exceptions to this definition, which includes circumstances where:
- The estate owner grants long leases that include tenant repairing obligations to the common parts of the property;
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- Where all repairing obligations relating to the common parts are functions of an RTM company; or
 - Where the HRB is on commonhold land and the commonhold association is the accountable person for the HRB.
- 7.2.2 Where a building only has one AP, the AP will automatically be the PAP. Where there is more than one person or entity that fits that description of an AP, a PAP is to be appointed. The appointed PAP will be the AP which holds legal estate in possession in the structure and exterior of the building or has the relevant repairing obligation in relation to the structure and exterior parts. This will usually be the freeholder or head leaseholder.
- 7.2.3 There are a number of duties which are placed upon APs and the PAP. The core, overarching duties are to prevent a building safety risk from occurring and reducing the seriousness of an incident if one occurs. Among other things, an AP must:
- report safety occurrences to BSR and report them on the mandatory occurrence reporting system operated by the PAP;
 - carry out duties relating to the resident engagement strategy;
 - keep, update and manage the building's safety case;
 - keep certain information about the building, also known as the golden thread of information; and
 - provide building information to relevant individuals and organisations.
- 7.2.4 The PAP will need to liaise with all relevant APs, share information, acquire an approved building assessment certificate through occupation on a five-year basis, and take reasonable measures for compliance with the Act in all other ways. The AP could be a named entity (such as a housing association, council, or management company), or a named person. Notification to changes in responsibility of an HRBs AP or PAP (such as when the ownership changes) must be provided to the BSR.
- 7.2.5 The PAP must register the building with BSR. As part of the registration process they must:
- submit structure and fire safety information about the building; and
 - notify BSR of any changes to the information submitted at registration.
- 7.2.6 The PAP must also make sure that the structural and fire safety risks are managed properly for the whole building.
- 7.2.7 The PAP must check that all APs for the building have:
- identified and assessed the fire and structural risks in their parts of the building;
 - taken steps to prevent incidents from happening; and
 - put measures in place to lessen the severity of any incident.
- 7.2.8 The PAP must:
- put together a safety case for the building;
 - prepare and update the building's safety case report;
 - report safety occurrences to BSR;
 - operate a mandatory occurrence reporting system;
 - operate a complaints system;
 - display required information and documentation clearly within the building;
 - prepare and update a resident engagement strategy;
 - apply for a building assessment certificate when told to do so by BSR; and
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- provide building information to relevant individuals and organisations.
- 7.2.9 **The Building Safety Manager** role fulfils an assurance function, satisfying the BSR that an HRBs existing safety management system is effective via a series of audits, checks and reviews. This will be supported through:
- the review and oversight of building risks in a building safety case;
 - submission of safety case reports to the BSR when required;
 - acting as consultee at all gateways through design and construction; and
 - engagement with residents and other stakeholders (such as contractors, managing agents and fire and rescue services) to develop a building-specific engagement strategy).
- 7.2.10 **Building Safety Case:** Management of building safety cases are formally overseen by an appointed Building Safety Manager on behalf of the PAP. The building safety case is one of the many elements to be managed within the principles of the Golden Thread and will rely on it to remain up-to-date and effective. A detailed summary of the building safety case in the form of a safety case report will be submitted to the BSR under specific conditions or on request. Safety case reports could potentially also be used when sharing information between the PAP and relevant APs, or third-party stakeholders such as fire and rescue services as part of information sharing requirements and requests.
- 7.2.11 **Mandatory Reporting:** Pursuant to section 87 of the Act, an AP for an HRB must in prescribed circumstances give prescribed information to the BSR by the prescribed time and in the specified way (our emphasis), as follows:
- 7.2.12 **Prescribed circumstances:** The circumstances prescribed for the purposes of section 87(1) are that a safety occurrence has taken place in the part of the building for which the AP is responsible (Regulation 6(1) of the Higher-Risk Buildings (Management of Safety Risks etc) (England) Regulations 2023 (the Regulations)). A safety occurrence means an incident or situation relating to HRB that meets the risk condition.
- 7.2.13 **The risk condition** is met if the use of that part of the building would likely present a risk of a significant number of deaths or serious injury to a significant number of people if that incident or situation is not remedied.
- 7.2.14 In short, a safety occurrence is an incident involving, or a risk that could cause, structural failure of the HRB or the spread of fire which, if not remedied, could cause serious harm or death to people when the HRB is in use. For example, the government guidance states that a safety occurrence may include:
- Defective building work;
 - Collapse of an HRB;
 - The spread of fire;
 - Failure or degradation of construction materials; or
 - Failure of fire safety measures (such as an AOV or smoke extraction or fire doors).
- 7.2.15 If a concern is submitted to your complaints system and it meets the criteria of a safety occurrence, the AP must identify it as soon as possible and submit a mandatory occurrence notice and report within the relevant timescales.
- 7.2.16 Pursuant to section 87(5) of the BSA, the PAP for an occupied HRB must establish and operate a mandatory occurrence reporting system. This is defined under section 87(6) of the BSA as a system whereby the PAP gives information to other AP(s) for the purpose of enabling them to comply with section 87, and vice versa. It enables prompt reporting of safety occurrences by all residents, AP(s) and others who use the building. It is therefore imperative that there is an interface between Flint Housing's complaints system and the mandatory occurrence reporting system for the buildings, which will involve Flint Housing's Housing Management Providers.
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- 7.2.17 If a safety occurrence arises, it must be reported to the BSR by the AP even if the safety occurrence is remediated immediately. The only exception is when a principal contractor remedies issues to ongoing building work, which are unlikely to risk significant numbers of deaths or serious injury.
- 7.2.18 **Prescribed information:** Regulation 6(2) sets out the information prescribed for the purposes of section 87(1). When a safety occurrence happens or is identified, Flint Housing must submit to the BSR:
- A notice stating that a safety occurrence has taken place, a brief description of the nature of the safety occurrence and the address of the HRB;
 - Following submission of the notice, a report containing:
 - Date and time of the safety occurrence;
 - Date and time the safety occurrence was first notified to the BSR;
 - Date of submission of the report to the regulator;
 - Address of the HRB;
 - Name, address and telephone number of the AP making the report;
 - Details of the safety occurrence including whether any persons were injured or killed as a result of the safety occurrence, details of recent building work and how the safety occurrence was discovered;
 - A description of measures taken to mitigate or remedy the safety occurrence; and
 - Details of any wider impact or other considerations.
- 7.2.19 Guidance on submitting mandatory occurrence notices and reports (the Guidance), published by the Health and Safety Executive (under which the BSR operates), goes further than Regulation 6(2) and suggests that a notice should also include the AP's contact details, the date the incident or risk was identified, and any immediate actions taken to keep people safe.
- 7.2.20 **Prescribed time:** Regulation 6(3) stipulates that an AP must give notice of the safety occurrence to the BSR as soon as reasonably practicable after the occurrence has taken place.
- 7.2.21 An AP must submit a report to the BSR within 10 days of the safety occurrence being identified.
- 7.2.22 **Practicalities:** An AP can submit a mandatory occurrence notice and report online via the following website: <https://www.gov.uk/guidance/submit-a-mandatory-occurrence-notice-and-report>
- 7.2.23 Once the AP has submitted a mandatory occurrence notice, it will receive a reference number which must be included within the report.
- 7.2.24 **Other considerations:** If a safety occurrence was identified before January 2024, a notice and report must still be submitted to the BSR if it meets the definition of a safety occurrence, taking into account safety measures in place, or the risk has worsened and now meets the criteria of a safety occurrence.
- 7.2.25 **Failing to report:** A person, who without reasonable excuse, fails to report a mandatory occurrence, commits an offence and may be liable to prosecution. If you are aware that a mandatory occurrence report has already been submitted to the BSR, the AP should obtain a copy of that report to support its decision not to report the safety occurrence.
- 7.2.26 **Mandatory occurrence reporting system:** As stated above, in accordance with section 87(5) of the BSA, the PAP must establish and operate an effective MOR system which complies with prescribed requirements. Regulation 6(4) sets out the prescribed requirements with which the PAP must comply for the purposes of section 87(5), and these are as follows:
- that there is a single reporting system within the building;
 - that the system enables:
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- the reporting and recording of incidents and situations by individuals to the AP;
 - the recording of incidents and situations identified by the AP;
 - the timely assessment of reports or records of incidents and situations to determine whether they constitute a safety occurrence;
 - the notification and reporting of safety occurrences to the regulator within the required periods;
 - that the system is accessible to all residents and other users of the building; and
 - that there are regular reviews of the system to ensure that it remains effective.
- 7.2.27 **Competence:** In line with requirements to evidence competence within the building safety case, we will undertake a process to review roles, responsibilities, and competencies across the business by liaising with relevant teams such as Flint Housing's Executive Leadership Team, our appointed Housing Management Provider(s) or appointed specialist consultants.
- 7.2.28 **Registration:** All occupied HRBs have been registered with the BSR. Flint Housing shall ensure that all future HRBs are registered with the BSR accordingly.
- 7.2.29 **Certification:** Once invited to apply for one by the BSR, all registered HRBs will have a valid building assessment certificate provided after review by the BSR that will be clearly displayed in the building and will provide the PAPs details, the current building assessment certificate and copies of any compliance notices relating to the building which are still in force.
- 7.2.30 **Resident's voice:** Residents should be and feel safe in their homes. Under the Resident Voice sections of the Act, the PAP is required to:
- provide residents with relevant building safety information;
 - establish a resident engagement strategy specific to each HRB;
 - establish and operate a system for the investigation of relevant complaints and building safety related questions; and
 - employ contravention notices in the event of residents falling short of meeting their safety obligations.
- 7.2.31 **Engagement strategy:** Flint Housing will develop an engagement strategy for our HRBs. This will include how we communicate and share information with residents and identify their needs regarding building safety. This is a key pillar of Resident Voice requirements and sets out our responsibilities as landlord, as well as providing residents with clear guidance on their responsibilities to ensure their building is kept safe. This includes engagement with other potential stakeholders connected to the building such as the Fire and Rescue Service. The engagement strategy will form part of the prescribed submission documents required when requesting building assessment certificates. This strategy may be implemented and supported by Flint Housing's Housing Management Provider(s).
- 7.2.32 **Refurbishments:** Principles set out in the Act relating to refurbishment works within HRBs will be met. A stricter regime for major works including remediation and refurbishments will be put in place to ensure risks posed by changes to the structure and fabric of such buildings are monitored and managed. These apply to schedule 3 and 3A works requiring appropriate schemes to be applied with appropriate oversight. This may be implemented and supported by Flint Housing's Housing Management Provider(s).
- 7.2.33 **Leaseholder protections:** Leaseholder protections have been introduced in the Act to ensure qualifying leaseholders are protected from remediation costs associated with building safety defects for relevant buildings (multi-occupancy buildings which are at least 11 metres in height or five storeys and above). Where Flint Housing undertakes building safety defect remediation on relevant buildings, the following limitations on costs passed on to leaseholders are applied (subject to any additional limitations set out in individual leases):
- limitations have been placed on the permitted maximum cost that can be charged to relevant leaseholders for defects, based on their lease value and location;
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- leaseholders are protected outright from paying any costs associated with the remediation of external cladding defects;
- defect remediation costs must first be applied to those responsible for the defects, such as the developer or client who instructed the building works; and
- any remediation funding costs covered by the building safety fund must also be deducted from costs before they are passed on to leaseholders.

7.2.34 Leaseholder protections are further supported through secondary legislation in The Building Safety (Leaseholder Protections) (England) Regulations 2022, relating to the leaseholder deed of certificates and landlord certificates. Leaseholder protections will be supported with the development of a leaseholder charging policy and related procedures.

7.2.35 **Remediation:** The key role of the PAP is to prevent and reduce the severity of building safety incidents relating to fire or structural failure in HRB. This is actively managed by our building safety team through an ongoing programme to identify and remediate building safety defects. When a building safety defect has been identified, we will consult with our fire engineers and specialist consultants to understand whether temporary mitigation measures are required while we put in place relevant remediation works.

8. Monitoring & quality control

8.1 A quarterly update report will be provided to the Board to ensure that Flint Housing continues to comply with the Act.

8.2 Key performance indicators, such as the number of Fire Risk Assessments overdue, remedial actions and servicing, testing and inspection of fire related activity will be reported quarterly to Board.

8.3 The risks of not following this Policy are that Flint Housing will not comply with the requirements of the Act and the Fire Safety Act 2021 and other legislation such as the Regulatory Reform (Fire Safety) Order 2005 relevant codes of practice and good practice guidance. This may result in:

- Prosecution by the Health and Safety Executive under Health and Safety at Work etc. Act 1974 and the Building Safety Act 2022 (via the BSR)
- Prosecution by the Fire and Rescue Service under the Building Safety Act 2022, RRFSO and/or Fire Safety Act 2021
- Prosecution by the Local Authority under the Housing Act 2004
- Prosecution under Corporate Manslaughter and Corporate Homicide Act 2007
- Regulatory action by the Regulator of Social Housing
- Reputational damage
- Loss of confidence by stakeholders in the organisation

9. Equality and Diversity

9.1 Flint Housing is committed to making sure all services are accessible to all our customers. Our staff will be trained to ensure they are communicating appropriately with our customers, and they are provided with relevant information.

9.2 This Policy will be applied in a way which makes sure we treat all customers with fairness and respect. We recognise our duty to advance equality of opportunity and prevent discrimination or victimisation on the grounds of age, sex, sexual orientation, disability, race, religion or belief, gender re-assignment, pregnancy and maternity, marriage and civil partnership and any other protected characteristic defined within the Equality Act 2010.

- 9.3 We recognise that some protected groups may be disproportionately impacted and will take additional steps in the application of this policy and make reasonable adjustments to ensure compliance with the Act. For example, Flint Housing will:
- Provide a tailored response to the policy according to individual circumstances;
 - Provide support to residents who have difficulty in understanding the contents of the policy; and
 - Provide information on request, in languages other than English, in Braille, Large Print and Audiotape where required
- 9.4 On request, we will provide translations of our documents, policies and procedures in various languages and formats including braille and large print, where a request in respect of each individual item is demonstrably reasonable (and not, for example, vexatious).

10. Review

- 10.1 This Policy will be reviewed in conjunction with our housing management providers to address legislative, regulatory, best practice or operational issues at least every three years, or more frequently where:
- Legislation/regulation or industry changes require otherwise, making sure that it continues to meet our aims and industry best practice; and
 - We identify any problems or failures in this procedure as a result of customer and stakeholder feedback, complaints, or findings from any independent organisations; and
 - We become aware of any other circumstances which may affect the content of this policy.
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Appendix 1 – Building Safety Act 2022 Responsibility Matrix Defined Terms

Defined Term	Full Statute or Regulation Name
BSA	Building Safety Act 2022 c. 30
HRBP Regulations	Building (Higher-Risk Buildings Procedures) (England) Regulations 2023/909
KBI Regulations	Higher-Risk Buildings (Key Building Information etc.) (England) Regulations 2023/396
KPI Regulations	Higher-Risk Buildings (Keeping and Provision of Information etc.) (England) Regulations 2024/41
MSR Regulations	Higher-Risk Buildings (Management of Safety Risks etc) (England) Regulations 2023/907
RHRB Regulations	Building Safety (Registration of Higher-Risk Buildings and Review of Decisions) (England) Regulations 2023/315

Defined Term	Definition	Statutory Reference
Agreed Document	<p>means:</p> <ul style="list-style-type: none"> a) a description, plan or document in relation to HRB work, stage of HRB work or work to existing HRB that was approved by virtue of regulation 7(8) or (10) (building control approval applications for HRB work or stage of HRB work: decisions) or regulation 15(8) or (10) (building control approval applications for work to existing HRB: decisions), or b) where such a description, plan or document is revised: <ul style="list-style-type: none"> (i) in relation to a major change, the plan or document that was approved in accordance with regulation 24(8) or (10) (change control applications: decisions); (ii) in relation to a notifiable change, the version of the plan or document that accompanied the notice to the Regulator given under regulation 20(1) (change control: notification requirements); (iii) in relation to a recordable change, the version of the plan or document that was revised in accordance with regulation 18(2)(b) (change control) and in respect of which a record was made in accordance with regulation 18(2)(a). 	HRBP Regulations, Regulation 2
Aid	<p>In this paragraph "aid" means any of the following:</p> <ul style="list-style-type: none"> a) a fire or smoke alarm; b) emergency lighting; c) a fire alarm activation device; d) any other piece of equipment provided by an RP or AP for the Higher-Risk Building and kept in the building for the primary purpose of 	KPI Regulations, Regulation 2

	assisting evacuation of the Higher-Risk Building in the event of a building safety related emergency.	
Ancillary Building	in relation to a Higher-Risk Building means any structure or section that is attached to but does not form part of that Higher-Risk Building.	KBI Regulations, Regulation 1
AP or Accountable Person	means an accountable person as defined in section 72 of the BSA.	RHRB Regulations, Regulation 1 MSR Regulations, Regulation 2 KBI Regulations, Regulation 1
Building Assessment Certificate	means a certificate issued under section 81 of the BSA.	BSA, section 79(5)
Building Certificate	means a completion certificate or, as the case may be, a final certificate in relation to a building	RHRB Regulations, Regulation 1
Building Control Body	means: a) where the certificate is a completion certificate, the building control authority for the building; or b) where the certificate is a final certificate, the approved inspector or, as the case may be, registered building control approver who gave the initial notice to which the final certificate relates. With a final certificate having the same meaning as in section 51 of the Building Act 1984.	RHRB Regulations, Regulation 1
Building Regulations Compliance Statement	means a document in accordance with paragraph 4 of Schedule 1.	HRBP Regulations, Regulation 2
Building Safety Decision	means a decision by an Accountable Person for the building that: a) is about the management of the building, and b) is made in connection with the performance of a duty of the Accountable Person under, or under regulations made under, this Part.	MSR Regulations, Regulation 10 BSA, section 91(2)
Building Safety Risks	means a risk to the safety of people in or about a building arising from any of the following occurring as regards the building: a) the spread of fire; b) structural failure; c) any other prescribed matter.	MSR Regulations, Regulation 4 BSA, sections 62 and 115
Change Control Log	has the meaning given in regulation 19(1) (change control: record-keeping).	HRBP Regulations, Regulation 2

Change Control Plan	means a document in accordance with paragraph 3 of Schedule 1.	HRBP Regulations, Regulation 2
Client	has the meaning given in Building Regulations 2010 which is any person for whom a project is carried out.	HRBP Regulations, Regulation 2 MSR Regulations, Regulation 8(3) KPI Regulations, Regulation 2
Commercial Unit	means a part of a building in separate occupation which does not contain a flat or a residential room.	HRBP Regulations, Regulation 2
Commercially Sensitive	<p>for the purposes of this regulation, information or material within a document is commercially sensitive where it is not in the public domain at the time that the AP or outgoing person complies with a duty referred to in paragraph (1), and where it discloses:</p> <ul style="list-style-type: none"> a) customer identities that are confidential to the AP, the outgoing person or a third party, b) marketing and product development strategies and analysis that are confidential to the AP, the outgoing person or a third party, c) supplier identities that are confidential to the AP, the outgoing person or a third party, d) cost, price or other quantitative data that is confidential and relates to the operations of the AP's or outgoing person's organisation or to the operations of a third party, e) data or information covered by commercial confidentiality or non-disclosure agreements, or f) any other trade secret of the AP, outgoing person, or a third party. <p>With "<i>trade secret</i>" meaning information, whether or not contained in a document or part of a document, which is not generally known or readily accessible to an AP, a RP or an AP client and has commercial value because it is secret.</p> <p>With "<i>confidential</i>" meaning</p> <ul style="list-style-type: none"> a) in the case of information held by an AP, or any document or part of a document created by the AP, the information, document or part of a document in relation to which the AP has expressly recorded that it is to be treated as confidential; b) in the case of information or a document or part of a document provided to the AP by another person, the information, document or part of a document provided in relation to which that other person has notified that AP that it is to be treated as confidential. 	KPI Regulations, Regulation 17(3) and (6) 1
Completed	in relation to a building means:	RHRB Regulations, Regulation 1

	<ul style="list-style-type: none"> a) in the case of a newly built Higher-Risk Building, when the construction of that building is completed; b) in the case of a building which was not a Higher-Risk Building when built and which becomes a Higher-Risk Building following a change of use, when the change of use occurs that causes that building to become a Higher-Risk Building; c) in the case of a building which was not a Higher-Risk Building when built and which becomes a Higher-Risk Building following works which cause it to become a Higher-Risk Building, when those works are completed. 	
Completion Certificate	means a certificate of a prescribed description that is issued under regulations made under section 1(1) of the Building Act 1984 (building regulations).	BSA, Section 76(5)
Completion Certificate	<p>means:</p> <ul style="list-style-type: none"> a) a certificate issued in accordance with regulation 17 (completion certificates) of the Building Regulations 20106, (aa) a certificate issued in accordance with regulation 44 (completion certificate applications: decisions) of the Building (Higher-Risk Buildings Procedures) (England) Regulations 2023, (ab) where paragraph 5, 10 or 11 of Schedule 3 to the Building (Higher-Risk Buildings Procedures) (England) Regulations 2023 applies in relation to a building, a transfer and completion certificate provided for by virtue of modifications set out in paragraph 5(9), 10(4), or, as the case may be, 11(4) of Schedule 3 to those Regulations, b) a certificate issued in accordance with the equivalent provision of earlier regulations made under section 1 of the Building Act 1984 or section 4 of the Public Health Act 1961, or c) a certificate issued under an equivalent provision of byelaws made under section 61 of the Public Health Act 1936. 	HRBP Regulations, Regulation 1
Completion Certificate Application	an application for a completion certificate in relation to HRB work, a stage of HRB work or work to existing HRB.	KPI Regulations, Schedule 1, paragraph 16(3) HRBP Regulations 2 and 40
Compliance Declaration	<p>In this regulation, "<i>compliance declaration</i>" means a document, signed by the principal contractor (or sole contractor) or the principal designer (or sole or lead designer) to which the declaration relates, that includes:</p> <ul style="list-style-type: none"> d) the name, address, telephone number and (if available) email address of that person; e) the dates of their appointment, and 	HRBP Regulations, Regulation 40(5)

	<p>f) a statement confirming:</p> <p>(i) in the case of a principal contractor (or sole contractor), that they fulfilled their duties as a principal contractor under Part 2A (dutyholders and competence) of the Building Regulation 2010;</p> <p>(ii) in the case of a principal designer (or sole or lead designer), that they fulfilled their duties as a principal designer under Part 2A (dutyholders and competence) of the Building Regulation 2010.</p>	
Construction Control Plan	means a document in accordance with paragraph 2 of Schedule 1.	HRBP Regulations, Regulation 2
Contravention Notice	<p>is a notice that:</p> <p>a) specifies the alleged contravention;</p> <p>b) specifies any steps that the Appropriate Accountable Person considers the relevant person should take in order to remedy the contravention, and a reasonable time for the taking of those steps;</p> <p>c) specifies anything that the Appropriate Accountable Person considers the relevant person should refrain from doing, to avoid further contraventions of the duty;</p> <p>d) contains an explanation of the steps that the Appropriate Accountable Person may take under this section if the notice is not complied with.</p>	BSA, Section 96(3)
Evacuation Information	<p>means information for a person in a Higher-Risk Building about the steps to take to prevent and mitigate risks to themselves and other persons in relation to the spread of fire or structural failure in any part of that building which includes:</p> <p>a) a description of the procedures to be followed and steps to be taken by persons in the building,</p> <p>b) a description of when and in what circumstances a person should evacuate the building, and</p> <p>c) information about any fire safety management measure that may assist a person to evacuate the building.</p>	KPI Regulations, Schedule 1, paragraph 7(3)
Evacuation Strategy	has the same meaning as in regulation 9 of the Fire Safety (England) Regulations 2022.	KPI Regulations, Schedule 1, paragraph 7(2)
External Wall	has the meaning in regulation 2(6) of the Building Regulations 2010.	KBI Regulations, Regulation 1
Fabric Of The Building	means a part of the building that forms, with other parts, the structure of the building including in particular any wall, roof, floor, stairs, doors, windows,	KPI Regulations, Regulation 2

	plumbing, central heating systems, electrical wiring and lighting systems.	
Fire and Emergency File	means a document in accordance with paragraph 5 of Schedule 1.	HRBP Regulations, Regulation 2
Fire and Rescue Authority	means a fire and rescue authority, within the meaning of Part 1 of the Fire and Rescue Services Act 2004, for an area in England.	KPI Regulations, Regulation 2
Fire Risk Assessment	means the record of an assessment by the RP further to the requirement in article 9 (risk assessment) of the Regulatory Reform (Fire Safety) Order 2005.	KPI Regulations, Regulation 2
Fire Safety Management Measure	means any equipment, device or materials (whether or not a fixture or part of the Fabric Of The Building) that: <ul style="list-style-type: none"> a) exists for any of the following purposes: <ul style="list-style-type: none"> (i) preventing fire outbreak and spread in the building; (ii) reducing the spread of smoke from fire; (iii) reducing the severity of any fire outbreak and spread in the building; (iv) aiding or enabling evacuation of the building; b) is located in any part of the Higher-Risk Building, and c) is not a measure provided by a resident for their own use; 	KPI Regulations, Regulation 2
Golden Thread Information	the information and documents prescribed for the purposes of section 88(1) and (2) of the BSA (together "the golden thread information") are set out in Schedule 1 of the KPI Regulations.	KPI Regulations, Regulation 4(3)
Golden Thread Information	has the meaning given in regulation 31 (golden thread).	HRBP Regulations, Regulation 2
Ground Level	means: <ul style="list-style-type: none"> a) where the level of the surface of the ground on which the building is situated is uniform, the level of the surface of the ground immediately adjacent to the building, or b) where the level of the surface of the ground on which the building is situated is not uniform, the level of the lowest part of the surface of the ground adjacent to the building. 	KBI Regulations, Regulation 1
Higher-Risk Building or HRB	means a building in England that: <ul style="list-style-type: none"> a) is at least 18 metres in height or has at least 7 storeys, and b) contains at least 2 residential units. 	BSA, section 115 and 65
Housing Administrator	Has the meaning given in section 95(2) of the Housing and Planning Act 2016.	KPI, Regulation 5(3)
HRB Work	means: <ul style="list-style-type: none"> a) the construction of a Higher-Risk Building; 	HRBP Regulations, Regulation 2

	<ul style="list-style-type: none"> b) work to an existing building that causes it to become a Higher-Risk Building together with any work to the building carried out at the same time as that work; c) such work, if any, which is necessary to ensure a building that undergoes a material change of use to become a Higher-Risk Building complies with the applicable requirements listed in regulation 6 of the Building Regulations (requirements relating to material change of use) together with any work to the building carried out at the same time as that work. 	
Information Or Material In A Document That Is Significant For Managing Building Safety	<p>means information or material given to:</p> <ul style="list-style-type: none"> a) a person who is not an AP for a Higher-Risk Building but is a resident, an owner of a residential unit or a resident client of the Higher-Risk Building, that is necessary to enable them to understand the building safety risks and how those risks to their Higher-Risk Building are being managed by the PAP and any AP for their Higher-Risk Building; b) an AP, a relevant RP, or an AP client, that is necessary to enable them to identify, assess or manage a building safety risk in the Higher-Risk Building or to understand how this is being done by another person who has responsibilities in relation to fire or structural safety for that Higher-Risk Building. <p>With an "<i>AP client</i>" meaning a client that:</p> <ul style="list-style-type: none"> a) is not a resident client, or b) is a resident client of a Higher-Risk Building and is an AP for the same Higher-Risk Building. 	KPI Regulations, Regulation 17(6)
Leaseholder	means a tenant under a lease of a dwelling in a building.	RHRB Regulations, Regulation 1
Liquidator	means a liquidator within the meaning of Part 4 or Part 5 of the Insolvency Act 1986.	KPI Regulations, Regulation 5(3)
Mandatory Occurrence Reporting Plan	is a plan describing the mandatory occurrence reporting system.	HRBP Regulations, Regulation 2
Mandatory Occurrence Reporting System	is a system for the giving of information to accountable persons for the building for the purpose of enabling them to comply with the requirements.	KPI Regulations, Schedule 1, paragraph 12
Monitor	has the meaning given in section A54(1) of the Insolvency Act 1986;	KPI Regulations, Regulation 5(3)
PAP or the Principal Accountable Person	<p>the "principal accountable person" for a Higher-Risk Building is:</p> <ul style="list-style-type: none"> a) in relation to a building with one Accountable Person, that person; 	RHRB Regulations, Regulation 1

	<p>b) in relation to a building with more than one Accountable Person, the Accountable Person who:</p> <p>(i) holds a legal estate in possession in the relevant parts of the structure and exterior of the building, or</p> <p>(ii) is within section 72(1)(b) because of a relevant repairing obligation (within the meaning of that section) in relation to the relevant parts of the structure and exterior of the building.</p> <p>For the purposes of this section:</p> <p>a) the reference to <i>"the relevant parts of the structure and exterior"</i> of a building is to its structure and exterior except so far as included in a demise of a single dwelling or of premises to be occupied for the purposes of a business;</p> <p>b) the reference to <i>"possession"</i> does not include the receipt of rents and profits or the right to receive the same.</p>	<p>MSR Regulation, Regulation 2</p> <p>BSA, Section 115 and 73</p> <p>KBI Regulations, Regulation 1</p>
Partial Completion Certificate Application	<p>an application for a partial completion certificate before occupation where:</p> <p>a) HRB Work or a stage of HRB Work is being carried out in relation to a building and the building (or any part of it) is to be occupied before completion of the work;</p> <p>b) Work to Existing HRB is being carried out in relation to a building and before completion of the work:</p> <p>i. any part of the building which ceased to be occupied in order for the work to be carried out is to be re-occupied, or</p> <p>ii. any new unit created by the work is to be occupied before completion of the work.</p>	<p>KPI Regulations, Schedule 1, paragraph 16(3)</p> <p>HRBP Regulations 2 and 45</p>
Partial Completion Strategy	<p>means a document in accordance with paragraph 6 of Schedule 1.</p>	<p>HRBP Regulations, Regulation 2</p>
Permitted Personal Data	<p>means any personal data that a PAP must display in accordance with section 82(1) of the BSA.</p>	<p>KPI Regulations, Regulation 18(7)</p>
Plans	<p>has the same meaning as in section 126 of the Building Act 1984.</p>	<p>KPI Regulations, Regulation 2</p>
Project	<p>means a project which includes or is intended to include any building work (which has the same meaning as in regulation 3 of the Building Regulations 2010) and includes all planning work, design work, management or other work involved in a project until the end of the construction phase (which means the period beginning when any building work on a project starts and ending when that project is completed).</p>	<p>MSR Regulations, Regulation 8(3) and (4)</p>

Project	means a project which includes or is intended to include any higher-risk building work, or work to the wider building of a higher-risk building, and includes all planning work, design work, management or other work involved in a project until the end of the construction phase.	KPI Regulations, Regulation 2
Recurring Complaints	means any relevant complaint made to a PAP that is made in relation to the same person or in relation to the same, or substantially the same, issue as an earlier complaint.	KPI Regulations, Schedule 1, paragraph 30(2)
Registration Information	means the information described in regulations 11 to 17, 18(1)(a) to (c) and (2) and 19.	RHRB Regulations, Regulation 1 KPI Regulations, Schedule 1, paragraph 3(3)
Regulator	means the Health and Safety Executive.	BSA, Sections 115 and 2
Relevant Accountable Person	in relation to a residential unit, means the Accountable Person who is responsible for a relevant part of the building and " <i>relevant part</i> " of a building, in relation to a residential unit, means a part of the building containing the residential unit.	BSA, Section 76(5)
Relevant Complaint	means a complaint relating to: <ul style="list-style-type: none"> a) a Building Safety Risk as regards the building, or b) the performance by an Accountable Person for the building of any duty under, or under regulations made under, this Part. 	MSR Regulations, Regulation 8(9) KPI Regulations, Schedule 1, paragraph 14 and 30 BSA, Section 93(4) of
Relevant Landlord	means the owner of a Residential Unit in a Higher-Risk Building where an AP for that building has given a Contravention Notice to any person residing in that Residential Unit.	KPI Regulations, Regulation 2
Relevant RP	means any person who is a RP for a Higher-Risk Building and, where applicable, for the wider building of a Higher-Risk Building, but who is not also an AP for the same Higher-Risk Building.	KPI Regulations, Regulation 2
Relevant Safety Item	means: <ul style="list-style-type: none"> a) anything that: <ul style="list-style-type: none"> i. is in, or forms part of, the common parts (as defined by section 72), and ii. is intended to improve the safety of people in or about the building in relation to a Building Safety Risk, or b) any other prescribed thing. 	BSA, Section 95(4)
Resident Client	means a Client who is also a resident of the Higher-Risk Building to which their project relates.	KPI Regulations, Regulation 2

Residential Rooms	means a room, or a suite of rooms, which is not a flat and which is used solely by one or more persons to live and sleep and includes a room in a hall of residence or a residential home, but does not include a room in a hospital, or similar establishment, which is used for patient accommodation.	HRBP Regulations, Regulation 2
Residential Unit	means: a) a dwelling, or b) any other unit of living accommodation.	RHRB Regulations, Regulation 16 KBI Regulations, Regulation 5 BSA, Section 115
Residents' Engagement Strategy	a strategy for promoting the participation of Relevant Persons in the making of Building Safety Decisions.	MSR Regulations, Regulation 10 BSA, Section 91(1)(a)
RP	means the responsible person under article 3 of the Regulatory Reform (Fire Safety) Order 2005.	KPI Regulations, Regulation 2
Safety Case Report	A report which complies with section 85(1) of the BSA.	MSR Regulations, Regulation 5 KPI Regulations, Schedule 1, paragraph 26 BSA, Section 85(1)
Safety Occurrence	means an incident or situation relating to the structural integrity of, or spread of fire in, a Higher-Risk Building that meets the risk condition; and " <i>the risk condition</i> " is met in relation to a part of a building if the use of that part of the building without the incident or situation being remedied would be likely to present a risk of a significant number of deaths, or serious injury to a significant number of people.	MSR Regulations, Regulation 6(5)
Scheme Work	means work to which: a) regulation 20 (provisions applicable to self-certification schemes) of the Build Regulations 2010 applies, or b) regulation 20A (provisions applicable to third party certification schemes) of the Build Regulations 2010 applies.	KPI Regulations, Regulation 2 HRBP, Regulation 2
Security Sensitive Material	material is "security sensitive" where: a) it relates to a building, to land or to any other thing found in or on a building or land, where that building, land or other thing is not part of the Higher-Risk Building or contained in it, or b) it is about a part of the Higher-Risk Building for which the AP is responsible pursuant to section 74 (part of the building for which an AP is responsible) of BSA or it is about anything contained in such a part, and: i. it relates to a Relevant Safety Item, and ii. it discloses how the item operates or how to interfere with its intended function.	KPI Regulations, Regulation 15(2) and 16 (2)

Significant For Managing Building Safety	means any information or material within a document that is necessary to enable the AP, PAP, relevant RP, AP client or fire and rescue authority to identify, assess or manage a Building Safety Risk in the Higher-Risk Building or to understand how this is being done by another who has responsibilities in relation to fire or structural safety for that Higher-Risk Building.	KPI Regulations, Regulation 18(7)
Significant Material Alterations	include: <ul style="list-style-type: none"> a) work which increases or decreases the external height or width of the building; b) work which changes the number of storeys the building has (including adding or removing a mezzanine or gallery floor); c) work which changes the number of residential units contained in the building; d) work which changes the number of, or width of, the staircases in the building or which changes the number of, or width of, any other escape routes within the building; e) work to the external wall of the building excluding work which consists only of materials of a description specified in regulation 7(3) of the Building Regulations 2010 becoming part of the wall; f) work which changes the internal layout of the building. 	MSR Regulations, Regulation 10(2)
Start Date	means the day on which section 32 of the BSA (building control authorities) comes into force in relation to England, ignoring any commencement of that section for the purpose only of making regulations.	RHRB Regulations, Regulation 1
Storey	includes any gallery floor that is a floor open to the storey below and whose internal floor area is at least 50% of the internal floor area of the largest storey vertically above or below it (excluding any floor below ground level).	KBI Regulations, Regulation 1
Structural Safety Measure	means, in relation to a Building Safety Risk of a type referred to in section 62(1)(b) of the BSA in respect of the building or any part of it, anything that: <ul style="list-style-type: none"> a) has been put in place for the purpose of preventing or reducing the severity of any structural failure in the Higher-Risk Building, and b) has not been provided by a resident for their own use. 	KPI Regulations, Schedule 1, paragraph 9(2)
Supervisor	has the meaning given in section 263(2) of the Insolvency Act 1986 (where the supervisor is the supervisor of an individual voluntary arrangement) and the meaning given in section 7(2) of the same Act (where the supervisor is the supervisor of a company voluntary arrangement).	KPI Regulations, Regulation 5(3)

The Register	means the register of Higher-Risk Buildings held by the Regulator pursuant to section 78 of the BSA.	MSR Regulations, Regulation 2 KPI Regulations, Regulation 2 RHRB Regulations, Regulation 1
Transitional Building	means a Higher-Risk Building in relation to which section 91ZA(1) of the Building Act 1984 does not apply (by virtue of regulations made under paragraph 10 of Schedule 1 to the Building Act 1984) on the day the application for registration of that building is submitted	RHRB Regulations, Regulation 1
Work to Existing HRB	means any Higher-Risk Building work (defined in section 91ZA of the Building Act 1984 (c. 55)) which is not HRB work.	HRBP Regulations, Regulation 2
