



NED Network briefing

13 September 2021

Set up by [HACT](#) and [PlaceShapers](#), with the support of [Anthony Collins Solicitors](#) and [Badenoch + Clark](#)

“Developing a building safety case”

A discussion led by Brent O’Halloran

(Building Safety Advisor for Clarion Housing Group & NED at Grand Union Housing Group)

This session explored the challenges and practicalities around developing a Building Safety Case in anticipation of the Building Safety Bill becoming law.

1. What is meant by a “Building Safety Case”?

The Case is the argument you make to prove that your building is safe that then should enable other compliance requirements from the Bill should more easily fall into place. The discussion noted:

- The Bill currently applies to and defines higher risk residential buildings as 18m+ (or 7+ storeys) but notes this could be dropped to 11m+ (or 4+ storeys) under subsequent regulations. The Bill could apply to “complex buildings” eg. any buildings where residents have complex needs, such as sheltered housing or extra care so it has potentially much wider future application and we are ‘on notice’. Brent stressed that all housing NEDs should be attuned with the Case requirements.
- A Case is defined as an evidence-based approach which identifies hazards and risks and then puts in place a safety management system. You need to demonstrate that you are making the case for safety for each one of your HRRBs; this applies to existing buildings as well as new builds. This information needs to be gathered from various sources and put into the Case.
- The Case is a legal requirement in the Bill. The newly formed Building Safety Regulator (“BSR”) will expect RPs to submit their Cases at “regular intervals” i.e. every 5 years or upon any major works done or any change of ownership to the building. The BSR in turn will issue a Certificate of Occupation if they feel the Case has been successfully made.

2. What needs to change?

The key points are:

- The need for sharing good practice & learning from each other, as stressed by Dame Hackitt (author of Hackitt Report).



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- Brent explained most RPs are stuck in a “compliance paradigm” where safety reports tell Boards (on a horizontal axis) how they are performing on separate disciplines: eg. gas, electrical, lifts, fire & equipment for their multiple building types. However, the approach to safety needs to be asking (on a vertical axis) whether the reports across these disciplines confirm a building is safe. Therefore, asking is this building safe? Not, merely, is this building compliant?
- Grenfell has underscored the fact that housing is now seen as a life critical industry (alongside oil, gas, nuclear, defence, rail and aerospace) and is to be regulated as such.
- A good Case should be simple to understand; perhaps no longer than 20 pages. RPs should move away from common building safety practices of gathering all relevant information in a “data dump”. RPs need to make the case succinctly and diligently for safety using the information they gather; it must be reported better. There is currently no perfect template for how to report so the sector must develop and learn from each other.

3. How do you put together a Building Safety Case?

Brent has used safety experts from other industries to teach methodologies for demonstrating safety that can now apply to the housing sector. The example given was a “claim - argument - evidence” structure. This starts with a claim (the top claim typically being “this building is safe”); supported by further sub-claims, which are in turn related to arguments supporting those with evidence to back up each point. Assumptions can also be put in to caveat, where appropriate.

Any Case built needs to be central to existing IT systems as information will need to be sourced and brought together from existing asset management systems, housing management systems and any other sources of information. For example, a new gas certificate should be uploaded to the existing system and automatically updates the Case to show the renewal has been completed.

Suggested contents for a Case:

- safety management system (how are you managing the building? Who is the accountable person?)
- hazard identification and risk analysis
- bow-tie analysis for fire and structural integrity (not covered in detail)



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- golden thread proving the provenance of the building (this is about data quality; do we know what has happened to the building throughout its life? Also covers existing buildings)
- current compliance and performance information
- resident engagement strategy (which should be a tailored approach to your building)
- fire and emergency file (what to do if there is a fire)

A Building Safety Report is different to the Case; the former is only a snapshot of safety on a specific day, a Case is a living, breathing and more holistic document.

4. What do we mean by “safe”?

All the Health and Safety Executive will say is “ALARP” i.e. you need to manage risk to as low as reasonably practicable. Clarion proposes five conditions to establish for its HRRBs:

- a building safety manager in place (can be responsible for multiple buildings)
- a localised resident engagement strategy
- a golden thread
- a structured safety case
- an interactive, automatically updated building specific performance tool

5. Learning points

Brent highlighted the main learning points for him have been:

- some existing management tools had to be let go
- there is little prescriptive guidance available on Cases at this time and so much has to be developed from scratch (recommend making use of safety experts/consultants)
- there is a difference between a Case and Building Safety Report (as above)



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- building safety managers are extremely useful and valuable
- resident engagement needs to be tailored to the building
- the golden thread needs to be about the overall provenance of the building

6. Final thoughts

Key to this all is that cultural change is needed and not just practical change. RPs should not wait for legislation to pass but to get started on this now.

Recommended Reading: "Catastrophe and Systemic Change – Learning from the Grenfell Tower Fire and Other Disasters" by Gill Kemick – an ex Grenfell resident.

Q&A

1. Developing Building Safety Cases has been slower and more intensive than originally thought so it has involved developing the right template with the first building and then using that template going forward. There will be things that Cases have for every building but there will be other elements of bespoke safety for each building.
2. It is not clear when subsequent Regulations may extend the Bill to include 4+ storey buildings and complex needs properties – the Bill is simply enabling legislation. However, we are all already on notice due to recent catastrophic events in social housing, eg. fires in timber frame housing that have spread beyond the original unit where the fire should have been contained. If a catastrophic event happens in an RP's building then they will need to answer the question of why this happened and what regime they had in place to stop it. There is a moral and reputational case to answer even if the building is not currently covered by the Bill.
3. Developing the Building Safety Case is a new requirement for the sector and so the external safety expert engaged by Clarion was extremely helpful, applying certain models from other sectors to housing, eg. the "claim – argument – evidence" structure. We may think we know a lot about safety but this may not be accurate when compared across sectors. As the housing sector learns more from each other, these expert consultants will be needed less, but they are helpful to get things started.



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4. There is still a requirement for linear compliance reporting because all the information is still relevant; it just needs to be analysed and reported in a new way. It is hard to say at the moment where the shortcuts may be but, as more of us in the sector do this, we can learn from each other and share best practice.
5. Resident engagement on building safety is different to other methods of resident engagement. We need to be knocking on doors and asking whether residents know what to do when things go wrong, eg. do they know what to do in a fire or where to report issues to etc? Often residents can tell us things that we can't learn elsewhere so consider introducing them to Building Safety Managers early on. After all, we go to our own homes at night whilst it is residents who live in these buildings, it's their safety we are there to protect so we should avoid paternalistic attitudes.
6. We should be as transparent as we can with residents about building safety information, even if there are inconvenient truths. RPs should not put their reputations ahead of residents. They would prefer us to be open and transparent, even with any faults we uncover, rather than operate in a secretive way and hide information or attempt to be paternalistic or "dumb down" information.
7. In recent years there is a question whether, as a sector, we have become transfixed on customer service. However, we need to understand that the ultimate customer service is to keep residents safe in their buildings. Risk therefore needs to be at the top of priorities and so cultural change is needed in this respect.

Michael Brownlee & Peter Hubbard

Anthony Collins Solicitors LLP

Next meeting

What do we as Board members need to think about in response to ITV's 'Surving Squalor' investigation?

In conversation with Rachel Honey-Jones, Head of Community Regeneration at Newydd HA and Board Member at Merthyr Valley Homes

Monday 27 September, 4.00-5.00pm

Book your place: <https://us02web.zoom.us/meeting/register/tZwpfu2tpzkrHtbWruJHbYM6wuKgovIA6EbU>