

Dame Judith Hackitt
Independent Review of Building Regulations and Fire Safety
Ministry of Housing, Communities and Local Government
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Mr Clive Betts MP
Chair of the Communities and Local Government Select Committee
House of Commons
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Via email

11 January 2018

Dear Clive,

Communities and Local Government Select Committee

Thank you for your letter of 9 January 2018, and for the opportunity to provide evidence on the interim report of the Independent Review of Building Regulations and Fire Safety on 18 December 2018.

As I explained to the Committee, my intention is that the direction of travel set out in the interim report leads to a simpler and more effective system of building regulation and fire safety that will assure residents that their homes are, and will continue to be, safe to live in. The second phase of my review will focus on defining what such a system will look like.

During my appearance before the Committee, I agreed to follow up on a number of points raised by Members in the course of the session (to which you have referred in your letter). I have addressed these below, and hope that my answers are of assistance.

International Comparators

I was asked for examples of countries that use an interpretive, outcomes-based model of building regulation.

I am of the view that we must be cautious with this sort of international comparative analysis because cultural, legal and regulatory frameworks vary considerably from one country to another, and each element is fundamental to the effectiveness of how a system operates in practice.

However, it is worth noting that the Building Code of Australia (BCA) uses such an approach. Whilst offering a degree of prescription, the BCA also allows other approaches that satisfy its performance standards. Basing the BCA on performance is viewed as giving industry greater opportunities to develop innovative, cost effective solutions. Similarly, New

Zealand's system aims to provide a consistent approach to building control across the country, whilst enabling flexibility in the means of regulation compliance, although a degree of prescription does remain.

Domestic Electrical Appliances

I was asked whether the second phase of my review would explore the current regime for testing domestic electrical appliances.

Whilst I understand the interest in this topic, and its importance, it does not fall within the Terms of Reference of the Review. However, I have met with BEIS Ministers, and will continue to engage with BEIS officials to consider any relevant aspects of their work on product safety within the context of the Review.

Part P

I was asked whether consideration of Part P of the Approved Documents will be included in the next phase of my work.

The Review is considering the effectiveness and efficiency of the overall building regulatory and fire safety system, and my recommendations aim to make systemic and culture change, including by improving regulations and guidance – for example by streamlining guidance to provide a holistic approach to delivering building outcomes, including building safety. As such, the recommendations will impact on the suite of Approved Documents.

I am looking at the overall regulatory system for high-risk and complex buildings through the lens of fire safety. Therefore, my recommendations, particularly around: first, ensuring competence throughout the industry; and, secondly, how to improve the provision of guidance (as currently set out in the Approved Documents), will undoubtedly have an impact beyond Part B – likely to include Part P. However, I do not consider that it would be beneficial for my review to deviate from its initial scope so as to undertake a detailed consideration Part P (in the same way as it has for Part B). I know the Secretary of State for Communities and Local Government updated you on 2 November 2017 on the work that the Department has done in relation to monitoring the impact of Part P of the building regulations; I am supportive of this work.

I hope that the Committee finds the information provided useful, and I look forward to discussing the final report with you when it is published this spring. In the meantime, I would reiterate that the information I have provided to date has been based on my interim report, rather than any final recommendations, and that the final report will provide much more detail about how a revised system would work, and be more effective.

A handwritten signature in black ink, appearing to read 'Judith Hackitt', with a long horizontal flourish underneath.

Dame Judith Hackitt DBE FREng