The IET’s submission to the call for written evidence on the Fire Safety Bill
(‘the Bill’) by the Public Bill Committee. 8 June 2020

1. The Institution of Engineering and Technology (‘IET’) is Europe’s largest professional and technology organisation with 168,000 members drawn from industry, academia and the public sector. The members represent a wide range of expertise, from technical experts to business leaders, encompassing a wealth of professional experience and knowledge. Our primary aims are:

   a) to provide a global knowledge network, promoting the exchange of ideas between business, academia, governments and professional bodies, and enhancing the positive role of science, engineering and technology
   b) to address engineering and technology challenges that society faces in the future

A Summary of the IET’s submission

2. The IET welcomes the Government’s commitment to safety, demonstrated by the Bill. The IET supports the proposed amendments in the Bill, and believes that its passage will significantly increase safety for high rise residents. However, the IET would also like to propose four additional amendments. We believe that these amendments will strengthen the Bill and improve resident safety. These amendments align closely with Dame Hackitt’s recommendations in Building a Safer Future. They also enhance the provisions of the Regulatory Reform (Fire Safety) Order 2005.

3. The IET’s proposed amendments to the Bill are summarized below:

   a) That those who undertake construction-related work or who have oversight responsibilities demonstrate individual, contextualised, professional competence
   b) That the number of skilled fire safety assessors is increased to meet requirements
   c) That responsibilities and accountabilities are established with a ‘golden thread’
   d) That a construction industry professional code of conduct and ethics is established

For the purposes of this submission, the IET uses the word ‘construction’ to encompass all construction, installation, fire detection and maintenance aspects relevant to high rise buildings. This wider definition is essential as the safety of the electrical installation is paramount in such buildings. There is a significant risk of fire if incorrectly designed, installed or maintained.

4. The IET believes that these amendments will help put fire safety at the heart of all construction projects. We believe that they will raise the standard of the work delivered, improve the professionalism of practitioners, lead to greater transparency and, above all, improve the safety of residents.
The IET’s full submission

5. The IET welcomes the Government’s commitment to safety, demonstrated by the current Fire Safety Bill. The IET also welcomes the Government’s commitment to a forthcoming Building Safety Bill. Together the passage of the two bills will significantly increase safety for high rise residents.

6. The IET supports the proposed amendments in the Bill. However the IET believes that the Bill would be enhanced by the inclusion of four additional amendments. The aim of these amendments is to provide a step change in professionalism and safety within the construction industry. It would be achieved by ensuring that practitioners had to demonstrate and maintain the requisite skills, and that the roles and responsibilities of all stakeholders are clear and adhered to throughout the full lifecycle of construction projects, from design and build through to occupation and maintenance. In so doing, the IET’s proposed amendments aim to:

   a) raise the standard of construction work delivered
   b) improve the professionalism of practitioners
   c) provide greater transparency and accessibility of systems and processes to all stakeholders
   d) improve the safety of residents and their trust in the construction process.

For the purposes of this submission:

   e) the IET uses the word ‘construction’ to encompass all construction, installation, fire detection and maintenance aspects relevant to high rise buildings. This wider definition is essential as the safety of the electrical installation is paramount in such buildings. There is a significant risk of fire if incorrectly designed, installed or maintained.
   f) the IET uses the term ‘golden thread’ to include both the data from systems relating to design, operation and service, and the clear and linked responsibilities and accountabilities from individuals involved in these processes.

7. The proposed four amendments are detailed below. These amendments align closely with Dame Hackitt’s recommendations in ‘Building a Safer Future’. We believe that they also enhance the provisions of the Regulatory Reform (Fire Safety) Order 2005. References are made accordingly with the amendment proposals.

8. Proposed Amendment 1 - Individually Competent Practitioners: That those who undertake construction-related work, or who have oversight responsibilities for such work, demonstrate individual, contextualised, professional competence to recognised standards, and have verifiable registration with a recognised, relevant professional body.

9. The IET proposes the need for individually competent practitioners to be enshrined in law, especially for those deemed to be the ‘Accountable Person’. This is to ensure that individuals demonstrate that they have the underpinning knowledge, experience and the long-term capability to apply their skills effectively and safely in the specific area of work being carried out. This will reinforce best practice delivery, and support effective governance and assurance.

10. Responsible and Accountable Person roles could be mapped to a relevant new recognised standard competence framework for professional registration.
11. The IET recognises that competence would need to be independently assessed on a regular basis and rigorously enforced with Continuing Professional Development (CPD). This would ensure that the required, standardised level of competence is maintained by individual practitioners. As well as demonstrating the capability of the individual, it would give confidence to relevant overseers and employers of an individual’s capability.

12. There are already some established competence framework models. The IET has experience of doing contextualised capability assessments for the electrical sector via the established Electrician EngTech standard. This has been set up through joint Professional Engineering Institution (PEI) collaboration. We have member experts who assess the individual competence of engineers / technicians across a range of disciplines, working in or with the construction sector. As a further example, the IET also compiled a systematic assessment framework with several other professional bodies, the IET Competency Framework for Independent Safety Assessors.

13. The IET would like to caution against a repetition of what happened when Part P of the Building Regulations, England and Wales, came into force in 2005. There should not be a ‘fast-track’ scheme enabling qualification and registration. A scheme should not allow people to become registered as competent without demonstrating the required level of capabilities. This would undermine the effectiveness of the scheme and confidence in its ability to improve industry practices and standards.

14. This amendment relates to a number of Articles in the Regulatory Reform (Fire Safety) Order 2005, including:

a) Art. 2 Interpretation – The lack of a clear definition of ‘competence’ makes subsequent references to it open to interpretation with regards to professionally accepted standards, scope, skills / experience required, peer assessments and reviews, frequency of reassessment, governance and assurance of competence standards and delivery.

b) Art. 15 Procedures; (1) (b) – The assumption is that the ‘responsible person’ is sufficiently competent in all required areas to be able to assess and nominate others of sufficient competence for the role. There is no reference to the professional accountability of the responsible person or nominated persons if either should fall short of undefined standards.

c) Art. 17 Maintenance; (1) & (2) The ‘responsible person’ and other occupiers must ensure good maintenance, but this is dependent on having competent individuals to ensure ‘efficient working order’ and ‘good repair’.

d) Art. 24 Power to make regulations; 24 (2) (f) – It would be helpful if this were expanded beyond fire precautions, to make sure that persons employed more widely throughout the life cycle of a building received appropriate training to ensure ongoing individual professional competence.

15. Proposed Amendment 2 - Skilled Fire Safety Assessors: That measures are put in place to ensure the availability of an increased and sufficient number of fire safety experts, in a coherent, comprehensive and joined up system, so as to meet the growing demand for expert training, governance and assurance effectively, and to help deliver the required safety improvements within the shortest practicable timeframe.

16. The IET supports the need for an increased number of fire safety experts to help assess and deliver improvements more quickly in a joined-up, coherent system. Gearing up professional competence, as outlined in Proposed Amendment 1, would help increase the number of fire
safety experts. In turn, this would improve the number and quality of professional assessments, with the aim of delivering improvements more quickly, and so enhancing resident safety at the earliest opportunity.

17. There have been concerns over the demand for and shortage of competent fire safety assessors. Issues over assessor numbers were highlighted in the London Fire Brigade report of 10/10/18. Issues relating to the need for a joined-up, coherent system of professional competence assessment (including those needed in high-rise residential buildings (HRRBs)) were highlighted in the Fire Risk Assessor Working Group Report. The needs relating to this amendment can only grow with the inclusion of HRRBs (and a potential extension to other high-risk buildings) in the provisions of the Bill. Governance and assurance relating to the competence of practitioners (Proposed Amendment 1) cannot be achieved effectively without the levels of fire safety experts to ensure standards are in place and maintained.

18. We propose that measures would include a specification for training and qualifications, regulated by the Office of Qualifications and Examinations Regulation (Ofqual). Such a competency framework scheme specification would correlate with relevant professional registration, and could be tiered for practitioner and expert levels.

19. This amendment relates to a number of Articles in the Regulatory Reform (Fire Safety) Order 2005, including:

a) Art. 9 Risk Assessment - This Article could be enhanced by reference to the competence level that the reviewer must have, the frequency of reviews, the key areas that reviews must include, the availability of the risk assessment report to all stakeholders and an assurance process.

b) Art. 11 Fire safety – It’s unclear what arrangements are applicable where either the responsible person employs under 5 employees, or where work is sub-contracted.

c) Art. 13 Fire-fighting; (3) (b) and (4) - The definition of competence assumes the responsible person has the knowledge and experience to make a reasoned judgement of the professional competence of others in a wide range of fields. ‘Sufficient training’ is a value judgement that doesn’t define the level and currency of qualifications / experience (or frequency of reassessment), or the parameters of where such experience is valid.

d) Art. 18 Safety Assistance; (6) & (7) - These could suggest self-assessment with regards to competence levels on the part of individuals not directly employed by the responsible person. This could lead to issues of standardisation and impartiality.

e) Art. 21 Training - This focuses solely on safety training. The frequency of training and the need for updates is covered, but it doesn’t define such factors as the level of training (‘suitable and sufficient’) or the competence of the trainer. It implies the responsible person is fully competent to make the required judgement.

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20. **Proposed Amendment 3 - Clear Responsibilities and Accountabilities:** That a ‘golden thread’ of responsibilities and accountabilities is established with clear role differentiation, relating to safety critical systems, and with a view to minimising the dangers and consequences of fire.

21. The IET believes that a transparent ‘golden thread’ and the clear differentiation of roles related to safety critical systems would significantly minimise fire dangers in high-rise buildings, as per the aim of the Bill.

22. Such a ‘golden thread’ would minimise fire dangers where responsible individuals had accountability over the lifetime of the building. It would aim to put a stop to short cuts taken by those who are not competent. Furthermore, it would address the over-riding need for professionalism from those who commit to a professional code of conduct and ethical behaviour. This is particularly important where the Accountable Person may change through the building life cycle. The ‘golden thread’ would cover all the relevant stages of a project: design, construction, verification, commissioning, occupation and the maintenance of the building throughout its lifetime. It would also include a traceable handover mechanism to ensure a visibly joined-up approach. Enshrining a ‘golden thread’ in law would be much more robust than currently adopted audit trail practices.

23. A ‘golden thread’ would support more effective action to prevent or remedy fire-related issues. Safety critical systems would be clearly identified and highlighted in any risk assessment to ensure no dangerous failure of the safety function during maintenance, testing or in the event of a fire.

24. The ‘golden thread’ would be a digitally kept record that is accessible to all relevant parties, maintained, monitored and enforced to ensure its integrity and best practice ability to respond to changing needs and developments. It would hold information about an asset’s design, construction and maintenance history. The exact detail of what information would be held and who would be able to access it would depend on what the asset is, what it would be used for, and who it would be used by. Safety systems and procedures would be central to the digital records.

25. The legal responsibility for ensuring this information is kept relevant and up to date would fall to the Accountable Person (client or building owner) and their nominated Building Safety Manager (BSM). The BSM would need to be an independent party, not the contractor or other project stakeholder. As a technical role, the expectation is that a BSM would be professionally registered. Thus their digital record would be held by the relevant professional institution. There would also be others whose roles required professional registration and up to date records. Professional institutions already maintain registers of members holding professional registration. Individuals’ details would be checked at compliance gateways at the end of each stage, and a project would not be able to progress without proof of compliance.

26. A ‘golden thread’ with clear responsibility and accountability throughout a building’s lifecycle would give much greater transparency to stakeholders, and clear routes / processes for speedy, quality action and the resolution of issues. It should lead to more open communication channels with residents which would help build trust and confidence that the system and processes had their interests and well-being at heart.
27. This amendment relates to a number of Articles in the Regulatory Reform (Fire Safety) Order 2005, including:

a) **Art. 3 ‘responsible person’** - There’s no reference to key terms such as accountability, ‘golden thread’ of responsibilities or transparent information.

b) **Art. 5 Duties; (2) & (3)** - There is a gap with regards to ultimate responsibility / accountability, which only extends ‘so far as the requirements relate to matters within his control’. There is no clarity over who has overall responsibility / accountability to ensure safe premises.

c) **Art. 17 Maintenance** - There are no details to ensure a golden thread and assurance of transparent records, or overall accountability to ensure timely, effective maintenance is carried out and logged. (4) is not specific over the scope / degree of co-operation, nor does it make reference to competent individuals carrying out the work.

d) **Art. 19, 20 & 23 Provision of information / General Duties** - The 2005 Order did not include domestic or other properties so there are no Articles covering the provision of information to such parties.

e) **Art. 22 Co-operation and co-ordination** - The main obligation for co-ordination by a person with overall responsibility is where there is an ‘explosive atmosphere’. This leaves significant ambiguity in terms of oversight, assurance, direction and overall accountability, where other key risks and issues may be present.

28. **Proposed Amendment 4 - Code of Conduct and Ethics**: That a code of conduct and ethics is established in the construction industry, to put in place best practice and to engender support and trust from residents.

29. The IET suggests working to put in place a commitment to a professional code of conduct and ethics within the construction industry. We recognise that embedding this will require an industry culture change. However, we believe that adoption by key players and their networks would go a long way towards making such practices industry norms and engender support and trust from residents. Adoption should be encouraged by Government by making this a requirement for companies bidding for Government contracts.

30. The IET is very supportive of ways of engendering a long-term industry culture change. The IET recognises the need to address improved public safety and is keen to assist with developing policies and procedures to achieve this. Codes of Conduct and Professional Ethics are already in place for individuals registered with professional institutions such as the IET, and form part of Professional Registration. Although such codes are publicly available, wider public awareness and adherence remains necessary.

31. Codes of Conduct for Fire Safety with guidance and legal standing could be established along the lines of the Approved Codes of Practice set up by the Health and Safety Executive. These have specific legal weighting and an onus on individuals to demonstrate compliance. Such Codes could be standardised and badged across a range of professional organisations and incorporated in professional registration schemes. This would promote wide dissemination across different areas of expertise and compliance with requirements.

32. The need for significant reform is highlighted by Dame Hackitt who states:

‘A cultural and behavioural change ... is now required across the whole [construction] sector’

(Building a Safer Future, Interim Report p6)
The issue relates to ‘an industry that has not reflected and learned for itself’ (ibid, Final Report, p5)

The IET recognises that it will take time for industry to adopt a code of conduct and ethics. Legislation would support such changes, but equally the focus needs to be on the hearts and minds of industry practitioners. This may be done through collaboration with construction industry champions to promote Professional Codes of Conduct and Ethics, so as to inspire changes in the working practices of upcoming practitioners from within the industry itself.

Optimistically Dame Hackitt noted ‘the strong support ... to drive a major culture change throughout the whole system.’ (ibid, Final Report, p7).

33. This amendment is not covered by Articles in the Regulatory Reform (Fire Safety) Order 2005.

Final Comments

34. Fire safety should be at the heart of all construction projects – the implications of getting it wrong are too severe. The four proposed amendments from the IET aim to put into practice recommendations from the Building a Safer Future report. They align with and build on Articles in the Regulatory Reform (Fire Safety) Order 2005. The amendments have been proposed by the IET’s members and volunteers, who are senior engineers with extensive knowledge and years of experience within the construction sector. The IET’s overarching aim is to improve the professionalism of the construction industry for the betterment of fire safety and the security of those who rely on it.

35. The IET welcomes the Fire Safety Bill and its contribution to safety. If the above points are not accepted for the Bill, the IET hopes that they will be considered for inclusion in the forthcoming Building Safety Bill.

36. The IET would welcome the opportunity to discuss these proposed amendments with the Committee in more detail at its convenience.