

Introduction

The Institute of Materials, Minerals and Mining (IOM3) is a major UK science and engineering institution whose activities promote and develop all aspects of the materials cycle. IOM3 represents and supports over 15,000 individual members and has drawn on this bank of knowledge to prepare this response.

IOM3 brings together professionals with expertise across a range of materials and is well placed to facilitate knowledge sharing and collaboration. This response focusses on the most relevant questions to IOM3 and the key aspects relating to competence and construction products.

How well does the Bill, as drafted, meet the Government's own policy intentions?

The draft Bill is an important step forward to implement the recommendations from the Dame Judith Hackitt Review and lays the foundation for long term reform of the building safety system. The secondary legislation that follows will be crucial to ensure the Bill successfully achieves its objectives and will provide the necessary details and clarity to reveal the true extent to which the regulatory regime for building safety will be strengthened.

As well as learning from what went wrong from past cases of fire and structural failure it is also useful to look at what worked well, for example in the structural design, to improve the safety of buildings and prevent tragic events from happening again.

Does the draft Bill establish an appropriate scope for the new regulatory system?

The appropriate scope is a complex balance between risk and the successful implementation of the regulatory regime with adequate resourcing, including skills and knowledge, within the desired timeframe. Extending the proposed scope of 'higher-risk building' further from buildings containing more than the 10 storeys recommended in the Judith Hackitt Review to buildings containing more than 6 storeys is a positive step, as is the inclusion of student accommodation. However, risk is not based solely on building height and other factors such as the vulnerability of occupants and potential consequences should be considered. Further work is required to identify the appropriate scope using a more sophisticated risk matrix and to ensure the regulations and resources are targeted effectively.

It is important that government can respond quickly in the future and has the flexibility to broaden the definition and scope.

Will the Bill provide for a robust – and realistic – system of accountability for those responsible for building safety? Are the sanctions on those who do not meet their responsibilities strong enough?

A framework and associated accreditation, alongside the required competence, based on scientific knowledge, is required to provide a robust and realistic system of accountability for those responsible for building safety. The shortage of available skills will need to be addressed and appropriate training made available to upskill the sector.

Clarity of the synergies and links between the draft Building Safety Bill and Fire Safety Order would be useful.

Does the Bill improve the product testing regime in a way that will command the full confidence of the sector?

Product testing will play a key role and should be focused on a systems-based approach taking into consideration how the products interact and work in association with other products.

A proactive approach should be implemented to identify product performance for construction products, including under fire load. An extra layer of independent scrutiny with a way of feeding back experience of product problems/failures with a Failure Mode and Effects Analysis (FMEA)¹ type approach would be beneficial.

Is it right that the new Building Safety Regulator be established under the Health and Safety Executive, and how should it be funded?

The Health and Safety Executive has substantive experience and is well established. The current skills gap, however, presents a significant challenge. The Health and Safety Executive will require appropriate resourcing to enable new specialist expertise to be developed and the designated responsibilities to be carried out successfully.

Additional comments: Construction products

The proposed changes to extend the regulatory framework to cover all construction products and to create a statutory list of 'safety critical' construction products are positive steps. The proposed requirement for construction product manufacturers, importers and distributors to ensure that clear and reliable information is available will be useful to facilitate monitoring, assessment and verification of products.

A key element of this regime will be the development and adoption of relevant standards that properly consider the real-life use of materials and products. IOM3 is well placed to bring together the relevant parties involved in the provision of and testing criteria for safety critical products.

The definition of 'the built environment industry' in clause 35, makes no specific reference to manufacturers of products or components of systems intended to be installed in buildings. Product manufacture is a vital part of the built environment and should be included as part of the industry definition.

Additional comments: Competence

Competence is a key aspect of the draft Bill and relevant professional and trade bodies are well placed to provide useful and positive support in the development, demonstration, and maintenance of competence.

Clause 6: Facilitating improvement in competence of industry and building inspectors

As recognised in the Independent Review, competence is an area where improvement is needed across the built environment sector. Whilst Clause 6 is a step in the direction, this could go further than 'assistance and encouragement as it considers appropriate' to empower the Building Safety Regulator to ensure that persons in the built environment industry and registered building inspectors are maintaining their competence within their respective fields.

Relevant professional and trade organisations are well placed to define, develop and assess competence standards as well as support and encourage their individual members to build and maintain their competence.

Clause 10: Committee on industry competence

The current landscape for ensuring competence is fragmented, complex and inconsistent as identified by the Independent Review. Collaboration within the built environment and an expert led, industry focussed committee will help to ensure a consistent approach across the different disciplines. The built environment spans a vast and varied range of building structures which could lead to a complex and broad remit for the industry competence committee. Whilst the ability to set up sub-committees may provide support, careful planning and consideration should be given to the scope and to ensure

¹ Failure Modes and Effects Analysis (FMEA) is a systematic, proactive method for evaluating a process or activity to identify possible failures and their impact. It includes consideration of failure modes, causes and effects

the desired functions are able to be carried out successfully. Reviewing sector specific competence frameworks against the overarching competence framework and identifying gaps and making recommendations for improvements will contribute to a more consistent approach.

Relevant professional and trade organisations are well placed to support the functions set out.

Clause 39: Industry competence

Relevant professional and trade bodies could provide a route to demonstrating individual and organisation competence. Statutory guidance to support these requirements should be clear and set out practical examples of the skills, knowledge, experience and behaviours and organisational capability required to work on higher-risk buildings. In addition, guidance with examples of how competence can be demonstrated would be useful.