

# **Building safety Mandatory Occurrence Reporting (MOR)**

Department: Property safety

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### **1. Introduction**

1.1 Mandatory reporting is a requirement introduced by the Building Safety Act 2022, which aims to improve the fire and structural safety of higher-risk buildings in the UK. Higher-risk buildings are defined as at least 18 metres in height or having at least 7 storeys and have at least 2 residential units.

1.2 Mandatory reporting requires named duty holders responsible for the safety of higher-risk buildings to capture and report certain fire and structural safety issues, called 'safety occurrences', to the Building Safety Regulator (BSR). Safety occurrences are incidents or risks that could cause:

- the death of a significant number of people
- serious injury that needs immediate treatment in hospital for a significant number of people
- a permanent or irreversible disabling condition to a significant number of people

1.3 Some examples of safety occurrences are:

- defective building work that compromises the safety of the building
- failure of fire safety systems or equipment
- damage to the building's structure or cladding
- fire or smoke spread within or outside the building
- discovery of structural defects or degradation of construction materials
- total or partial collapse of the building

- 1.4 Mandatory reporting applies to different duty holders at different stages of the building's life cycle. During the design and construction stage, the principal designer and the principal contractor are responsible for mandatory reporting. During the occupation stage, the principal accountable person, and the accountable person(s) are responsible for mandatory reporting.
- 1.5 Mandatory reporting must be done in a specified way and time, as set out by the BSR. Failure to report a safety occurrence without a reasonable excuse is a criminal offence and liable on summary conviction to a fine.
- 1.6 Mandatory reporting is designed to help the Building Safety Regulator monitor and enforce the safety standards of higher-risk buildings, and to prevent and mitigate the risks of fire and structural failures. It also aims to promote a culture of safety and accountability among the people involved in the design, construction, and management of higher-risk buildings.

## **2. Objectives**

- 2.1 This procedure will:
  - explain the roles and responsibilities for mandatory reporting
  - describe how Ealing Council will respond to an occurrence that requires a mandatory report to be made to the Building Safety Regulator and the timescales
  - show our commitment to engaging with residents

### **3. Buildings in scope**

- 3.1 Ealing Council currently has 29 buildings that are over 18 metres in height, and therefore if any occurrence occurs as outlined in section 1.2, this will need to be reported to the Building Safety Regulator. This list is contained in the Building Safety Policy.

### **4. Roles and responsibilities**

- 4.1 The strategic director of housing and environment is responsible for ensuring the Building Safety Regulator is advised of a major incident or significant risk being identified. This will be supported with an initial outline report and provided within 72 hours. The strategic director will receive regular updates of the action plan to rectify the issue or risk, enabling regular liaison with the Building Safety Regulator.
- 4.2 The assistant director for housing asset management is responsible for leading our response to a mandatory reporting occurrence. The assistant director will work with the head of building safety to establish a working team to respond to the incident or risk. The assistant director will provide regular updates to the strategic director to facilitate regular liaison with the Building Safety Regulator.

The assistant director will engage with the portfolio holder for housing and other teams (corporate health and safety, responsive repairs, planned works, neighbourhood, and regeneration teams). Consideration will be given to the need for interim measures to alleviate any risks to the residents living in the building.

- 4.3 The head of building safety will lead on the information gathering and investigation and advise the strategic director, assistant directors, heads of department within 2 hours of a significant risk identified or incident. The head of building safety will work with the assistant director to support our response to the incident or risk, investigate, review the findings, and implement an action plan.

The head of building safety will always be a member of the working team and responsible for the production of a written report detailing the outcome of the investigation and action plan to provide to the assistant director. The head of building safety will oversee the programme of work required to mitigate or remove the risks and respond fully to the incident and further requests for information from stakeholders.

- 4.4 Building safety managers (BSMs) have been allocated individual blocks for which they are accountable for the identification and management of safety measures and potential risks. These are contained within the Building Safety Policy. The BSMs undertake periodic inspections of all higher-risk buildings where Ealing Council are the landlord. They are responsible for identifying any new specific hazards and managing the delivery of mitigation or remedial works to their blocks. Where a BSM identifies a significant risk or occurrence, or has one raised to them by either a council colleague, tenant, or external party, they will review the level of severity of the risk and whether it constitutes a significant risk or occurrence necessitating Mandatory Occurrence Reporting or needs to be reviewed internally to ensure captured and actioned on the current remediation programmes. If not currently raised then this should be added as a live task for inclusion in the relevant programme.

Significant risks or occurrences are deemed by Ealing Council to be:

- intolerable failure of fire safety systems or equipment that cannot be returned to operation within 24 hours. This is not deemed to include individual Fire Risk Assessment (FRA) components such as door closers, faulty or damaged fire doors or other remedial items that would be actioned within the FRA action programmes, unless listed as intolerable and not able to be addressed within 24 hours
- significant damage or failures to the building's structure or cladding not already identified within a blocks building safety case and remedial works plan. This may be failure of building materials, or a new risk identified that alters the fire strategy of the building or significantly compromises resident safety
- significant incident causing damage to a building that could lead to a partial or full collapse, or compromises fire safety that alters the fire strategy of the building or significantly compromises resident safety

If it does constitute Mandatory Occurrence Reporting, the BSM is responsible for:

- immediately raising to the head of building safety (and assistant director of asset management if unable to contact)
- gathering immediate information with which to brief relevant stakeholders
- raising the incident on the corporate health and safety portal and specifically labelling it as an MOR

- notifying the London Fire Brigade relevant point of contact and portal
- 4.5 The housing management team, when they are carrying out their routine estate inspections in these blocks, will bring any concerns to the attention of the BSM in the first instance. The BSM will take the appropriate escalation action dependent upon the circumstances.
- 4.6 Ealing Repair Service team, when they are carrying out their routine duties in these blocks, will bring any concerns to the attention of the BSM in the first instance. The BSM will take the appropriate escalation action dependent upon the circumstances.
- 4.7 Estate services team, when they are carrying out their routine duties in these blocks, will bring any concerns to the attention of the BSM in the first instance. The BSM will take the appropriate escalation action dependent upon the circumstances.
- 4.8 Any other Ealing employees that are carrying out their routine duties in these blocks, will bring any concerns to the attention of the building safety manager in the first instance. The BSM will take the appropriate escalation action dependent upon the circumstances.
- 4.9 Ealing Council operates a “don’t walk by” approach.
- 4.10 Our contractors have an obligation to alert the relevant project manager or contract manager team to report any concerns or potential mandatory occurrence incidents or occurrences to Ealing. We will then make a co-ordinated report to the Building Safety Regulator if appropriate to do so.

## **5. Alerting the building safety team of an occurrence**

- 5.1 In order to alert the building safety team and specific BSM, any member of Ealing Council and those listed in sections 4.5 to 4.8 as well as their supply chains, should notify the shared mailbox and call the dedicated reporting phonenumber. These details are:

Telephone: 0800 181 744

Email: [buildingsafety@ealing.gov.uk](mailto:buildingsafety@ealing.gov.uk)

These will be monitored at all times during business hours by a member of the buildingsafety team. Major incident protocols and escalation apply outside of business hours.

Ealing Council residents within a higher-risk block will be provided these contact details as part of the resident engagement process and posted onto electronic and manual noticeboards where applicable in order to provide residents with a means of reporting issues with health and safety or safety concerns for their building.

The telephone number will be staffed and answered by the Ealing building safety administration team. Details will be taken from the resident and passed to the relevant BSM (or deputy if absent) to assess and progress as per the process.

The council complaints team will evaluate complaints or feedback received from tenants to ensure that there are no potential MORs, or health and safety concerns raised within the content of the communication.

If there are concerns, these will be passed to the building safety team inbox and be assessed through the same process as above.

As part of the initial assessment, it may be necessary to contact a member of staff or resident and therefore it is critical that contact details and time of contact is included within the information provided.

Please note: this does not include process for new build or regeneration requirements.

## 6. Reporting and timescales

6.1 The guidance issued by the government states we must submit a notice to the Building Safety Regulator as soon as possible. We have interpreted this as within 72 hours of an incident or identified risk.

There is a [standard format template](#) of completing the notice in the building safety team SharePoint drive under Mandatory Occurrence Reporting.

To submit a notice, we need to inform the Building Safety Regulator:

- the name of our strategic director for housing and environment and contact details
- the building control application reference, or the building's registration number
- if the building is occupied, complete but not occupied, or under construction
- the site or building address

- a brief description of the significant risk or incident
- the date and time the risk or incident happened or was identified
- if we have already taken action or our plan to keep people safe

6.2 Once we have submitted a notice, we must provide a full report to the Building Safety Regulator within 10 working days of the incident occurring or the risk being discovered. We can provide the full report immediately after submitting the notice if we have the information available. To submit a full report, we need to tell the Building Safety Regulator:

- if we are reporting an incident or a risk
- if the incident or risk relates to structural failure or the spread of fire, or both
- what happened and what caused it
- who has been affected and in what way
- what you have done to keep people safe, which includes any action you have taken to address the incident or risk
- how the incident or risk was discovered

We will also need to send any supporting information, for example scanned documents or photographs.

6.3 After we submit the report, the Building Safety Regulator will contact us if they need any more information. At the time of submitting the report we may intend to gather more information; we need to advise the Building Safety Regulator when we expect to have the extra information.

### **7. Other teams involved**

- 7.1 All visiting teams that work in the housing and environment directorate and the corporate health and safety team will be briefed and made aware of our mandatory reporting requirements. This will be achieved by circulating this procedure to all housing directorate colleagues, publishing in the council intranet and providing briefings to all frontline and site-based staff during April and May 2024. These will then form the basis of an annual refresher routine regarding building safety and Ealing Council requirements. This will ensure all staff report incidents or risks they identify as they go about their day-to-day activities.
- 7.2 Depending upon the incident or risk, we may need to notify the repairs team. This may be so they can alert contractors to the risks or incident. The repairs team may become involved to help us manage any interim solutions, working alongside the responsive repair contractor. The head of repairs (or relevant senior deputy) from the response repairs team will be coordinated with and attend the working group that is responding to the incident or identified risk.
- 7.3 The head of capital (or relevant senior deputy) from the capital works team will be coordinated with and attend the working group that is responding to the incident or identified risk. Depending upon the incident or risk, we may need to involve the planned works or capital team. This may be so they can alert contractors to the risks or incident. The planned and capital team may become involved to help us manage any longer-term solutions, working to implement the action plan and coordinating planned work with a contractor within an agreed timescale.

- 7.4 There will always be a representative (relevant senior) from the neighbourhood housing and leasehold team on the working group that is responding to the incident or identified risk. Depending upon the incident or risk, we may need to know information about residents whether there are any specific needs, anyone in the block who uses an oxygen cylinder for example, it is vital these teams are involved at an early stage to make sure we meet our resident's needs. These teams will help coordinate communication with our residents and may lead on any decants that might be necessary.
- 7.5 Depending upon where the incident or risk occurs, we may need to notify the regeneration team. There may be need to have a representative from the regeneration team on the working group that is responding to the incident or identified risk.

## **8. Contractor engagement**

- 8.1 All contractors appointed to work on our behalf in the higher-risk buildings that are over 18 metres in height as listed in the building safety policy will need to be familiar with this procedure and be aware of their own mandatory reporting responsibilities and the council's requirements. This will be achieved through the provision of this procedure and confirmation of understanding during the contractor onboarding process and site induction stage and documented for record purposes by the relevant project manager or BSM.

## 9. Resident engagement

9.1 Customer services teams must be included.

9.2 At the same time, we report any mandatory occurrence to the Building Safety Regulator we will notify all residents of the incident or risk and commit to keeping them informed at agreed intervals throughout the period following the incident or risk being identified, through to when the risk has been removed. Notifications will include physical attendance to tenant meetings, groups or individual property updates. Letters, posters and electronic or physical notice boards will be used to provide information. Residents will be provided:

- details of the incident
- contact details for the BSM and duty holders
- any change to the fire strategy of the building
- implications to the current or revised fire strategy
- any mitigations measures or actions
- any remedial measures or actions
- anticipated timescales for the above