

Building safety policy

Department: Housing asset management

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1. Scope

- 1.1 This policy applies to all high-rise blocks as defined in the Building Safety Act (BSA) which currently defines high-rise (also referred to as higher risk) buildings as those of 18m+ in height, or 7 storeys and above. This includes all tenure types including leasehold.
- 1.2 This policy applies to housing stock only, buildings in existence and buildings under development.
- 1.3 Based on the current requirements of the BSA, Ealing Council has 28 buildings this policy applies to, this list will be reviewed every 6 months. For clarity these are:
 - Arlington Court
 - Aspect House
 - Barrington Court
 - Beaumaris Tower
 - Burghley Tower
 - Churchill Court
 - Corfe Tower
 - Cormorant House
 - Dunlin House
 - East Acton Lane (39-97)
 - Falcon House
 - Gainsborough Tower
 - Gleneagles Tower
 - Harlech Tower
 - Hill Court
 - Honiton Court
 - Ipswich Court
 - Kestrel House

- Loddon Court
- Ludlow Court
- Moreton Tower
- Perceval Court
- Rufford Tower
- Rutherford Tower
- Sheringham Tower
- St Andrews Tower
- Vertol House
- Woburn Tower

2. Aims

2.1 This policy aims to provide an overview of key considerations and steps for implementing the Building Safety Act:

- effectively manage all risks identified for all residents living in, employees who work in and around these buildings and members of the public
- ensure effective action plans are in place to mitigate any risks and remove them as soon as reasonably practicable
- demonstrate how Ealing Council will mitigate these risks to ensure we comply with our legal requirements and the requirements of the Regulator of Social Housing and the Building Safety Regulator
- provide clear lines of responsibility across the buildings Ealing Council owns and manages for the effective management of resident and building safety in our 28 higher risk blocks
- demonstrate that the council takes the safety of residents seriously and treats everyone fairly

3. Policy statement

- 3.1 As owners and managers of high-rise blocks, we have a duty of care to ensure that the homes, communal areas, and buildings we own and manage are safe, for residents and their visitors and those that work in and around them, as well as the general public. This policy sets out how we will meet the requirements of the Building Safety Act 2022, the Fire Safety Act 2021, and other legislative and regulatory changes as applicable.
- 3.2 This policy details how our approach to building safety will comply with the legislation and how we will ensure that buildings that are in the scope of legislation are effectively managed to ensure every resident that lives there and their visitors, and people that work there are kept safe.

4. Meeting our requirements of the Building Safety Act 2022

- 4.1 We will familiarise ourselves with the provisions and requirements outlined in the Building Safety Act and associated regulations.
- 4.2 We will determine the competent authority responsible for overseeing the implementation of the Act and ensure proper communication channels are established.

5. Building safety case

- 5.1 The council will develop building safety cases for higher risk buildings (HRBs) outlined in the Building Safety Act and associated regulations.
- 5.2 We will include comprehensive information on the building's design,

construction, fire and structural safety measures, maintenance plans, and emergency procedures.

- 5.3 We will engage relevant experts, as necessary to ensure the building safety case is robust and thorough.

6. Building safety managers

- 6.1 The council will appoint competent building safety managers for HRBs who will oversee compliance and act as a central point of contact for residents.
- 6.2 We will ensure building safety managers possess the necessary qualifications, experience, and training to effectively carry out their responsibilities.

7. Resident engagement

- 7.1 The council will establish effective communication channels with residents, providing regular updates on building safety matters.
- 7.2 We will ensure and maintain resident participation in the building safety process, such as reporting concerns or issues promptly.
- 7.3 The Building Safety Act also covers the conduct of residents over the age of 16 in the higher-risk building. It states they:
- must not act in a way that creates a significant risk of a building safety risk materialising
 - must not interfere by damaging, removing or do anything that interferes with the intended function of a safety item
 - must comply with a request, made by the appropriate accountable person, for information reasonably required for

their purposes of complying with the duties in the Act

- 7.4 Residents also can escalate complaints to the Building Safety Regulator.
- 7.5 Residents that live in our 28 higher risk blocks were consulted as part of the formation of this policy. The performance information detailed in section 16 was also developed with engagement from residents in our higher risk blocks.

8. Building safety risks

- 8.1 The council will conduct comprehensive risk assessments for HRBs, focusing on fire safety, structural integrity, and other hazards.
- 8.2 We will identify and prioritise actions required to mitigate risks, ensuring appropriate resources are allocated to address critical issues promptly.
- 8.3 We will maintain proper records of risk assessments and remediation actions taken.

9. Complaints in relation to a building safety risk

- 9.1 The Building Safety Act requires the principle accountable person (head of building safety) for a higher risk building to establish and operate a system for the investigation of a complaint relating to a building safety risk as regards to the building or the performance by an accountable person for the building. All complaints follow the complaints policy that is fit for purpose for this requirement.

10. Gateway process

- 10.1 We will familiarise ourselves with the gateway process outlined in the Building Safety Act.
- 10.2 Where we are required to do so, we will ensure compliance with the gateway requirements at each stage of the building's life cycle, including design, construction, occupation, and refurbishment.
- 10.3 We will engage with the competent authority/bodies to obtain necessary approvals and certifications.

11. Building safety information

- 11.1 We will establish a robust system for collecting, managing, and maintaining building safety information (golden thread).
- 11.2 The Building Safety Act, creates a legal duty on duty holders and accountable persons to create, obtain, store and share documents and information about our buildings in a prescribed format, this includes the 6 main principles of:
- kept digitally

- kept securely
 - a building's single source of truth
 - available to people who need the information to do a job
 - available when the person needs the information
 - presented in a way that people can use
- 11.3 We will ensure all relevant documentation are up to date and easily accessible.
- 11.4 We will implement secure digital platforms to facilitate efficient information exchange among stakeholders.
- 11.5 We will meet our obligation to register the HRB's with the Building Safety Regulator and work with the Building Safety Regulator in ensuring full compliance with the regulator.

12. Contractor engagement

- 12.1 We will make sure all contractors working in our higher risk buildings have access to the "golden thread" documents.
- 12.2 Contractors, and others working on Ealing Council homes and communal areas are required to demonstrate that their representatives are competent and understand how the work they undertake may impact on the fire safety of the building and to take appropriate measures to ensure that the fire safety integrity of the building is not compromised.
- 12.3 In addition, those working on buildings within scope of the Building Safety Act 2022 must be able to demonstrate their competence in accordance with the appropriate Publicly Available Standard (PAS).

13. Leaseholder protections

- 13.1 Leaseholder protections have been introduced in the Act to ensure qualifying leaseholders are protected from remediation costs associated with building safety defects for relevant buildings (multi-occupancy buildings which are at least 11 meters in height or five storeys and above).
- 13.2 Where the council undertake building safety defect remediation on relevant buildings, the following limitations on costs passed on to leaseholders are applied (subject to any additional limitations set out in individual leases):
- limitations have been placed on the permitted maximum cost that can be charged to relevant leaseholders for defects, based on their lease value and location
 - leaseholders are protected outright from paying any costs associated with the remediation of external cladding defects
 - defect remediation costs must first be applied to those responsible for the defects, such as the developer or client who instructed the building works
 - any remediation funding costs covered by the building safety fund must also be deducted from costs before they are passed on to leaseholders

14. Equality and diversity

- 14.1 An equality impact assessment 'initial screening' has been carried out which has shaped this policy.
- 14.2 This policy will be applied in a way which ensures equality of treatment for all customers without discrimination, or victimisation on account of any protected characteristic as defined within the

Equality Act 2010. In drafting this policy, the council has had regard to its public sector equality duties under s149 of the Equality Act 2010, namely the need to:

- eliminate discrimination, harassment, victimisation, and any other conduct that is prohibited under the Act
- advance equality of opportunity between people who share a relevant protected characteristic and persons who do not share it
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it

14.3 Where we are aware that a resident may have difficulty in safely evacuating their home, we are completing person centred fire risk assessments (PCFRAs). PCFRAs help to identify residents who are at higher risk from fire in their own home, whether this is due to their behaviours or their ability to respond and escape from a fire for example residents with disabilities. The PCFRA focuses on 3 key areas:

1. an increased fire risk
2. ability to react to a fire or alarm
3. ability to respond and escape from a fire

15. Managing risk

15.1 The risks of not following this policy are that the council will not comply with the requirements of the Building Safety Act and the Fire Safety Act 2021 and other legislation such as the Regulatory Reform (Fire Safety) Order 2005 (RRFSO), relevant codes of practice and good practice guidance. This may result in:

- loss of life
- prosecution by the Health and Safety Executive under Health and Safety at Work Act 1974
- prosecution by the Fire and Rescue Service under the Building Safety Act 2022, RRFSO and/or Fire Safety Act 2021
- prosecution under Corporate Manslaughter and Corporate Homicide Act 2007
- a judgement of serious detriment by the Regulator of Social Housing
- reputational damage
- loss of confidence by stakeholders in the organisation

16. Monitoring and review

16.1 The day-to-day responsibility for building safety for the council's housing stock implemented in line with this policy has been delegated, via the chief executive, to the strategic director of housing and environment.

Performance is monitored by the senior leadership team in Housing & Environment against targets of key performance indicators (KPIs) namely:

In all 28 higher-risk buildings >18metres in height:

- 100% with monthly building safety inspection report in place
- 100% with a premises information box inspected will be checked monthly and contain all the relevant information
- 100% fully compliant with wayfinding signage

- 100% of doors to individual homes inspected in the past 12 months
- 100% of communal doors inspected in the past 3 months
- 100% of lifts for use by firefighters, evacuation lifts, and essential firefighting equipment with evidence of a monthly routine check
- 100% with residents updated with all key information in the past 12 months
- 100% registered with Building Safety Authority
- 100% with key documentation sent to London Fire Brigade

16.2 The performance information is shared with appropriate engaged residents.

16.3 We will regularly review and monitor the qualifications of all contractors' employees delivering works to ensure that only appropriately trained and skilled employees are engaged on our higher risk buildings.

16.4 This policy will be reviewed every 3 years unless it needs to be reviewed sooner, for example due to legislative changes. It is anticipated that in future years the buildings that are within the scope of the BSA may change (for example to include buildings over 11m+ in height). This policy will be reviewed and updated should these changes occur. We will also keep the performance indicators under review as our work with the Building Safety Regulator develops.

17. Governance

17.1 The council's cabinet has overall responsibility for ensuring that this policy is implemented to ensure compliance with the law.

In practical terms, the chief executive reports to cabinet to demonstrate accountability for corporate health and safety across the council and will also ensure that property health and safety compliance management duties in its landlord function are properly controlled and managed.

The day-to-day responsibility for building safety management in the council's housing stock has been delegated, via the chief executive, to the strategic director of housing and environment. These arrangements are monitored by the housing and environment leadership team.

18. Legal framework

Health and Safety at Work Act 1974

Housing Act 1985 Section 105

Housing Act 1988 Schedule 2 Part III

The Workplace (Health Safety & Welfare) Regulations 1992

Housing Act 2004

The Regulatory Reform (Fire Safety) Order 2005

The Management of Health & Safety at Work (Amendment) Regulations 2006

Corporate Manslaughter and Corporate Homicide Act 2007

Equality Act 2010

Fire Safety Act 2021

Building Safety Act 2022

The Fire Safety (England) Regulations 2022

The Building Regulations 2010 – Approved Document B

19. Associated policies and procedures

Corporate health and safety policy

Complaints policy

Resident engagement strategy

Fire safety policy

Fire safety procedure

Gas safety policy

Gas safety procedure

Lift safety policy

Lift safety procedure

Housing Household Vulnerability and Reasonable Adjustments Policy