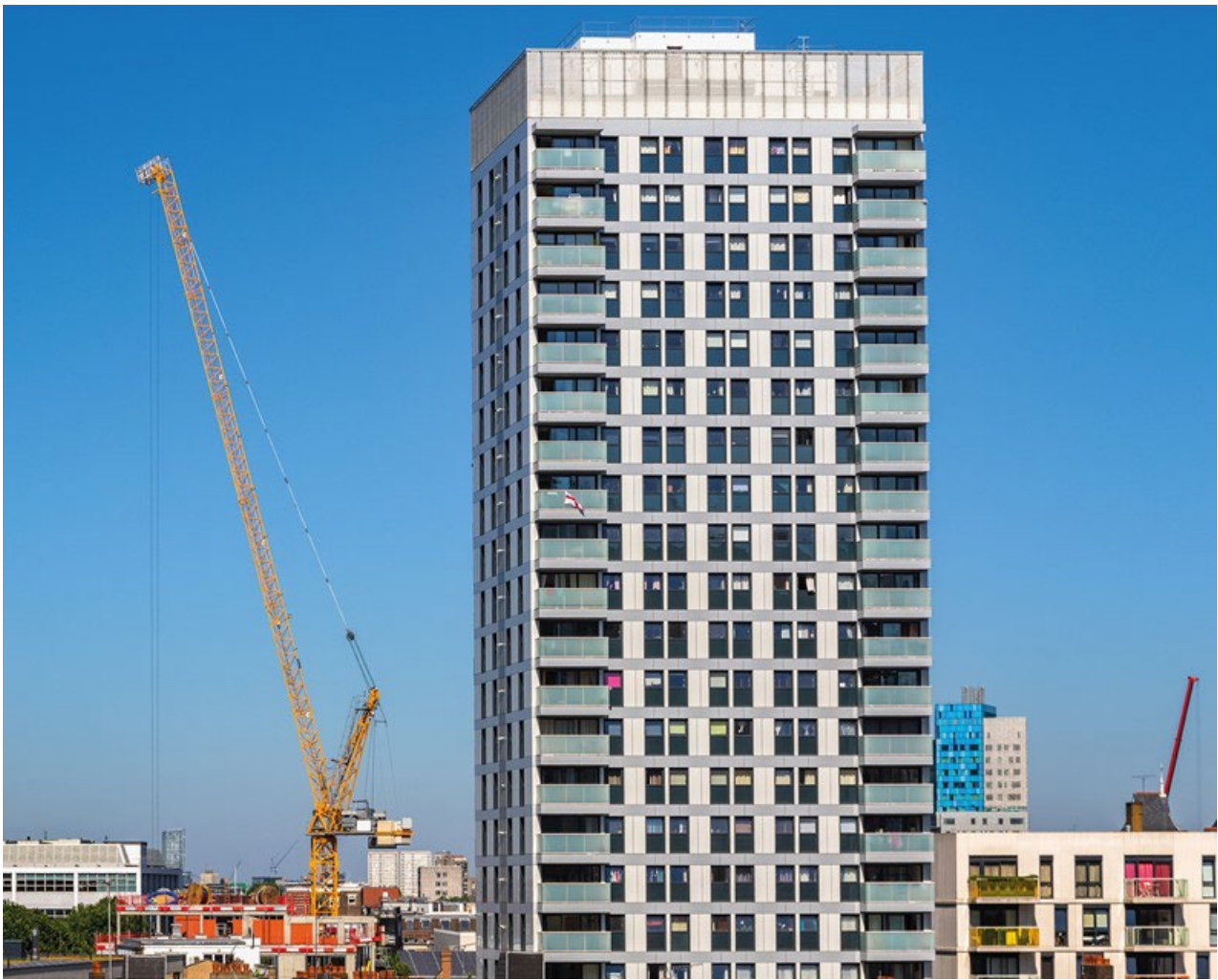


Research Summary

Insight into Accountable Persons

Insight and Service Design Team, Health and Safety Executive
Research conducted by Kantar Public

August 2023



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Glossary of acronyms

- ALMO – Arm’s Length Management Organisation
- AP – Accountable Person
- BSR – Building Safety Regulator
- HRB – High-Rise Building (also known as Higher Risk Building)
- HSE – Health and Safety Executive
- KBI – Key Building Information
- PAP – Principal Accountable Person
- RMC – Resident Management Company
- RTM – Right to Manage Organisation

Background and Objectives

Commissioning

This report is a summary of qualitative research conducted by Kantar Public in 2023. This research was commissioned by the Insight and Service Design team at the Health and Safety Executive (HSE). The content of this report, including any opinions and/or conclusions expressed, are the views of the agency alone and do not necessarily represent the view of HSE.

Business context

One of the objectives of the Building Safety Act, passed in 2022, is to make fundamental and lasting changes to the way that high-rise buildings (HRBs) are constructed, managed and maintained. Note, these buildings are known as Higher Risk Buildings in the Building Safety Act.

HSE has been tasked with introducing a new Building Safety Regulator (BSR) with responsibilities to oversee HRB standards and safety.

A key element of the new regime is the introduction of a new Accountable Person (AP) role to place clear accountability and legal responsibilities on those who own or have responsibility for occupied HRBs. The Principal Accountable Person (PAP) is the person or organisation with responsibility for the structure and exterior of the building. In cases where ownership is shared, then other organisations are known simply as Accountable Persons, and it is the role of the PAP to coordinate the fulfilment of duties. PAP/APs can be organisations or individuals from the social housing sector (e.g. housing associations, local authorities or arm's-length management organisations) or non-public sector (e.g. private organisations such as freeholders, developers, asset managers and voluntary-led organisations such as Resident Management Companies or Right to Manage Companies).

During the occupation stage of HRBs, PAPs and APs will be required to undertake duties that contribute to the safety of the building and residents, including (for each HRB) to:

- Register their building with BSR and provide Key Building Information (KBI)
- Apply for a Building Safety Assessment Certificate when invited by BSR
- Produce a Resident Engagement Strategy
- Provide a complaints process relating to building safety

- Implement a system for Mandatory Occurrence Reports¹.

This research aimed to develop a contextual understanding of PAPs, APs and other organisations involved in building management (e.g. Managing Agents), including their understanding of and levels of preparedness for new duties, to inform the development of policy, operations and communications relating to the new regulator².

¹ This study aimed to explore the industry's response to the accountable person role, including registration, resident engagement, and complaints handling duties, which were immediate priorities during the data collection period. Engagement activities with the industry were conducted separately from this study on the Mandatory Occurrence Reporting (MOR) duty. A guidance document on MOR was published in October 2023, available at: <https://www.gov.uk/guidance/reporting-a-mandatory-occurrence#how-to-report>.

² For guidance and information about the Accountable Persons role and responsibilities, please visit <https://www.gov.uk/guidance/safety-in-high-rise-residential-buildings-accountable-persons>.

Research Methodology

This research took a qualitative approach across two phases: in-depth, semi-structured interviews and deliberative workshops.

An initial phase of online, in-depth, semi-structured interviews was conducted amongst a total of 46 organisations. 27 of these were in the non-public sector (including asset managers, developers, managing agents, Resident Manage Companies (RMC) and Right to Manage (RTM) organisations and student accommodation providers) and 19 in the public sector (including local councils, housing associations and arm's length management organisations (ALMOs)). An initial 90-minute interview was conducted with a lead individual from all organisations; a further 45-minute follow-up interview was conducted with another relevant individual in 15 of these organisations. Recruitment for these interviews took place between December 2022 and March 2023.

Following this, a series of six 90-minute online deliberative workshops were conducted with a total of 21 participants who had previously taken part in depth-interviews. These deliberative workshops were each themed around a different element of the duties and involved participation from HSE staff working on the establishment of BSR.

Main Findings

The Accountable Person Role

Organisations that took part in the research were typically aware of the AP role and had some understanding of the duties that will be required of them, many of which they typically saw as an extension of existing working practices. However, there was also widespread confusion about some aspects of the new roles. Some organisations also reported some challenges with the implementation of the role within the existing working structures.

Confusion was most pronounced around the difference between the AP and PAP role. Many organisations were confused about how these roles related and what distinguished them from each other. As some duties were seen to be specific to the PAP and others were assigned at an AP level, many organisations believed that they would need to assign both a PAP and an AP.

As the legislation refers most commonly to the 'Accountable Person', some assumed that the PAP was an administrative role sitting under the over-arching AP duties. Others saw the two roles as offering a managerial structure where different duties would be split across multiple APs within an organisation, that would all report to a PAP. Around a quarter of organisations correctly understood that the PAP role was the primary role and that APs would only be assigned in cases in which responsibility for a HRB is shared across multiple organisations.

There was also confusion and debate around whether these roles should be assigned at an individual or organisational level. The word 'person' led many organisations to assume that the role would be held at an individual rather than corporate level. The PAP responsibility for registration also led some to believe that this would need to be a specific person.

This confusion meant that organisations were interpreting where the legal duty should be assigned for the PAP and AP roles in a variety of ways. Where it was perceived as necessary or preferable for individuals to take the role on, there were questions over who was qualified to do so. In addition to this, in organisations in which the duties covered by the AP role were currently being fulfilled by managing agents, some assumed that the managing agent would take on the AP role.

Even when the roles, and the relation between the AP and PAP roles, were understood, the AP role could be seen as difficult to identify or assign in the context of complex leasehold arrangements. This made it challenging for organisations to identify where

responsibilities should lie. There were also questions about how the new regulations and duties under the BSR would interact with other regulations and roles that are already established, such as the Responsible Person under the Fire Safety Order 2005.

Building Registration³

At the time of research, awareness of the requirement to register buildings was high and most organisations that took part in research also understood that they would need to register buildings by October 2023. There was also widespread acceptance of the need to register, which was typically understood as foundational for BSR in its role of regulating HRBs.

However, many organisations felt they lacked important information about what the process would involve and this was acting as a barrier to them preparing to register. Information on the process, including Key Building Information (KBI), was provided as part of the research and this was generally reassuring to participants. Some smaller organisations, particularly RMCs and RTMs, felt concern about certain elements of requirements, particularly the provision of KBI.

The most common point of confusion across organisations was related to KBI. Organisations wanted to know exactly what KBI would be needed, to what level of detail, in what format and at what point in the process. Organisations also wanted clarity around BSR's expectations when it came to missing KBI for older buildings. When shown stimulus outlining the likely KBI requirements, most elements were seen as reasonable to action. However, some questioned whether building completion certificates would be needed for all buildings, as they were not always in possession of the required information for older buildings.

Another common point of concern was related to cost. Most organisations were not aware initially that there would be a fee for registration and, where they were, estimates of the cost varied widely. When shown stimulus outlining the fee amount and process for payment, concerns shifted from the amount to the fact that payment was credit card-based, as this was not typical or easy to action for most organisations, particularly larger ones.

Some organisations, particularly those with large portfolios, were also worried about the timescales for registration, and wanted to know the consequences if they were unable to register and submit KBI for all buildings by the planned deadline. There was also little understanding that, during the registration transition period, the 28-day window for submitting KBI after initial registration would not apply.

³ All fieldwork took place before the registration period opened on 12th April 2023

Resident Engagement

The amount and quality of information that organisations were collecting about residents varied greatly. Some organisations only collected the contact details from leaseholders and did not have any information about tenants who may be renting from those leaseholders. Others were collecting detailed information about all residents.

Information was most commonly collected from residents at the start of a tenancy or on the sale of a property. Beyond this moment, organisations that were prioritising the collection of resident information were using various methods to engage, including out-reach events and door-knocking. The collection of other information varied widely (for example, collection of data about additional needs, such as disabilities or language requirements). It also typically depended on individuals self-identifying as needing additional support.

Non-public sector organisations were typically storing information about leaseholders on an internal Customer Relationship Management system. Engagement activities were often carried out through a digital app or a portal. There was a wide range to the extent of engagement, but in best case examples, engagement was prioritised as a way to ensure customer satisfaction – for example, in the Build to Rent sector. The exception to this was RMC and RTM organisations. While RMC and RTM organisations were already doing some form of engagement with residents, it was often not formalised or systematic. It often relied on informal routes like social media groups.

Public sector organisations were less likely to have systematic customer engagement tools, but typically placed a greater focus on ensuring that the needs of vulnerable residents were being met. Engagement activities typically included a mix of digital and in-person methods. Key challenges were seen to be modernising systems to help streamline the engagement process.

Overall, awareness of the need for a Resident Engagement Strategy was high, with participants supporting this element of the Building Safety Act. Many organisations expected to be able to adapt their existing engagement approaches to comply with the new regulations. However, there was a desire for clarity around the extent to which organisations would be required to consult with residents, whether separate strategies would be needed for each building, and how strategies would be assessed by BSR.

Complaints Handling

Organisations were typically confident in their current complaints handling processes and expected that with just some small changes they would be able to fulfil their duty under BSR. Most organisations reported multiple channels by which residents could make complaints, including online and via phone. A smaller number also had staff onsite who could field complaints. Regardless of the route, complaints were typically directed to a

central team, where it was then categorised and dealt with accordingly. Most organisations then had processes setting out time limits within which they would first acknowledge a complaint and then notify what action had been taken to respond.

Most complaints at present related to service charges, maintenance issues or the behaviour of other residents. By contrast, complaints relating to fire or structural safety were very rare across all organisations. Most organisations were not planning on having a separate complaint handling process for the fire and structural safety issues, but to use existing processes to recognise which complaints need to be handled under the new regulations.

Organisations raised some concerns about the right for residents to escalate complaints, as they felt this could lead to BSR being inundated with complaints not directly relating to resident safety. Some also wanted guidance on how the BSR's escalation process would work alongside that already offered by the Housing Ombudsman Service; and about how they should be communicating the escalation process to residents.

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