

Research summary

Building Safety Regulator: Resident Engagement Strategy (RES) guidance research

Insight and Service Design Team, Health and Safety Executive

Research conducted by Kantar Public

October 2023



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Commissioning

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

Background and objectives

Business context

Section 91 of the Building Safety Act (BSA) states that the Principal Accountable Person (PAP) for a higher-risk building (HRB) must produce a Resident Engagement Strategy (RES) that provides residents with a real say in how the safety of their home is managed.

This RES will need to set out the PAP's approach to consultation and engagement. Each RES will need to be localised and bespoke, reflecting the needs of the residents of each building. It will be a live document that PAPs must constantly update based on interactions with residents.

The legal duty of bringing together a RES is expected to commence in 2024. PAPs are expected to be required to submit their RES as part of their application for a Building Assessment Certificate (BAC) when the Building Safety Regulator (BSR) directs them to do so, a process that is expected to begin in April 2024.

To ensure the safety of residents and maximise the use of resources, BSR would like to support PAPs to submit RES documentation that is compliant at the first point of submission. To aid this process, BSR is producing guidance and other supporting materials setting out PAPs' legal responsibilities.

Research objectives

HSE commissioned research to explore how PAPs are currently approaching the development of their RESs and to inform the development of guidance and other materials intended to support PAPs.

Research methodology

Phase one

Phase one involved a review of previous work conducted by BSR among PAPs and residents to identify good practice principles in engaging with residents, and to understand how to support a range of PAPs in submitting a compliant RES. These findings were used to refine core guidance describing the legal duties of PAPs with respect to RESs (to be published on GOV.UK), along with a range of additional support materials that were then explored with PAPs in phase two as follows:

- A Frequently Asked Questions (FAQs) document, providing responses to common questions about the RES
- A series of Case Studies, drawn from work among PAPs, illustrating examples of actions taken to engage residents
- A Guiding Principles document, outlining a series of considerations for engaging residents, drawing on insight from previous research among PAPs and residents

Current plans are for these support materials to be updated on an on-going basis to a campaign microsite specifically for Accountable Persons and Principal Accountable Persons¹.

Phase two

Phase two involved 24 90-minute online interviews with individuals representing PAPs in England.

All participants completed a pre-interview task online that involved reading the core guidance and additional supporting materials, and then responding to a range of questions.

The research sample was structured around the PAP types developed by BSR based on previous research and included:

- 5 Commercial Ownership and Development organisations
- 3 Student Sector organisations
- 5 Public Sector organisations
- 4 Managing Agent organisations
- 7 Resident Management Company (RMC) and Right To Manage (RTM) organisations

¹ [The role and responsibilities of accountable persons and principal accountable persons - Making Buildings Safer \(buildingsafety.campaign.gov.uk\)](https://buildingsafety.campaign.gov.uk)

While this sample was robust for a qualitative research study, it is important to emphasise that findings should be taken as indicative and may not fully represent all views across different organisation types.

Main findings

Current approaches to developing a RES

Existing engagement approaches and levels of preparedness for developing a RES varied across organisational types, as did the challenges and concerns faced by different kinds of organisations.

Public Sector organisations tended to have formalised engagement processes in place that incorporated a wide range of methods, often including some element of face-to-face contact. Many had been proactively developing their processes in preparation for the introduction of BSR. Some had also already developed a draft RES for one or multiple buildings. However, for those with large portfolios, the development of a RES for each building within the deadline could feel overwhelming, especially given that many have high levels of vulnerable residents with specific needs to consider.

Commercial Ownership and Development organisations were typically confident of adapting their existing engagement process, although most were yet to take significant action towards producing a draft RES in the absence of guidance. They tended to expect an appointed Managing Agent to produce and deliver their RES, and some expressed concerns that Managing Agents and other consultants were not at this stage able to offer credible support.

Student Sector organisations tended to have detailed information about their residents, alongside well-established processes for communicating about fire safety. Many had started work to review these processes in light of the new responsibilities and some had begun to develop a draft RES. However, these organisations sometimes had specific questions and concerns about the extent to which students would be willing or able to meaningfully engage in consultation, given the short-term nature of many tenancies.

RMC and RTM organisations were by far the least well prepared and could feel overwhelmed by the duty, in the context of the voluntary nature of RMC and RTM directors' roles and a general lack of professional expertise in building management. Although all these organisations had some kind of engagement process in place, these were often not formalised or documented. Levels of understanding of the duty to prepare a RES varied: while one organisation was not aware this was a requirement, the most proactive organisations had begun to review engagement processes. A director in one organisation had begun to develop a draft RES, although in this case progress had been blocked by other less engaged directors. More generally, there were widespread concerns about the impact on service charges and likely responses from residents. Some RMCs were also confused about the role of their Managing Agent, who they perceived as having responsibility to produce the RES for their building.

Managing Agent organisations often played a role in resident engagement on behalf of both large private companies and small RMCs or RTMs. While not officially dutyholders, some expressed that in practice they feel commercial pressure to deliver a RES for their clients to retain work and so felt they needed support to help manage client relationships.

Overarching expectations for guidance

Organisations expected that the guidance would help them to understand both how to engage effectively with residents and what should be included in a compliant RES.

On the topic of how to engage effectively with residents, some of the questions PAPs hoped guidance would help to answer included:

- How do we overcome a lack of interest and disengagement with safety among residents?
- How do we access and collect information about non-leaseholder residents?
- How do we account for GDPR requirements in the collection of sensitive resident data?
- How do we consult effectively around issues that need rapid resolution?

On the topic of what should be included in a compliant RES, PAPs' questions included:

- What exact issues will we need to consult on?
- To what extent can a core templated strategy designed for one building be adapted across other buildings within a portfolio?
- What kind of evidence will we need to produce to demonstrate success of the strategy?
- Is the RES an internal document or something to provide to residents?

Response to the core guidance

The core guidance was typically received as a concise and well-written overview of the new duties. It was considered as easy-to-read and used clear language that avoided being too jargonistic. PAPs also appreciated its length, which was felt to be concise, as well as the use of bullet points and section headings to break up content. For some, the mention of the need to collect and provide evidence of engagement was new information.

Although it was felt to be a good encapsulation of the legislation, the core guidance was not perceived as answering the key questions PAPs wanted to know about (as outlined in the previous section). For some RMC and RTM organisations, the language was also felt to be too vague, e.g. the use of 'should' or legalistic terms. For some larger organisations, the core guidance was criticised for not offering any significant new information beyond what was already in the legislation.

Response to other supporting materials

Participants could see value in all the additional supporting materials, although they consistently ranked the Guiding Principles document most positively.

The materials were perceived as having the most potential for impact if they were designed to work together and refer to each other. For example, some suggested that the Case Studies would ideally be used to illustrate the Guiding Principles. Others suggested that both the Case Studies and Guiding Principles could be referred to where relevant within the FAQs.

Participants expected all materials to be hosted together, preferably on a clearly delineated section of the HSE website or on a distinct micro-site.

While, in general, participants were positive about the overall suite of guidance, they also raised some issues that applied across documents:

- They felt that the materials do a better job of demonstrating how to engage, rather than specifying what needs to go into a RES, and so hoped for clearer definition of terms such as 'engagement' and of BSR's expectations about what issues should be consulted on and in what way
- Many PAPs felt that the materials had been designed with the public sector in mind and so requested guidance to be more tailored to fit the needs of other organisation types
- Some PAPs felt that references to 'residents' in the material failed to account for variation in tenure types, and suggested greater consideration of and differentiation between the needs of owner-occupiers, tenants and landlords
- Materials were felt to focus exclusively on fire safety, and some participants mentioned the lack of any clear guidance relating to structural safety

Response to Guiding Principles

The Guiding Principles document was viewed very positively as a practical tool for informing how to engage with residents. PAPs felt that it had an easy-to-use and digestible format that would help to guide action at a practical level and make tasks feel manageable. Some mentioned that they would use it within their organisation as a checklist for assessing their engagement processes or as a tool to share with colleagues.

Response to Case Studies

The Case Studies were seen as providing useful context and inspiration, although many participants wanted more tailored examples to maximise relevance. The provision of illustrative real-world examples was felt to give participants a new perspective on how to think about engagement. At best, some participants imagined using them with on-site teams to develop engagement approaches.

However, in their current form the Case Studies were sometimes experienced as lengthy, and some participants expressed a desire for a clearer takeout of the relevant learnings from each example. PAPs also felt that the examples provided were focused primarily on the Social Sector and wanted there to be a greater diversity of organisations featured, including those in the Student Sector or RMCs and RTMs. Some participants also

suggested that it would be helpful to include a Case Study focused on how to put together a compliant RES in practice.

Response to FAQs

The idea of a FAQ document was well received. The current content was viewed as basic though, and PAPs did not feel that it answered many of their questions, particularly relating to what needs to be included in a RES. Participants expected that this kind of document would need to be kept 'live' and regularly updated with the questions asked by PAPs, to ensure its ongoing relevance.



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