

Research summary

Building Safety Regulator: Safety case and safety case guidance research – private sector experiences

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Research conducted by Kantar Public

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Commissioning

This report summarises the findings of a qualitative research study conducted by Kantar Public between 10th November 2022 and 13th January 2023. The research was commissioned by the Insight and Service Design team in the Health and Safety Executive (HSE). The content 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 the Health and Safety Executive.

Background and objectives

Business context

The Building Safety Act created the roles of Accountable Person (AP) and Principal Accountable Person (PAP). PAPs are now required to develop a safety case, which is all the information that demonstrates how a building has been designed and managed to keep residents safe. PAPs are required to submit a safety case report, which is a distillation of the safety case that demonstrates that building owners have taken ‘all reasonable steps’ to prevent building safety risks materialising and to reduce the risk of fire spread or structural failure. Safety case report submission is part of the building assessment certificate application for HRBs.

The Building Safety Regulator (BSR) has developed online guidance to support PAPs in fulfilling their role. This guidance was developed in collaboration with partner regulators and a small number of organisations that will assume these duties under the new Building Safety Act – mainly local authorities and social housing providers. In addition, it was deemed important to gather the views of private sector organisations which was the purpose of this project.

BSR is currently consulting to develop a further iteration of the guidance.

Research objectives

Qualitative research was commissioned to understand private sector housing organisations’ and student accommodation providers’ awareness, capabilities, and preparedness regarding safety case development. It also looked at their responses to the online guidance and how they believed the guidance could be improved.

Research methodology

Phase One

Phase One involved 7 one-hour-long online depth interviews with key government and social housing sector stakeholders and a document review.

Participants were:

- 2 internal HSE stakeholders
- 1 Department for Levelling Up, Housing and Communities (DLUHC) stakeholder
- 4 housing association stakeholders who had collaborated with BSR to develop the current online guidance.

Phase Two

Phase Two comprised interviews with 24 private sector housing organisations. Each organisation was responsible for at least one HRB in England. Each interview included up to 3 participants who all had some form of oversight or day-to-day responsibility for safety case, or safety case report development, within their organisation.

Participating organisations included:

- 3 Resident Management Companies (RMCs)
- 4 build to rent companies
- 4 development companies
- 4 asset management companies
- 2 private sector student accommodation providers
- 2 universities
- 5 managing agents (3 large national providers and 2 small local agents).

The research process involved four separate stages:

- A pre-interview task, which involved participants reading the current online guidance and recording spontaneous thoughts and feedback
- A 90-minute online interview, which included discussion of the organisational context, approaches to and progress made on developing safety cases/safety case reports, and overall responses to the guidance
- A post-interview task, in which each organisation was assigned a section of the guidance on which to provide detailed feedback

- A final 30-minute follow-up interview, in which organisations talked through their post-interview task comments and summarised their thoughts on the guidance.

Main findings

Context for the development of safety cases

Overall, private sector organisations and universities supported the intent of the requirement for them to develop safety cases, as they agreed that safeguarding residents in their buildings was intrinsically important.

However, most organisations were uncertain what preparation of a safety case would mean in practice for them, particularly what a safety case report would look like.

This led many organisations to state that they were awaiting further information from BSR before taking further action.

Many organisations mentioned macro-economic factors that they believed were affecting their abilities to meet the safety case requirements. Factors included rising costs for residents, as well as concerns that relevant skills and competencies were not available in the sector to enable them to deliver better building management.

The organisations included in the research were diverse. They managed different types of buildings at different scales, had varying roles in relation to their buildings, and had access to variable resources. This meant that organisations were subject to different challenges and needed different types of support for developing their safety cases.

Among participating organisations:

- RMCs were least well placed to respond to safety case requirements, as they had limited resources and access to building safety competence
- Universities and private sector student accommodation providers reported that their residents were more likely to engage in risk-taking behaviours and be disengaged from building management issues, which made resident engagement particularly difficult
- Asset management companies commonly managed a wide variety of buildings and so their major concern was around missing building information at their various sites
- Development and build to rent companies were generally well set up for the requirements but worried about acquiring the relevant resources and skills.

Organisational capabilities for the requirements

Organisational capabilities varied according to a range of underlying factors that affected an organisations' power, control, and motivation to develop safety cases.

The age of the HRBs that the organisation managed, and the extent to which the organisation had any input into its development, influenced the availability of and control an organisation had over building information.

Organisational structures affected capabilities, so organisations that found it more difficult to adapt to the new requirements were those that were:

- Smaller and less flexible
- Working in silos and/or not familiar with managing buildings holistically
- Managing buildings indirectly, for example via managing agents, as they had weaker relationships with residents and less oversight of and control over their HRB sites.

Different organisations had access to different amounts of time, money, and skills to put towards developing safety cases. Competence was reportedly patchy across different organisations, due to skills shortages in the sector. Related to this, some organisations were better placed than others to meet the requirements.

Among participating organisations:

- RMCs' and universities' capabilities were the lowest, due to the lower levels of available competence and few resources these organisations had to rely on
- Asset management companies and managing agents had varying capabilities and commonly mentioned experiencing challenges with developing safety cases, due to their diverse portfolios, variable relationships with their clients and/or residents, and not always having access to good building safety competence
- Build-to-rent companies, development companies and private student accommodation providers were most capable and prepared in this context, as these organisations had access to high levels of competence.

Organisations' preparedness and progress on different aspects of safety case development

Gathering building information

Most organisations were aware of the requirement for building information provision, and this was strongly linked to the understanding that building information will be needed to register buildings with BSR from April 2023. Many organisations had started the process of gathering information and/or were conducting gap analyses. Some organisations were confused as to what will be needed, to what level of detail, and to what lengths they will need to go to fulfil the requirements.

Many organisations were particularly concerned about how they would acquire information relating to:

- Older buildings, for which information has been lost (or has never been available)
- Evidence needed for the structural safety of the building (given that this was perceived by industry to require a great deal of resource)
- Resident profiles, which some organisations felt could be challenging to acquire in buildings in which a high proportion of residents are transient and/or rent from buy-to-let leasehold landlords.

Risk identification

Most organisations saw risk identification as standard building management practice, although acknowledged that the safety case requires holistic treatment of buildings, which will mean that many will need to work in new ways to fulfil this requirement. To do this, some organisations had started to set up teams or had tasked consultants to do this for them.

Risk prevention and protective measures

The implementation of risk prevention and mitigation measures was similarly felt to be mostly in place across organisations, and many had worked hard to identify ways of preventing or mitigating key risks, especially the risk of fire spread.

Safety management systems

The largest organisations tended to have safety management systems in place, other organisations were not always clear what these were.

Resident engagement

There was variable focus on resident engagement across different organisation types, although generally organisations found the practicalities of resident engagement challenging. Universities and student accommodation providers were most focused on this aspect of their operations.

Safety case report

Progress on safety case reports varied across organisation types. RMCs were particularly worried and often assumed that a technical expert, consultant, or their managing agent would need to produce them. For other types of organisations, variable action had been taken, while some were piloting or writing reports in conjunction with consultants or new software systems, others were preparing to write them. Build-to-rent, development companies and private student accommodation providers tended to be most confident about their abilities to deliver safety case reports, even if they had not started writing them yet.

Feedback on safety case guidance

Organisations generally felt that the current iteration of the guidance provides a good basis for development and some organisations had already used it extensively.

Those most familiar with the guidance tended to have higher levels of awareness of the requirements and/or competence regarding health and safety.

Organisations had different spontaneous responses to the guidance at an overall level. Those in oversight roles tended to be most positive, as they believed that the guidance gives a clear explanation of the fundamental requirements of the safety case. Those in more technical roles requested more detail. RMCs tended to find the guidance overwhelming, especially the links to official documents such as the Building Safety Act.

The guidance was generally praised for its clarity, concise use of language and supportive tone, which meant that participants did not tend to suggest fundamental changes to its presentation. In terms of ease of use, the structure was found to be clear, compact, and easy to navigate.

The main key improvement area mentioned to make the guide more useful was to include more practical information relating to what the principles included in the guidance meant in practice; what it means to manage buildings holistically; and how different situations require different approaches to safety case development.

Further information

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