



# Ministry for Housing, Communities & Local Government

## Building a safer future: proposals for reform of building safety regulatory system

### Response from AXA UK

1. AXA UK (AXA) is part of the AXA Group, a worldwide leader in financial services, operating in 61 countries with over 170,000 employees and 105 million customers. AXA has around 11 million customers in the UK and operates through specific operating companies – AXA Insurance and AXA PPP healthcare.

#### **Executive Summary:**

2. AXA UK welcomes the opportunity to submit to this consultation, and the Government's commitment to identify and implement improvements to building safety requirements in the UK. AXA has previously engaged with the Government on fire safety issues including on the Interim Report of the Independent Review of Building Regulations and Fire Safety.
3. This submission raises a number of key points, including the need to ensure the regulatory system is effectively managed and enforced across the entire life span of the building and that for a regulatory system to work efficiently and instil trust it must be communicated in a manner that is simple, free of jargon and inclusive of all residents.

#### **CHAPTER 2: Stronger requirements for multi-occupied high-rise residential buildings**

##### **Question 1.1**

**Do you agree that the new regime should go beyond Dame Judith's recommendation and initially apply to multi-occupied residential buildings of 18 metres or more (approximately 6 storeys)? Please support your view**

4. Yes, AXA agrees with the view that the new regime should go beyond the scope initially proposed by Dame Judith Hackitt.
5. AXA agrees with the Government's view that the initial criteria set out in Dame Judith's review of 30 metres / 10 storeys is too tall. AXA would welcome proposals that ensured the new system applied to residential buildings of 18 metres / six storeys which would better reflect a practical fire-fighting height and would bring regulations in line with those in Scotland ensuring greater consistency.
6. In addition, AXA has consistently said that alongside residential buildings of 18 metres or more, the requirements should be broadened to any type of building that houses vulnerable people or any building over 18 metres where occupants will sleep.

##### **Question 1.2**

**How can we provide clarity in the regulatory framework to ensure fire safety risks are managed holistically in multi-occupied residential buildings?**

7. To ensure a sufficient level of fire safety, regulation must be managed and enforced across the lifespan of a building. This spans from design and construction to occupation and renovation and all the way through to demolition.



8. AXA suggests that information on the regulatory framework should be communicated through 'Approved Documents' rather than 'Guidance Documents'. AXA believes that this measure, alongside the implementation of third-party certification schemes, would be more likely to be accepted by a court of law as a set of principles of best practice which can form part of a statutory defence, should the necessity arise.
9. The use of Housing Health and Safety Rating System (HHSRS) to manage fire safety during the occupancy period is not appropriate as it provides minimal protection and does not enforce the maintenance and / or alterations to the fabric of the building.
10. Moreover, AXA would welcome the introduction of a statutory duty to ensure co-operation between fire and rescue services and local authorities as a positive step.

### **Question 1.3**

**If both regimes are to continue to apply, how can they be improved to complement each other?**

11. AXA believes that developers and / or buildings owners should be able to self-refer to the regulator if they assess that the building could be of a higher risk. Alternatively, AXA would support proposals that enable planning authorities to intervene in circumstances where it perceived the building to pose a higher risk.

### **Question 1.4**

**What are the key factors that should inform whether some or all non-residential buildings which have higher fire rates should be subject to the new regulatory arrangements during the design and construction phase? Please support your view.**

12. AXA suggests that non-residential buildings should be based upon a rating that reflects the fire risk of the building, rather than by using the purpose group system adopted in the Approved Documents. Setting out such a risk category should include an analysis of the building's occupancy and high hazard process (such as cooking), storage and construction etc., in conjunction with the fire risk assessment required through the Regulatory Reform Order.
13. Moreover, AXA urges the Government to ensure that those undertaking fire risk assessments in higher risk buildings should hold appropriate third-party certification.

### **Question 1.5**

**Linked to your answer above, which of the 'higher-risk workplaces' in paragraph 42 would you consider to be higher-risk during the design and construction phase?**

14. AXA believes all of the workplaces in paragraph 42 are appropriate to be considered as higher-risk during the design and construction phase but would suggest that privately operated student accommodation and hotels are also included.



#### **Question 1.6**

**Please support your answer above, including whether there are any particular types of buildings within these broad categories that you are particularly concerned about from a fire and structural perspective?**

15. AXA believes it should be considered that the design phase of all of the building types in paragraph 42, most notably sheltered housing, and hospitals, may carry more risk because the occupants of these buildings are likely to take far longer to escape during a fire.
16. Significant concerns can also arise as a result of design changes late in the development and construction phase of buildings. Late changes have the potential to affect escape strategies and, therefore, these types of buildings would benefit from 'golden thread' procedures as much as higher risk residential buildings.
17. There is also an increasing practice, particularly in budget hotels, to extend the existing structure by adding on extra bedrooms using modular construction which is often combustible. Moreover, there are many instances where the existing hotel continues to trade during the construction phase increasing risk from a fire and structural perspective.

#### **Question 1.7**

**On what basis should we determine whether some or all categories of supported/sheltered housing should be subject to the regulatory arrangements that we propose to introduce during the occupation stage? Please support your view.**

18. As outlined elsewhere in the consultation, AXA believes that sufficient fire safety requires regulation to be managed and enforced across the lifespan of a building from design and construction to occupation and renovation and all the way through to demolition. Moreover, supported / sheltered housing may carry more risk because the occupants of these buildings are more likely to have specific needs that must be considered through regulatory arrangements such as trouble evacuating the building in the event of a fire.

#### **Question 1.8**

**Where there are two or more persons responsible for different parts of the building under separate legislation, how should we ensure fire safety of a whole building in mixed use?**

19. AXA believes that there should be a designated person responsible for all aspects of fire safety in a building. One of the responsibilities of a designated person is to ensure there is sufficient engagement with all other persons in a mixed-use building and this engagement should be in conjunction with the requirements of the Fire Safety Order.

### **CHAPTER 3: A new dutyholder regime for residential buildings of 18 metres or more**

#### **Question 2.1**

**Do you agree that the duties set out above are the right ones?**

20. AXA is in agreement with the duties set out, however, AXA would support the duties being extended into the occupancy phase of the building. This measure would ensure that duties remain clear in the occupancy phase of the building's life cycle and would prevent crucial information, provided during the design and construction phase under Construction (Design and Management) Regulations, from not being passed over to the building owner.



**Question 2.2**

**Are there any additional duties which we should place on dutyholders? Please list.**

21. AXA does not have any additional duties to add.

**Question 2.3**

**Do you consider that a named individual, where the dutyholder is a legal entity, should be identifiable as responsible for building safety?**

**Please support your view.**

22. Yes, AXA believes that a named individual should be the duty holder who can demonstrate appropriate skills, knowledge and competence.

**Question 2.4**

**Do you agree with the approach outlined above, that we should use Construction (Design and Management) Regulations 2015 (CDM) as a model for developing dutyholder responsibilities under building regulations?**

**Please support your view.**

23. Yes, AXA is in agreement with the approach. However, AXA would urge the Government to extend the approach through to post-construction and into the occupancy phase.

**Question 2.5**

**Do you agree that fire and rescue authorities should become statutory consultees for buildings in scope at the planning permission stage? If yes, how can we ensure that their views are adequately considered? If no, what alternative mechanism could be used to ensure that fire service access issues are considered before designs are finalised?**

24. Yes, AXA is in agreement that fire and rescue authorities should become statutory consultees, but to deliver consistency, consultation should be for buildings exceeding 18m and not 30m.

**Question 2.6**

**Do you agree that planning applicants must submit a Fire Statement as part of their planning application? If yes, are there other issues that it should cover? If no, please support your view including whether there are alternative ways to ensure fire service access is considered.**

25. Yes, AXA is in agreement that planning applicants must submit a Fire Statement as part of their planning application.

26. AXA has no other issues for the Fire Statement to cover.

**Question 2.7**

**Do you agree that fire and rescue authorities should be consulted on applications for developments within the 'near vicinity' of buildings in scope? If so, should the 'near vicinity' be defined as 50m, 100m, 150m or other.**

**Please support your view.**

27. Yes, AXA is in agreement with this approach. However, the approach could be extended beyond 'multi-occupied residential buildings of 30 metres or more' and instead consider factors such as the occupancy and construction of the buildings, the surrounding buildings, the height of the buildings and access or provision of ground and water supplies for



firefighters. Risks change considerably depending on the list of factors outlined above and there are still considerable challenges for fire and rescue services with regard to non-residential buildings. Fire and rescue services should be consulted to ensure that the building design of new developments in the 'near vicinity' of high-rise buildings does not negatively impact on overall fire safety.

**Question 2.8 What kind of developments should be considered?**

- **All developments within the defined radius,**
- **All developments within the defined radius, with the exception of single dwellings,**
- **Only developments which the local planning authority considers could compromise access to the building(s) in scope,**
- **Other.**

28. AXA believes that all developments within the defined radius should be considered.

**Question 2.9**

**Should the planning applicant be given the status of a Client at gateway one? If yes, should they be responsible for the Fire Statement?**

**Please support your view.**

29. Yes, AXA believes that the planning applicant should be given status of Client at gateway one and should be responsible for the Fire Statement. The reason for this approach is that it ensures that the planning applicant takes full responsibility for setting up the project in a compliant manner.

**Question 2.10**

**Would early engagement on fire safety and structural issues with the building safety regulator prior to gateway two be useful?**

**Please support your view**

30. Yes, AXA believes that early engagement assists in communicating design intent and increasingly the likelihood of identifying hazards early. Moreover, AXA consider this approach to be more efficient and less disruptive as issues and requirements can be addressed as early in the process as possible. AXA consider the formal planning application stage to be too late to ensure appropriate fire and structural safety.

**Question 2.11**

**Is planning permission the most appropriate mechanism for ensuring developers consider fire and structural risks before they finalise the design of their building? If not, are there alternative mechanisms to achieve this objective?**

31. AXA considers planning permission to be the most appropriate mechanism, however a pre-planning stage needs to be made a statutory requirement which extends into the occupancy phase. In AXA's experience, the strategy, documentation and amended thinking implemented during the construction phase is often not made available to the building owner/occupier in a manageable and understandable way following the completion of the construction.



**Question 2.12**

**Do you agree that the information at paragraph 89 is the right information to require as part of gateway two?**

**Please support your view**

32. Yes, AXA does agree the information is appropriate and welcome this further requirement at the planning stage as a measure that will prevent issues at the design phase being transferred to the build phase. Moreover, AXA believes it should be the responsibility of the principal contractor to provide this information.

**Question 2.13**

**Are these the appropriate dutyholders to provide each form of information listed at paragraph 89?**

33. Yes, AXA believes these to be the appropriate dutyholders.

**Question 2.14**

**Should the Client be required to coordinate this information (on behalf of the Principal Designer and Principal Contractor) and submit it as a package, rather than each dutyholder submit information separately?**

34. Yes, the Client should be required to coordinate this information and to submit it as a package.

**Question 2.15 Do you agree that there should be a ‘hard stop’ where construction cannot begin without permission to proceed? Please support your view**

35. Yes, AXA does agree, but for a ‘hard stop’ to be effective the enforcing authority will have to have appropriate resource at its disposal.

**Question 2.16 Should the building safety regulator have the discretion to allow a staged approach to submitting key information in certain circumstances to avoid additional burdens? Please support your view.**

36. Yes, AXA does agree that the building safety regulator should have the discretion to allow a staged approach. However, this approach should be clearly defined and very limited, otherwise the changes will be ineffective.

**Question 2.17**

**Do you agree that it should be possible to require work carried out without approval to be pulled down or removed during inspections to check building regulations compliance?**

**Please support your view.**

37. Yes, AXA is in agreement with this measure, compliance with building regulations will only be achieved if there is adequate enforcement supporting them.



**Question 2.18**

**Should the building safety regulator be able to prohibit building work from progressing unless non-compliant work is first remedied? Please support your view**

38. Yes, AXA is in agreement with this measure. As outlined in the answer to question 2.17, compliance with building regulations will only be achieved with adequate enforcement. There are good examples of other authorities with these powers such as the Health and Safety Executive.

**Question 2.19**

**Should the building safety regulator be required to respond to gateway two submissions within a particular timescale? If so, what is an appropriate timescale?**

39. Yes, the building safety regulator should be required to respond to gateway two submissions within a timescale. AXA recognises that an appropriate timescale will be resource dependent, however, AXA believes that a timeframe with a limit of between eight and twelve weeks seems appropriate. Nonetheless, the timeframe established does ultimately need to be based on scope and complexity.

**Question 2.20**

**Are there any circumstances where we might need to prescribe the building safety regulator's ability to extend these timescales? If so, please provide examples**

40. Yes, there may be extenuating circumstances beyond the control of the regulator which must be recognised and accepted, especially after the initial launch period as the process is understood and implemented.

**Question 2.21**

**Do you agree that the Principal Contractor should be required to consult the Client and Principal Designer on changes to plans?**

41. Yes, AXA does agree that the Principal Contractor should be required to consult the Client and Principal Designer on any changes to plans.

**Question 2.22**

**Do you agree that the Principal Contractor should notify the building safety regulator of proposed major changes that could compromise fire and structural safety for approval before carrying out the relevant work?**

42. Yes, AXA is in agreement with this measure.



**Question 2.23 What definitions could we use for major or minor changes?**

- Any design change that would impact on the fire strategy or structural design of the building;
- Changes in use, for all or part of the building;
- Changes in the number of storeys, number of units, or number of staircase cores (including provision of fire-fighting lifts);
- Changes to the lines of fire compartmentation (or to the construction used to achieve fire compartmentation);
- Variations from the design standards being used;
- Changes to the active/passive fire systems in the building;

**Other – please specify**

43. AXA is supportive of all of the above definitions to be used for major or minor changes.

**Question 2.24**

**Should the building safety regulator be required to respond to notifications of major changes proposed by the dutyholder during the construction phase within a particular timescale? If yes, what is an appropriate timescale?**

44. Yes, AXA does support this measure. An appropriate timescale is largely dependent on the size and complexity of the project.

**Question 2.25**

**What are the circumstances where the Government might need to prescribe the building safety regulator's ability to extend these timescales?**

45. There are two circumstances AXA believes may need intervention from the Government to prescribe the regulator's ability to extend timescales. One, when any changes affects the risks considerably and two, when the changes are deemed unacceptable and alternatives have to be considered.

**Question 2.26**

**Do you agree that a final declaration should be produced by the Principal Contractor with the Principal Designer to confirm that the building complies with building regulations?**

**Please support your view.**

46. Yes, AXA is in agreement with this measure. AXA believes that the proposal will enable both developer and owner to take joint responsibility for signing-off the building and overall compliance. Developers in this scenario will be required to justify and provide evidence of the work that has been completed providing a more effective and sustainable compliance process. Moreover, included in the final declaration should be the specification of the building and materials utilised in the final structure, including all amendments and substitutions introduced during the construction phase.

**Should the building safety regulator be required to respond to gateway three submissions within a particular timescale? If so, what is an appropriate timescale?**

47. Yes, AXA does believe that the regulator should be required to respond to gateway three submissions within a particular timescale. Although this timescale should be as short as possible, it is dependent on the complexity of the project and must be agreed by relevant stakeholders.



**Question 2.28**

**Are there any circumstances where we might need to prescribe the building safety regulator's ability to extend these timescales? If so, please support your view with examples**

48. AXA does not see any circumstances where this course of action may need to be taken.

**Question 2.29**

**Do you agree that the accountable person must apply to register and meet additional requirements (if necessary) before occupation of the building can commence? Please support your view.**

49. Yes, AXA is in agreement with this measure. AXA welcomes this approach as it ensures that there is recognition of the regulation's importance and ensures responsibility of the accountable person.

**Question 2.30**

**Should it be an offence for the accountable person to allow a building to be occupied before they have been granted a registration for that building? Please support your view.**

50. Yes, it should be an offence. As outlined elsewhere in this consultation, for regulation to achieve its desired aims it must be supported by sufficient enforcement. For this reason, there should be significant penalties should the accountable person allow a building to be occupied before they have been granted a registration for that building.

**Question 2.31**

**Do you agree that under certain circumstances partial occupation should be allowed? If yes, please support your view with examples of where you think partial occupation should be permitted**

51. AXA strongly disagree with this suggestion, as it could result in confusion surrounding the regulation and therefore reduce the level of safety.

**Question 2.32**

**Do you agree with the proposal for refurbished buildings? Please support your view**

52. Yes, AXA agrees with this proposal. It should be emphasised that a major refurbishment has just as much potential to affect fire safety as a complete construction. Any proposed work that impacts on the fire strategy of a building in scope needs to be sufficiently covered by the regulation.

**Question 2.33**

**Do you agree with the approach to transitional arrangements for gateways? If not, please support your view or suggest a better approach?**

53. Yes, AXA does agree with the approach in principle. Confusion and additional cost to projects already in the construction phase can result if there is not an effective approach to transitional arrangements for gateways.



### **Duties in occupation**

#### **Question 3.1**

**Do you agree that a safety case should be subject to scrutiny by the building safety regulator before a building safety certificate is issued?**

**Please support your view.**

54. Yes, AXA is in agreement with the approach to scrutiny of a safety case. However, supporting material gathered during construction must be available to ensure appropriate timescale for sign-off and to reduce the need to undertake invasive testing or inspection.

#### **Question 3.2**

**Do you agree with our proposed content for safety cases? If not, what other information should be included in the safety case?**

55. Yes, AXA believes the proposed content is suitable.

#### **Question 3.3**

**Do you agree that this is a reasonable approach for assessing the risks on an ongoing basis? If not, please support your view or suggest a better approach**

56. Yes, AXA agree with this approach, it will ensure that the safety case is regularly consulted and updated as appropriate whilst work proceeds or issues arise.

#### **Question 3.4**

**Which options should we explore, and why, to mitigate the costs to residents of crucial safety works?**

57. AXA believes that all options need to be explored to mitigate the costs to residents of crucial safety works including Warranty and Indemnity cover and government support.

#### **Question 3.5**

**Do you agree with the proposed approach in identifying the accountable person?**

**Please support your view.**

58. Yes, AXA believes that it is important to have an accountable person and this process will classify them appropriately. AXA believes that having a named accountable person will provide clarity for the legal responsibility of ensuring building safety risks to occupants are reduced so far as is reasonably practicable.

#### **Question 3.6**

**Are there specific examples of building ownership and management arrangements where it might be difficult to apply the concept of an accountable person? If yes, please provide examples of such arrangements and how these difficulties could be overcome.**

59. AXA considers ownership and management arrangements could be difficult when owners or managers are based overseas.



**Question 3.7**

**Do you agree that the accountable person requirement should be introduced for existing residential buildings as well as for new residential buildings?**

**Please support your view.**

60. Yes, AXA is in agreement. There should be no difference between the requirements of the accountable person for existing residential buildings and new residential buildings. Moreover, it should be emphasised that all buildings undergo ongoing maintenance which could impact upon fire safety.

**Question 3.8**

**Do you agree that only the building safety regulator should be able to transfer the building safety certificate from one person/entity to another?**

**Please support your view**

61. Yes, AXA believes this is a suitable requirement to ensure that only appropriate persons or bodies are appointed, and accountability can be effectively transferred.

**Question 3.9**

**Do you agree with the proposed duties and functions of the building safety manager?**

**Please support your view**

62. Yes, AXA is in agreement with the proposed duties and functions of the building safety manager. However, AXA is concerned that there is not a suitable level of appropriate persons available to discharge the duties of the building safety manager. Working Group Eight (WG8), of the Steering Group on Competences for Building a Safer Future, which is looking at competences of those looking after buildings in occupation have highlighted these difficulties as outlined in the Steering Group's first [Quarterly Report](#).

**Question 3.10 Do you agree with the suitability requirements of the building safety manager?**

**Please support your view**

63. Yes, AXA does agree with the suitability requirements as per Competence Steering Group recommendations.

**Question 3.11**

**Is the proposed relationship between the accountable person and the building safety manager sufficiently clear?**

**Please support your view.**

64. AXA does not believe the proposed relationship is clear and would welcome further guidance from the Government.

**Question 3.12**

**Do you agree with the circumstances outlined in which the building safety regulator must appoint a building safety manager for a building?**

**Please support your view**

65. Yes, AXA is in agreement with the outlined circumstances. AXA believes the proposals will ensure that appropriate persons are appointed, and responsibility cannot be avoided



**Question 3.13**

**Do you think there are any other circumstances in which the building safety regulator must appoint a building safety manager for a building?**

**Please support your view with examples**

66. Yes, AXA believes there are other circumstances where a building safety manager should be appointed. Appointments are dependent on the specific characteristics and risks associated with a building as these may require the specialist knowledge or previous experience as a building safety manager.

**Question 3.14**

**Under those circumstances, how long do you think a building safety manager should be appointed for?**

67. AXA considers the length of a building safety manager's tenure to be dependent on the nature of the issue and the specific characteristics and risks of the building.

**Question 3.15**

**Under what circumstances should the appointment be ended?**

68. AXA believes an appointment should only be ended once there is a replacement building safety manager is appointed.

**Question 3.16**

**Under those circumstances, how do you think the costs of the building safety manager should be met? Please support your view**

69. AXA believes that the costs of an independent building safety manager should be met by the building owner or developer because they ultimately have responsibility for the safety of the building.

**Question 3.17**

**Do you agree that this registration scheme involving the issue of a building safety certificate is an effective way to provide this assurance and transparency? If not, please support your view and explain what other approach may be more effective**

70. Yes, AXA is in agreement with this proposal as it provides appropriate clarity and assurance for the building's occupants.

**Question 3.18**

**Do you agree with the principles set out in paragraphs 180 and 181 for the process of applying for and obtaining registration?**

71. Yes, AXA agrees with the principles set out in paragraphs 180 and 181.



**Question 3.19**

**Do you agree with the suggested approach in paragraph 183, that the building safety certificate should apply to the whole building?**

**Please support your view**

72. Yes, AXA does agree with the approach outlined in paragraph 183, as it is considered to be a sensible, pragmatic method that minimises confusion and any deliberate avoidance of accountability.

**Question 3.20**

**Do you agree with the types of conditions that could be attached to the building safety certificate?**

**Please support your view.**

73. Yes, AXA is in agreement with the types of conditions that could be attached to the building safety certificate. However, the fire risk assessment should be conducted by a person that has approval of an appropriate 3<sup>rd</sup> party accreditation scheme.

**Question 3.21**

**Do you agree with the proposals outlined for the duration of building safety certificates? If not, please support your view.**

74. AXA is in agreement with the proposals outlined for the duration of building safety certificates and welcome a risk-based approach.

**Question 3.22**

**Do you agree with the proposed circumstances under which the building safety regulator may decide to review the certificate? If not, what evidential threshold should trigger a review?**

75. Yes, AXA is in agreement with the proposed circumstances.

**Part C – Duties that run throughout a building’s life cycle**

**Question 4.1**

**Should the Government mandate Building Information Modelling (BIM) standards for any of the following types and stages of buildings in scope of the new system?**

- a) New buildings in the design and construction stage, please support your view.**
- b) New buildings in the occupation stage, please support your view.**
- c) Existing buildings in the occupation stage, please support your view.**

76. With regard to statement a), AXA does believe that bringing BIM into the project in the design and construction phase would be beneficial for improving accountability, productivity and quality.

77. With regard to statement b), AXA considers this to be a sensible approach in principle. However, AXA would have concerns about mandating the use of BIM standards for new buildings in the occupation stage because there is currently a lack of skilled people who would be able to sufficiently utilise the digital assets to improve the overall management of the building. If the Government was to mandate this requirement there would need to be set timetable for rolling out the measure. AXA consider an implementation timetable of over three to five years as plausible.



78. With regard to statement c), AXA do agree that BIM standards should be mandated for existing buildings in the occupation stage, however there needs to be further consideration of the cost of this approach.

**Question 4.4**

**Do you agree that the key dataset for all buildings in scope should be made open and publicly available? If not, please support your view.**

79. Yes, AXA does agree with this measure.

**Question 4.5**

**Do you agree with the proposals relating to the availability and accessibility of the golden thread? If not, please support your view**

80. Yes, AXA does agree with this measure.

**Question 4.7**

**Are there any specific aspects of handover of digital building information that are currently unclear and that could be facilitated by clearer guidance? If yes, please provide details on the additional information you think should be clearer.**

81. AXA suggests that the digital building information must be accessible and in a format that can be used by future parties.

**Question 4.8**

**Is there any additional information that should make up the golden thread in occupation? If yes, please provide detail on the additional information you think should be included**

82. AXA has no additional information to add to make up the golden thread in occupation.

**Question 4.9**

**Do you agree that the Client, Principal Designer, Principal Contractor, and accountable person during occupation should have a responsibility to establish reporting systems and report occurrences to the building safety regulator? If not, please support your view.**

83. Yes, AXA is in agreement with this approach.

**Question 4.10**

**Do you think a 'just culture' is necessary for an effective system of mandatory occurrence reporting? If yes, what do you think (i) Industry (ii) Government can do to help cultivate a 'just culture'?**

**Please support your view.**

84. Yes, AXA believes a 'just culture' is necessary for an effective system of mandatory occurrence reporting. However, the body responsible should be independent and linked to government, rather than a private sector stakeholder. The primary reason for this approach is to ensure there is appropriate independence, integrity and power to investigate



**Question 4.11**

**Do you agree that, where an occurrence has been identified, dutyholders must report this to the building safety regulator within 72 hours? If not, what should the timeframe for reporting to the building safety regulator be?**

85. AXA is in agreement with the timeframe of 72 hours.

**Question 4.12**

**Do you agree that the scope of mandatory occurrence reporting should cover fire and structural safety concerns? If not, are there any other concerns that should be included over the longer term?**

86. Yes, AXA agrees that the scope should cover fire and structural concerns. Moreover, AXA believe that the scope should also be as open as possible to encourage reporting from all persons who wish to report concerns.

**Question 4.13**

**Do you agree that mandatory occurrence reporting should be based on the categories of fire and structural safety concern reports identified in the prescriptive list in paragraph 222? Please support your view**

87. Yes, AXA agrees with this approach.

**Question 4.14**

**Do you have any suggestions for additional categories? Please list and support your view.**

88. AXA suggests that the occurrences of physical, mechanical, electrical, plumbing and fire protection assets not meeting current regulations should be included as additional categories.

**Question 4.15**

**Do you think the proposed system of mandatory occurrence reporting will work during the design stage of a building? If yes, please provide suggestions of occurrences that could be reported during the design stage of a building**

89. No, AXA firmly disagrees with implementing a system of mandatory occurrence for the design stage. The design stage is a fluid and dynamic phase of the life-cycle of a building, the constant change will result in mandatory occurrence reporting being ineffective.

**Question 4.16**

**Do you agree that the building safety regulator should be made a prescribed person under Public Interest Disclosure Act 1998 (PIDA)? If not, please support your view.**

90. AXA strongly supports making the building safety regulator a prescribed person under Public Interest Disclosure Act 1998.



**Question 4.17**

**Do you agree that the enhanced competence requirements for these key roles should be developed and maintained through a national framework, for example as a new British Standard or PAS?**

**Please support your view.**

91. AXA is in agreement with this approach. AXA believes that competence should be demonstrated through UKAS third party accredited schemes which are appropriate for skills and knowledge required.

**Question 4.18**

**Should one of the building safety regulator's statutory objectives be framed to 'promote building safety and the safety of persons in and around the building'?**

**Please support your view**

92. Yes, AXA agrees with this measure considering it is a fundamental responsibility of the building safety regulator.

**Question 4.19**

**Should dutyholders throughout the building life cycle be under a general duty to promote building safety and the safety of persons in and around the building?**

**Please support your view**

93. Yes, AXA does agree that dutyholders throughout the building life cycle be under a general duty to promote building safety and the safety of persons in and around the building. AXA would welcome a requirement by the Government that ensures this responsibility is a formal duty.

**Question 4.20**

**Should we apply dutyholder roles and the responsibility for compliance with building regulations to all building work or to some other subset of building work?**

**Please support your view.**

94. Yes, AXA believes that dutyholder roles and the responsibility for compliance with building regulations should be applied to all building work.

**CHAPTER 4: Residents at the heart of a new regulatory system**

**Question 5.1**

**Do you agree that the list of information in paragraph 253 should be proactively provided to residents? If not, should different information be provided, or if you have a view on the best format, please provide examples**

95. Yes, AXA is in agreement with the outlined approach. However, AXA would emphasise the need for all information to be provided in a manner that is understandable for the lay-person.



**Question 5.2**

**Do you agree with the approach proposed for the culture of openness and exemptions to the openness of building information to residents? If not, do you think different information should be provided? Please provide examples.**

96. Yes, AXA is in agreement with the proposed approach.

**Question 5.3 Should a nominated person who is a non-resident be able to request information on behalf of a vulnerable person who lives there? If you answered Yes, who should that nominated person be?**

- **Relative,**
- **Carer,**
- **Person with Lasting Power of Attorney,**
- **Court-appointed Deputy,**
- **Other (please specify).**

97. Yes, AXA believes it is imperative that any of the above individuals can act as a nominated person to request information on the behalf of a vulnerable person. For this new regulatory system to be effective the specific needs of all groups in society must be considered.

**Question 5.4**

**Do you agree with the proposed set of requirements for the management summary?  
Please support your view.**

98. Yes, AXA is in agreement with the proposed set of requirements. The proposals will ensure that appropriate information is provided in a clear and understandable format.

**Question 5.5**

**Do you agree with the proposed set of requirements for the engagement plan?  
Please support your view.**

99. Yes, AXA is in agreement with the proposed set of requirements. The proposals will clearly lay out both the process and required information necessary for the engagement plan which will ultimately reduce confusion.

**Question 5.6**

**Do you think there should be a new requirement on residents of buildings in scope to co-operate with the accountable person (and the building safety manager) to allow them to fulfil their duties in the new regime?  
Please support your view.**

100. Yes, AXA would welcome a new requirement on residents of buildings in scope to co-operate with the accountable person. From our experience operating in this sector, the co-operation of residents has been an issue for a number of years.



**Question 5.7**

**What specific requirements, if any, do you think would be appropriate?**

**Please support your view**

101. AXA considers appropriate requirements to include providing details of proposed alterations which can have an impact on fire safety if appropriate products are not utilised. Examples of these changes include structural changes and the replacement of doors and windows.

**Question 5.8**

**If a new requirement for residents to co-operate with the accountable person and/or building safety manager was introduced, do you think safeguards would be needed to protect residents' rights? If yes, what do you think these safeguards could include?**

102. Yes, AXA believes there needs to be sufficient notice periods and a residents' response mechanism to cover rights for privacy at certain times.

**Question 5.9**

**Do you agree with the proposed requirements for the accountable person's internal process for raising safety concerns?**

**Please support your view**

103. Yes, AXA is in agreement with this measure, the accountable person or building safety manager should be the first port of call for residents who need to raise a safety issue.

**Question 5.10**

**Do you agree to our proposal for an escalation route for fire and structural safety concerns that accountable persons have not resolved via their internal process? If not, how should unresolved concerns be escalated and actioned quickly and effectively?**

104. Yes, AXA is in agreement with the measure.

**Question 5.11**

**Do you agree that there should be a duty to cooperate as set out in paragraph 290 to support the system of escalation and redress? If yes, please provide your views on how it might work. If no, please let us know what steps would work to make sure that different parts of the system work well together**

105. Yes, AXA agrees that there should be a duty to cooperate as set out in paragraph 290. AXA believes that there should be multiple channels for residents to raise concerns, for example the sole use of digital communications will not be suitable for all residents. Communication channels need to be inclusive to ensure all residents can be included in the system of escalation and redress.



## **CHAPTER 5: A more effective regulatory and accountability framework for buildings**

### **Question 6.1**

**Should the periodic review of the regulatory system be carried out every five years/less frequently? If less frequently, please provide an alternative time-frame and support your view.**

106. Yes, AXA believes that five years is an appropriate timeframe. However, the review itself should be completed within the five-year period to ensure any improvements can be implemented quickly and effectively.

### **Question 6.2**

**Do you agree that regulatory and oversight functions at paragraph 315 are the right functions for a new building safety regulator to undertake to enable us to achieve our aim of ensuring buildings are safe? If not, please support your view on what changes should be made**

107. Yes, AXA agrees with the regulatory and oversight functions set-out in paragraph 315.

### **Question 6.3**

**Do you agree that some or all of the national building safety regulator functions should be delivered ahead of legislation, either by the Joint Regulators Group or by an existing national regulator? Please support your view.**

108. Yes, AXA agrees that the national building safety regulator functions should be introduced as early as possible to ensure that the legislation that follows is appropriate. AXA recognises that the legislation could take a significant period of time considering the number of stakeholder groups that will want to input into the process. Considering the urgent need for these changes to be implemented AXA believes it is necessary for the national building safety regulator functions to be delivered ahead of legislation.

### **Question 7.1**

**Government agrees with the Competence Steering Group's recommendations for an overarching competence framework, formalised as part of a suite of national standards (e.g. British Standard or PAS). Do you agree with this proposal? Please support your view**

109. Yes, AXA is in agreement with the recommendations of the Competence Steering Group. An overarching framework is particularly important considering the complexity of competence requirements across industry.

### **Question 7.2**

**Government agrees with the Competence Steering Group's recommendations for establishing an industry-led committee to drive competence. Do you agree with this proposal? Please support your view.**

110. Yes, AXA does agree with the proposal to establish an industry-led committee, however, AXA believes that an overarching body is required to ensure that the delivery of an effective regulatory and accountability framework is not put at risk because of the need to save costs.



**Question 7.3 Do you agree with the proposed functions of the committee that are set out in paragraph 331?**

**Please support your view.**

111. Yes, AXA agrees with the proposed functions. AXA believe the proposed functions will help to provide sufficient oversight and assurance to relevant industry bodies.

**Question 7.4**

**Do you agree that there should be an interim committee to take forward this work as described in paragraph 332? If so, who should establish the committee?**

**Please support your view.**

112. Yes, AXA agree that an interim committee should be set-up to take forward this work whilst a full review is being finalised. AXA believe that the committee should be established by the Competence Steering Group.

**Question 8.1**

**Do you agree with the approach of an ‘inventory list’ to identify relevant construction products to be captured by the proposed new regulatory regime?**

**Please support your view.**

113. Yes, AXA agrees with the proposal, and believe it will a successful strategy to remove confusion from the new regulatory regime.

**Question 8.2**

**Do you agree that an ‘inventory list’ should begin with including those constructions products with standards advised in Approved Documents?**

**Please support your view**

114. Yes, AXA believes this is an appropriate starting point for the ‘inventory list’. AXA recognise that constructing an ‘inventory list’ will be a significant task and therefore, starting with items that are already used or mentioned in the statutory guidance will provide a time-effective and straightforward starting point rather than starting the list from fresh.

**Question 8.3 Are there any other specific construction products that should be included in the ‘inventory list’? Please list.**

115. AXA believes that the inventory list will be required to be dynamic enough to ensure that product innovation is not prevented.

**Question 8.4**

**Do you agree with the proposed approach to requirements for construction products caught within the new regulatory regime?**

**Please support your view.**

116. Yes, AXA is in agreement with the proposed approach. AXA believes the approach will prevent sharp practice from taking place.



**Question 8.5**

**Are there further requirements you think should be included? If yes, please provide examples**

117. AXA does not have any further requirements to add.

**Question 8.6**

**Do you agree with the proposed functions of a national regulator for construction products?  
Please support your view.**

118. Yes, AXA agrees with the proposed functions of a national regulator. From our experience in the sector, there have been examples of circumstances where product marketing has been misleading for commercial benefit, therefore a national regulator could provide the intervention necessary to prevent this from happening and ultimately, remove any confusion.

**Question 8.7**

**Do you agree construction product regulators have a role in ensuring modern methods of construction meet required standards?  
Please support your view**

119. Yes, AXA agrees that construction product regulators do have a role in ensuring modern methods of construction meet required standards. Modern methods of construction should be encouraged, but provided they meet required standards and provide innovation rather than be a tool to substantially reduce cost and drive profit.

**Question 8.8 Do you agree that construction product regulators have a role in ensuring modern methods of construction are used safely?**

**Please support your view.**

120. AXA does agree there is a role for construction product regulators, but not an exclusive one. AXA's engagement in the property insurance market has highlighted that there are specific issues and challenges associated with buildings that use modern methods of construction. Considering the experience property insurers have within the sector, AXA believes they should be involved in the process of ensuring modern methods of construction are used safely.

**Question 8.9**

**Do you agree with the powers and duties set out in paragraph 350 to be taken forward by a national regulator for construction products?  
Please support your view.**

121. Yes, AXA is in agreement with the powers and duties set out in paragraph 350.

**Question 8.11**

**Do you agree with the proposed requirements in paragraph 354 for the umbrella minimum standard? If not, what challenges are associated with them?**

122. Yes, AXA is in agreement with the proposed requirements in paragraph 354.



**Question 8.12**

**Do you agree with the proposal for the recognition of third-party certification schemes in building regulations? Please support your view.**

123. AXA does agree with the proposal; however, third-party accreditation schemes should be UKAS accredited and not be trade bodies.

**Question 8.13**

**Do you agree that third-party schemes should have minimum standards? Please support your view.**

124. Yes, AXA believes minimum standards for third-party schemes will provide certainty, reassurance and consistency across industry.

**Question 8.14**

**Are there any benefits to third-party schemes having minimum standards? Please support your view**

125. AXA believes that minimum standards will assist in product and service selection by both professional and private buyers and reduces the risk of commercial marketing sharp practice.

**Question 8.15**

**Are there challenges to third-party schemes having minimum standards? Please support your view.**

126. AXA does not envisage any challenges to third-party schemes having minimum standards provided there is willingness from government to enforce and demand the use of third-party certification schemes.

**CHAPTER 6: Enforcement, compliance and sanctions**

**Question 9.1**

**Do you agree with the principles set out in the three-step process above as an effective method for addressing non-compliance by dutyholders/accountable persons within the new system?**

127. AXA agrees in principle with the three-step process but would welcome the Government outlining the full details of the process.

**Question 9.2**

**Do you agree we should introduce criminal offences for:**

- i. an accountable person failing to register a building;**
- ii. an accountable person or building safety manager failing to comply with building safety conditions; and**
- iii. dutyholders carrying out work without the necessary gateway permission?**

128. Yes, AXA does agree with the proposal as it is the only way to tackle the issues identified by Dame Judith Hackett in her enquiry and report.



**Question 9.3**

**Do you agree that the sanctions regime under Constructions Products Regulations SI 2013 should be applied to a broader range of products? Please support your view.**

129. Yes, AXA does agree with the sanctions regime. Clarity on regulation and performance for products, without an EU harmonised standard is important.

**Question 9.4**

**Do you agree that an enhanced civil penalty regime should be available under the new building safety regulatory framework to address noncompliance with building safety requirements as a potential alternative to criminal prosecution? Please support your view.**

130. Yes, AXA does agree with the proposal. However, the penalties contained within the civil penalty regime must be at robust level to ensure they are effective.

**Question 9.5**

**Do you agree that formal enforcement powers to correct non-compliant work should start from the time the serious defect was discovered? Please support your view**

131. Yes, AXA agrees with this proposal. Regardless of the completion date, the defect should have the best possible chance of being corrected by enforcement.

**Question 9.6**

**Do you agree that we should extend the limits in the Building Act 1984 for taking enforcement action (including prosecution)? If agree, should the limits be six or ten years?**

132. Yes, AXA believes that the limits in the Building Act 1984 should be extended to ten years to match typical warranty or liability periods.

If you need to get in touch regarding the information in this submission, please get in touch with Public Affairs Executive, Jonathon Murphy, at [jonathon.murphy@axa-uk.co.uk](mailto:jonathon.murphy@axa-uk.co.uk) or on 07866032309.