

Reasonable RES - Resident Engagement Strategies under the Building Safety Act

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Overview

- Why resident engagement matters
- What a residents engagement strategy should contain
- Reasonable resident engagement:
 - Delegation of legal duty
 - Resident duties
 - Human behaviours
 - Unreasonable expectations and getting the balance right
- Q&A

Abbreviations

- AP – Accountable person
- PAP – Principal accountable person
- BAC – Building Assessment Certificate

Recap of the basics

- Building Safety Act is the government response to the Grenfell tragedy
- 18m+ / 7 storeys or more + at least 2 residential units
- Risks covered: spread of fire and structural failure
- APs – own or have a repairing obligation for (part of) the common parts of the building
- PAPs – if only one AP in a building, they are also the PAP. If more than one AP then it's the one with responsibility for structure and exterior of the building
- RMCs and RTMs will generally be APs / PAPs

Why does resident engagement matter?

- Poor resident engagement directly impacted events during the Grenfell tragedy
 - Who the residents were in each apartment was not readily known
- The Hackett enquiry identified that:
 - Residents often did not feel listened to or involved in safety decision making
 - Residents often did not feel they had access to the relevant safety information
- Our own research has shown that residents often do not report fire safety or structural issues, and when they do they often feel their issues were not resolved.
- **Resident engagement is now a statutory requirement under the Act**

What does the Act require by when?

- The Act requires the PAP for occupied HRBs to:
 - Prepare a resident engagement strategy, and regularly review it
 - Consult with relevant persons about the strategy, and changes to the strategy
 - Distribute the strategy via APs to all relevant persons aged 16 and above
- When the Act comes into force, the above must be carried out as soon as reasonably practicable
- Secondary legislation has now been published, and we expect these specific requirements to come into force from October
- Building safety decisions in the RES means a decision by an AP about the management of the building and in connection with their duties under the Act
- It's key that you not only have a RES, but act in accordance with RES

What a Residents' Engagement Strategy should contain

- The Act sets out four things the strategy needs to contain:
 - The information you'll provide residents with
 - What you'll ask residents about
 - How you'll collect and use opinions
 - How you'll measure and review participation
- There is more detail on the recently published [regulations](#)

Content in depth #1: The information you'll provide residents with

- Describe the information you'll provide about building safety decisions to:
 - Residents
 - Owners of residential units
- Information may vary depending on the type of decision and what aspect you're asking about
- You can give examples or list typical information you'll provide
- Include how you'll provide the information
 - This will need to take into account resident profile and those with additional needs
 - You may need to use more than one method

Content in depth #2: What you'll ask residents about

- Describe what decisions you'll ask for opinions on.
 - Sometimes, you'll only need to ask residents and owners of residential units about certain aspects of a decision that could impact them.
 - For example, if work is required to repair a faulty fire door, asking them about the work may not be necessary. However, residents who could be disrupted by the work could be asked when the best time is for the repair to be done.

Content in depth #3: How you'll collect and use opinions

- Describe how you'll ask residents and owners of residential units about building safety decisions. Methods you could use include:
 - Letters or surveys by post
 - A website, emails, social media, or apps
 - Meetings or visits
- The strategy should show that you have considered different communication needs. You can ask if communications are needed in a different language or in alternative formats such as large text, easy read, braille, or audio
- You should describe:
 - The process you'll use to collect, review, and act on opinions
 - How you'll give feedback on opinions and any changes you make because of them
 - How long you'll give residents and owners of residential units to submit their opinions and an explanation of the timescale
 - How you'll collect and store information in line with General Data Protection Regulation (GDPR)

Content in depth #4: How you'll measure and review participation

- Describe how you'll measure and review the methods you're using to encourage participation in building safety decisions. You should do this regularly and record the results of your review
- To measure and review participation, you can:
 - Record how many responses you get when you ask about a building safety decision
 - Use surveys and focus groups
 - Set up meetings and visits
- If the results show a lack of satisfaction or participation, you may need to make changes to your strategy

After you've prepared the strategy...

- APs for the building have to distribute the strategy - if you are the PAP because you are the only AP, then this will fall to you as well
- Consult on the strategy
 - When you first prepare it and when there are major changes
 - Give residents and owners of residential units at least 3 weeks to respond
 - Consider the responses
 - If you make use of resident organisations, bear in mind that they do not necessarily represent everyone in a building
- Review your strategy at least every 2 years
- Last, but not least: **Act in accordance with the strategy**

Reasonable resident engagement

- **Delegation of legal duty**
- **Resident duties**
- **Human behaviours**
- **Unreasonable expectations and getting the balance right**

Delegation of legal duty

- APs – own or have a repairing obligation for (part of) the common parts of the building
- PAPs – if only one AP in a building, they are also the PAP. If more than one AP then it's the one with responsibility for structure and exterior of the building
- Many APs and PAPs will use the services of managing agents and building managers to carry out the practicalities of their duties under the Act
- **This does not transfer legal responsibility from the AP or PAP**
- It is the responsibility of the AP or PAP to ensure that their legal duties are being carried out in accordance with the Act.

Residential duties

- The Act not only sets out duties for APs and PAPs, but also residents
- s95 outlines that residents and owners:
 - Must not act in a way that creates a significant risk of a building safety risk materialising
 - Must not interfere with a relevant safety item
 - Must comply with a request for information reasonably required for the purposes of a duty under s83 or s84, made by the appropriate AP

Human behaviours

- Would it be reasonable to expect the AP or PAP to be held accountable for a resident acting in a dangerous way?
- Would it be reasonable to hold the AP or PAP accountable if a leaseholder does not inform them of a change in residents, and this resident therefore did not receive a RES for example?

Unreasonable expectations and getting the balance right

- **Preparation and distribution of the Resident Engagement Strategy**
- Timeframes for preparation – what is reasonably practicable?
- Distribution of the RES
 - Is a physical copy to every relevant person reasonable?
 - Is a RES only in a digital format reasonable?

Unreasonable expectations and getting the balance right

- **Distributing the RES or building safety information in the chosen language of every relevant person**
- Would it reasonable to expect all building safety information, and the RES, to be translated for every preferred language? Conversely, would it be reasonable to only provide copies in English when a significant proportion of a building does not have English as a first language?
- Would consulting on a building safety decision in another language be reasonable?

Unreasonable expectations and getting the balance right

- **Preparing individual resident engagement strategies for multiple buildings**
- Why is it reasonable to expect an individual RES for each building if you have multiple buildings?
- Does this provide unreasonable burden on multi-building PAPs?

Any questions?

- If we can't answer a question today, we will take it away and feedback the answer via TPI

And finally...

- The next slide provides links to further information
- We are still working on other information, presentations and webinars we think industry will find useful – and we would be interested in hearing your views
 - We can't promise to deliver everything, but we will consider all suggestions
- If you have any comments, suggestions or queries you can email us on andrew.saunders@hse.gov.uk or josh.paulin@hse.gov.uk

Further Information

- APs / PAPs: [Safety in high-rise residential buildings: Accountable persons - GOV.UK](https://www.gov.uk/government/consultations/safety-in-high-rise-residential-buildings-accountable-persons)
(www.gov.uk)
- Registration: [Applying to register a high-rise residential building - GOV.UK](https://www.gov.uk/government/consultations/applying-to-register-a-high-rise-residential-building)
(www.gov.uk)
- KBI (Key Building Information): [Building Safety Regulator: giving us structure and safety information \(key building information\) - GOV.UK](https://www.gov.uk/government/consultations/building-safety-regulator-giving-us-structure-and-safety-information-key-building-information) (www.gov.uk)
- Gathering Building Information: [Building information - Building safety – HSE](https://www.hse.gov.uk/buildingsafety/building-information/)
- Golden Thread: [Storing building information - golden thread - Building safety - HSE](https://www.hse.gov.uk/buildingsafety/golden-thread/)
- Building Safety Risk Assessment: [Identifying building safety risks - Building safety – HSE](https://www.hse.gov.uk/buildingsafety/identifying-building-safety-risks/)
- Safety Management Systems: [Safety management systems - Building safety – HSE](https://www.hse.gov.uk/buildingsafety/safety-management-systems/)
- Safety Case Report: [Safety case report – Building safety – HSE](https://www.hse.gov.uk/buildingsafety/safety-case-report/)