



PERSPECTIVES

The Challenge of Culture Change to Ensure Fire and Building Safety: An Architect's View



Our perspectives feature the viewpoints of our subject matter experts on current topics and emerging trends.

INTRODUCTION

Several devastating fires in recent years have put a spotlight upon the safety and quality of buildings in the United Kingdom. Following the Grenfell Tower disaster, in 2018 Dame Judith Hackitt, the former chair of the Health and Safety Executive, challenged the construction industry to implement “culture change.”

Dame Hackitt’s report set out six broad areas for change candidates, notably identifying the prioritization of life safety over the entire lifetime of a building, improvement of competence levels within the design profession and building industry, proper enforcement of regulations, and ensuring that regulation and guidance is risk-based. Dame Hackitt has issued a challenge to the building industry to change its culture to bring about these goals and to ensure the ultimate objective of making buildings safe. The question that is required to answer this is: Are enhanced regulations sufficient to achieve this ultimate objective, or must the construction industry also institute a true culture change within a more robust regulatory environment in order to bring about the objective?

This paper will discuss recent legislation designed to improve building and fire safety, but also assert that culture change is necessary and must come from not just an improved regulatory regime, but also by more effective utilization of mechanisms available within design and construction contracts.

LEGISLATIVE ACTIONS EXPECTED TO BRING SWEEPING CHANGES

The [Fire Safety Act 2021](#) and the [Building Safety Act 2022](#) will bring widespread changes to the construction industry and will impose new statutory obligations on architects. This includes giving new powers to the Architect’s Registration Board to ensure continuing professional development is carried out by architects throughout their careers, as well as the ability to list disciplinary outcomes on an architect’s register entry. The Building Safety Act amends the Architects Act 1997 by giving the Board the power to monitor and assess the competence of architects and also provide that the Board will establish a new appeals committee.

To achieve culture change, the regulatory framework to address key areas of high-risk projects must be successfully addressed. Some of these key areas include effective solutions for means of escape in buildings; the extent of spread of fire on external walls; compartmentation for certain types of buildings; and a more transparent and effective testing regime.

Additionally, inspection duties, workmanship on site, robustness of construction information and specification all play an important role in culture change. Dame Hackitt argued that penalties for non-compliance with regulations must be tougher, with duties and responsibility delegated to the client, the principal designer, and the principal contractor. The Building Safety Act reflects these proposals; however, fundamental questions remain on how these duties will be performed in practice.

The current environment in the building industry whereby the scope of the architect (and consultants) roles and responsibilities have been reduced, combined with the increasing adoption of contractor-led procurement methods and design delegation, has led to the diminution of quality, and consequently impacted on building safety.

With the increase in design and build contracts and value engineering, there are many examples where uncontrolled and undocumented changes have been made to the original design intent often resulting in poor quality. Managing quality should be improved by evaluating the whole process of design as well as construction over the life cycle of a building. The concept of building safety must rise to be a top priority within the culture.

THE IMPORTANCE OF DESIGN AND CONSTRUCTION CONTRACTS IN BRINGING ABOUT CULTURE CHANGE

The Hackitt Report clearly confirms construction contracts are an important part of a culture change to bring about the ultimate objective of building safety. Construction contracts should be utilised as much as possible to ensure that safety requirements and quality are implemented. Furthermore,

these contracts must clearly and unambiguously define delegated roles and who is accountable for the enumerated responsibilities. Construction contracts should be written to prevent over-reliance upon the delegation of technical and contractual risk to the subcontractor which has, and can, lead to poor quality outcomes. Construction contracts should also specifically identify safety requirements in higher risk buildings. Effective third-party inspections and the mechanisms for quality should be clearly delineated and should not simply be an afterthought, as is much too common.

Competence is also an important driver for culture change. The construction industry must establish a regimen to first prove, and then monitor, competence. Building professionals must increase their awareness level of their liability to monitor key scopes related to building and fire safety and to ensure that a proper quality control and assurance program is in place from the outset of the design and build processes, and then implement such processes. Professional bodies are undertaking greater scrutiny of competence and robustness of its members. This includes the publication of the Architect's Registration Board Competency Guidelines for Fire and Life Safety Design (published in March 2021) and the Royal Institute of British Architects mandatory Health and Safety Test.

The architectural profession is at the forefront of the movement for culture change and the proposed regulatory improvements. Architects are often involved in the design of complex, high- risk projects including those with large basements and complex facades and cladding systems. The responsibilities of an architect typically include the coordination of increasingly complex elements of buildings including security systems, water, ventilation, fire safety, and acoustics. However, notwithstanding this current framework, should the architectural profession be placing a higher priority on ensuring that the design of higher risk elements – such as basements and cladding – have safety as a primary feature?

To achieve culture change, a holistic view needs to be taken of fire and life safety from both the architectural profession and construction industry.

CONCLUSION

Culture change is challenging and can only be realised by addressing the entirety of the processes at the core of the design and construction over the life cycle of a building. The utilisation of design and construction contracts in that process is a fundamental part of any shifts that can bring about such change. The solution to the challenge is the combining of a robust regulatory regime with clear design and construction contracts which provide suitable mechanisms for quality, inspection, accountability, and enforcement.

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