Neighbourhoods & Housing – Mandatory Occurrence Reporting Policy

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practice.management@hullcc.gov.uk

Neighbourhoods & Housing – High Risk Building Safety Policy

Contents

1. Introduction

1.1 Hull City Council (HCC) are committed to providing a safe place to live for our residents and a safe place to work for our staff and contractors. The introduction of the Building Safety Act has introduced a series of new provisions to enhance building safety. One of these legal requirements is for the implementation of a Mandatory Occurrence Reporting (MOR) System. An MOR is a system designed to enable the reporting of building safety occurrences affecting High Risk Buildings (HRB's) to the Accountable Person (HCC) and the Building Safety Regulator (BSR).

1.2 The aims of this policy are to:

- Set out how HCC will respond to an occurrence that requires a mandatory report to be made to the BSR and the timescales.
- Explain the roles and responsibilities for mandatory reporting.
- Show HCC's commitment to engaging with residents

1.3 This Policy should be read in conjunction with:

- The over-arching High Risk Building Safety Policy which also sets out HCC's approach to identifying and managing safety occurrences this includes; inspections of HRB's, specialist surveys, fire risk assessments, competency of staff and contractors, building safety cases, remediation of defects and resident engagement.
- HCC's Mandatory Occurrence Reporting Summary for Residents which is attached to this Policy as Appendix A.

2. Scope

2.1 The Building Safety Act (BSA) clearly defines the scope of High-Risk Buildings (HRB) to which it applies, these are identified as occupied buildings which are seven or more storeys or, over 18 meters in height. The buildings within scope owned and managed by HCC are:

- Bathurst Street – Block 1
- Bathurst Street – Block 2
- Bayswater Court
- Cambridge Street (1 to 112)
- Cambridge Street (113 to 224)
- Denaby Court
- Gatwick House (1 to 79)
- Great Thornton Street (226 to 448)
- Great Thornton Street (450 to 672)
- Great Thornton Street (674 to 896)
- Lindsey Place (1 to 112)
- Melville Street – Block 1
- Melville Street – Block 2
- Muswell Court
- New Michael Street
- Padstow House 1 to 179
- Valiant Drive (2 to 96)
- Valiant Drive (98 to 192)
- Valiant Drive (194 to 288)

2.2 This policy covers Mandatory Occurrence Reporting of building safety occurrences to the Accountable Person (HCC) and the BSR. It also covers voluntary reporting of building safety occurrences to the BSR.

2.3 This Policy applies to all HCC staff and any collaborative partners delivering services on HCC behalf to the buildings within scope.

2.4 This Policy includes all tenures within the HRB's listed above including; leasehold, shared ownership, social, affordable, market rent and privately rented accommodation.

3. Relevant Legislation

Regard has been given to the following legislation and guidance in producing this Policy

- The Building Safety Act 2022
- The Fire Safety Act 2021
- The Fire Safety (England) Regulations 2022
- The Fire Safety (Residential Evacuation Plans) (England) Regulations 2025
- The Regulatory Reform (Fire Safety) Order 2005 – Amended by Fire Safety Act 2021
- LACoRS – Fire Safety Guidance (Local Authorities Coordinators of Regulatory Services)
- Fire Safety in Specialised Housing – National Fire Chiefs Council Guidance
- Fire Safety in Purpose Built Blocks of Flats – Local Government Association
- Housing Act 2004, which introduced the Housing Health & Safety Rating System (HHSRS)
- Housing Act 1985 (powers of entry)
- Dangerous Substances and Explosive Atmospheres Regulations (DSEAR) 2002
- Furniture and Furnishing (Fire Safety) Regulations 1988
- Gas Safety (Installation and Use) Regulations 1998
- Electrical Equipment (Safety) Regulations 1994
- Equality Act 2010
- Building Regulations – Approved Document B
- Health & Safety at Work Act 1974 – As amended
- Management of Health & Safety at Works Regulations 2006
- Social Housing Regulation Act 2023
- Workplace (Health Safety & Welfare) Regulations 1992

4. Relevant Consumer Standards

4.1 The Social Housing (Regulation) Act 2023 came into effect on 1 April 2024. The Act aims to improve the quality of life of tenants living in Social Housing and brought in four consumer standards to raise the level of service which tenants receive and promoting a positive culture of putting tenants front and centre. The Consumer Standards which are relevant for the purpose of this Policy are:

- Safety & Quality Standard April_2024_-_Safety_and_Quality_Standard_FINAL.pdf
- Transparency, Influence & Accountability April_2024_-_Transparency__Influence_and_Accountability_Standard_FINAL__1_.pdf

5. Definitions and Terminology

5.1 **High Risk Building (HRB)**: Defined in the Building Safety Act (BSA) as a residential building that is at least 18 metres or seven storeys high and contains two or more residential units. Secondary legislation further defining such buildings came into force on 6 April 2023. All HRBs will need to be registered with the Building Safety Regulator (BSR) by the principal accountable person (PAP), have a dedicated engagement strategy and building safety case, and adhere to the principles of the Golden Thread (see 5.7).

5.2 **Collaborative Partner:** This may be any external organisation and/or area within Hull City Council but outside of Neighbourhoods and Housing providing services to the buildings within scope.

5.3 **Accountable Person (AP):** An AP in an organisation who owns or has a legal obligation to repair any common parts of the Building. Hull City Council is the AP.

5.4 **Principle Accountable Person (PAP):** Each building must have one clearly identifiable AP, known as the PAP. Hull City Council is the PAP for each of the buildings listed at 2.1.

5.5 **Single Point of Contact (SPOC):** If the PAP/AP is an organisation, then someone from the organisation may be the SPOC for the Building Safety Regulator. This individual should have authority or duties relating to the safety of the building. The Building Safety Manager is the SPOC for each of the buildings listed at 2.1.

5.6 **A Safety Occurrence:** Is an incident involving, or a risk that could cause; structural failure of the building, the spread of fire or smoke in the building, or something else which if not remedied could cause serious harm to people when the building is in use.

5.7 **The Golden Thread:** A principle for storing, managing, and sharing building information and documents over a building's lifecycle, from design and construction through to occupation and disposal. The Golden Thread ties directly into the body of evidence needed to create and maintain building safety cases.

5.8 **Building Safety Case.** Under the BSA, HCC must provide a Building Safety Case for each of the HRBs every five years. The Safety Case will evidence how HCC have ensured that the building is safe and is required before the Regulator issues a licence.

5.9 **The Building Safety Act 2022 (BSA)**: became law in April 2022. The Act was developed following Dame Judith Hackitt's independent review of building regulations and fire safety, commissioned after the Grenfell Tower tragedy in 2017. It introduces wide scale reforms to support building safety across the industry through design, construction, and management of residential blocks classed as higher risk buildings.

5.10 **Building Safety Regulator (BSR):** The regulatory arm of the Health and Safety Executive (HSE) for building safety across design, construction and occupation introduced in the Building Safety Act 2022. The Building Safety Regulator monitors industry performance to inform priorities, set direction, facilitate improvement in competence of both industry and the building control profession, and influence their operational standards. The Building Safety Regulator (BSR) will move from the Health and Safety Executive (HSE) to a new arm's length body of the Ministry of Housing, Communities and Local Government (MHCLG).

5.11 **Resident Engagement Strategy.** The BSA requires HCC to develop a resident engagement strategy specifically for all residents and any person who owns a residential unit in a building in scope of the BSA (as detailed at 2.1).

6. Roles and Responsibilities

6.1 The Building Safety Act (BSA) sets out new duty holders, known as 'Accountable Persons'. The Roles and Responsibilities across HCC are:

6.1.1 **Accountable Person (AP)/Principle Accountable Person (PAP):** In relation to this policy and the implementation of the Building Safety Act, Hull City Council is the PAP/AP.

6.1.2 **Single Point of Contact (SPOC):** If the PAP/AP is an organisation, then someone from the organisation may be the SPOC for the Building Safety Regulator. This individual should have authority or duties relating to the safety of the building. The Building Safety Manager is the SPOC for each of the buildings listed at 2.1.

6.1.3 **The Building Safety Manager:** Is also responsible for:

- Receiving all reports of safety occurrences and reviewing these to determine the appropriate HCC response.
- Gaining permission to notify/report the safety occurrence to the BSR and subsequently giving that notice/report to the BSR, and liaising with the BSR over progress of action plans.
- Managing the MOR system and communicating this to the Regulator and residents.
- Identifying actions to reduce danger from occurrences and where

reasonable and proportionate to fully mitigate them.

- Producing periodic reports regarding safety occurrences and those notified/reported to the BSR, to the Neighbourhoods & Housing Senior Management Team, Corporate Strategy Team, Service Improvement Board and Communities Overview and Scrutiny Commission.
- Liaising with residents and others about building safety occurrences and progress to reduce the danger resulting from them and/or to resolve them.
- Updating the building safety case and the golden thread for the building to capture building safety issues and works, including details of mandatory reports.

6.1.4 **Assistant Director Neighbourhoods & Housing**: Is responsible for reviewing the Building Safety Managers decisions regarding safety occurrences and any action plans resulting from these.

6.1.5 **Resident Engagement Manager:** Is responsible for engagement with residents and other stakeholders (such as contractors, and Humberside fire and rescue service) to develop and implement HRB specific resident engagement strategies. This shall include the MOR and Relevant Complaints Procedure. They shall also, where a report has been made to the BSR, issue a copy of the full report, including learnings from the incident to all residents on completion of the submission.

6.1.6 **High Rise Team:** A team dedicated to the day-to-day tenancy and estate management of the buildings within the scope of this policy which also includes Housing Facilities Officers (HFO's). HFO's are responsible for conducting daily, weekly and monthly inspections of all communal areas within the buildings in the scope of this policy, to ensure these areas remain sterile, any defects or building safety hazards are reported or removed. The High Rise Team shall play a key role in identifying issues and keeping residents informed about how safety is being maintained.

7. Key Principles

7.1 A single reporting system is required for each HRB within the scope of this Policy (detailed at section 2.1). HCC's Mandatory Occurrence Reporting Summary for Residents is attached to this Policy as Appendix A.

7.2 All HCC staff and contractors have a duty to act as HCC's 'eyes and ears' when visiting HRB's identifying potential issues and actively listening to residents. When any safety occurrence is identified staff and contractors shall report these promptly.

7.3 Where HCC are conducting major works in a HRB the Programme Manager responsible for the works shall ensure the MOR is communicated to residents and contractors in order that any safety occurrences linked to the works can be reported.

7.4 Failure to report a building safety occurrence without a reasonable excuse is a contravention of the BSA and deemed an offence which is liable on conviction to a fine.

<u>Mandatory Reporting to the Building Safety Regulator</u>

7.5 Some examples that could meet the criteria of what to report to the BSR include but are not limited to:

- The spread of fire or something that could lead to the spread of fire
- Total or partial collapse of the building
- Defective building work
- Unexpected failure or degradation of construction materials
- The discovery of structural defects
- Failure of a critical fire safety measure, such as an automatic opening vent, smoke extraction or fire doors

7.6 The notice must be given to the BSR as soon as is reasonably practicable and in any event shall be within no more than 72 hours of the incident occurring or becoming aware of the safety occurrence.

7.7 An investigation will be carried out to; identify the cause of the safety occurrence, the effect of this and what actions are required to remediate/eliminate any risk. A full report shall then be provided to the BSR detailing this and any interim measures within 10 calendar days of the incident occurring or becoming aware of the safety occurrence. Following submission, a copy of the full report, including learnings from the incident shall be issued to all residents within the block.

7.8 Within 30 calendar days of a full report being submitted to the BSR the Resident Engagement Strategy shall be reviewed by the Building Safety Manager in conjunction with the Resident Engagement Manager.

8. Compliance and Monitoring

8.1 This policy will be reviewed every five years unless there are significant changes to legislation or regulation or, where there are changes to best practice identified. If this occurs, an immediate review will be initiated.

8.2 Regular reviews of the MOR will be carried out by the Building Safety Manager to ensure it remains effective.

8.3 HCC will keep full records of reports including; how they were reported/identified, the information reviewed, decisions made in respect of the reports and how those decisions were reached.

8.4 This policy will be communicated internally to staff. Key stakeholders and key staff where this policy has specific impact will be briefed individually or collectively as required.

8.5 Performance will be reported to SIB, SMT and Communities Overview and Scrutiny Commission to demonstrate the progress against action plans resulting from safety occurrences.

9. Related Policies, Procedures and Forms

- HCC Neighbourhood & Housing – High Risk Building Safety Policy

- HCC Neighbourhood & Housing – High Risk Building Relevant Complaint Procedure
- HCC Neighbourhoods & Housing Serious Incident Policy
- HCC Neighbourhoods & Housing Serious Incident Procedure
- HCC Neighbourhoods & Housing Repairs & Maintenance Policy
- Building Safety Resident Engagement Strategy for High Rise Buildings City-wide Building Safety - Resident Engagement Strategy for High Rise Buildings
- Fire Risk Assessments for HRB's High Rise Fire Risk Assessment | Hull

Hull City Council

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APPENDIX A – Mandatory Occurrence Reporting Summary for Residents

INTRODUCTION

The introduction of the Building Safety Act has introduced a series of new provisions to enhance building safety. One of these legal requirements is for the implementation of a Mandatory Occurrence Reporting (MOR) System.

PURPOSE

MOR is a system designed to enable residents to report an incident or risk of fire spread or structural failure of the building, these are referred to as building safety occurrences. The risk or incident needs to be significant enough that it could lead to the serious injury or death of a significant number of people.

The MOR is applicable to high-risk buildings. A high-risk building is an occupied building which is at least 18 meters high or 7 storeys with two or more residential units.

The MOR system will be shared with all residents through HCC's Resident Engagement Strategy.

WHAT NEEDS TO BE REPORTED

You need to report building safety occurrences. The description of a building safety occurrence is an incident involving, or any hazard that you have seen that you think could lead to:

- Structural failure, which poses a risk to people in and around the building
- The spread of fire or smoke in the building
- Where both of the above poses a risk to people in and around the building and the risk could lead to the death of a significant number of people or serious injury of a significant number of people

Examples of these could be:

<u>Structural Failure</u>:

- Partial collapse of a floor or roof
- Cracks in load-bearing walls or columns, load bearing walls/columns are those which help support the weight of certain features of your home i.e. the roof or ceiling.

- Foundation instability, this means the building's base is no longer adequately supporting the structure leading to movement, settlement (sinking), or shifting. You might also see misaligned doors and windows.
- Detachment of cladding or other building elements such as the roof or chimney

Spread of Fire or Smoke:

- Fire outbreaks due to faulty electrical wiring, or other causes
- Smoke infiltration through ventilation systems i.e smoke seeping into the property via vents.
- Fire compartmentation divides a building into sections using fire resistant walls, floors and doors to contain the spread of fire and smoke, providing time for evacuation. If any of these walls, floors or doors fail this could lead to a fire growing in size or spreading from one material or area to another.

HOW TO REPORT A SAFETY OCCURRENCE

Safety Occurrences either within your own home or communal areas can be reported in the following ways:

- By telephone – 01482 300 300 - Monday to Saturday 9am-5pm excluding bank holidays
- Face to face – by visiting a Customer Service Centre (see here for opening times: Customer service centres | Hull)

For any safety occurrence deemed to be an emergency this can only be reported by telephoning 01482 300 300 (24 hours a day, 7 days a week).

WHAT INFORMATION YOU NEED TO PROVIDE WHEN YOU CONTACT US

- The address and location of the safety occurrence
- Your name and contact details so we can contact you if we need further information
- If it is easier for you, you can send us photographs/videos of the safety occurrence
- A brief description of the safety occurrence

WHAT WILL HAPPEN AFTER YOU REPORT A SAFETY OCCURRENCE

- We will notify you when the issue is resolved.
- A notice and full report will be sent to the Building Safety Regulator within 10 working days of your report
- A copy of the full report, including learnings from the incident, will be issued to all residents on completion of the submission.

GENERAL DATA PROTECTON

Data protection principles We will comply with data protection law and principles, which means that your data will be:

- Used lawfully, fairly and in a transparent way.
- Collected only for valid purposes that we have clearly explained to you and not used in any way that is incompatible with those purposes
- Relevant to the purposes we have told you about and limited only to those purposes
- So far as possible, accurate and kept up to date
- Kept only as long as necessary for the purposes we have told you about.
- Kept securely

HIGH RISK BUILDING – RELEVANT COMPLAINT PROCEDURE

Hull City Council Neighbourhoods & Housing Service operates a complaints process separate to the Mandatory Occurrence Reporting system. It has been designed to enable residents and other building users to raise complaints about those responsible for managing building safety risks.

If you have raised a building safety concern and you are unhappy with your response you can use the relevant complaints procedure to escalate your concern.

Relevant Complaints can be made in the following ways:

- Online, by completing and submitting the customer feedback form on the HCC website Customer Feedback - Complaints, Suggestions and Compliments
- By telephoning the Council's Contact Centre on 01482 300 300
- By visiting one of the Council's Customer Service Centres
- By writing to: FREEPOST RSJC-KKBE-ABXZ, Customer Feedback Team, PO Box 15, HU1 2AB
- By providing information to a Hull City Council officer in person, in writing or over the telephone

Change Log			
Section	**Description of Change**	**Date**	**Change Made By**