

Post-Grenfell Tower fire report confirms systemic corporate flouting of health and safety standards

By Trevor Johnson
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“I have been shocked by some of the practices I have heard about...”

“What is initially designed is not what is being built, and quality assurance of materials and people is seriously lacking.”

“It has become clear that the whole system of regulation, covering what is written down and the way in which it is enacted in practice, is not fit for purpose, leaving room for those who want to take shortcuts to do so.”

“The mindset of doing things as cheaply as possible... must stop.”

The above quotes are from Dame Judith Hackitt’s Independent Review of Building Regulations and Fire Safety. They represent a devastating indictment of the “bonfire of regulations” in the UK in the last decades that has left big business free to do whatever it wants to cut corners and raise profits.

The report was commissioned by the Conservative government after last June’s Grenfell Tower fire, to run alongside the official inquiry headed by Sir Martin Moore-Bick. With Moore-Bick’s inquiry aimed at a cover-up and specifically ruling out any evaluation of issues of a “social, economic and political nature,” Hackitt’s inquiry is meant to deal with issues he would not be covering regarding regulations and fire safety.

While forced to detail how the UK’s building regulations are wholly designed to satisfy the interests of big business, Hackitt favours only minor tinkering with regulations that are being ignored with impunity. This is despite the fact that thousands still live in buildings covered in similar flammable materials to those used in the Grenfell Tower cladding and which led to a small kitchen fire becoming an inferno that

claimed the lives of at least 71 people.

There are no calls for any concrete measures that would decisively change the rules to put safety first, rather than profit.

After criticising the flouting of basic health and safety standards by companies, Hackitt, a former engineer and ex-chair of the Health and Safety Executive, states, “I am convinced of the need for a new intelligent system of regulation and enforcement for high-rise and complex buildings which will encourage everyone to do the right thing and will hold to account those who try to cut corners.”

However, she concludes that what is required for this is a “cultural and behavioural change” across the building sector. There is no explanation of how such a situation, impacting the lives of millions of people, came about. For almost 40 years, there has been a dismantling of housing and planning regulations by successive Labour and Tory-led governments to reduce the cost “burden” to business.

One passage shows the extent to which large-scale developers can literally get away with murder. Section 35 of the Building Act (1984) deals with the “Penalty for contravening building regulations.” Hackitt writes, “However, formal enforcement and sanctions activity is very limited—undermining the consequences associated with non-compliance. The level of financial deterrent usually applied under section 35 is unlikely to prove an impediment to large or medium-sized developers. There is, therefore, little to drive compliant behaviour where an individual or organisation is unwilling to meet their legal responsibilities under the Building Regulations.”

Hackitt highlights a finding that “Responsible

persons frequently do little to verify competence” of those given the task of ensuring building safety.

Throughout the report, the assumption is made that safety measures can be put into operation only when it does not interfere with the ability of the owners to make profit. Thus, we see, “There is a responsibility to give due consideration to what it is reasonable and practicable to do to upgrade and improve the fire safety of existing facilities throughout their lifespan ...”

Even on essential safety issues like fire prevention, Hackitt considers it too great an imposition on landlords to demand, in law, that they carry out basic improvements such as fitting sprinkler systems in tower blocks. Currently there are no such sprinklers in most tower blocks, and the ones that have them are generally luxury flats inhabited by the rich.

Hackitt notes that building work often starts before plans have been approved by the building control bodies (BCBs) and that what gets built often differs from what is in the plans, “as a result of business processes such as value engineering.”

She makes no proposals that such practices be halted, only that changes to plans should be reviewed before being implemented.

Hackitt asked for input from the construction industry, housing, landlord and tenant organisations, fire safety organisations and relevant experts and professional bodies, as well as residents of high-rise buildings. The lack of enforcement of existing building regulations is so blatant that most respondents raised it: “Approximately 65% of respondents indicated that the current checking and inspection regime is not adequately backed up through enforcement and sanctions.”

It also found that “Less than 5% of respondents indicated that it is adequately backed up.”

Even the Fire Industry Association, the trade association dealing with fire safety, admitted, “The response from contractors would often be to cover up areas quickly in order to avoid the risk of Building Control identifying problems that would then need rectifying.”

This raises the issue of the changes in law that caused inspections to be scaled back, allowing contractors to get away with this. But the implications are skirted over by Hackitt.

Responses of tower block residents received by

Hackitt were highly critical of a lack of enforcement: “Residents gave several examples of instances where fire risk assessments had been either perfunctory or not completed on a regular basis, resulting in a detrimental cumulative impact on fire safety. There was a call for punitive measures aimed at holding to account those who failed to enforce required measures.”

From her comments since the report, Hackitt will likely give those guilty of flouting regulations a get-out clause in her final report, on the basis that current regulations are too complicated to understand! She told BBC Radio’s *Today* programme, “When regulations are complex it makes it quite difficult for people to penetrate that complexity to truly understand what they are required to do.”

From the initial report, one can only surmise that Hackitt’s will continue in the tradition of all previous government inquiries. Even when these resulted in a tightening of regulations, the changes were ignored in practice. More preventable deaths in fires are the inevitable consequence.

As a sop to the public anger generated by the Grenfell deaths, Hackitt said that those responsible for the safety of buildings should not wait for her final report this spring but should start making buildings safer now. However, as has been proved by the response of the ruling elite since the Grenfell fire, they will do no such thing.

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