



Ministry of Housing,
Communities &
Local Government

Final Report of the Expert Group on Structure of Guidance to the Building Regulations



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1. Executive Summary

An Expert Group (membership in Annex A) was set up by Government to review the current suite of Approved Documents, in line with a recommendation in Dame Judith Hackitt's Interim Report on Building Regulations and Fire Safety. The Expert Group considered the structure of the current guidance that supports the Regulations and identified three leading options for reform (figure 1).

It concluded that the government should reform the current suite of Approved Documents into a system of digital guidance. The current Approved Documents should be: **rationalised, reviewed, updated, renamed and improved** as well as **digitalised**, to make the system of guidance clearer and more accessible, consistent and appropriate for modern construction and information technology. The new approach to guidance should provide clarity **on the legal requirements** and **confirm what the statutory guidance is**. The guidance should be reduced and reordered to make it more user-friendly and digitally accessible. This solution is a hybrid of options 2 and 3 (figure 2).

The Group considered that the government should **engage with industry** on this work to promote **greater ownership and accountability** of the outcome. Overarching guidance on the regulatory requirements in the Building Act and the Building Regulations and how they fit with the functional requirements should also be developed.

The group suggested eight high-level recommendations for Government to achieve the change (figure 3) and set out seven stepping stones to deliver it in section 7. These recommendations were approved by Dame Judith Hackitt and integrated into her Final Report (Annex F) published in May 2018.

Figure 1: Summary of the three leading options for reform considered by the Group

<u>Option</u>	<u>Audience</u>	<u>Structure</u>	<u>Format</u>	<u>Owner</u>	<u>Implementation</u>
<u>Option 1</u> Government approved industry generated guidance	Open. Industry to decide.	Open. Industry to decide.	Open. Industry to decide.	Industry	Hard to implement. 3-6 years.
<u>Option 2</u> Government guidance improved in line with other government department approaches	Change. Review of audience.	Same. Similar layout to current Approved documents with relevant parts.	Change. Online with greater clarity on the status of the information in the document.	State or regulator	Fairly easy to implement. 3-4 years.
<u>Option 3</u> Government guidance on	Change. Targeted audience for	Change. Layout of guidance to be	Change. Online with greater clarity on	State or regulator	Hard to implement. 3-6 years.

building type and risk involved	relevant section of the guidance.	arranged by building type and risk.	the status of the information in the document.		
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Figure 2: An illustration of the current and possible future structure of the guidance to support the Building Regulations

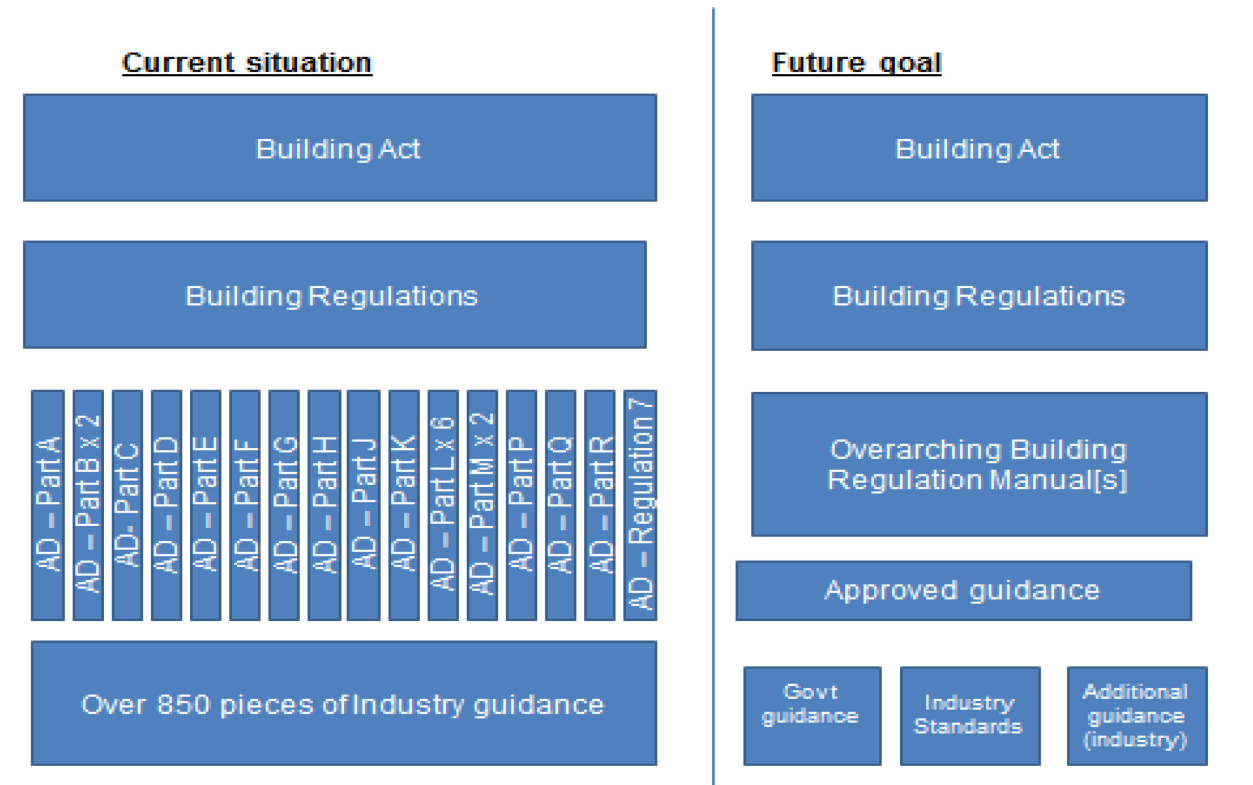


Figure 3: Key recommendations to deliver the change

The Government should improve the current suite of Approved Documents by:

- (R1) carrying out further research with the construction industry to understand who uses Approved Documents, how they are used and where they are used to influence how they should be developed in the future and to understand what other guidance is used by the construction industry in order to comply with building regulation requirements.
- (R2) making publicly available online a single searchable pdf which contains all of the content from the current Approved Documents in one place.
- (R3) reinstating the Building Regulations Manual that sets out that the overall purpose of the regulations is to deliver safe and healthy buildings throughout their life. This should include setting out how the functional requirements interact with each other, the key stages in the process and what all stakeholders responsible for compliance must have regard to and when undertaking Building work, including the construction or refurbishment of a building.

To start the transition to the future goal of clearer guidance the Government should:

- *(R4) carry out a radical design and content review of the current suite of Approved Documents using the Crystal Clear (plain English) standard or similar. As part of this review the Government should review and clearly delineate between statutory guidance and good practice advice contained in the Approved Documents. When reviewing the Approved Documents, the government should consider adopting a similar approach to the HSE and should carry out early engagement with industry.*
- *(R5) explore how the current information in Approved Documents can be transferred onto a digital platform. Government to consult with relevant parties to understand-how digital delivery could better meet the needs of the users. As part of this assessment the government should establish the cost of a digital suite and consider how it can improve the visual design of the guidance, in particular its tables, diagrams and worked examples so that the digital solution is more visually appealing and follows current good practice in design for screen and mobile access, including the density of the text*
- *(R6) consider an engagement strategy with industry and other delivery partners (including building control bodies) to communicate and train practitioners on the transitional arrangements and involve them in developing the long-term solution to encourage greater ownership and advocacy on the new digital approach.*
- *(R7) consider oversight of the current Approved Documents and develop a long-term model to ensure that the future guidance can be relied on as a route to compliance and remains free of vested interests. Assess the costs and resources involved in ensuring the guidance is reviewed to ensure it remains relevant and continues to be seen as impartial by the industry. The Building Regulations Advisory Committee and other key delivery partners should be consulted on the most effective and efficient way to achieve this [and what the guidance should be called and badged].*
- *(R8) consider whether the route for agreeing and signing off Approved statutory guidance and advice can be streamlined and improved to allow quicker updates of the documents in line with the latest developments in science and construction technology.*

The Group suggested a series of steps to be taken to develop firm proposals for reform of the guidance. These steps are set out later in the report. The Group also considered that change needs to be parallel tracked to move from the current situation to the future goal.

2. Introduction

This report is from the expert group formed by the Ministry of Housing, Communities and Local Government in response to Recommendation A in the Interim Report of Dame Judith Hackitt's Independent Review of Building Regulations and Fire Safety and their effectiveness.

3. The Task

Dame Judith asked the Government to: *“consider how the suite of Approved Documents could be structured and ordered to provide a more streamlined, holistic view while retaining the right level of relevant technical detail, with input from the Building Regulations Advisory Committee”*.

Dame Judith Hackitt's Interim Report indicated that “current regulations and guidance are too complex and unclear. This can lead to confusion and misinterpretation in their application to high-rise and complex buildings”. Dame Judith's interim report suggested that the rules for ensuring high-rise and other complex buildings are built safe and remain safe should be more risk-based and proportionate. Those responsible for high-risk and complex buildings should be held to account to a higher degree.

The Interim report's key findings suggested that there “should be a shift away from government solely holding the burden for updating and maintaining guidance, towards greater responsibility for the sector to specify solutions which meet the government's functional requirements”. “Regulations and guidance must be simplified and unambiguous”.

In response to this recommendation the Ministry of Housing, Communities and Local Government established an expert group with members of the Building Regulations Advisory Committee and wider experts from the building community and experts in information technology. The group agreed that the scope of their work would be to consider:

- **Audience** -who uses the guidance and how they use it.
- **Presentation** -the structure and format of the guidance
- **Ownership** - who should produce and approve the guidance

The Expert Group took the view that in the light of the circumstances leading to the commissioning of the Independent Review, a status quo or business as usual case could only be considered as a baseline for all other options, and was not an acceptable policy direction.

The Expert Group shaped options in the light of the direction of travel in the Interim Report from the Independent review and the user survey information mindful of the need to

ensure that guidance is suitable for both high rise complex buildings and other lower risk construction projects.

The Group acknowledged that in parallel to their work, the Independent Review was also considering guidance in an independent working group and other key issues (competency, golden thread, design). The group agreed that this work was rightly separate but that any new approach would need to complement the approach taken in these working groups.

4. The Existing System

The Building Act 1984 contains the framework for the enforcement and sanctions for building work in England and Wales and following devolution of building control to Wales provides the Secretary of State with the power to make Building Regulations for England. The Building Regulations 2010 (as amended) govern most building work (e.g. new builds, renovations, refurbishment and installation of controlled fittings and services) carried out in England. The Regulations provide minimum standards for building work and a system to assess the work.

There are fifteen technical parts that make up the Building Regulations (e.g. fire safety, conservation of fuel and power, access) and they are supported by a number of performance-based legal requirements that need to be met by the completed building work. These requirements also implement some EU energy performance obligations. The performance-based approach allows those carrying out the work to decide how best to meet the requirements and demonstrating compliance rests with the person carrying out the building work.

The technical requirements are supported by statutory guidance set out in “Approved Documents”, which provide advice on approaches to compliance. There is also an Approved Document on Regulation 7 - Materials and workmanship. Section 6 of the Building Act 1984 provides the underpinning provision for the creation of Approved Documents. Section 6 allows the Secretary of State or a body designated by him to approve and issue any document that provides practical guidance on the Regulations. Section 6 also gives the Secretary of State powers to revise the guidance and, if required, withdraw his approval.

Approved Documents set out what, in ordinary circumstances, may be accepted as reasonable provision for compliance. Section 7 of the Building Act 1984 indicates that following the guidance in Approved Documents provides a presumption of compliance with the requirements. However compliance is not guaranteed (in some instances the guidance may not apply if the case is unusual). There are other ways to comply with the requirements and there is no obligation to adopt any particular solution contained in the Approved Documents.

Whilst the Approved Documents are intended to provide guidance, there are some cases where it is difficult to identify a realistic alternative path to compliance, and so the guidance has become a de facto requirement. An example of this is the limits on design flexibility in section 4 of Approved Document L (conservation of fuel and power) part 2A. Paragraph 4.28 cites the regulatory requirement in Part L to provide energy efficient fabric and fixed

building services. Paragraph 4.29 states that one way of showing compliance is to demonstrate that the fabric and services meet the minimum standards set out in the following paragraphs. In practice there is no way to satisfy the requirement except to meet the minimum standards, set out in the Approved Document which has become a de facto regulatory requirement.

Figure 4 on page nine outlines that the guidance in the Approved Documents is supported by over 480 British Standards. These consensus-based standards are developed with input from industry bodies, research and testing organisations, local and central government, consumers and standards users and are published by the British Standards Institution, the UK's National Standards Body. In addition there are over 170 other references to industry guidance issued to help industry comply with the Regulations, together with over 160 references to other legislation or government guidance. Industry therefore generates approximately 660 references to support the current suite of 23 Approved Documents. There is also a significant amount of wider guidance that is not specifically referenced in the Approved Documents but is relied on by industry and control bodies.

The task of updating the guidance is split between Government for the Approved Documents themselves and BSI and industry for the references in the Documents. This comes at a considerable cost and takes significant time. The Government has reviewed the Approved Documents periodically since their creation. A simplification approach was started in 2012 and we now intend to develop a standard format to address the ambiguities and inconsistencies that have been identified across the Approved Documents, to make them clearer and easier to compare.

The balance between government guidance and reference to other guidance is more pronounced in certain Approved Documents. Part B (Fire safety), Part A (structure) and Part H (Drainage and waste disposal) have a significant number of standards referenced. This is in part indicated to the level of technical detail and specificity required by each of these Approved Documents. Industry guidance appears more in Approved Documents Part C (Site preparation), and accounts for almost half of the references in Part L (Conservation of fuel and power). This is likely to be a result of significant industry resource being devoted to help the sector understand the requirements.

Figure 4 References to Standards, Other Guidance or Government Legislation by Approved Document

Approved Document	Standards	Other Government Guidance	Industry Guidance	Other Government Legislation	Total
Part A – Structure (54 pages)	86	-	-	-	86
Part B – Fire Safety (256 pages)	100	5	23	18	146
Part C - Site preparation and resistance to contaminants and moisture (52 pages)	34	22	54	4	114
Part D – Toxic Substances (10 pages)	3	-	-	-	3
Part E – Resistance to the passage of sound and sound insulation (86 pages)	14	1	6	7	28
Part F – Ventilation (63 pages)	13	14	16	4	47
Part G – Sanitation, Hot water safety and Water efficiency (55 pages)	38	4	11	13	66
Part H – Drainage and Waste Disposal (64 pages)	87	3	13	2	105
Part J – Combustion appliances and fuel storage systems (89 pages)	59	8	11	3	81
Part K – Protection from falling, collision and impact (68 pages)	10	-	-	4	14
Part L – Conservation of fuel and power (159 pages)	7	12	22	5	46
Part M – Access to and use of building (69 pages)	10	9	7	9	35
Part P – Electrical safety (22 pages)	1	-	-	-	1
Part Q – Security in dwellings (20 pages)	4	-	11	-	15
Part R - High speed electronic communications networks (18 pages)	1		2	3	6
Regulation 7 – Workmanship (22 pages)	18	7	-	7	32
Total	485	85	176	79	825

Figure 4 also demonstrates different approaches to providing advice taken in the Approved Documents. Approved Document Part P (Electrical safety) points users to following the latest version of the British Standard BS7671, which was an approach agreed with industry. This allows Part P to be a short document. Just under half of the references in Part L (Conservation of fuel and power) relate to industry generated guidance which was developed and funded jointly between government and industry to ensure that the new energy requirements contained in the Building Regulations were adequately understood.

5. Methodology

The Group met on three occasions and also formed part of a wider workshop which considered options for change in the future.

A user survey was conducted between February 20 and March 6 2018. It received 1040 responses. Broadly speaking those who responded to the questionnaire were 'professionals and experts'; those with a high degree of subject matter expertise. It is unclear whether this is representative of the Approved Document audience. However it does provide some insights and views on the use of Approved Documents.

A workshop with industry experts was held on 27 February 2018. The full methodology is described in detail in Annex A.

6. Key Findings

Key findings from the User Study

Audience

- 86% Male
- 98% English first language
- 64% Aged between 45 and 64
- 76% Degree level or higher educated
- 89% Confident in using Approved Documents

Presentation

- 80% found Approved Documents useful
- 61% found Approved Documents complex
- 36% found Approved Documents easy to understand
- 27% found Approved Documents ambiguous
- 83% understood the "part" approach to Approved Documents
- 41% found Approved Documents not prescriptive enough versus 9% considering it to too prescriptive. 50% considered them to be reasonably balanced

Ownership

- 89% considered government should produce this guidance

Full analysis of the survey is in Annex B. As indicated earlier in the report it is unclear whether the respondents are representative of the readers of Approved Documents.

Key findings from the Workshop

Audience

- Used by experts; not the industry at large
- Used to demonstrate compliance

Presentation

- Silo-ed and difficult to read across the Regulations and the requirements
- Not drafted with the end user in mind.
- Contains inconsistencies and needs regular updating
- Unclear on the role and status of the guidance
- Requires read across to other guidance and standards

Ownership

- Needs government oversight

Further information on the workshop can be found in Annex A.

Expert Group's Assessment

The Group came to the conclusion that – given the evidence from the user survey and the workshop – there were actions that should be taken that would have immediate benefits to the current approach. The group considered that:

- The current pdf approach is not in line with wider gov.uk digital aspirations and is not helpful for users. Approved Documents need to be made to be more compatible with digital solutions.
- Approved Documents need to be more consistent so users can be clear what the legal requirements are, what is advice on how to comply with those requirements and what is additional good practice or best practice advice.
- The absence of an overarching piece of guidance to provide wider context on the functional requirements and their interactivity that explain the Building Regulation regime overall is problematic.

The Group also considered that the government should consider how it keeps the supporting Statutory Instruments, The Building Regulations (as amended), consolidated and up-to-date.

7. Improving the current suite of Approved Documents

The Expert Group agreed that there were a number of actions to address the current complexity of the Approved Documents and improve their useability. These actions were approved by Dame Judith Hackitt and incorporated into the Final Report published in May 2018. The Government's Implementation Plan, published in December 2018, affirmed that Officials will "set out a work plan for reviews of Building Regulations Approved Document guidance in line with the spirit of the recommendations of the Review."

The Expert Group's eight high-level recommendations to achieve the change are as follows:

The Government should improve the current suite of Approved Documents by:

- ***(R1) carrying out further research with the construction industry to understand who uses Approved Documents, how they are used and where they are used to influence how they should be developed in the future and to understand what other guidance is used by the construction industry in order to comply with building regulation requirements.***
- ***(R2) making publicly available online a single searchable pdf which contains all of the content from the current Approved Documents in one place.***
- ***(R3) reinstating the Building Regulations Manual that sets out the overall purpose of the regulations is to deliver safe and healthy buildings throughout their life. This should include setting out how the functional requirements interact with each other, the key stages in the process and what all stakeholders responsible for compliance must have regard to and when undertaking Building work, including the construction or refurbishment of a building***

It was agreed that the term "Approved Document" may not be entirely helpful – it may be a formal legal description but the use of the term as a headline title on all the government guidance is unhelpful, has created endemic and systemic misunderstanding of the role, status and purpose of the guidance, and created a culture of relying on the government guidance and not taking direct responsibility.

The Group considered that the government, in partnership with industry, should review the current suite of Approved Documents [and guidance] to ascertain what needs to retain the status of statutory guidance and what could be converted into advice or best practice. This will take time and significant resource. However, clarity on the status of the guidance should address the concerns being raised in the user study about whether all the information in the guidance has to be complied with.

To start the transition to the future goal of clearer guidance the Government should:

- ***(R4) carry out a radical design and content review of the current suite of Approved Documents using the Crystal Clear (plain English) standard or similar. As part of this review the Government should review and clearly delineate between statutory guidance and good practice advice contained in the Approved Documents. When reviewing the Approved Documents, the government should consider adopting a similar approach to the HSE and should carry out early engagement with industry.***

8. Long-Term Options for Change:

The Expert Group considered longer-term changes to the guidance.

<u>Option</u>	<u>Who is the guidance for</u>	<u>Presentation Structure</u>	<u>Presentation Format</u>	<u>Owner</u>	<u>Easy to implement</u>	<u>Time to implement</u>
Option One: Government-approved industry generated guidance	Open. Industry to decide.	Open. Industry to decide.	Open. Industry to decide.	Industry	No. Government no longer is in charge of drafting guidance. Shifting current practice and a new application of Section 6 of the Building Act. Getting Industry to take responsibility for guidance will take time and setting up a regime to verify and approve documents may be challenging.	3-6 years.
Option Two: Government guidance (improved in line with other government department approaches)	Change. Review of audience and how guidance is used.	Same Similar layout to current Approved Documents with relevant parts.	Change. Online with greater clarity on the status of the information in the document.	State/ Regulator	Fairly. Government remains in charge of drafting guidance with industry input. Government will need to review current guidance with a view to rationalising it and only maintaining control for guidance that is critical to health or safety compliance. Once conducted, government will need to convert its guidance to an online platform.	4-5 -years
Option Three: Government Guidance – on building type and risk	Change. Targeted audience for relevant sections of the guidance.	Change. Layout of guidance to be arranged by building type and risk.	Change. Online with greater clarity on the status of the information in the document.	State/ Regulator	No. Government remains in charge of drafting guidance with industry input. However, requires a complete change to the current guidance approach. All guidance will need to be redrafted and uploaded onto a new IT functionality.	3- 6 years

The Group considered the preferred option would be a hybrid of options two and three. See Annex D for full options appraisal.

9. Working Towards the Future Goal for Guidance

It was agreed that delivering the programme to transform the guidance onto a digital platform would take time and significant resource. However, developing a more interactive guidance suite should promote a more holistic and systems-based approach and allow for greater cross-referencing between technical requirements and the wider legislative requirements.

Alongside the digital transformation of the guidance, Government should work closely in consultation with industry and other delivery partners such as building control bodies and BRAC to develop an effective long-term model for the building regulations guidance.

This model needs to

- clarify the balance between Government and industry responsibility for the guidance to encourage greater sector ownership where appropriate.
- ensure that the statutory guidance is consensus based and recognised by industry and all stakeholders as authoritative, balanced and impartial and can be relied upon as a clear route to compliance.
- address whether the statutory guidance should be renamed and rebadged to help the sector better understand its status and relationship with other guidance such as British Standards.
- include a quicker route for agreeing and signing off Government guidance that doesn't lose the required level of consultation, rigour and analysis when considering the case for changes.

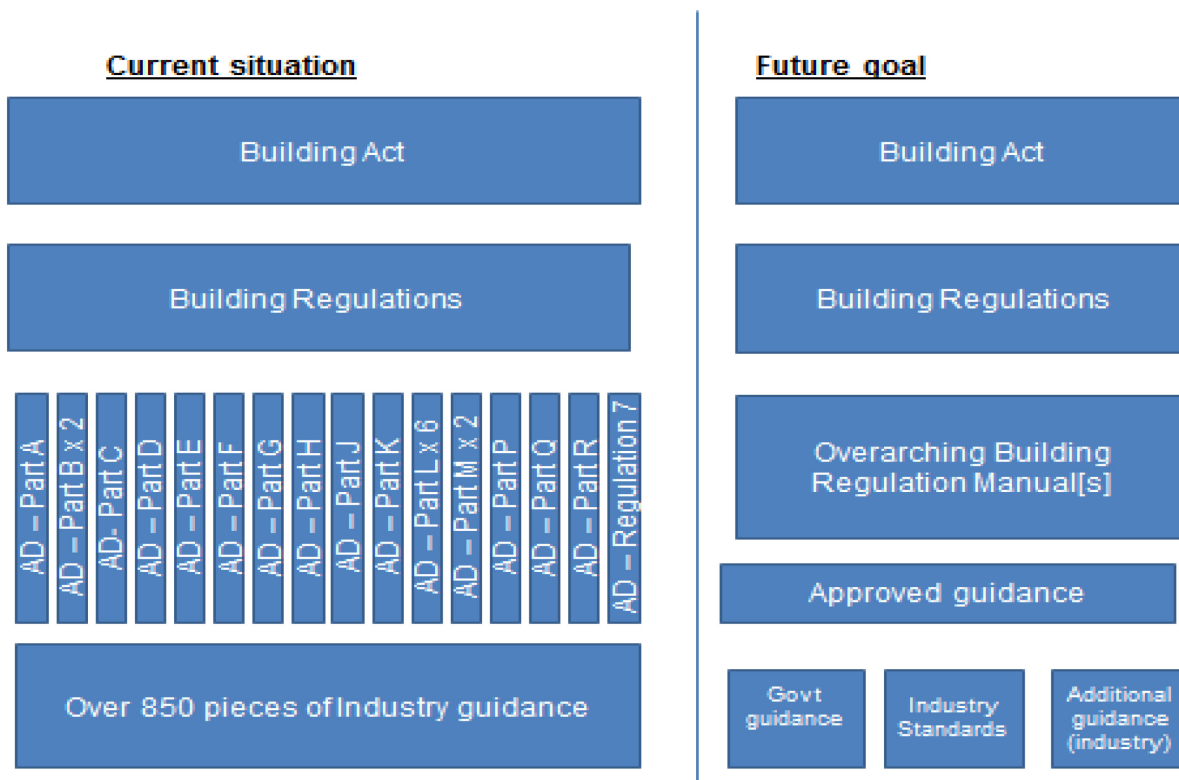
The Government, in order to begin the transition to the future goal of clearer guidance, should:

- ***(R5) explore how the current information in Approved Documents can be transferred onto a digital platform. Government to consult with relevant parties to understand-how digital delivery could better meet the needs of the users. As part of this assessment the government should establish the cost of a digital suite and consider how it can improve the visual design of the guidance, in particular its tables, diagrams and worked examples so that the digital solution is more visually appealing and follows current good practice in design for screen and mobile access, including the density of the text***
- ***(R6) consider an engagement strategy with industry and other delivery partners (including building control bodies) to communicate and train practitioners on the transitional arrangements and involve them in developing the long-term solution to encourage greater ownership and advocacy on the new digital approach.***
- ***(R7) consider oversight of the current Approved Documents and develop a long-term model to ensure that the future guidance can be relied on as a route to***

compliance and remains free of vested interests. Assess the costs and resources involved in ensuring the guidance is reviewed to ensure it remains relevant and continues to be seen as impartial by the industry. The Building Regulations Advisory Committee and other key delivery partners should be consulted on the most effective and efficient way to achieve this [and what the guidance should be called and badged].

- ***(R8) consider whether the route for agreeing and signing off Approved statutory guidance and advice can be streamlined and improved to allow quicker updates of the documents in line with the latest developments in science and construction technology.***

10. Overview of the Stepping Stones for Change



The Expert Group considered that change needs to be parallel tracked to move from the current situation to the future goal. To ensure continuing compliance it will be important that this remains in place until it is transferred over to the new digital platform.. The group identified key stepping stones to change that will need to be implemented in stages to ensure that the wider culture shift occurs at the same time and are contingent on Government, industry and other key delivery partners providing sufficient resource:

(Stepping Stone 1) all ADs to be put onto one searchable and fully indexed PDF with the ability to cut and paste and highlight. This was thought to be a relatively simple and quick way to start improving the usability of the ADs that would also be well received by the industry.

(Stepping Stone 2) commission research on how digital innovations in information delivery will help provide guidance in a more holistic way in line with the practical sequence of tasks followed when designing, constructing and refurbishing a building. The government should work with the Centre for Digital Built Britain Research Bridgehead to ensure wider alignment. Test new approaches with the existing users of the guidance and with students and apprentices that will be using the guidance in the future.

(Stepping Stone 3) launch a review of the existing Approved Documents with

industry input to clarify what are legal requirements, what are clear solutions to help demonstrate compliance, what is guidance and what is best practice. Decide with industry which of these elements should be for government to produce and what should be for industry to produce, and identify priorities for review.

(Stepping Stone 4) carry out more user-testing and research on Approved Documents to understand how they are used in practice by all the relevant trades and professional groups.

(Stepping Stone 5) publish an overarching manual on the building regulations and the functional requirements indicating how all the legislation and requirements fit together.

(Stepping Stone 6) identify whether there is a digital solution that removes the need for physical documents, could be hosted online and will provide evidence that is admissible in disputes in compliance with the rules of evidence for arbitration or court proceedings. As part of that the powers to update the guidance and ensure it is still compliant with Section 6 of the Building Act will need to be confirmed. The guidance will also need to meet the rules of evidence in case of disputes – in particular that there is absolute clarity about the guidance current on a particular date, for evidential purposes.

(Stepping Stone 7) Set a clear and regular review period for the functional requirements. Update the schedule and the guidance accordingly so it is clear to the reader what the requirements are at the time they are reading the guidance and carrying out the work.

Annex A - Full methodology

The Task

In her interim report Dame Judith asked Government (with input from The Building Regulations Advisory Committee, BRAC) to consider how the suite of Approved Documents could be structured and ordered to provide a more streamlined, holistic view that is clearer and user friendly while retaining the right level of relevant technical detail.

Aim:

To develop options on how the ADs could be restructured to address Dame Judith's recommendation.

Approach:

To develop the options:

- an Expert Group was established to steer the project consisting of BRAC members supplemented by wider expertise from the academic community, structural engineering, representation from the building design side and the house-building sector, including modern methods of construction but also including others with experience of digitalisation and the potential of digital solutions, and a member of the HSE Board to explore whether their approach could inform the development of this work.
- research was commissioned on who uses the current guidance, how they use it, their level of confidence in it and where improvement action should be targeted
- a workshop with wider membership from across the construction sector was ran to support the options development
- the team explored how other sectors issue technical guidance on regulations both within the UK and internationally; and
- running throughout the programme was consideration of how the digital revolution might offer new solutions to providing access to technical guidance more effectively.

Expert Group Membership:

The full membership of the Expert Group is set out below

Name	Professional Role
Dr Hywel Davies (Chair)	Technical Director at the Chartered Institution of Building Service Engineers
Ant Burd	Head of the Built Environment Sector at the British Standards Institution
Rachel Smalley	Principal Adviser – Access and Inclusion at the Greater London Authority
Emma Clancy	Certsure Chief Executive
Nigel Mason	Rider Levett Bucknall
Dr Stephen Welch	Senior Lecturer Fire Safety Engineering Edinburgh
Jeff House	Head of External Affairs BAXI Heating
Roger Holdsworth	Partner at Pollard Thomas Edwards
Craig Renton	Architect at Pollard Thomas Edwards
Prof Rachel Cooper	Professor of Digital Design Management and Policy at Lancaster University
Renford Gordon	Senior Development Manager and Member of the Advisory Group for the Digital Catapult and the Building Data Exchange Platform and the Committee for the Build2Perform Conference
Lorna Stimson	Local Authority Building Control Deputy Director
Graham Cleland	Berkeley Group
Susan Johnson	Board Member at the Health and Safety Executive

Expert Group First Meeting: 09 February 2018

Meeting Focus

- Detailed discussion on the strengths and weaknesses of the Approved Documents and priorities for change to inform the areas that would need to be addressed by the proposed options for change.
- Review and sign off for the proposed user survey questionnaire

Result

- A revised set of questions for the user survey.
- Analysis of the strengths, weaknesses and priorities for changes in the Approved Documents

Approved Documents – what is good:

Content and Style	Availability / Usability / Suitability	Confidence in them
They are not overly long but as long as they need to be	Freely available online	Not “partial” but represent consensus
Not excessively verbose in language	Relatively cheap compared to standards.	Heavily scrutinised when being developed
Clearly Separated into topics such as Part L Conservation of Fuel and Power and Part B Fire Safety		Clear in their purpose and intention
Better in the new format such as Part M		An easy way to comply with building regulations for simple buildings
Most helpful when they have practical examples and diagrams		Familiar to the construction sector (architects, engineers, contractors)
Comprehensive guidance		Backed up by Departmental expertise and free of bias
Clear when they are referencing the functional requirements		Good because they exist

Approved Documents – what is bad:

Content and Style	Availability / Usability / Suitability	Confidence in them
Not very clear	Not easy to cross-reference between them	Out-of-date
Segmented	Trying to be all things to all people and not achieving it.	Conflicting in their advice
Difficult to read because of the use of columns	Not able to be searched	Not appropriate for complex buildings
Too complex	Not an online version (own downloadable)	The context to the advice is unclear
Too long		Out of sync with building technology and modern methods of construction
Too numerous		Lack of version control with inconsistencies between the printed and online versions
Unclear about who they are for and the level of competence needed		Diagrams are poor and unclear
Hard to distinguish between law and guidance		A source of false comfort – some standards don't apply if you make other changes
Not sufficient to be best practice		Easy to misinterpret / open to interpretation.
Unclear what the most important elements to follow are		Unclear how they all relate to each other
		Too simplistic on human factors that might impact on construction or use when modelling.

Approved Documents – what I would change:

Content and Style	Availability / Usability / Suitability	Confidence in them
Better structure across the Approved Documents so it is clear how they link to each other	Searchable	Maintain the information so it is always up to date
No separation of guidance for dwellings and non-dwellings	Ability to mark-up.	Regular review
More goal setting / flexibility to comply	File with hyperlinks	Make clear on what is law and what is guidance
Merge some volumes together	Live links	More context on what the requirements are for, the reasoning for the approach and why it matters.
Produce an overarching building manual	Clear titles	FAQs on the guidance
Reference to the life of the building and the need to keep that in mind when designing	Digital interaction with BIM and other information solutions	Clearer diagrams
Radical editing – shorter and more concise	Links to all sections that cover a topic (for example stairs)	Clear on who should be using the guidance and the level of competency they should have.
	More digital solutions	Include clear parameters on all the tests

These were summarised as

- the Approved Documents are good at providing impartial comprehensive advice on a possible way to comply with the building regulations. They are free, easily accessible and are familiar to the sector
- the Approved Documents could be improved because they are too often out-of-date soon after they are published, segmented, too simplistic for complex buildings and too complex for simple buildings, unclear, open to misinterpretation and too rule based to encourage thought and innovation
- changing them should focus on ensuring they are easier to navigate, clear on who should be reading them, digital, more linked across the requirements of the regulations, shorter and more in line with modern technological requirements.

User Survey Conducted: 20 February to 06 March 2018

The questionnaire was revised following the meeting on February 09, and the survey ran between February 20 and March 06 2018. It received 1040 responses with a full report on the findings of the survey included in Annex B.

Separate Workshop with other Industry Experts: 27 February 2018

This workshop with a larger group added further industry expertise to the EG membership to cover fire engineering, product manufacture, building control practitioners and information design.

Meeting Focus

- Early findings from the User Survey
- Options review and peer scrutiny and challenge following initial development of the options by the Group Chair and policy team based on the results from the first Expert Group meeting

Result

- the Workshop reduced the number of options under consideration from six to three with the detailed options analysis arising from that meeting set out in Annex D
- the Workshop also provided ideas on the key stepping stones to change which has helped inform that section of the paper.

Expert Group Second Meeting: 09 March 2018

Meeting Focus

- full presentation of the user survey findings to consider them in the final options review and sign off and in the set of supporting recommendations.
- Final options review before agreeing them as the three to go forward
- Beginning the development of the paper itself considering:
 - quick wins;
 - medium term action;
 - medium to long term change programme;
 - risks;
 - stepping stones to change, transitional arrangements and the importance of parallel tracking;

Meeting Result

- An agreed set of options to provide the basis for drafting the paper which was completed and circulated to Expert Group members on 14 March 2018.

Expert Group Third Meeting: 16 March 2018

Meeting Focus

- Section by section review of the draft paper

Meeting Result

- Completed initial group review of the draft paper

21 March 2018	Recirculated to Expert Group for last comments/revisions and sign off by correspondence
22 March 2018	formal sign off by the Building Regulations Advisory Committee
26 March 2018	Paper presented to Dame Judith Hackitt to deliver the action requested of the Government in the Independent Review of Fire Safety and Building Regulations.

Annex B – User Survey

Approved Document User Research

Summary Report of Findings

NBS Research

March 2018

Executive Summary

This report gives a summary of findings from a piece of quantitative research that was carried out into the Usability of Guidance for the Building Regulations, in particular the Approved Documents.

The research was carried out using an online survey that was live between 21st February and 7th March 2018. There were 1040 responses from a broad range of organisation sizes and types.

The respondents gave considered, nuanced and detailed responses to the questions. There is much to learn from the users of guidance and we thank them for their contribution.

Respondents were more likely to be male, highly educated and over 45; further work may be needed to uncover whether others are less likely to do work that needs to comply, or are less likely to use existing guidance to assist them.

This report can only give a broad overview of the findings of the research.

Not all Approved Documents are viewed the same. Respondents were least likely to be satisfied with some of the most important and well-used Approved Documents.

The responses were not homogenous and any change to guidance is likely to displease one group or another. However, central themes emerged that can be acted on to support the bulk of those wanting to design and build in conformity with the regulations.

These are:

- Guidance is primarily used by experts and professionals
- Guidance may be needed for other groups
- Improvements to existing guidance needs to be made
- Users would like the Government to continue to provide guidance.

- Digitisation is the future; the Approved Documents need to become digital.

The responses evidence expertise in the use and interpretation of the guidance. This has been gained through studying and using the Approved Documents and other guidance, often over many years. Any approach to guidance that removes the Approved Documents will require the development of new expertise.

Introduction

The Ministry of Housing, Communities & Local Government (MHCLG) wished to provide an evidence-based response to the Independent Review of Building Regulations and Fire Safety: interim report by conducting research among those who carry out work that needs to conform to the Building Regulations.

MHCLG were particularly interested in the use and usefulness of the guidance that assists people to comply with the building regulations.

The Approved Documents (ADs) provide guidance on ways to meet the building regulations, but they are not the only guidance available. The research covered both the statutory guidance of the Approved Documents and other, non-statutory, guidance, like British Standards, or advice given by professional bodies.

MHCLG appointed NBS Research to assist them carry out this research. MHCLG and NBS Research together created an online survey to meet the research objectives, to provide a quantitative insight into the use of guidance.

The research provided an assessment of current guidance in terms of:

- Use
- Usability
- Where improvements might be made

This summary report gives an overview of the findings of that survey.

The Survey and its Respondents

The Survey

The survey was live between 21st February and 7th March 2018. It was an online survey that took around twenty minutes to complete. The survey gave the opportunity for respondents to express their views both through structured questions, and through free text.

MHCLG publicised the survey on its website, through professional and trade bodies, and through the community of those engaged in issues around building regulations. One thousand and forty people completed it. The quantity of responses, and the thoughtfulness of the free text responses given indicates how important the guidance is to the many who responded.

The Respondents: who they are and where they work

The respondents to the survey were more likely than the general population to be male (86%), have English as their main language (98%), be aged over 45 (71%) and have a high level of educational attainment (70% describing themselves as having a Level 6 qualification or higher). Conversely this suggests that younger people, women, those who do not have English as their main language and those who have a lower level of educational attainment are less likely to either be involved in work that needs to comply with the building regulations, or are less likely to use guidance to assist them in it.

Respondents worked in a range of organisation sizes, carried out work across England, and came from a range of organisations and professional practices. Twenty seven percent were either Building Control Officers or Approved Inspectors. Others included: Architects (9%), Manufacturers (7%), Engineers (7%), large contractors / developers (5%), Fire Safety Consultants (4%) and Building Surveyors (4%).

Broadly speaking we can describe those who responded as 'professionals and experts'; those with a high degree of subject matter expertise.

The findings of the survey are not very helpful, therefore, in identifying the needs of those who are inexperienced or outside the professions.

The Building Regulations

Ninety seven percent of respondents agreed that they have a responsibility to understand the building regulations.

Although some used the terms “Building Regulations” and “Approved Documents” as synonyms within their free text responses, most appreciate the distinction between statutory guidance and the regulations.

The work which involves the building regulations is varied. It includes: notifying or getting approval from building control, designing buildings or carrying out work that requires building control approval, providing advice about products, and enforcing Building Regulations.

Use of the Approved Documents and other Guidance

Eighty five percent agreed that the Approved Documents are the most important tool for ensuring compliance with the Building Regulations. Seventy nine percent ‘rely on the Approved Documents to tell me what is required by the Building Regulations’. Two thirds use them at least once a week. Over twenty percent have used all the Approved Documents and over three quarters have used five or more. Ninety seven percent agree that they need to understand the Approved Documents.

The Approved Documents have a central place in helping people comply with the building regulations. Many would be unable, or have significant difficulty, complying with the building regulations were it not for the Approved Documents.

People are not always clear on the status of the Approved Documents as Statutory Guidance. Two thirds agree that ‘I must follow the guidance in the Approved Documents’ and eighty six percent that ‘the Approved Documents set out the minimum standards’. However, ninety percent say that the Approved Documents are ‘just one way of ensuring compliance’.

Whilst the Approved Documents are central to achieving compliance they are not the only guidance people use.

Ninety four percent use British standards and 73% use other independent publications. Respondents also seek advice from colleagues, both inside (94%) and outside (88%) their organisation. Over three quarters use one or more of the following: guidance from professional bodies, information provided by construction product manufacturers, or information from Building Control Officers or Approved Inspectors.

Assessment of the Guidance

On the face of it the Approved Documents provide a means of ensuring compliance, and people are confident in using that means. Eighty nine percent of respondents were confident in their ability to understand the Approved Documents. Eighty four percent were confident that applying the guidance set out in the Approved Documents will result in demonstrating compliance with the Building Regulations.

Structure

Schedule 1 of the Building Act contains the Building Regulations split into parts. Eighty three percent find this layout clear and easy to understand. Sixty percent say this structure make it easy for them to find all the key and critical information they need to consider in the guidance (16% saying the structure makes it difficult). This suggests that there is little appetite among current users of the Approved Documents for a wholesale restructuring of them.

About References

The references contained within the Approved Documents are important. Ninety percent find these references useful and only 3% did not use any of the references given. Forty nine percent say the referenced documents are easy to use.

Overall, the inclusion of referenced documents enhance the guidance contained within the Approved Documents, though some have difficulty accessing them, notably because of cost.

Ninety percent used references to British Standards or Eurocodes, 81% used references to other Approved Documents and 43% used references to other publications. People access these referenced documents in a range of ways, most often through a

subscription to an online library, as well as through documents purchased by the employer, or through searching the internet. Only 3% use public libraries.

Cost is the main reason for not using the references to British Standards / Eurocodes or other publications. Around half cite this reason, with some suggesting that either the Government, or the bodies producing the referenced documents, should make them freely available.

Others tell us that they just 'don't have access to the referenced documents', or that the guidance within the Approved Document itself is sufficient.

The respondents did not give a homogenous view on how document referencing needs to be improved. For example:

- There are too many referenced documents:
 - 32% agree, 22% disagree, and 46% neither agree nor disagree
- I find the references often contradict each other
 - 29% agree, 20% disagree, and 51% neither agree nor disagree
- All of the relevant documents are referenced
 - 27% agree, 19% disagree, and 54% neither agree nor disagree

Improvements

Fifty three percent said the Approved Documents were fit for purpose. However, 14 % said they were unfit for purpose and a third fell in the middle.

The responses to our survey strongly suggest that the Approved Documents can be significantly improved. The Approved Documents would be better if they were clearer, more up to date, and easier to understand.

We asked a series of questions put as value pairs. For example, did people find the Approved Documents useful or useless, clear or ambiguous, out of date or up to date? We found, generally speaking, that people *tended* to rate the Approved Documents towards the middle: the Approved Documents can be made better.

The survey presented a number of options that allowed people to assess specific features of the Approved Documents. These questions covered the following broad categories:

- The quality of the writing, including the definition of terms and the consistency of their use
- Visual aspects, such as diagrams, and layout
- The provision of best practice, worked examples and design solutions
- How the Approved Documents support information discovery, searching, navigation and signposting

A majority felt the writing was good in a number of respects, with 63% saying the text was easy to read and 55% saying Plain English was used as far as possible. However, only 46% feel the text is easy to understand. Many of the free text comments suggested that the Approved Documents deal with complex issues and, as such, demand a high level of experience and skill to understand. Ease of understanding is not just about the writing, it is the subject matter too; if you're not familiar with the subject, the text won't be easy to understand.

Fewer than a quarter said the amount and quality of tables and diagrams was poor. The results of the survey do not support the prioritisation of improvements in the visual aspects of the Approved Documents. The recent revision to the style of some of the Approved Documents was broadly welcomed.

The user community, our survey suggests, would welcome better worked examples and a greater range of design solutions.

Respondents were more likely to want the Approved Documents to be more prescriptive (41%) than less (9%), though half thought the Approved Documents to be reasonably balanced as they are.

The Approved Documents are currently delivered in two primary formats, as paper documents or as flat pdfs. Our survey suggests that the user community would welcome the Approved Documents being delivered in a way that supports easier information discovery, better searching, improved navigation and clear signposting to other information sources. This could be achieved through the digitisation of the Approved Documents.

A majority would welcome the ability to:

- Easily copy and paste extracts from the Approved Documents
- Search for information across all of the Approved Documents

- Return search results with additional contextual information
- Follow hyperlinks to other parts of the Approved Documents
- Access all online Approved Documents in a single searchable file
- Access hyperlinks to worked examples, and other relevant guidance and standards
- Highlight and Mark Up the Approved Documents

The preceding paragraphs summarised the main themes that we uncovered across the Approved Documents. However, not all Approved Documents are viewed the same. Respondents gave examples of Approved Documents that were seen as better or worse than others in some way. These examples were not always the same. When asked about satisfaction with individual Approved Documents, respondents were least likely to be satisfied with some of the most important and well used Approved Documents, specifically, the four volumes of Approved Document L and the second volume of Approved Document B.

The Government and the Approved Documents

In the survey we wanted to test whether, in respondents' view, the Government should produce guidance to support the Building Regulations. The response was clear. Eighty nine percent of those who responded felt that the Government should produce guidance (six per cent felt that it shouldn't, and five per cent didn't know).

People were invited to give their reasons for their response, and many did, with conviction.

The reasons people gave broadly fell into the following categories;

- It is the Government's *responsibility* to provide guidance to Government Regulation
- The Government is impartial and less likely to be swayed by interest groups
- Any other body may have vested interests
- The Government lends authority to the Approved Documents
- Government produced guidance makes it easier to comply, because of the authority it gives
- The Government producing guidance helps prevent a deterioration in the required quality of our built environment, prevents a 'race to the bottom'

Conclusions and Recommendations

Our research suggested that those who need to comply with the Building Regulations care deeply about the guidance that helps them do so. Respondents gave detailed and considered views. They see the value of existing guidance, but also see clear opportunities for its improvement.

When thinking about the future of guidance there are a number of important considerations:

1. Guidance is primarily used by experts and professionals

These experts and professionals have developed competence in the use of guidance, and how it is applied to building, design and construction. This is particularly true of the Approved Documents. This means that many people are using the guidance adeptly, as one way to achieve compliance and in the knowledge that other solutions may conform to the building regulations. Providing statutory guidance allows innovation whilst providing solutions.

Any approach to guidance that removes the Approved Documents will require the development of new expertise.

2. Guidance may be needed for other groups

The current Guidance is not inclusive. It is disproportionately used by males who are over 45 and who have English as their primary language. This may be reflective of the broader construction industry.

The research gave no evidence of the Approved Documents, or other guidance, being widely used outside the cohort of experts and professionals.

It may be that others, such as tradespeople, those engaged in extensive DIY, or those designing or constructing only 'simple' buildings need different guidance. This needs to be investigated separately.

3. Improvements to existing guidance needs to be made

Overall, the respondents were not condemnatory of the Approved Documents, but nor did they give strong endorsement.

Users tended to suggest ways in which guidance could be improved, not that the Approved Documents should be done away with, to be replaced with something new. The current structure was broadly liked.

The most used Approved Documents were those most likely to be found unsatisfactory. This is a concern.

The Approved Documents need to improve. The improvements respondents are looking for include:

- The quality of the writing, including the definition of terms and the consistency of their use. Ambiguity increases risk.
- Visual aspects, such as diagrams, and layout
- The provision of best practice, worked examples and design solutions

4. Users would like the Government to continue to provide Guidance.

There is little appetite for a third party to provide guidance instead of the Government

5. Digitisation is the future

The Approved Documents are delivered either on paper, or in an electronic format that replicates, but does not enhance, the paper documents. Yet the construction industry, particularly at design stages, is becoming 'digital first'. Respondents are looking for the Approved Documents to support information discovery, searching, navigation and signposting.

The digitisation of the Approved Documents is a necessary development. As a minimum, this should include hyperlinks within Approved Documents, and to referenced documents, the ability to search across documents, and to copy and paste. Longer term, consideration should be given to how the Approved Documents can support digital working, including BIM and digital compliance checking.

If we accept that younger people within the industry are disposed to working exclusively digitally, then the digitisation of the Approved Documents will become increasingly important.

Annex C - Other Guidance Review and International Comparators

Guidance Reviews

HSE

In March 2011, the government set up an independent review of health and safety legislation to make proposals for simplifying it. This review was chaired by leading risk management specialist Professor Ragnar Löfstedt. Professor Löfstedt recommended that *HSE should review all its ACoPs. The initial phase of the review should be completed by June 2012 so businesses have certainty about what is planned and when changes can be anticipated.* Approved Codes of Practice are similar to Approved Documents. They are both produced to provide industry with a possible approach to compliance. However, the duty holder is not bound by the guidance and may take a different approach if they prefer. The route of production is also similar, as both are formally consulted on with Industry and then “approved” by the relevant Secretary of State. Both can be relied on in court to demonstrate compliance.

HSE accepted the recommendation and started a full review of its 53 Approved Code Of Practices to ensure they are the best way of fulfilling the purpose originally intended, making it easier for employers to understand and meet their legal obligations. The HSE acknowledged this was a major piece of work and it is still on-going. It has been implementing the changes over time to ensure industry can adapt to the change and compliance levels do not fall. The HSE has carried out other changes to guidance including confirming the status of the guidance upfront and working with industry to co-badge guidance. The group noted similarities with the HSE approach and asked whether any lessons could be learned about timescales for change, but noted that HSE was a specific regulator rather than a government department.

Planning Guidance:

In October 2012 Lord Matthew Taylor carried out a review of the 7,000 plus pages of Government Planning Practice guidance which supports the implementation of national planning policy, and which DCLG owns or owns with other Government Departments or agencies. The aim was to enable the production of an accessible and more effective set of practice guidance, dramatically reducing the existing guidance, and ensuring that new guidance supports effective planning.

The review found that that the current planning guidance was no longer fit for purpose - it was neither an effective suite of planning practice guidance to support plan making and development management by the sector as a whole, nor was it in a form which can be effectively managed and kept up-to-date by Government.

The review also found that in many cases, guidance simply sets out what is in legislation or policy - and embeds the dependency culture of waiting to see what Government spells out rather than enabling those at the front line to think for themselves. It also continues to encourage lazy legislative thinking - if statute, regulations and Statutory Instruments were clearer, the wording would not need to be pieced together or clarified in guidance.

The review recommended that Guidance should be cut to that which is essential and clearly defined and described as Government Planning Practice Guidance. The review wanted the Government to identifying the essential paragraphs, processes and pointers, and cut the guidance suite down to these elements, making sure they were in a form that would be clear, concise, relevant, accessible, and up-to-date. The review also considered that live management of the set of guidance must be the core task for Government. The presentation, processes for updating, and the range of essential material should be managed as a coherent suite by DCLG: this must be the only place that determines Government Planning Practice Guidance, with a clear management line of responsibility – we suggest through the Chief Planner.

The group considered it important that the Government learn from these reviews and take any key best practice forward in the work to change the Approved Documents.

International Comparators:

To gain an understanding of how similar regimes operate, we undertook a rapid review of the literature on international comparisons of building regulations, with a particular focus on the role of the public and private sectors in developing regulations and guidance.

The research identified examples of good collaborative working between the public and private sectors. Although the underpinning legal systems and the level of decentralisation varied across the countries reviewed, we found that in all instances government adopted and disseminated the regulations. Who developed the regulations varied, with examples of organisations developing the regulations on behalf of government (as is the case in Austria, Australia and Canada) or by the private sector (in the USA)¹. In his

¹ IRCC (2010) Performance-based Building Regulatory Systems: Principles and Experiences. Available at <http://ircc.info/Doc/A1163909.pdf> [Accessed 13/03/2018]

Comparative Analysis of Private Sector Involvement in the Enforcement of Public Building Regulations² Van der Heijden found that if an additional objective of an effective enforcement regime is to provide support to "occasional clients" (those involved in minor and less complex construction work) then public sector involvement is advisable. This is in part because this work is less profitable but also because this group trusts the public sector more. However, he states that collaborative working between the private and public sectors was most advantageous; the former bringing their expertise and specialist knowledge for those involved in complex construction works, and the public sector offering guidance and assistance to the "occasional clients".

In the 1990's New Zealand and Norway transferred significant building regulation, standards and control functions to the private sector, but subsequently returned them to public control. In New Zealand this was driven by a major systemic failure that cost many new home owners considerable sums and non-financial losses."

² Van der Heijden, J (2009) Building Regulatory Enforcement Regimes: Comparative Analysis of Private Sector Involvement in the Enforcement of Public Building Regulations Delft:Haveka

Annex D: Full Options Comparison

Introduction

This Annex sets out the detailed review of options undertaken by the Expert Group and the wider sector workshop. This option analysis is separate from the identification of measures to improve the structure, accessibility, clarity and availability of guidance which were identified as being appropriate whichever option for future structure and ownership is adopted.

Originally six options were considered

They were

- Government approved guidance drafted by industry and then signed off by Government
- Retaining Government drafted and approved guidance but improving the current structure by making it more useable and clearer
- Government guidance via a manual on how to comply with the Building Regulations functional requirements.
- Government guidance split by type of construction work and the risk of the activity
- Government guidance based around a digital solution setting out advice on how to comply with the Building Regulations functional requirements
- Government Guidance supporting the functional requirements in the building regulations with no industry guidance permitted.

Only Government Guidance

The Expert Group and Workshop recognised that this might improve clarity but there would only be one definitive set of guidance and that some parts of the industry might welcome it because it would tell them exactly what they needed to do to comply. However, it would be out of step with the direction of travel in the interim report from the Independent Review of Fire Safety and Building Regulations that has called on industry to take more responsibility for the guidance and compliance with the regulations. In addition, the overall UK regulatory system is permissive rather than restrictive with a ban on other guidance disproportionate to the

weaknesses that need to be being addressed. It would be very difficult to implement and regulate even potentially preventing a business from writing their own guide on the rules. It may also require changes to the Building Act to implement in practice. This option was therefore not taken forward for further consideration.

Government guidance via a manual on how to comply with the Building Regulations

This was well received as an idea by both the Expert Group and the wider workshop as it could provide practical advice on how to comply with the functional requirements set out in the individual parts of the building regulations. However, it was felt that this should be considered as part of the option that focusses on improving the current structure rather than radically reforming it.

Subsequently the Expert Group agreed that the development of a manual would bridge an existing gap in the current system between the functional building requirements and the more detailed guidance on individual provisions within them as set out in the Approved Documents. It has therefore become a standalone recommendation in the report. In taking this forward it would be necessary to consider the legal status of such a manual having regard to the effect of the guidance contained in Approved Documents.

Government guidance based around a digital solution setting out advice on how to comply with the Building Regulations functional requirements)

The Expert Group and Workshop considered a specific digital option. However, it was agreed that digitalising the guidance and looking at longer-term digital solutions would need to be a factor in all of the other options either driven by industry if they were to take responsibility for drafting the building regulations guidance or by Government supported by industry if HMG retains a role in it. In the report this is now reflected as a key assumption that should run through consideration of any improvements to the guidance or more significant changes to the structure under which it operates.

Options for Detailed Appraisal

Three options were then considered in more detail.

They were

<u>Option 1</u>	Industry Produced, Government Approved Guidance
<u>Option 2</u>	Government Produced Guidance - Improving the Current Structure
<u>Option 3</u>	Government Produced Guidance Split into Activity Type and Competency Level Required

Option 1 – Industry Produced, Government Approved Guidance

Definition

Under this option all guidance explaining the requirements of the building regulations would be drafted by industry with them also taking responsibility for its presentation. It would then be signed off by the Government.

Benefits

- This option would be aligned to the findings of the interim report from the Independent Review of Building Regulations and Fire Safety that is seeking real culture change through greater industry responsibility for the guidance as part of them taking more personal responsibility for compliance with the building regulations.
- The construction industry is much closer to the day-to-day work of the sector which could make it easier to produce guidance tailored for particular types of construction project. This closeness to the sector could also make them better able to judge need and the extent / importance of any gaps.
- Industry already produces a significant amount of guidance a lot of which is referenced in the Approved Documents so if industry was to take responsibility for the entirety of it they wouldn't be starting from scratch.
- Similarly if the industry led the long-term guidance digitalisation programme for the sector they would probably be best equipped to look across the breadth of the industry and ensure that it was taken forward in a way to meet the needs of the different groups.

- The process of producing guidance could be quicker if industry produced it because the consultation / review process for its development should take less time than is typically the case for Government.
- If industry took responsibility for all the guidance this could be produced at reduced cost for Government.

Challenges / Risks

- One of the benefits of Government producing the guidance as referenced by 89% of the user survey respondents was that it was seen as impartial. If it becomes solely an industry responsibility, then that impartiality becomes very difficult to achieve.
- It could generate competition in guidance creation leading to confusion on the status of a lot of different but similar guidance with some gaining the approved tag and the rest becoming 'unofficial' or less important.
- Relying on industry produced guidance alone could distort competition in the sector by further strengthening market dominance of some companies through the unintended consequence of it being easier for some of the bigger players to influence/direct the stipulation of particular products in the guidance.
- It could also create a set of guidance that is uneven in its coverage of the required areas.
- Industry may not produce guidance in certain areas where some controls are important for wider societal reasons or to drive particular behaviours such as improving the environmental performance of buildings or ensuring appropriate levels of accessibility. For those areas that are not driven by market forces, Government will probably need to stipulate more in the regulations or in its own guidance to ensure these goals are achieved.
- Although the Government would reduce costs on guidance production, any savings from that would be used on strengthening processes for approving the guidance to ensure that it was fit for purpose, comprehensive, did not distort the market and met the needs of all users. The overseer of the guidance would need to have the ability to properly fulfil the enforcement function and withdraw the guidance produced if it failed any of the agreed standards / tests.

Ease of Implementation, and High-Level Costs

Implementation of this option would be challenging because it would be a completely different structure for industry to operate under.

The high-level steps is set out of below.

Action	Scope of Activity	High Level Cost Assessment
New Process for Approved Guidance	to develop, and agree with the sector a new process that sets out how guidance becomes approved and the tiers of guidance to be used underneath the 'official' approved guidance	£300,000 - to cover research, consultation with the sector process development and testing
New Government Regime for Guidance Approval	agree a new Government regime to verify and approve guidance which might simply alter the focus of work for the existing expertise in the Department or include the creation of a completely separate regulatory body to carry out the process	£300,000 - to cover research, consultation with the sector supervisory framework development and testing
Full Guidance Review and Categorisation	a review of all existing guidance to categorise it and identify where there may be gaps.	£500,000 – figure assessed as half of the cost of the last review of the building regulations was undertaken between 2011 and 2013 because its assessing and categorising guidance rather than the full review of the I regulations.

Action	Scope of Activity	High Level Cost Assessment
	<p>a comprehensive review of all the ADs against existing guidance to see what would need to be moved into the regulations where the Approved Documents are prescriptive and industry hasn't produced guidance to cover it or the Government wants to encourage particular behaviour either by industry or consumers</p>	<p>£1,000,000 - this represents the full review and assessment of what would fit where in delivering this option so is comparable to the cost of the last full review of the building regulations between 2011 and 2013.</p>
Legislative Changes	<p>Updates as required for all the building regulations following the guidance review. Note: no changes required to the building act under this option as the Secretary of State has the power to approve guidance from third parties already exists in legislation and designate other bodies to carry out the approval functions prior to his final sign off.</p>	<p>Staff resource to complete the updates</p>
Implementation Arrangements	<p>As it represents a totally different approach to the</p>	

Action	Scope of Activity	High Level Cost Assessment
	<p>provision of guidance there could be reduced levels of compliance in the short to medium term without very careful consultation, planning and stakeholder engagement together with a reasonable period for industry to prepare for the changes.</p> <p>Note: this option would be difficult to parallel run because of the levels of confusion that would create and it doesn't lend itself to a phased implementation either because of the challenges posed by having part of the guidance under one system and part under another.</p>	

Cost to Industry:

This option would transfer significant further costs to industry. Even though industry produces a huge amount of guidance that is referenced in the ADs, this has been estimated at between two and six million for the initial set up working together through all the Approved Documents to assess all the guidance and reach consensus on which of the existing references (or new ones if more recent guidance is judged more suitable) should be put forward for 'approved status' to be signed off by the Secretary of State.

This is in addition to the costs of maintaining the existing body of approximately 750 industry documents. The 530 British Standards are all on a five year review programme, and the cost of maintaining this body of guidance has been estimated to be of the order £9m per annum to industry, without including BSI Standards costs.

Once operational the on-going cost to industry producing new guidance as required for approval and ensuring existing guidance is kept up to date has been estimated as at least a £1 million.

It could be that industry would be prepared to bear the initial costs for setting this up but even if that was the case, industry would seek to recoup the costs in other way perhaps by making the guidance less freely available to everyone.

Cost to Government

Although the transfer of the costs of drafting the guidance to industry should reduce cost to Government, it is unlikely to realise significant savings as there would still be a need for technical officials to review guidance produced to ensure it is fit for purpose and suitable to be put to the Secretary of State for approval. The same would be the case even if a separate body was designated to carry out this approvals function prior to sign off by him.

Option 2 - Government Produced Guidance – Improving the Current Structure

Definition

Government would retain responsibility for producing the guidance still split by topic but rationalised to only maintain control over those sections that are critical to safety compliance and statutory guidance with everything else becoming advice / suggested best practice. Alongside that there would be a focus on improving the usability of the guidance by making it easier to navigate / fully searchable both within individual Approved Documents and between them and delivered digitally using modern information tools such as Building Intelligence Monitoring

Benefits

- This option is less radical than either of the other two but allows for a phased and evolutionary rather than revolutionary approach to improvement and innovation to meet the needs of both the younger and next generations of construction workers

through digitalisation and those more established who support less far-reaching changes to the current system to improve usability of the guidance.

- It builds on the strengths of the current structure identified through the user survey such as the high-degree of confidence in it expressed among the established members of the sector while targeting improvement in key areas such as digitisation and improving clarity on the status of the different parts of the guidance drawing out where there is really a choice in route to compliance and improving ease of navigation and searching through and between the ADs.
- It will also enable improvement and innovation to build on good performance and custom and practice across the sector to avoid losing that in going to more radical approaches.
- It would offer a more gradual and phased approach that would remain in line with the current legislation and should ensure continued alignment with other design and build processes and other guidance produced by Government such as for the planning system.
- Easier to still encourage innovation if the construction industry can be confident that the improvements and proposed reforms don't include a wholesale change to the current legislative framework.

Challenges and Risks

- Building on familiarity and custom and practice is also a negative because there is also bad practice across the construction industry, an approach based on gradual improvement and innovation might not root that out so quickly.
- The construction industry can be slow to adapt to change so need to judge the pace of change carefully, too fast and it risks leaving some operators behind but too slow and some in the construction industry might take the view that they don't need to adapt or change at all. However, given the timescale for some of the changes identified this may not be too much of a problem.
- It only goes part of the way towards the long-term change in culture for the industry. Without other measures it doesn't radically alter the split of responsibilities for the guidance between Government and industry. This is the case even if the programme of work to go through the ADs and distinguish between regulatory requirements, solutions that are one route to help demonstrate

compliance and guidance / best practice will go some way to deliver that by making the distinction between Government and industry responsibility clearer.

- The user survey identified difficulties for Government in producing the guidance including speed and regularity of review and not being as equipped as the industry to keep up with technological advances and modern methods of construction, these will remain challenges in HMG retaining responsibility for guidance production that need addressing to ensure successful implementation. Against that must be set the project management challenges of passing responsibility for the guidance wholly to industry.

Ease of Implementation

Clarifying, strengthening and digitalising the current structure should be relatively straight forward but the move towards Government only having responsibility for statutory guidance that is critical to health and safety in use means that it would still be a significant change.

There will be a need to streamline and update the entire current suite of guidance, including making it clearer where alternative routes to compliance are permissible. If the streamlining exercise identifies elements of guidance that are effectively requirements then they may need to be placed in the regulations, and this would therefore require legislative changes.

The high-level steps is set out of below:

Action	Scope of Activity	High Level Cost
Current Guidance Review and required legislative changes	Immediate action to make ADs searchable and fully indexed to improve search ability within and between them	£25,000 – high-level quote based on costs for similar projects
	Full review of the existing Approved Documents with industry input to agree	£2,000,000 – figure based on the last time a full review of the building regulations was

Action	Scope of Activity	High Level Cost
	<p>(a) what constitutes legal requirements, statutory guidance and what is provided as advice / suggested best practice.</p> <p>(b) the balance between industry and Government to ensure that HMG only maintains control over those sections that are critical to compliance with health and safety in use.</p> <p>This will include updates as required to Schedule 6 and the Approved Documents</p>	<p>undertaken between 2011 and 2013 and then doubled to reflect the fact that all of the them would be subject to large-scale change</p>
<p>Transitional Arrangements – following full review of ADs</p>	<p>Given the streamlining of the ADs, and their focus on providing guidance only on those areas critical to safety importance, the whole suite would have to be transitioned together because any other</p>	

Action	Scope of Activity	High Level Cost
	staged approach would be confusing and difficult to control	
	<p style="text-align: center;">Parallel Running Digitalisation</p> <p>Note: this is separate to the specifics of the option but could be incorporated into it if a full online solution was found to be suitable and viable.</p>	
Research into Digitalisation	<p>Running alongside taking forward this option for change is the digital strand starting with the need to complete research into how digital innovations in information delivery can help present and provide guidance that is more user-friendly and follows the practical sequence of tasks to include ensuring full alignment with existing digital solutions already in use across the construction industry such as BIM.</p> <p>Assess whether there is</p>	<p>£600,000 with</p> <p>£500K for assessing the viability of an overall totally online solution linked to existing digital solutions such as BIM.</p> <p>and</p> <p>£100K for initial research into how digital innovations can help present and provide guidance and to develop prototypes that can be tested prior to a full design specification being produced for full costing.</p>

Action	Scope of Activity	High Level Cost
	<p>a possible digital solution that may remove the need for hard copy guidance by being entirely hosted on-line which will need to be clear on the process for updating the guidance, ensure that it retains a full audit and evidence trail for use in any future disputes and remains compliant with regulation 6</p> <p>Fully Test Digital Solution</p>	
<p>Begin Planning Roll /Out Implementation of the Digital Solution</p>	<p>Move guidance onto the online solution for a specified go-live date</p>	
<p>Transitional Arrangements</p>	<p>the whole system would have to be transitioned together because any other staged approach would be confusing and difficult to control. As long as the ability to still buy guidance documents was still retained for those mostly established</p>	

Action	Scope of Activity	High Level Cost
	<p>members of the sector who prefer use of hard copy document, the move to a fully online platform for the remainder should not require as long a transitional period as for the totally different approach envisaged under option 1.</p> <p>Note: this option would be at least partly parallel ran while full testing is carried out which would increase the cost but should be possible to achieve while being suitably aware of the particular challenge of ensuring updates and applicable dates remain in sync</p>	

Option 3 – Government Produced Guidance split by Activity Type and Competency Level

Definition

Government would retain responsibility for producing the guidance but it would be arranged by building type rather than functional requirements to include setting out the 'risk level' of the construction and the level of competency required to that type of work. Alongside that work would go forward on digitalisation and potentially moved onto an online platform in a similar way to option 2.

Benefits

- It should provide the different parts of the sector with a single piece of guidance to follow for their particular type of construction work which is thought to be particularly helpful to the smaller end of the sector, many of whom have expressed a wish for the development of 'how to guides' for particular types of projects.
- It would help address key concerns from the Interim Report from Dame Judith Hackitt in relation to assessing the risk level of the construction and assessing competency required for different types of project.
- Restructuring the guidance in that way should provide a hierarchy on how the requirements fit together, how they should be considered and the level of risk involved. This in turn could lead to it being easier to tailor guidance for the particular audience both by their competency and what they're working on.
- It could provide a helpful indicator on when a 'competent person' is needed and help strengthen accountability for the work.
- Setting out the guidance like this could help drive culture change in the industry by encouraging the use of experts or members of competent person schemes for those elements of work identified as needing greater competence.
- Likely to need a licencing regime to underpin and enforce it which could improve compliance, standards and competency levels by making it much more difficult for work to be carried out by those who can't demonstrate competence to do it. But a licencing regime is not dependent upon the chosen structure of the guidance to the Regulations.

Risks/Challenges

- There are so many different building activities, it would be very difficult for guidance to cover them all effectively particularly as it would probably also need bespoke guidance for sub-contractors over and above the main set of guidance for a particular type of construction
- Even though it would be taken forward in consultation with the industry, the wrong competency / risk level might be set that could either endanger building users if set too low or unnecessarily remove contractors from the market for carrying out works if set too high.
- It will lead to a significant increase in the amount of Government produced guidance with industry potentially taking less responsibility for compliance as a result, which is counter to the intended direction of travel.
- Resourcing issues for HMG given the aim that in setting out guidance by activity, all the relevant bits of it should be included in the referencing.
- It would be expensive and time consuming to keep-up-to-date and would be subject to almost continual change as new methods of construction come on stream and risk / competency levels for particular types of buildings are being continually reassessed.
- The disadvantages of a licencing regime are that it would need funding, could remove a lot of capacity from the construction industry in the short to medium term as operators can no longer carry out works and may not have the desired beneficial effects if the risk / competency level assessments are not set correctly.
- As the first stage of delivery under this option mirrors option 2 in making the guidance fully searchable and exploring digital options for presentation and delivery and a long-term platform, the case for continuing on and splitting the guidance by risk and competency levels may not be so strong if users can easily find the guidance they need and navigate within it to all the relevant areas.
- Even doing this for high-risk, high rise and complex buildings will be extremely difficult because there is not yet a fully agreed definition, and there will be an impact those people in the construction industry who have to go through a set of processes to improve competence that could in turn reduce the capacity of the sector in the short to medium term.

Ease of Implementation

Full implementation of this option would be difficult because splitting the guidance by building activity and competency as part of the full review of the suite of guidance would completely change the current structure in schedule 6.

Action	Scope of Activity	High-Level Costing
Current Guidance Review	<p>Immediate action to make ADs searchable and fully indexed to improve search ability within and between them</p> <p>Complete a full review of the existing Approved Documents with industry to assess how the guidance could be split by type of activity in working on high rise, high risk buildings and levels of competency required to complete the work alongside streamlining it by distinguishing between statutory guidance and advice / best practice</p>	<p>high-level quote based on costs for similar projects</p> <p>£2,500,000 – figure based on the last time a full review of the building regulations was undertaken between 2011 and 2013 plus an additional amount to reflect the fact that all ADs would substantially change and that splitting it by competency / risk levels is probably more challenging than just doing it</p>

Action	Scope of Activity	High-Level Costing
		by statutory guidance and advice.
Evaluate and Agree the required changes to existing compliance and enforcement regime	To include examining the case for a licencing regime / separate body to administer this.	
Legislative Changes	Updates as required for all the building regulations following the guidance review Revisions to the Building Act if enforcement mechanisms change or a new licencing body is enacted.	Internal resource to complete the changes to legislation
Transitional Arrangements – AD Review and Restructuring	Potentially significant because contractors will need to become fully accustomed with the new system and many of them will need time to retrain / achieve qualifications to enable them to demonstrate agreed competence levels to carry out work in their	

Action	Scope of Activity	High-Level Costing
	<p>part of the industry where they apply. Note: without a significant period of transition levels of compliance in the short and medium term are likely to go down and some areas of the construction industry will experience difficulties from having a shortage of personnel.</p>	
	<p>Parallel Running Digitalisation This is separate to the specifics of the option but could be incorporated into it if a full online solution was found to be suitable and viable.</p>	
<p>Research into Digitalisation</p>	<p>Running alongside taking forward this option for change is the digital strand starting with the need to complete research into how digital innovations in information delivery</p>	<p>£500K for assessing the viability of an overall totally online solution linked to existing digital solutions such as BIM.</p>

Action	Scope of Activity	High-Level Costing
	<p>can help present and provide guidance that is more user-friendly and follows the practical sequence of tasks to include ensuring full alignment with existing digital solutions already in use across the construction industry such as BIM.</p> <p>Assess whether there is a possible digital solution that may remove the need for physical document by being entirely hosted on-line which will need to be clear on the process for updating the guidance, ensure that it retains a full audit and evidence trail for use in any future disputes and remains compliant with regulation 6</p> <p>Fully Test Digital Solution</p>	<p>and</p> <p>£100K for initial research into how digital innovations can help present and provide guidance and to develop prototypes that can be tested prior to a full design specification being produced for full costing.</p>
<p>Begin Planning Roll /Out Implementation of the Digital</p>	<p>Move all the guidance onto the online solution</p>	

Action	Scope of Activity	High-Level Costing
Solution	for a specified go-live date	
Transitional Arrangements	<p>Major because contractors will need to become fully accustomed with the new system and many of them will need time to retrain / achieve qualifications to enable them to demonstrate agreed competence levels to carry out work in their part of the industry where they apply.</p> <p>Note: without a significant period of transition levels of compliance in the short and medium term are likely to go down and some areas of the construction industry will experience difficulties from having a shortage of personnel.</p>	

Recommended Option – Hybrid of 2 and 3

Definition

Government would retain responsibility for producing the guidance, which would still be arranged by topic. It would be statutory guidance which relates to those aspects that are critical to delivering buildings that are safe and healthy in use. The remainder would become advice and best practice examples for industry to own and update. There would be a focus on improving the usability of the statutory guidance by making it easier to navigate and fully searchable across all the suite of guidance and delivered digitally using modern information tools. The longer-term work would go forward on digitisation and potentially moving the guidance onto an online platform, which should support the increasing use of building information modelling throughout the life of built assets. Once the full review of current ADs has been completed consideration would be given to further splitting the guidance by the 'risk level' of the construction and the level of competency required for particular types of work in complex buildings.

Alongside this, recommendation 3 and stepping stone 5 propose the development of overarching guidance to the Building Regulations, in one or more "manuals". In this option the overarching guidance would be produced in several manuals differentiated by building type and complexity and level of risk.

The high-level steps is set out of below:

Action	Scope of Activity	High Level Cost
Current Guidance Review and required legislative changes	Immediate action to make ADs searchable and fully indexed to improve search ability within and between them	– high-level quote based on costs for similar projects
	Full review of the existing Approved Documents with industry input to agree (a) what constitutes legal requirements,	£2,000,000 – figure based on the last time a full review of the building regulations was undertaken between

Action	Scope of Activity	High Level Cost
	<p>statutory guidance and what is provided as advice / suggested best practice.</p> <p>(b) the balance between industry and Government to ensure that HMG to only maintains control over those sections that are critical to deliver safe and healthy buildings.</p> <p>This will include updates as required to Schedule 6 and the Approved Documents (or whatever they may be called in future).</p>	<p>2011 and 2013 and then doubled to reflect the fact that all of them would be subject to large-scale change</p>
<p>Transitional Arrangements – AD Reviews</p>	<p>Parallel Running ADs</p> <p>Given the streamlining of the ADs, and their focus on providing statutory and only on those areas critical to safety and health in and around buildings, the whole suite would have</p>	

Action	Scope of Activity	High Level Cost
	to be transitioned together because any other staged approach would be confusing and difficult to control.	
	<p>Parallel Running Digitalisation</p> <p>Note: this is separate to the specifics of the option but could be incorporated into it if a full online solution was found to be suitable and viable.</p>	
Research into Digitalisation	Running alongside taking forward this option for change is the digital strand starting with the need to complete research into how digital innovations in information delivery can help present and provide guidance that is more user-friendly and follows the practical sequence of tasks to include ensuring full alignment with existing digital solutions already in use across the construction industry	<p>£600,000 with</p> <p>£500K for assessing the viability of an overall totally online solution linked to existing digital solutions such as BIM.</p> <p>and</p> <p>£100K for initial research into how digital innovations can help present and provide guidance and to develop prototypes</p>

Action	Scope of Activity	High Level Cost
	<p>such as BIM. Assess whether there is a possible digital solution that may remove the need for hard copy guidance by being entirely hosted on-line which will need to be clear on the process for updating the guidance, ensure that it retains a full audit and evidence trail for use in any future disputes and remains compliant with regulation 6 Fully Test Digital Solution</p> <p>Begin Planning Roll /Out Implementation of the Digital Solution</p>	<p>that can be tested prior to a full design specification being produced for full costing.</p>
<p>Transitional Arrangements</p>	<p>the whole system would have to be transitioned together because any other staged approach would be confusing and difficult to control. As long as the ability to still buy guidance documents was still</p>	

Action	Scope of Activity	High Level Cost
	<p>retained for those mostly established members of the sector who prefer use of hard copy document, the move to a fully online platform for the remainder should not require as long a transitional period as for the totally different approach envisaged under option 1.</p> <p>Note: this option would be at least partly parallel ran while full testing is carried out which would increase the cost but should be possible to achieve while being suitably aware of the particular challenge of ensuring updates and applicable dates remain in sync</p>	
<p>Consider splitting the guidance by type of activity in working on high rise, high risk buildings and levels of competency required to complete the work</p>	<p>If a suitable fully digital solution is found for hosting should be available in a format where full search ability renders that final step unnecessary or not</p>	

Action	Scope of Activity	High Level Cost
	overly complicated to complete	

Annex E: Building Act: Legal Powers Sections 6 and 7 and the Process for Changing the Guidance on the National Planning Policy Framework

Section 6 of the Building Act 1984 covers the provision of Approved Documents and their approval as set out below

Section 6 Approved Documents

6.-(1) For the purpose of providing practical guidance with respect to the requirements of any provision of building regulations, the Secretary of State or a body designated by him for the for purposes of this section may -

*(a) approve and issue any document (whether or not prepared by him or by the body concerned), or
(b) approve any document issued or proposed to be issued otherwise than by him or by the body concerned, if in the opinion of the Secretary of State or, as the case may be, the body concerned the document is suitable for that purpose.*

(2) References in this sectionto a document include references to a part of a document; and accordingly, in relation to a document of which part only is approved, a reference in the following provisions of this section.... to the approved document is a reference only to the part of it that is approved.

(3) An approval given under subsection (1) above takes effect in accordance with a notice that is issued by the Secretary of State or, as the case may be, the body giving the approval and that

*(a) identifies the approved document in question,
(b) states the date on which the approval of it is to take effect, and
(c) specifies the provisions of building regulations for the purposes of which the document is approved.*

Designation Powers

As set out above the Secretary of State has the power to designate another body to carry out the approval. This would be achieved via a Statutory Instrument (negative). The designated body could then approve guidance from another party for the purpose of

section 6. So for example the Secretary of State could designate the Health and Safety Executive who in turn could approve guidance from a third party.

Amending Approved Documents via a Notice

An approval of a document, or a revision of a document, given under section 6 takes effect in accordance with a notice issued by the Secretary of State or designated body. If the recommendation to change the name of Approved Documents is taken forward this could also be achieved via a notice issued by the Secretary of State. A notice is not required to call future documents something other than approved documents.

Digitalisation and the Act

Moving away from paper documents by digitalising the guidance should remain within the scope of the Act because the guidance will still be accessible, printable and date-stamped and so could be identified in a notice of approval. There is no definition of Document in the Act so 'document' is not limited to physical documents.

Policing and Audit Trail

If the way guidance is presented and displayed is changed significantly onto an online platform and away from physical documents, the challenge remains to police the system effectively to ensure that any alternative online solution provides the full audit trail and record with the same level of force in the judicial system.

Section 7

7.-(1) A failure on the part of a person to comply with an approved document does not of itself render him liable to any civil or criminal proceedings; but if, in any proceedings whether civil or criminal, it is alleged that a person has at any time contravened a provision of building regulations-

(a) a failure to comply with a document that at that time was approved for the purposes of that provision may be relied upon as tending to establish liability, and

(b) proof of compliance with such a document may be relied on as tending to negative liability.

(2) In any proceedings, whether civil or criminal-

(a) a document purporting to be a notice issued as mentioned in section 6(3) above shall be taken to be such a notice unless the contrary is proved, and

(b) a document that appears to the court to be the approved document to which such a notice refers shall be taken to be that approved document unless the contrary is proved.

One of the impacts of Section 7 is that building control officers often refer back to the Approved Documents in assessing whether builders have complied with the building regulations. This has led many in the construction industry to move away from using alternative approaches and instead use the ADs as the single definitive guide to demonstrate compliance.

Drafting and Approvals Process for Changes to the Guidance for the National Planning Policy Framework

By way of comparison the Planning Practice Guidance (PPG) is a web-based resource which indicates how national policies in the National Planning Policy Framework are intended to be applied, and explains how legislative requirements may be addressed

Updates to the PPG are overseen by the Guidance Board, who manage the pipeline of potential changes needed to keep the guidance up-to-date. The guidance is updated periodically (usually every 6 months) to capture outstanding changes and those coming forward.

The drafting of guidance is the responsibility of individual policy leads. Any substantial guidance changes (such as revisions to take account of national policy, regulations, and written ministerial statements) must go through the following clearance process after initial drafting has taken place: legal, deputy director, guidance board, the planning director and ministers. For minor, technical changes to guidance the requirements are less onerous and are simply subject to internal approval, legal clearance and publication by eComms.