

POLICY PROTECT

To: Stephen Williams

From: **Brian Martin**  
Building Regulations and  
Standards Division

Location: 5H9 Eland House

Tel: [REDACTED]

Date: 25 November 2013

Copies: Secretaries to all Ministers  
PS/Permanent Secretary  
See list at end.

**FINDINGS OF A REVIEW OF REPLACEMENT WINDOW SCHEME GUIDANCE  
FOLLOWING THE LAKANAL HOUSE INQUEST**

**Summary**

1. Following the inquest into the Fire at Lakanal House, the Secretary of State commissioned a short review of guidance provided by the Replacement Window - Competent Person scheme operators. This Submission sets out the findings of that review and seeks your agreement for actions.

**Timing**

2. Routine,

**Recommendation**

3. That you agree to the following actions;
4.
  - a) Ask scheme providers to update their scheme rules with more detailed explanation of the scope of work included in their schemes and, if it proves necessary, amend the regulations to qualify the type of replacement window installation work that can be self-certified.
  - b) Encourage scheme providers and the wider industry to produce technical guidance on compliance with Building Regulations.
  - c) Seek an amendment of the competences required to carry out replacement window installation work and the qualifications registered with Ofqual to bring them in line with building regulations requirements.
  - d) Ensure with the help of UKAS that the competence assessments of firms registered with competent person schemes are sufficiently rigorous to provide assurance that firms are aware of all the relevant requirements.

## POLICY PROTECT

### Background

5. On 28 March, narrative verdicts were returned into the deaths at Lakanal House in Camberwell during what is widely regarded as the UK's worst tower block fire in July 2009.
6. Much of the Inquest focused on alterations that had been made to the building. This included work carried out by a window contractor that was registered with the FENSA Competent Person Scheme. These schemes allow members to self certify that work has been done in accordance with Building Regulations. At the inquest, it was concluded that the scheme did not extend to all of the work and some of the work did not comply.
7. The Coroner recommended that the Department Review Approved Document B (Fire safety) to improve its clarity and ease of use. The Secretary of State did not agree to an immediate review of AD B but did commission a review of guidance issued by competent person schemes for replacement window installers.

### Consideration

8. On 11 June 2013 we wrote to all the relevant scheme providers. We found that none of the scheme providers offer any written guidance on the scope of their schemes beyond repeating what is set out in the regulations. Some of them do produce detailed advice on the application of building regulations to window replacement work and much of this appears to be useful.
9. There is no specific requirement for scheme providers to issue guidance, but they are required in the conditions of authorisation to produce scheme rules.
10. **We propose to ask scheme providers to update their scheme rules with more detailed explanation of the scope of work include in the scheme. And, if necessary, amend the Building Regulations to clarify what work can be self-certified.** If, after raising this with the scheme providers, an amendment is considered necessary, this would be detailed in a further submission.
11. **We propose to encourage scheme providers and or the wider industry to produce technical guidance on compliance with Building Regulations with a view to making this a requirement through the scheme's conditions of authorisation at some point in the future.**
12. We also looked at the competency criteria used by the schemes. These feed into the qualifications registered with Ofqual. The relevant Unit, was found to fall short of covering all the issues that arise from building regulations in relation to window installation in tall buildings.
13. **We propose to raise this with the relevant bodies to ensure that the registered qualifications are updated.** We would hope to achieve the necessary changes this through industry involvement but there is a potential that funding may be required.

**POLICY PROTECT**

**Next Steps**

14. Once we have received your views on this submission we propose to call a meeting with the scheme providers.

**Brian Martin**  
**Building Regulations and Standards Division**

**CC**  
**Peter Schofield**  
**Bob Ledsome**  
**Anthony Burd**

**Anthea Nicholson**  
**Ian Drummond**  
**Louise Upton**