



The Building Safety Act and Its Implications for the Disaster Restoration and Mitigation Industry

Introduction

The Building Safety Act 2022 represents one of the most significant reforms to building safety regulation in the United Kingdom. Introduced following the lessons from the Grenfell Tower tragedy, the legislation aims to improve the way buildings are designed, constructed, occupied, and maintained throughout their lifecycle. Central to the Act is a focus on accountability, competence, and transparent information management, underpinned by the creation of the Building Safety Regulator within the Health and Safety Executive.

While much public attention has focused on the design and construction elements of the Act, its implications for the disaster restoration and mitigation sector are equally profound. Disaster Restoration Contractors are often the first professionals to enter buildings following fires, escapes of water, structural impacts, or other insured events. Their early decisions can directly influence building safety, legal compliance, and the potential need for significant interim measures such as fire watch or resident decanting. As a result, the role of the Disaster Restoration Contractor now carries an elevated level of responsibility, scrutiny, and potential liability.

Understanding the Building Safety Act and the New Regulatory Environment

The Building Safety Act introduces structural reforms intended to improve building assurance across the residential sector, particularly in higher risk buildings. Higher risk buildings are generally defined as residential structures that are at least eighteen metres or seven storeys in height and contain two or more residential units. In such buildings, the Act requires the appointment of clearly defined dutyholders, including Accountable Persons who are responsible for maintaining the safety of the structure and associated fire safety elements.

A key requirement introduced by the Act is the Golden Thread of information. This is a living, digital record of the building that sets out how fire and structural safety risks are being managed. Any action that affects the building fabric, fire strategy, or structural integrity must be documented within this Golden Thread. For the disaster restoration sector, this means that every mitigation action, temporary work, and associated decision is now part of a regulatory traceable record.

Importantly, the responsibilities created under the Act extend beyond planned construction or refurbishment projects. Temporary stabilisation works, emergency

repairs, strip out works, and moisture mitigation activities undertaken following an insured event can all affect a building's fire and structural performance. As a result, the competence of individuals undertaking these works must be demonstrable and appropriate for the task.

The Role of Disaster Restoration Contractors Under the Act

Disaster Restoration Contractors play a critical role in identifying and mitigating damage in the immediate aftermath of an incident. Their actions influence not only the reinstatement strategy but also the safety and habitability of the building. Under the Building Safety Act, the standard of care expected from these specialists has increased, and compliance must now be evidenced through detailed assessment, clear documentation, and competent decision making.

Competence and Accountability

The Act emphasises that all persons carrying out building safety related tasks must be competent. For the disaster restoration sector, competence requirements extend beyond technical skill in water extraction, drying, or fire residue removal. Personnel must also be able to recognise potential risks to fire safety or structural performance and know when specialist advice is required. Typical competence indicators include formal qualifications, third party accreditation, documented training, and experience appropriate to the specific task.

If individuals undertake work that affects life safety systems without the required competence, liability may extend not only to the contractor but also to insurers, loss adjusters, and the Accountable Person. This risk makes it essential for all organisations involved in a claim to ensure appropriate competency checks have been carried out and can be evidenced.

Critical Considerations at the Outset of a Claim

A structured and technically informed approach is essential when assessing the impact of an insured event. Under the Building Safety Act, the following considerations are of particular importance.

Building Classification and Stakeholder Identification

The first step is establishing whether the building qualifies as a higher risk building. This classification determines the regulatory expectations and identifies the Accountable Person or Responsible Person who must be consulted

during the early stages of the claim. Understanding the building's classification sets the framework for managing risks and ensuring compliance.

Fire Safety and Structural Integrity

One of the most important tasks during early assessment is identifying any damage to fire or structural safety systems. Typical examples include compromised fire doors, damaged alarm systems, sprinkler disruption, and deterioration to cavity barriers. These issues must be reported immediately to the Accountable Person or Responsible Person as required under the Fire Safety Order.

Fire stopping and compartmentation require particular vigilance. Damage to these elements can occur as a direct result of the insured event or during necessary strip out works. Even minor breaches around service penetrations, risers, or partitions can undermine the fire strategy and create new risks. Restoration teams must document any defects, avoid further damage, and seek the guidance of competent fire engineering professionals before any removal or remedial works proceed.

Temporary Works and Impacts on Life Safety Systems

Stabilisation measures such as controlled drying, or isolating services and even propping must be planned carefully. Temporary works must not compromise escape routes, compartment lines, or passive fire protection systems. Where there is uncertainty or potential conflict between mitigation works and building safety, a competent fire engineer or building safety consultant should be engaged before work continues.

Golden Thread Documentation

Every action must contribute to the building's Golden Thread of information. Detailed site notes, photographs, findings, and technical justifications must be retained to ensure transparency and future traceability.

Communication and Escalation

Clear early communication with the Accountable Person, building management, and insurers is vital. Where uncertainties exist regarding structural performance, fire strategy, or cladding systems, early escalation ensures compliance and prevents future disputes.

Removal of Fire Stopping and Compartmentation Elements

Where fire stopping or compartmentation components have been damaged due to the incident, they may need

to be removed as part of mitigation or strip out works. This requires particular caution. Removing passive fire protection, even temporarily, can leave a building non-compliant with its fire strategy. This may require the introduction of interim measures such as fire wardens, temporary alarms, or partial decanting of residents.

Any removal must be properly documented, communicated to the Accountable Person and to insurers, planned in consultation with competent professionals, and linked to a clear reinstatement strategy. Poorly controlled removal can trigger regulatory scrutiny, increase reinstatement costs, and extend the duration of loss.

Questions often arise about what can be considered emergency work. Only a competent person can make this judgement, taking into account immediate safety, preservation of the building, and the need to prevent further deterioration.

Risks of Failing to Engage Competent Specialists

Failure to involve suitably qualified consultants during early assessment creates several risks. These include incorrect diagnosis of structural or fire safety issues, inappropriate strip out, and reinstatement that conflicts with building safety requirements. Regulatory breach, invalidated insurance cover, enforcement action, and substantial cost escalation are all possible outcomes. There may also be wider impacts including extended business interruption, loss of rent, alternative accommodation costs, and reputational damage.

Interim Measures, Fire Watch, and Resident Decanting

If there is uncertainty about the performance of fire safety systems or the integrity of compartmentation following an incident, enforcing authorities or Accountable Persons may impose interim control measures. These include fire watch arrangements, temporary evacuation of affected floors, or restricted access. These measures carry significant financial and operational consequences for homeowners, residents, property managers, and insurers. Early competent assessment often prevents these measures by providing clarity and enabling prompt reinstatement.

The Cost of Inaction in Disaster Mitigation

The Act reinforces the need for timely and effective mitigation by Disaster Restoration Contractors. Failure to act promptly can cause secondary damage that evolves

into building safety concerns. Moisture not removed quickly can lead to mould growth, decay of structural timber, and degradation of fire protective linings. These issues may subsequently render units uninhabitable or compromise fire resistance to the extent that evacuation becomes necessary.

Equally, unnecessary removal of compartmentation layers without appropriate planning can create new safety risks and trigger interim measures. Every decision to remove or alter building fabric must therefore be justified, documented, and approved by a competent professional.

The cost of inaction can significantly exceed the cost of early intervention. What begins as a routine escape of water claim can escalate into a regulatory matter involving environmental cleaning, decanting, and increased scrutiny from the Building Safety Regulator.

Minimising Insurer Liability Through Proactive Management

The extended liability periods introduced through the Defective Premises Act and the greater transparency required by the Golden Thread mean that insurers must adopt early diligence in claim management. Ensuring that restoration specialists act competently and transparently during the initial stages of a claim helps minimise exposure to future claims, regulatory intervention, and prolonged loss periods.

Conclusion

The Building Safety Act presents both challenges and opportunities for the disaster restoration and mitigation industry. While the regulatory burden has increased, the Act also encourages higher professional standards, better documentation, and more robust decision making.

By adopting these expectations, Disaster Restoration Contractors and insurers can not only reduce risk but also enhance the quality and safety of the reinstatement process.

When in doubt, professional advice from competent fire or structural specialists should always be sought. This approach protects residents, safeguards businesses, and promotes long term confidence in the built environment.



Karl Evans
BSc (Hons) MRICS Cert CILA AIFAA
BDMA Tech (Ins) AaPS MFPWS
Technical Surveying Lead (Major Loss)

✉ karl.evans@mclarens.com