Emergency repairs under the higher-risk building regime

1. Retaining the existing provision

Question 1. Do you think the current emergency repairs provision is proportionate?

Disagree.

The current provision is not proportionate for day-to-day reactive maintenance in higher-risk buildings. The narrow focus on repairs and the uncertainty around what qualifies as an emergency can delay necessary work and lead to different interpretations.

Question 2. Do you think the current scope of the provision, as explained in the background section of the document, provides a proportionate route to address genuine emergencies without undermining standards?

Disagree.

The route should continue to protect standards and retain notification, regularisation and regulatory oversight. However, its present scope is too restrictive where urgent work requires replacement rather than repair, including fire doors, fire alarm components, lifts, windows, electrical systems, heating and boilers.

Question 3. Are there any aspects of the provision that are difficult to interpret or apply? If so, which?

The following aspects are difficult to interpret or apply:

- The definition of an emergency and the distinction between a repair, replacement, improvement and new work.
- Whether like-for-like component replacement is notifiable, including individual fire doors and electrical components.
- Whether existing Competent Person Schemes can be relied on for work in higher-risk buildings.
- The boundary between emergency works, proposed critical works, Category A work and routine reactive maintenance.
- The practical effect of regularisation and the evidence required after urgent work has begun.

The guidance should be prescriptive and scenario-based so that different clients, contractors and advisers do not reach conflicting conclusions.

Question 4. Do you think that the current provision enables timely action to address risk in HRBs urgently?

Disagree.

The current provision does not consistently enable timely action. Where an urgent defect cannot be repaired and an element must be replaced, uncertainty over the route can lead to delay while a full application is prepared or advice is sought.

Question 5. If the answer to the previous question is no, please can you provide examples of where the provision has not enabled timely action to resolve risk in HRBs urgently?

Some previous examples include:

- A fire alarm system with limited or failed functionality where replacement of components may be needed urgently.
- Loose balcony fixings requiring urgent refixing, where the approval process delayed work by months in an example from professional experience.
- A damaged window that can be temporarily fixed shut, but where replacement of the window would require an application.
- Loose external tiles, where a crash deck and fencing were installed but a longer-term solution could not readily proceed under the emergency route.
- Fire door replacements. Wandsworth has approximately 21,500 fire doors, so requiring a separate notification or application for every like-for-like replacement would be disproportionate.

2. Amending the provision to include emergency works

Question 6. Do you think the current emergency repairs provision should be expanded to include replacements, enhancements or improvements of an individual building element?

Strongly agree.

The provision should cover urgent replacement of an existing element where repair is not possible, and an upgrade or improvement where it remains broadly the same element. This would better reflect the

practical response needed when a safety-critical component fails, while retaining notification, regularisation and enforcement safeguards.

Question 7. Can you share any examples of emergency works that are not simply repairs, but would instead be classed as replacements or enhancements/improvements?

Examples include:

- Replacement of a fire door where repair is not possible.
- Replacement of a failed fire alarm panel or associated electrical component.
- Replacement of a damaged window, including where it has come off its hinges and cannot safely remain in use.
- Urgent lift component replacement or works needed to restore lift service.
- Replacement of a failed boiler or heating component where associated compartmentation work is required.
- Urgent roof or external wall element replacement following a dangerous failure.

Question 8. Are there any risks to expanding the scope of the provision to include replacements, enhancements or improvements that we have not considered here?

Potential risks:

- Applicants may try to route work through the accelerated provision because the full application process is lengthy and onerous.
- Unclear boundaries could produce inconsistent decisions and reluctance among officers or contractors to authorise work.
- Poorly defined scope could blur the line between urgent component replacement and major planned works.

Question 9. Do you think expanding the scope of the provision would encourage misuse of the route?

Neither agree nor disagree.

Some attempt to use the route more widely is possible if the scope remains vague. However, a clearer and more workable process may reduce the incentive to stretch the emergency route. Major programmes would still be identifiable and subject to regulatory challenge, particularly as the BSR must be notified and retains oversight.

3. Introducing a critical works provision

Question 10. Do you think an additional route for critical works is needed alongside the emergency repairs route?

Disagree, subject to how the two routes are defined.

It is important that the existing emergency route is made clearer and broad enough to cover genuinely urgent critical work, rather than introducing overlapping terminology and another complex process. If a separate critical works route is introduced, its relationship with emergency works must be explicit and simple.

Question 11. What types of work would you consider to be critical works?

If a separate route is introduced, critical works should include urgent reactive maintenance that cannot reasonably await full approval, such as:

- Fire doors and fire alarm systems.
- Electrical safety works.
- Lifts, especially where loss of service prevents disabled or vulnerable residents leaving or accessing their homes.
- Heating, gas and boiler failures.
- Windows, roofs and dangerous external elements.
- Work that becomes urgent because temporary measures, such as a crash deck, fencing or waking watch, are no longer sustainable.
- Work needed to address significant physical, financial or emotional welfare impacts.

Question 12. Are there any risks to creating a route for critical works that we have not considered here?

The main additional risk is confusion and duplication between emergency repairs, emergency works and critical works. Different advisers may interpret the same job differently, increasing delay rather than reducing it. There is also a risk that the route is used for work that should proceed through a full application if the scope is not prescriptive.

Question 13. Do you think creating a new critical works route would encourage misuse of the route?

Neither agree nor disagree.

Misuse is possible if critical works are broadly described. The risk should be manageable through clear qualifying criteria, stated exclusions for major planned works, scenario-based guidance, early notification and proportionate retrospective review.

4. Scope and exclusions

Question 14. Do you think that major, complex, large-scale or long-term works should be excluded from the proposals in this document?

Yes.

Major, complex, large-scale and long-term planned works should remain outside an accelerated route. There should be flexibility for urgent reactive and component-level work, not for bypassing scrutiny of major programmes.

Question 15. If the answer to question 14 is yes, please describe the types of works that you think should not be within scope of our proposals.

Works that should normally remain outside scope include:

- Major cladding remediation.
- Whole-building or large-scale planned window replacement programmes.
- Planned roof replacement programmes where there is no immediate safety risk.
- Major structural alterations or enhancements.
- Long-term planned investment and decoration programmes.

A limited urgent intervention within a wider programme may still need an accelerated route where it is necessary to make the building safe.

Question 16. If the answer to question 14 is no, why should these works be included in the scope of our proposals?

Not applicable if the answer to question 14 is yes.

Question 17. If major, complex, large-scale or long-term works were to be included in the scope of the proposals, what would the risks be? Please include evidence where possible.

If these works were included, risks would include reduced prior scrutiny of complex design and construction, inappropriate fragmentation of major schemes into smaller packages, inconsistent quality, and overuse of the accelerated route.

Question 18. Would there be a benefit to residents or building users of including these works in the scope of the proposals?

Disagree in relation to major planned works.

Residents benefit from urgent hazards being resolved quickly, but that does not justify bringing whole major, complex or long-term programmes into the accelerated route. The benefit should be achieved by allowing clearly defined urgent interventions and reactive maintenance.

5. Vulnerability and disability

Question 19. If the answer to the previous question is yes, what are the benefits? Please include evidence where possible.

n/a

Question 20. What types of urgent works should be in scope of the proposals to ensure the safety of vulnerable or disabled residents and building users?

Urgent works should include:

- Lift repairs and component replacement where residents cannot access or leave their homes.
- Electrical works affecting safety equipment or essential power.
- Gas, heating and boiler works, particularly where residents are vulnerable to cold.
- Fire doors, fire alarms and compartmentation-related work.

- Windows and doors where security, safe escape or exposure to the elements is affected.

- Uneven or damaged surfaces that impede safe movement or escape.

- Other hazards where the impact is heightened by a resident's disability or vulnerability.

In addition, urgent works should align with the 21 hazards identified under HHSRS as this is a pre-established framework for building and resident safety.

Question 21. Are there any risks to vulnerable or disabled residents and building users of expanding the scope as set out in our proposals that we should consider that have not already been considered in this document?

Points for further consideration:

- Accelerated work must still account for residents' specific access, communication and support needs.

- Temporary loss of lifts, heating, power or fire-safety measures may have a disproportionate effect on disabled or vulnerable residents.

- Decisions should consider the resident-level impact, not only the technical classification of the building work.

No further specific risks or evidence were discussed.

6. Public interest and hospitals

Question 22. Are there certain types of urgent building work, which do not meet the current definition of emergency repairs, that would be in the interest of the public to be included in our proposals?

Potential types of urgent works in the public interest include urgent work to restore lifts, fire alarms, heating or other essential systems where delay affects a substantial number of residents.

Question 23. What factors should we consider when determining what urgent works are in the public interest?

The immediacy and severity of risk, number of people affected, impact on vulnerable or disabled people, availability and sustainability of temporary measures, effect on essential services, and whether delay would create significant financial or welfare harm.

Question 24. Are there any unique factors or risks to urgent building work in hospitals within scope of the HRB regime which we have not considered here?

n/a

Question 25. Do you think that urgent or essential works in hospitals within scope of the HRB regime should be included in a new critical works route?

n/a

Hospital-specific proposals were not considered relevant to the Council's residential HRB experience and would require input from appropriate healthcare building operators.

Question 26. If your answer to the previous question is yes, what types of works should be in scope? Please provide evidence where possible.

n/a

Question 27. If essential works to hospitals within scope of the HRB regime were to be included in our proposals, are there any risks we have not considered here?

n/a

7. Guidance and other products

Question 28. Would further guidance on the interpretation and use of the emergency repairs provision be beneficial?

Yes.

Further guidance would be beneficial because the present terms can produce multiple interpretations and uncertainty about whether routine, like-for-like or safety-critical work is notifiable.

Question 29. If yes, what further information would you like to see that is not captured in existing guidance?

The guidance should include:

- Clear definitions of emergency repair, emergency work, critical work, replacement, improvement and new building work.
- Scenario-based examples stating what is and is not within scope.
- Clear treatment of routine reactive maintenance and like-for-like component replacement.
- Examples covering fire doors, fire alarm panels, electrical works, lifts, boilers, windows, roofs and external elements.

- The notification, evidence and regularisation requirements for each route.

- Clear explanation of how Competent Person Schemes operate in higher-risk buildings.

Question 30. Would further guidance on the interpretation and definition of building work be beneficial?

Yes.

The definition of building work is currently too vague for consistent operational decisions. More prescriptive guidance would reduce the risk of different organisations and advisers reaching different conclusions about minor component replacement.

Question 31. If yes, what further information would you like to see that is not captured in existing guidance?

The guidance should distinguish ordinary maintenance and replacement of fixtures or components from regulated building work, using practical examples. It should address like-for-like replacement, minor works inside flats, fire-safety components and when an alteration becomes an improvement or fundamentally new element.

8. Competent Person Scheme

Question 32. What types of self-certifiable emergency or critical works would be better facilitated by the introduction of a Competent Person Scheme for that work?

Works that could be better facilitated include:

- Electrical and fire alarm work undertaken by appropriately registered electrical contractors.

- Fire door installation or replacement, for which the discussion identified a gap in recognised scheme coverage.

- Window work through an appropriate existing or expanded scheme.

- Roofing work, including consideration of gaps in coverage for flat roofs.

- Defined categories of lift work.

Question 33. Why would a Competent Person Scheme be more appropriate for the types of works noted in your previous answer?

A Competent Person Scheme could allow appropriately qualified contractors to self-certify defined, repeatable component-level work, reducing delay and disproportionate applications while preserving accountability and evidence of competence. This would be particularly valuable for high-volume work such as fire door replacement and routine safety-critical reactive maintenance.

Question 34. Are there any risks to introducing a Competent Person Scheme for these works?

Risks include:

- Inconsistent standards or evidence between schemes.
- Uncertainty over whether an existing scheme is recognised for work in a higher-risk building.
- Gaps in scheme coverage, including fire doors, lifts and some roofing work.
- Over-reliance on self-certification for work that is complex or affects several building safety systems.

These risks would require clear scheme scope, competence requirements, audit arrangements and escalation criteria.