

WHITELAKE PROPERTIES INVESTMENT LIMITED
MANDATORY OCCURRENCE REPORTING PROCEDURE
THE LITMUS BUILDING

INTRODUCTION

The Building Safety Act 2022 (“BSA”) imposes duties relating to the occupation and management of Higher Risk Buildings (referred to as “HRB”s).

HRBs are broadly residential buildings which are at least 18m or 7 storeys in height.

The duties imposed by the BSA are owed by an Accountable Persons (“AP”). There can be more than one AP for a building. However, the BSA requires a Principal Accountable Person (“PAP”) to take the lead on BSA matters in order that there is a single entity with overall BSA responsibility.

The BSA requires Whitelake Properties Investment Limited as the PAP for the HRB the Litmus Building to establish and operate a Mandatory Occurrence Reporting System (“MORS”) at the Litmus Building.

PURPOSE

The MORS is a system to enable prompt reporting of information regarding building safety incidents. The system is designed to enable residents, other persons using the building such as contractors and visitors, along with the PAP, to identify hazards and report them promptly. Utilisation of a MORS ensures the Building Safety Regulator (“BSR”) to capture prescribed risks that could have a potential impact on fire and structural safety and assess the relevance of these risks to the occupiers or to other buildings.

The MORS will be shared by Whitelake Properties Investment Limited with all residents through the Resident Engagement Strategy as part of the consultation process, APs, other users of the building and the BSR when requested.

WHO IS RESPONSIBLE

Whitelake Properties Investment Limited as the PAP for The Litmus Building must establish and operate an effective MORS to enable them to comply with the information obligations imposed by the BSA. If there is just one AP for a building, then they are the PAP. Where there are multiple APs, then whoever owns or has the legal obligation to repair the structure and exterior of the building is the PAP. The PAP is responsible for submitting any safety occurrence notices as soon as possible, and full reports within 10 days to the BSR.

Failing to report a safety risk is punishable with a fine or summary conviction.

A BUILDING SAFETY OCCURENCE

The MORS is concerned with reporting building safety incidents that have caused or if not remedied are likely to cause loss of life or serious injury.

A Building Safety incident (“BSI”) involves at least one of the following:

- Structural failure of the building;
- The spread of fire in the building.

The relevant AP must report incidents that meet these criteria to BSR as a safety occurrence. They must do this by submitting a mandatory occurrence notice as soon as they can or within 10 days of the safety incident being identified.

Examples of BSOs that could meet the risk criteria of and require an MOR to be filed with the BSR by the PAP:

- failure of a critical fire safety measure
- defective building work
- the spread of fire or smoke
- unexpected failure or the degradation of construction materials
- the discovery of structural defects
- total or partial collapse of the building

BSOs must always be reported, even if the cause of the BSO is immediately fixed.

TIMESCALES FOR REPORTING SAFETY OCCURRENCES

There are two stages to reporting BSOs:

1. The PAP must give notice to the BSR of a BSO as soon as reasonably practicable after the occurrence has taken place.
2. The PAP must give the BSR a BSO report containing:
 - (i) the date and time of the safety occurrence,
 - (ii) the date and time the safety occurrence was first notified to the regulator,
 - (iii) the date of submission of the report to the regulator,
 - (iv) the address of the building at which the safety occurrence took place,
 - (v) the name, address, telephone number and email address of the AP making the report,
 - (vi) the details of the safety occurrence, including—
 - (aa) whether any persons were injured or killed as a result of the safety occurrence,
 - (bb) details of any recent building work,
 - (cc) details of how the safety occurrence was discovered,
 - (vii) a description of the measures taken to mitigate or remedy the safety occurrence, (viii) details of any wider impact or other considerations.

REPORTING BSOs TO THE REGULATOR

The relevant PAP is responsible for reporting each BSO to the BSR according to the timescales below.

As soon as reasonably practicable after becoming aware of a BSO the relevant PAP should submit a BSO notice to the BSR, <https://www.gov.uk/guidance/submit-a-mandatory-occurrence-notice-and-report>.

If the PAP is not the relevant AP, the AP shall ensure a copy of the notice is provided to the PAP.

The relevant AP will immediately upon becoming aware of a BSO initiate an investigation into the BSO. Following submission of the notice to the BSR and after the investigation, submit a full report to the BSR within 10 days of the BSO coming to the attention of the PAP, <https://www.gov.uk/guidance/submit-a-mandatory-occurrence-notice-and-report>

As the PAP Whitelake Properties Investment Limited will maintain a register of BSOs

HOW THE APs MUST SHARE THE MORS PROCEDURE:

Contractors – purchase orders or supporting guides issued by PAPs should contain information on how contractors should report a BSO to the PAP.

PAPs should ensure notice boards/digital information screens also contain information on how contractors should report a BSO to the PAP.

Residents/Tenants - the Resident Engagement Strategy includes information on the MORS and will be form the means of consultation with residents. This is shared with residents through any customer portal, email, letter, noticeboards/digital screens and any onsite member of staff.

A separate summarised version 'MORS For Residents' has been created which provides a summary of the process. This can be found on the resident's portal.

THE COMPLAINTS PROCEDURE

Whitelake Properties Investment Limited operates a Complaints Procedure, separate to the MORS, which has been designed to enable residents and other building users to raise complaints about those responsible for managing building safety risks.