

Insights

GOVERNMENT RESPONSE TO GRENFELL PHASE 2 REPORT – AN OVERVIEW

Feb 28, 2025

SUMMARY

The government has published its [Response to the Grenfell Tower Inquiry's Phase 2 report](#). This Insight takes a closer look at the Response focusing on some of the major reforms the government plans to make (for the full detail of the reforms, please refer to the Response) and the timeframes for such actions.

BACKGROUND

The Grenfell Tower Inquiry was established after the terrible fire at Grenfell Tower on 14 June 2017. The Inquiry's remit was wide: not only to investigate the circumstances surrounding the Grenfell tragedy to understand why it had happened, but also consider the underlying causes of the disaster including matters such as the adequacy of the regulatory regime.

The Inquiry's Phase 1 report was published on 30 October 2019 and focused on how the fire started and spread and the response of the emergency services. It made 46 recommendations (15 were directed at the government and 31 at the emergency services). The government welcomed the Phase 1 report and accepted all the recommendations made for central government.

The final Phase 2 report was published on 4 September 2024. It examined the underlying causes of the disaster, including the decisions made in relation to the design and construction of the cladding system, the adequacy of construction products and the regulatory regime and the response of central and local government. The Inquiry made 58 recommendations (37 directed at the government and 21 at other bodies and institutions).

On 26 February 2025, the government published its response to the Phase 2 Report accepting 49 of the 58 recommendations in full while accepting the remaining 9 recommendations in principle. In addition, to the introduction of the 58 recommendations, the response also details the government's

long-term vision for continuing to rebuild people's trust in building and fire safety systems and delivering better outcomes for residents across the country.

MAJOR CHANGES

NEW CONSTRUCTION REGULATOR

The government intends to draw together all the functions relating to the construction industry under a single regulator. The single regulator will deliver the functions specified in the Phase 2 report with two exceptions: it will not be responsible for the testing and certification of construction products, or the issue of compliance certificates (as this would create a conflict of interest within the regulator).

Implementation will start immediately, beginning with work to support the existing regulatory regime as the foundation to moving towards greater consolidation. Later this year, a Regulatory Reform Prospectus and consultation on the design of the single regulator will be published before legislation is passed to establish it.

In the Phase 2 report, the Inquiry also recommended that the construction regulator be responsible for ensuring construction products meet statutory requirements and industry standards and for the issue of certificates to certify this. The government responded that it has published a [construction products green paper](#) which addresses this recommendation more effectively, as it will be considered as part of system-wide reform.

DEFINITION OF "HIGHER-RISK BUILDING" AND THE HIGHER-RISK BUILDING REGIME TO BE REVIEWED

The Building Safety Regulator has already conducted an initial review of the definition of a higher-risk building but plans for an ongoing review of this definition and the higher-risk building regime will be published in summer 2025.

FIRE SAFETY RESPONSIBILITIES TO SIT IN ONE GOVERNMENT DEPARTMENT

Fire safety related functions will move from the Home Office to the Ministry of Housing, Communities and Local Government (MHCLG) so that responsibility for the functions relating to fire safety currently exercised by MHCLG, the Home Office and the Department for Business and Trade, will sit within one department under a single Secretary of State.

APPOINTMENT OF A CHIEF CONSTRUCTION ADVISER

The new role of Chief Construction Adviser will be created who will advise the Secretary of State and monitor the department's work relating to the Building Regulations, statutory guidance and the construction industry more generally.

REVIEW OF APPROVED DOCUMENTS AND INCLUSION OF WARNING ABOUT COMPLIANCE

The Building Safety Regulator is to continue its review of the Approved Documents to ensure they are effective in providing accurate information to support designers in demonstrating compliance with the Building Regulations. Summer 2025 will see the publication of interim findings, with a full list of recommendations to be published in 2026. In addition, the Approved Documents will be revised to include a warning in each section that the legal requirements are contained in the Building Regulations and that compliance with the guidance will not necessarily result in compliance with the Building Regulations.

FIRE SAFETY STRATEGY TO BE REQUIRED FOR GATEWAYS 2 AND 3

The Inquiry recommended that a fire safety strategy be required for Gateway 2 and Gateway 3. While the government noted that such a strategy is already required for these Gateways, it has said that the Building Safety Regulator will consider how to make the current guidance, about what is required to be included in the fire safety strategy, clearer to applicants. This guidance will be published in March 2025.

FIRE ENGINEERS TO BE MORE STRINGENTLY REGULATED

In response to the recommendation that fire engineers be more closely regulated, the government has said that it will consider how to better regulate the profession in addition to considering how to increase the take up of Masters level courses in fire engineering, and convening a panel of academics and industry experts to consider what should be expected of a competent fire engineer. The panel will also support and advise on the implementation of other recommendations in respect of fire engineers. Government will also work with industry and professional bodies to consider how best to encourage the development of courses in the principles of fire engineering for construction professionals and members of the fire and rescue services as part of their continuing professional development.

POTENTIAL LICENSING FOR PRINCIPAL CONTRACTORS, REVIEW OF DUTYHOLDER REGIME AND ADDITIONAL GATEWAY 2 PRINCIPAL DESIGNER AND PRINCIPAL CONTRACTOR COMPLIANCE DECLARATIONS

The Inquiry recommended that a licensing scheme operated by the new construction regulator be introduced for principal contractors wishing to undertake the construction or refurbishment of higher-risk buildings. In addition, it recommended that it should be a legal requirement that any application for building control approval for the construction or refurbishment of a higher-risk building (Gateway 2) be supported by a personal undertaking from a director or senior manager of the principal contractor to take all reasonable care to ensure that on completion and handover the building is as safe as is required by the Building Regulations. The government has said it will

introduce such a scheme, where a licence may be granted on the basis of criteria aligned with the dutyholder requirements, and can be withdrawn for failure to achieve compliance with the Building Regulations.

The government is to review the impact of the new dutyholder regime in relation to higher-risk buildings from October 2025 and publish the findings by Autumn 2026.

The government will also consult on requiring the principal designer to sign a declaration that they have complied with their duties, including taking all reasonable steps to ensure the designs comply with Building Regulations, when designs are submitted to the Building Safety Regulator to secure approval to build at Gateway 2.

INDEPENDENT BUILDING CONTROL ADVISORY PANEL TO BE ESTABLISHED

The government plans to establish an independent panel to review the building control sector and to recommend which bodies should carry out certain functions, as well as whether all building control functions should be performed by a national authority.

COMPETENCE OF FIRE RISK ASSESSORS

The government will legislate to make it a mandatory requirement for fire risk assessors to have their competence to perform this critical role independently verified by a UKAS-accredited Certification Body.

ESTABLISHMENT OF AN INDEPENDENT COLLEGE OF FIRE AND RESCUE

The government is to consult on the establishment of such a college in Summer 2025.

TIMEFRAME FOR INTRODUCTION

Reform will be introduced in three phases:

PHASE 1 (2025 TO 2026): DELIVERY OF EXISTING REFORM

Phase 1 will focus on ensuring that the current regulatory change (for example, introduction of the higher-risk building regime) is effectively delivered while also consulting on the steps proposed to introduce new reforms such as the introduction of the single construction regulator.

PHASE 2 (2026 TO 2028): FURTHER DEVELOPMENT AND LEGISLATION

Phase 2 will see the delivery of the recommendations outlined in the response. In this phase, legislation will be passed to deliver the reforms.

PHASE 3 (2028 ONWARDS): IMPLEMENTATION

In Phase 3, the government will focus on implementing the reforms which will have been introduced over the previous years while keeping the new system under review.

FINAL THOUGHTS

The key themes of the response are further regulation, independent and ongoing review, engagement with and reassurance for residents, licensing for experts, better transparency and accountability and the harnessing of the support that local communities can offer. There is a huge amount for government to consider and implement. The challenge will be in the resourcing and prioritisation, particularly given the challenges already presented by the regime changes that have already gone live.

RELATED PRACTICE AREAS

- Commercial Construction & Engineering
- Real Estate

MEET THE TEAM



Christopher Skone James

London

christopher.skonejames@bclplaw.com

[+44 \(0\) 20 3400 3733](tel:+44(0)2034003733)



Victoria Duxbury

London

victoria.duxbury@bclplaw.com

[+44 \(0\) 20 3400 3190](tel:+44(0)2034003190)



Katharine Tulloch

London

katharine.tulloch@bclplaw.com

[+44 \(0\) 20 3400 3056](tel:+44(0)2034003056)

This material is not comprehensive, is for informational purposes only, and is not legal advice. Your use or receipt of this material does not create an attorney-client relationship between us. If you require legal advice, you should consult an attorney regarding your particular circumstances. The choice of a lawyer is an important decision and should not be based solely upon advertisements. This material may be “Attorney Advertising” under the ethics and professional rules of certain jurisdictions. For advertising purposes, St. Louis, Missouri, is designated BCLP’s principal office and Kathrine Dixon (kathrine.dixon@bclplaw.com) as the responsible attorney.