

Appendix 4

Mandatory Occurrence Reporting (Building Safety) Policy

Publication date: **V1.0 TBC**

Next review date: **XXXXXX**

Reference: **HN/SQ/POL/MOR/V1.0**

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Document Control

Governance

Table 1 – Policy information

Item	Response
Title	H&N Mandatory Occurrence Reporting Policy for Council Housing
Responsible officer	H&N Head of Assets and Building Safety
Author	H&N General Manager of Compliance and Building Safety
Approved by	TBC
Version approval date	First Draft
Next review date	TBC
Review responsibility	H&N Head of Assets and Building Safety
Applicable to	Homes & Neighbourhoods staff and contractors. Homes & Neighbourhoods tenants, leaseholders and other residents.
Regulatory framework	Building Safety Act 2022 The Building (Higher-Risk Buildings Procedures) (England) Regulations 2023

Revision history

Table 2 – Revision details

Date	Version	Author	Authorised by	Revision details
06/02/26	1.0	Blake Hamblett	TBC	First publication

1 Introduction

1.1 Purposes of this policy

- 1.1.1 This Policy sets out Kirklees Council's approach to identifying and managing safety occurrences in occupied high rise residential buildings as defined below. This includes our approach to notifying and reporting safety occurrences to the Building Safety Regulator and West Yorkshire Fire and Rescue Service.
- 1.1.2 Kirklees Council is responsible for the safe management, maintenance and repair of one Higher Risk Building (HRB) owned through the Housing Revenue Account.
- 1.1.3 This Policy will clearly define the process for colleagues, residents and other relevant persons to report building safety incidents and risks, where we are the Principal Accountable Person. Outline the process for investigation and assessment of incident and risks. Outline the process for the reporting of incidents to the Regulator and West Yorkshire Fire and Rescue Service and define how the contents of this process will be provided to colleagues, residents and other relevant parties
- 1.1.4 The Building Safety Act (BSA) requires the Principle Accountable Person (PAP) to establish a Mandatory Occurrence Reporting System (MORS) to report building safety risks on Higher-Risk Buildings (HRB), to the Regulator
- 1.1.5 The purpose of a 'mandatory occurrence reporting system' is a means of giving information to the AP and the Building Safety Regulator (BSR)

1.2 Legal context

- 1.2.1 This policy responds to the [Social Housing \(Regulation\) Act 2023](#) and the associated [Regulatory Standards](#) by addressing the following requirements:

The Building Safety Act 2022

- Establishes the safety regime overseen by the Building Safety Regulator (BSR) and includes the legal basis for MOR

Safety and Quality Standard

- When acting as landlords, registered providers must take all reasonable steps to ensure the health and safety of tenants in their homes and associated communal areas.

- 1.2.2 This policy also aims to ensure compliance with the following legislation:

- Fire Safety Act 2021
- Construction (Design and Management) Regulations 2015
- The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (RIDDOR) 2013
- Regulatory Reform (Fire Safety) Order 2005
- Housing Health and Safety Regulations 2005
- Housing Act 2004

- Management of Health and Safety at Work Regulations 1999
- Health & Safety (Safety Signs and Signal) Regulations 1996
- Workplace (Health, Safety & Welfare) Regulations 1992 (as amended)
- Smoke Detectors Act 1991
- Health and Safety at Work etc. Act 1974
- Defective Premises Act 1972
- Occupiers' Liability Acts 1957 and 1984

1.3 Definitions

1.3.1 For the purposes of this policy, the following definitions apply:

Table 3 – List of definitions used in this policy

Term	Definition
High-rise Residential Building (HRRB)	as defined within the Building Safety Act 2022, a higher risk building either 7 stories or 18 metres high, whichever comes first and containing 2 or more residential units
Principal Accountable Person	is Kirklees Council as owner of the high-rise residential building with responsibility for ongoing repair and maintenance of common parts and firefighting equipment
Principal Designer	a person or organization that Kirklees Council appoints to manage the pre-construction phase of a project
Principal Contractor	a contractor who manages the construction phase of a project that involves more than one contractor
Safety Occurrence	is an aspect of design or an incident relating to the structural integrity or fire safety of a high-rise residential building
Occurrence Reporting	is the reporting to the Building Safety Regulator of a safety occurrence
Mandatory Occurrence Reporting Log (MORL)	will log all concerns raised, which may include those not decided to be a Reportable Incident
Residents	are those residing in any high-rise residential building where Kirklees Council are the Principal Accountable Person, including any leaseholders
'we' or 'us' or 'our'	Kirklees Council

2 Objectives and scope

2.1 Policy objectives

- 2.1.1 The primary aim of this document is to ensure that Kirklees Council is compliant with statutory legislation relating to Building Safety within all council homes and non-residential properties managed through the Housing Revenue Account
- 2.1.2 The policy aims to provide clarity on the council's overall approach to building safety, assuring tenants and other stakeholders that our approach to building safety is robust and effective
- 2.1.3 The policy seeks to minimise the potential of the 'risk condition' being met.

2.2 Policy scope

- 2.2.1 This policy relates to all HRB buildings under the control Kirklees Council which are at least 7 floors or are at least 18m in height. Currently in scope in Kirklees is Harold Wilson Court.
- 2.2.2 This Policy only applies to high-rise residential buildings under the control of Kirklees Council as the Principal Accountable Person during occupation by Residents.
- 2.2.3 This Policy does not apply to the Principal Accountable Person during any period of construction or major refurbishment works, or during construction of a new high-rise residential building. All responsibilities to submit Safety Occurrences to the Building Safety Regulator during these periods will apply to the Principal Designer and/or Principal Contractor, in line with the Building Safety Regulations 2022. The system that should be followed during these periods is set out in Appendix B.
- 2.2.4 The policy does not apply to buildings below 7 floors or 18m in height whichever comes first.

3 Policy statement

3.1 What needs reporting and how

- 3.1.1 Any concern regarding the structural integrity or relating to the fire-fighting equipment in a HRRB should be reported, in writing, to the Fire Safety Manager (building.safety@kirklees.gov.uk). If there is no online access, this report should be made via telephone on 01484 221000 ext. 75227, to the Building Safety Team. Individuals should give as much detail as possible to the incident they are reporting, this can include photos or videos if hard to explain. Examples can be found in Appendix A.
- 3.1.2 There may be concerns raised which do not fall within the definition of a Safety Occurrence but need reporting to the Building Safety Regulator as a Reportable Incident; all reports will be taken seriously, reviewed and inputted on the MORL

3.2 Competence

- 3.2.1 The Building Safety Regulator and Health and Safety Executive define competence as having appropriate skills, knowledge, experience and behaviours (SKEB) to manage building safety risks.
- 3.2.2 The PAP must have access to Fire safety risk management, Structural safety reports, Safety management systems, Safety Cases and Safety Case Report, Resident engagement and clear accountability and authority with clear leadership and governance. This ensures that the Golden Thread information management is held.

3.3 Decision making

- 3.3.1 A Safety Occurrence as defined above will be a reportable incident when there has been, or we have the belief that, without remediation, a significant number of individuals could be seriously injured or die.
- 3.3.2 The Fire Safety Manager will decide whether a safety occurrence falls into the definition of a Reportable Incident. In lieu of the Fire Safety Manager, the Service Manager – Building Safety should take on responsibility for decision making
- 3.3.3 All Mandatory Occurrence Notices will be reported to the Building Safety Service Manager, who in turn will inform the Head of Asset Management and Building Safety, to then pass up the management chain, up to and including the Chief Executive

3.4 Timeframes

- 3.4.1 If a suspected safety occurrence is reported and meets the definition, a mandatory occurrence notice will be submitted to the Building Safety Regulator as soon as reasonably practicable. We will notify West Yorkshire Fire and Rescue Service through their online portal, if it is a safety occurrence relating to any of the fire-fighting equipment in the building.
- 3.4.2 Subsequently, a report must be submitted to the Building Safety Regulator within 10 calendar days of it being notified to the Fire Safety Manager. Said report will contain the information as set out in the Government Guidance.
- 3.4.2 The Fire Safety Manager will aim to get back to the person(s) who reported the safety occurrence within 7 days to provide an update on the action taken.

3.5 Notices, Investigations and Reports

- 3.5.1 The Fire Safety Manager will investigate any reports of a suspected Safety Occurrence. If applicable, they will submit a notice, investigate the safety occurrence and submit a report to the Building Safety Regulator via their reporting methods.
- 3.5.2 All employees must help facilitate all investigations required by the Fire Safety Manager into any report of a safety occurrence, to enable the notice and report to be submitted within the 10 calendar days timeframe.

3.6 Repairs and Maintenance

- 3.6.1 Repairs of any Safety Occurrences will be the responsibility of the Fire Safety Manager, ensuring corrective action takes place and is recorded on the MORL.

3.7 Record Keeping

- 3.7.1 All reported Safety Occurrences need to be included within the HRRB's Building Safety Case.
- 3.7.2 All reported concerns, whether defined as a Safety Occurrence or not, will be recorded on the MORL.
- 3.7.3 All information included in submitted concerns will be treated in line with the Council's Data Protection Policy.

4 Roles and responsibilities

4.1 Council responsibilities

- 4.1.1 We must share this Policy and how it works with Residents, all Accountable Persons and any other users of our HRRBs.
- 4.1.2 We will ensure all HRRBs have a notice on site on how Residents can report any concerns.
- 4.1.3 The Building Safety team will carry out a monthly inspection of all HRRB, in line with Regulation 7 of the Fire Safety (England) Regulations 2022 and these will be made available to all Residents and any other building user.
- 4.1.4 The Council will carry out a structural inspection of all HRRB every 5 years, or sooner if concerns are raised and/or an incident occurs that brings the structural integrity into question.

4.2 Tenant responsibilities

- 4.2.1 The Building Safety Act sets out statutory duties on Residents to cooperate with us when it comes to building safety. Residents have legal responsibilities to avoid actions that could pose a risk to the fire and/or structural safety of the HRRB and other residents.
- 4.2.2 Our High-Rise Resident Building Safety Pack details all Resident responsibilities. These are given at the point of sign-up and annually thereafter.

5 Monitoring and review

5.1 Monitoring and improvement

- 5.1.1 All notifications of incidents and/or risks will be assessed and logged on the MORL, not all reports will constitute a building safety risk that fall within the definition of a safety occurrence. This MORL will undergo monitoring every six months to review the occurrences and reassess and risks and/or hazards.
- 5.1.2 Any necessary improvements will take place following this monitoring, if required.

5.2 Policy review

- 5.2.1 The policy will be reviewed at least every year, or in response to relevant changes in legislation, regulation or organisational structures.
- 5.2.2 This Policy will also be reviewed following any feedback from the Building Safety Regulator or after a significant occurrence.
- 5.2.3 Any significant changes will be consulted on prior to implementation and relevant approvals sought.
- 5.2.4 This policy and future updates will be published on the council's website.

6 Associated policies and strategies

6.1 Homes & Neighbourhoods policies

- 6.1.1 The following Kirklees Council strategies and policies are relevant:
- Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (RIDDOR) Guidance
 - Business Continuity Framework
 - Homes and Neighbourhoods Complaints Policy
 - Homes and Neighbourhoods Repairs and Maintenance Policy
 - Homes and Neighbourhoods Health and Safety Policy
 - Homes and Neighbourhoods Construction and Contractor Work Policy
 - Homes and Neighbourhoods Fire Safety Management Plan
 - Tenant Voice Strategy

6.2 Kirklees Council policies

- 6.2.1 The following Kirklees Council policies and procedures are relevant:
- Corporate Health and Safety at Work Policy
 - Fatal or Serious Incident Protocol

- Data Protection Policy
- Guidance Note No 1: Accident, Incident or Near Miss Reporting and Investigation Reporting Fire Incidents on Claim Control
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Appendix A – Reportable Safety Occurrences

Below are examples of Safety Occurrences that may require reporting to the Building Safety Regulator (this is not an exhaustive list):

- The death of a significant number of people
- Serious injury to a significant number of people
- The spread of fire or something that could lead to the spread of fire
- Structural failure
- Defective building work
- Fault of fire safety measures
- Total or partial collapse of the building.
- Unexpected failure or degradation of construction materials.
- The discovery of structural defects.
- Failure of a critical fire safety measure, such as an automatic opening vent, smoke extraction or fire doors.

Appendix B – Mandatory Occurrence Reporting during construction works

To ensure the duties under the Building Safety Act for Mandatory Occurrence Reporting are complied with during construction works, we will adopt the following system:

1. Produce the Project Responsibilities form below, identifying the individual(s) from the Principal Designer and the Principal Contractor who are responsible for oversight of this system.
2. Ensure all those on the project know how to report building safety occurrences, or any other incidents and risks, whether they be caused by the works themselves, from the methodology used or some other reason, whether caused by us, the Principal Designer, Principal Contractor or any other person on site.
3. If we identify a safety occurrence that we have not been notified of, we will assume responsibility for reporting, in line with this Policy and Appendix B.
4. The Identifying and Reporting a Mandatory Occurrence form below should be used to support the responsible individual(s) in responding to a building safety occurrence and shared with the named individual(s) in the Project Responsibilities Form.
5. We will be responsible for updating the Change Control Plan if any changes occur, as detailed in Regulation 18, Regulation 19 and Schedule 1 of The Building (Higher-Risk Buildings Procedures) (England) Regulations 2023 and notify the Principal Designer and Principal Contractor of the same.
6. We will update the Project Responsibilities form of any necessary changes and notify the Principal Designer and Principal Contractor of the same.

6.3 Project Responsibilities Form

Project name	
Date MOR system last reviewed	
Client contact	
The responsible individual on behalf of the Principal Designer is	
The responsible individual on behalf of the Principal Contractor is	
Information about the MOR system is provided to everyone on the project via:	☐ Contract Documents ☐ Site Induction ☐ Noticeboard ☐ Other
The person who must be notified in the event of a building safety incident or risk is	
The person responsible for recording the details of a building safety incident or risk is	
The person responsible for determining if the building safety incident or risk is a Mandatory Occurrence is	
The project email address to be used when reporting a Mandatory Occurrence to the BSR is	
The person responsible for submitting the Mandatory Occurrence Notice is	
The person responsible for submitting the Mandatory Occurrence Report is	
The person within the Principal Designer responsible for determining the actions in response to a Mandatory Occurrence is	
The person within the Principal Contractor responsible for determining the actions in response to a Mandatory Occurrence is	
The person responsible for the Change Control Log is	

6.4 Identifying and Reporting a Mandatory Occurrence Form

Project name	
Name of person recording this building safety incident or risk	
Email address	
Phone number	
Name of person who identified the incident or risk	
Email address	
Phone number	
Date of incident or when risk was identified	
Time of incident or when risk was identified	
Brief description of the incident or risk	
Is this incident or risk considered to be a Mandatory Occurrence? <i>If Yes, please complete rest of this form. If No, please provide a reason for this decision and whether the incident needs to be reported under other legislation (e.g. RIDDOR).</i>	Yes/No Reason:
Has the responsible individual on behalf of the Principal Designer been informed of the incident or risk?	
Has the responsible individual on behalf of the Principal Contractor been informed of the incident or risk?	
Signed by the person responsible for determining if the incident or risk is a Mandatory Occurrence	
Email address used to submit Mandatory Occurrence Notice and Report	
Building Control Application reference number	
Details of immediate actions taken	
Name of person submitting Mandatory Occurrence Notice	
Email address	
Phone number	
Organisation name	
Organisation role	Principal Designer / Principal Contractor

Mandatory Occurrence reference number allocated on submission of Notice	
Name of person submitting Mandatory Occurrence Report	
Email address	
Phone number	
Organisation name	
Organisation role	Principal Designer / Principal Contractor
Type of Mandatory Occurrence	Structural Failure / Fire Spread / Both
Detailed description of the Mandatory Occurrence	
What caused or is causing the Mandatory Occurrence (if known)	
Who has been affected or could be affected and in what ways	
What is being or will be done to keep people safe	
How the Mandatory Occurrence was identified	
Anything that could be shared with others to learn from it <i>Include links to documents, videos or photos that will be uploaded</i>	
Actions taken to address the cause of the Mandatory Occurrence	
Is a change control application or notification required? <i>If Yes, please report to person responsible for the Change Control Log</i>	Yes/No
Is an internal investigation required?	Yes/No
Feedback given to workforce on site?	Yes/No