



THE GRENFELL TOWER INQUIRY PHASE 2 REPORT: GOVERNMENT RESPONSE

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On 26 February 2025, the Government Response to the Grenfell Tower Inquiry Phase 2 Report (the "Inquiry") was presented to Parliament. The response can be read in full [here](#).

The Phase 2 Report, which concluded the Inquiry's work, made 58 recommendations, of which 37 were directed at the government and 21 were directed at other bodies and institutions. The government has accepted all of the Inquiry's findings. 49 recommendations have been accepted in full, with the remaining nine accepted in principle, with an outline as to how the government will implement these following further consultation.

The manner in which these accepted recommendations will be implemented are considered in further detail below.

Construction products system reform

The Inquiry identified that misleading marketing of products and the manipulation of test data led to the use of products which were unsuitable for high-rise buildings. Our earlier discipline impact note (linked [here](#)) contains more details.

Whilst the government acknowledged that some action has been taken since the Grenfell Tower tragedy in 2017, including a ban on the use of combustible materials on buildings over 18 metres in height, further reforms are required: at present, around two-thirds of available construction products are not covered by existing regulations, according to the review undertaken by Paul Morrell and Anneliese Day KC in 2023. This in turn allows potentially unsafe materials to enter the construction system.

Alongside its response, the government has published a construction products green paper outlining proposals for reform of the construction products sector, the regulatory regime that governs it, and the institutions that must fulfil their responsibilities in assuring safe products that can be safely used. The green paper (which can be accessed [here](#)) marks the start of a formal consultation lasting until 21 May 2025, and a period of active engagement with the sector to ensure that ambitious reforms are achieved correctly.

The green paper sets out a wide range of measures including new obligations on all of those who play a key role in the testing, certification and assurance of construction products (along with stricter oversight of those bodies). This gives effect to the government's position that "it is essential that all stakeholders can access clear and credible product information to make informed decisions regarding construction products".

In this vein, the government plans to implement a "proportionate, risk-based" general

strategy to all currently unregulated construction products – for example, risk assessments based on a product's intended and "reasonably foreseeable" conditions of use. Guidance on the principles applying to such assessments will be provided by the new single construction regulator, which was announced alongside the green paper. Existing products that fall under current standards will also need to comply with the reforms.

In addition, products that are "critical to safe construction" will be required to comply with a recognised international or national standard, or a recognised third-party verification scheme, in order to be available to the construction market. Testing and verification will continue to be carried out by private companies, and not the construction regulator, due to capacity concerns. However, the regulator will be able to set minimum requirements that such schemes must meet and will be expected to undertake audits and enforcement of the schemes in operation.

Where manufacturers neglect their responsibilities and breach safety obligations, then the new regulator will be able to impose sanctions, such as fines (based on company revenue) and limit individual actors' activity in the construction industry. The new regulator will also have the power to request product samples, issue improvement notices (to improve a company's business practices), and issue cost recovery notices to recover its expenses in carrying out enforcement action. In the worst cases, it could suspend or prohibit products from being supplied (or multiple products from the same manufacturer) or prevent people from working in the industry.

The government also states that any claims made about a product's performance must be clear and test results relied on when marketing a product should be accessible and free to view for those selecting and using the product. The labelling must also include the intended use of a product, the risks associated with it, and any necessary installation advice. Manufacturers must maintain and provide full test data for their products to the new regulator, which will maintain a central library of such information.

The intention is that these extensive measures will raise the bar in respect of rigour, consistency, transparency and confidence in order to support safe products and their safe use. Through the proposals outlined within the green paper, the government hopes to embed strong accountability and oversight within the construction products sector.

Clear standards and expectations

Definition of higher-risk buildings

The government has accepted the recommendation to urgently review the definition of a higher-risk building for the purposes of the Building Safety Act 2022. This is to ensure that the risk to vulnerable people arising from buildings is effectively managed.

The government is working with the Building Safety Regulator to undertake a review to establish whether the higher-risk regime should be amended in any way. Previous discussion has concentrated on linking the definition of a higher-risk building to its height rather than other facts such as use or complexity. A review of the definition used under the Building Safety Act 2022 could ultimately result in additional buildings falling within the Act's scope. The government's conclusions on this review will be published in Summer 2025. Our earlier [podcast](#) provides more information on potential legal and regulatory

reform.

Statutory guidance

The Building Safety Regulator will review statutory guidance, including Approved Document B, to identify how building safety guidance should be structured, updated and presented to provide accurate and coherent guidance that supports designers in demonstrating compliance with the building regulations.

The government has committed to keeping Approved Document B under continuous review to address new materials, techniques and technologies, with consideration given to how these elements might impact compartmentation.

Approved Documents will also be updated to recognise the limitations of applying generic advice to special situations; where the expertise of a qualified fire engineer or other professional is needed, it should be sought.

The latest amendments to Approved Document B will take effect from 2 March 2025 which include changes to fire safety provisions focusing on Regulation 38 and fire safety information, the removal of national classes for reaction to fire and roofs, and the introduction of new provisions for sprinklers in care homes.

A consultation on further changes to Approved Document B will be launched by the Building Safety Regulator in Autumn 2025.

Dutyholder roles under the Building Safety Act 2022

The Building Safety Act 2022 introduced the dutyholder regime, which provides that Principal Designers and Principal Contractors are required to manage building safety risks with clear lines of responsibility during the design, construction and completion of buildings.

Nearly three years on from the Act's implementation, the government has agreed to review the impact of the new dutyholder regime in respect of higher-risk buildings from October 2025. It also intends to publish their findings by autumn 2026.

Principal Designers

The government has confirmed that it will become a statutory requirement for Principal Designers to provide a statement with building control approval applications confirming that they have complied with their existing duties. These duties include the Principal Designer taking all reasonable steps to ensure that the design complies with relevant requirements in Building Regulations, and that those leading projects are accountable for achieving compliance.

The government is reviewing whether this requirement should be extended to all building control applications, as opposed to just higher-risk buildings.

Principal Contractors

The Inquiry recommended the introduction of a licensing scheme operated by the construction regulator for Principal Contractors wishing to undertake the construction or refurbishment of higher-risk buildings. The government has accepted this recommendation and will work with the sector to consider how a licensing scheme for Principal Contractors on higher-risk buildings could work, and the timescales for its introduction.

It is envisaged that the scheme could involve a licence being granted to the Principal Contractor on the basis of criteria aligned with the dutyholder requirements. This licence could be withdrawn for failure to achieve compliance with the regulations.

In addition, the government is considering the Inquiry's recommendation that any application for building control approval for the construction or refurbishment of a higher-risk building be supported by a personal undertaking from a director or senior manager of the Principal Contractor. This personal undertaking would involve the Principal Contractor confirming that he/she has taken all reasonable care to ensure that, on completion and handover, the building is as safe as is required by the Building Regulations. The personal undertaking emphasises the government's objective to increase accountability within the sector and could result in an increase in prosecutions and enforcement actions taken against individuals.

Competent professionals

The Inquiry noted insufficient training across a number of professions, with multiple institutions identified as having insufficient procedures that were not rigorous, technically accurate or aligned to their own policies. The government has committed to ensuring the training system provides the construction industry with experienced staff with the necessary skills and competence required, following a recent investment of £140 million to create 5,000 more high quality training places within the industry.

Building Control

The government has confirmed that an independent panel will be established to review the building control sector to consider whether it is in the public interest for building control functions to be performed by those who have a commercial interest in the process.

Following the government's review, a recommendation will follow confirming which bodies should undertake certain functions, including whether all building control functions should be performed by a national authority. The government has confirmed that members of the independent panel are due to be appointed in due course.

To maintain momentum, the government has asked the independent panel to make its recommendations concerning the building control sector by October 2025.

In order to deliver the goals identified in the response, the government has highlighted a need for a significant increase in capacity within the building control profession, which it will support with the recruitment and training of more building inspectors. For more information on the Inquiry's findings and recommendations relating to building control professionals and functions, please refer to our previous discipline impact note [here](#).

Fire risk assessors

A principal finding in the Inquiry was that fire risk assessors have operated without consistent standards or oversight for too long. Consequently, the government has confirmed that it will legislate to make it a mandatory requirement for fire risk assessors to have their competence to perform their role independently verified by a UKAS-accredited certification body.

With a robust certification system and a commissioning process that requires competence to be verified, the government is endeavouring to ensure that only fire risk assessors with appropriate skills, knowledge and experience are employed.

Clear accountability and effective enforcement

On 13 February 2025, the government announced that responsibility for all fire-related functions within government would be transferred from the Home Office to the Ministry of Housing, Communities and Local Government (MHCLG). The intention is that this will provide a more coherent and holistic approach to fire safety, which should facilitate closer working between fire and building safety and building control, fire and rescue authorities, and local authorities at both government and local level.

The government has stated that the Inquiry's recommendation to create a 'single construction regulator' for the building system is 'strong'. This follows the Inquiry's exposure of a failed system within which regulation had become too complex and risks identified in different areas were left unaddressed.

However, the government has stated that it is not appropriate for the single regulator to undertake testing and certification of construction products (in respect of which, see the discussion about the green paper above), or issue a certificate of compliance to avoid creating conflicts of interest within the regulator. A regulator with oversight across the entire built environment sector will be best positioned to monitor risk areas that require addressing via sanctions, including swift criminal action where offences have occurred. Accordingly, the government agrees with the Inquiry's recommendation to create a new Chief Construction Adviser to advise the Secretary of State and lead work with industry and key stakeholders to design the single regulator model. A Regulatory Reform Prospectus will be published in Autumn 2025 which outlines the government's plans for regulatory reform.

The new debarment powers established by the Procurement Act 2023 have enabled the Cabinet Office to pursue investigations into organisations criticised by the Inquiry to establish whether professional misconduct has taken place. The response confirmed that the manufacturing organisations under investigation are Arconic Architectural Products SAS, Kingspan Insulation Limited and Saint-Gobain Construction Products UK Limited, the then owner of Celotex Limited. The outcome of these investigations remain to be decided.

Next steps*Phase 1 (2025 to 2026): delivery of existing reform*

The government's stated focus between now and 2026 is the effective delivery of its current

programme of regulatory reform and change to improve building safety. It has stressed the importance of maintaining momentum with remediation works through the Remediation Acceleration Plan launched in December 2024, emphasising the need for legislation to be brought forward to achieve this. The government has also committed to undertaking multiple reviews by Autumn 2025, which will impact all those involved in the built environment sector.

Phase 2 (2026 to 2028): further development and legislation

The government's aim between 2026 and 2028 is to develop proposals to deliver the Inquiry's recommendations and wider reforms, including bringing forward legislation when parliamentary time allows. This will include the continuous review of Approved Document B and other statutory guidance to ensure that new materials, technologies and techniques are incorporated safely into building regulations.

Phase 3 (2028 onwards): implementation

From 2028 onwards, the government's focus will be on implementing the reforms which will have been introduced by way of necessary legislation and regulatory powers. The government will continue to keep the new system under review to evaluate its effectiveness and ensure building safety is maintained throughout the sector.

Comment

The government's response to the Inquiry indicates that profound change is required across the built environment sector, and it is intent on implementing the changes. Although the response provides an outline as to how the Inquiry's 58 recommendations will be achieved in practice, the detail for a number of the recommendations is yet to be established in 2025-2026. Despite the overall criticisms outlined above, future investments and initiatives may create new opportunities for consultants, contractors, subcontractors, and other interested parties. We will continue to review the changes to the built environment sector and provide updates as to how these reforms will be implemented in the future.

If you would like to discuss how the above issues may impact your projects or contracts, please contact the authors or your usual Beale & Co contact.

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