



Office for Product
Safety & Standards

Memorandum of Understanding

between

**The Health and Safety Executive
(Building Safety Regulator)**

and

**The Office for Product Safety and Standards
(Department for Business & Trade)**

For matters related to the Building Safety Regime

August 2023

Purpose of this Memorandum of Understanding

This Memorandum of Understanding (“MoU”) is dated 10th August 2023 and sets out the framework and principles for a working relationship between:

The Health and Safety Executive
Redgrave Court
Merton Road
Bootle
Liverpool
L20 7HS

and

The Office for Product Safety and Standards
Cannon House
18 The Priory Queensway
Birmingham
B4 6BS

The Office for Product Safety and Standards (“OPSS”) is part of the Department for Business & Trade (DBT). References to the Health and Safety Executive (“HSE”) include its function as the Building Safety Regulator (“BSR”).

This MoU is not legally binding and has been agreed by the HSE and OPSS. It sets out the principles of effective communication, mutual co-operation and engagement between the parties in relation to the quality and safety of the built environment, and the basis on which they will collaborate with each other and discharge their respective responsibilities. It is not intended to create legal relations between BSR / HSE and OPSS / DBT.

This MoU is not intended to cover every detailed aspect of the working relationship between the two parties. It is a statement of principles that will guide relations to ensure appropriate arrangements are in place to work together effectively, help achieve common objectives and to avoid duplication of effort or misunderstanding.

This MoU relates specifically to the working relationship between HSE (BSR) and OPSS in matters related to the building safety regime. While HSE and OPSS already have an MoU in place, this is considered necessary to capture the new regime and the specific working arrangements now required since the Building Safety Act came into effect in April 2022.

Overview of Parties

The Health and Safety Executive (HSE), including its functions as the Building Safety Regulator (BSR):

The Health and Safety Executive (HSE) is Britain's national regulator for workplace health and safety. It prevents work-related death, injury and ill health. HSE is also the Building Safety Regulator (BSR) in England under The Building Safety Act 2022.

BSR will:

- Oversee the safety and standards of ALL buildings;
- Operate a new regulatory framework for high-rise buildings – defined as buildings with 7 or more storeys or that are 18 metres or higher, and have at least 2 residential units, or which are hospitals or care homes (during design and construction);
- Regulate the Building Control Profession with published standards for Building Control Bodies in the public and private sector; and codes for Registered Building Inspectors and Registered Building Control Approvers; and
- Help and encourage the built environment industry and building control professionals to improve their competence.

The Office for Product Safety and Standards (OPSS):

The Office for Product Safety and Standards (OPSS) is part of the Department for Business & Trade (DBT) and is the national regulator for product safety and legal metrology (accountable to DBT), and for construction products (accountable to the Department for Levelling Up, Housing & Communities (DLUHC)). It is also the enforcement authority in other areas of product regulation related to the environmental impact of the trade, use and disposal of products and the standards and measurement needed to support energy supply infrastructure (accountable to DBT or to other government departments).

OPSS works with enforcement authorities, regulators, consumer representatives and businesses to deliver effective protections and to support compliance. OPSS also holds the policy on, and leads work on, standards, accreditation and market surveillance.

1. Services and Matters of Common Interest

- 1.1. Whilst respecting our distinctive roles and responsibilities, there are a number of areas of common interest. In these areas, collaborative working will enable HSE and OPSS to carry out their respective responsibilities more effectively and efficiently using reliable information, data and intelligence to drive risk-based actions. These areas of common interest include but are not limited to:
 - i. Improving the quality and safety of the built environment;
 - ii. Identification of shared priorities;
 - iii. Identification of areas of common interest for testing and research;
 - iv. Joint commissioning, coordination and delivery of testing and research on agreed cross cutting themes;
 - v. Raising consumer awareness about building safety and performance;

Memorandum of Understanding – HSE and OPSS

- vi. Improving construction product safety standards;
- vii. Improving public safety;
- viii. Collecting and sharing information about construction compliance and identifying trends;
- ix. Representing the UK at international standards committees; and
- x. Joint campaign work on matters of Building Safety.

2. General Co-operation

- 2.1. HSE and OPSS are committed to the following general principles and practices for co-operation between themselves:
 - i. They will develop and maintain a common understanding of their respective roles and responsibilities, acknowledging each other's different statutory responsibilities, accountability structures and legislative frameworks;
 - ii. They will engage with each other openly, sharing knowledge and good practice;
 - iii. They will consult each other at an early stage on any issues that might have significant implications for the other and, where practicable, before the release of any relevant reports, press releases, speeches or policies;
 - iv. They will share information about programmes of work that would be of interest to the other, where possible in advance of that work starting;
 - v. They will develop a collective evidence base through sharing and joint commissioning of testing and research; and
 - vi. They will share information that arises out of investigation and enforcement activities that involve product safety related to construction products.
- 2.2. Against this background, HSE and OPSS will:
 - i. Hold at least one meeting per quarter between BSR/HSE and OPSS nominated representatives; and
 - ii. Hold biannual strategic meetings between BSR/HSE and OPSS.

3. Information Sharing

- 3.1. HSE and OPSS intend to share information on building safety issues and will disclose to each other information that is relevant to the other's functions.
- 3.2. Information sharing between the parties does not indicate that either party endorses nor approves in any form any document or information shared with it.
- 3.3. Information provided by one party to the other must be kept secure. Both parties will ensure that adequate arrangements are in place to protect the confidentiality of information provided, where appropriate.
- 3.4. Subject to legal requirements, HSE will be granted access to the OPSS Product Safety Database.
- 3.5. All arrangements for exchange of information set out in this MoU will be subject to separate data sharing arrangements that will comply with the applicable requirements of the General Data Protection Regulations (GDPR) and / or the Data Protection Act 2018, as amended from time to time.

4. Building Safety Campaigns

- 4.1. Where agreed and for matters of common interest, parties will support each other's safety campaigns. Parties may run joint safety campaigns where appropriate.

5. Training

- 5.1. To enhance understanding of respective roles and responsibilities, parties will provide training and / or familiarisation or continuing professional development (CPD) for each, upon request.
- 5.2. Areas of training and / or familiarisation or CPD provided by OPSS might include:
- i. Undertaking product safety risk assessments
 - ii. Product testing
 - iii. Product Safety Database
 - iv. Product recalls
- 5.3. Areas of training and / or familiarisation or CPD provided by HSE might include:
- i. Investigation processes and protocols
 - ii. Emerging trends
 - iii. Regulation of High-Rise Buildings
 - iv. Construction Competence
 - v. Safety and Standards in the Built Environment

6. Operation and Review of this MoU

- 6.1. This MoU will come into operation on the 10th August 2023 and will continue in operation until terminated by either participant giving 6 months' notice.
- 6.2. This MoU may be terminated or amended at any time by agreement in writing between the two organisations and shall be reviewed from time to time in order to record any changes that might be necessary going forward.
- 6.3. If either party has any issues or concerns about any matter in this MoU, that party shall notify the other party's nominated representatives and seek to resolve the issue by a process of consultation. If the issue cannot be resolved within a reasonable period of time, the matter will be escalated to the Chief Executive of OPSS and/or HSE who shall decide on the appropriate course of action to take.
- 6.4. Nothing in this MoU is intended to, or shall be deemed to, establish any partnership or joint venture between the parties, constitute either party as the agent of the other party, nor authorise either of the parties to make or enter into any commitments for or on behalf of the other party.

Signatures



Sarah Albon – Chief Executive
Health and Safety Executive.

Date: 10/08/2023



Graham Russell – Chief Executive for the Office for Product Safety & Standards
Department for Business & Trade

Date: 08/08/2023

Contact Points / Nominated Representatives

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