

Briefing Note - April 2024

MANDATORY OCCURRENCE REPORTING AND RESIDENT ENGAGEMENT

Part 1 – Mandatory Occurrence Reporting



Content

1. – Introduction
2. – Who must submit mandatory occurrence notices and reports
3. – What to report to BSR
4. – Duties of principal designers and principal contractors
5. – Duties of accountable persons
6. – Systems operated by the principal accountable person (MOR)
7. – When to report to BSR
8. – How to report to BSR
9. – After submitting a report to BSR

1 – Introduction

This Briefing Note is for principal designers, principal contractors and accountable persons with regards to the requirement to now report incidents or risks of structural failure, or the spread of fire to the Building Safety Regulator (BSR).

Mandatory occurrence reporting (MOR) is designed to help report structural flaws and fire risks that might arise at any point throughout the life cycle of a building which could cause a significant fire event.

2 – Who must submit mandatory occurrence notices and reports

Principal designers and principal contractors

Principal designers and principal contractors must submit mandatory occurrence notices and reports, during:

- Construction of a new higher-risk building.
- Work on an existing higher-risk building, including work that causes it to stop being a higher-risk building.
- Work on an existing building that will make it a higher-risk building.

Note: a higher-risk building is one that has at least seven storeys or is at least 18 metres high and two residential units or is a hospital or a care home.

3 – What to report to BSR

You must submit a mandatory occurrence notice and report when a safety occurrence has caused, or is likely to cause:

- The death of a significant number of people.
- Serious injury of a significant number of people.

A safety occurrence is an incident involving, or a risk that could cause:

- Structural failure of the building.
- The spread of fire or smoke in the building.

A safety occurrence is something which if not remedied, could cause serious harm to people when the building is in use.

You must submit a report even if the safety occurrence is remedied immediately. The only exception is when a principal contractor remedies issues to ongoing building work, which are unlikely to risk significant numbers of death or serious injury.

Reporting incidents to the fire service

If you report an incident to the fire service, you must also submit a mandatory occurrence notice and report if it meets the above criteria.

4 – Duties of principal designers and principal contractors

As a principal designer or principal contractor, you must submit mandatory occurrence notices and reports during construction or building work of higher-risk buildings.

The notices and reports relate to the building that is under construction or undergoing building work. They do not relate to safety incidents relating to the construction site in general or any temporary structures.

You must establish and operate a MOR system for others to report safety occurrences to you for review.

Safety occurrence examples

Some examples that could meet the criteria of what to report to BSR, include:

- Defective building work, including defective competent person scheme work which is part of the wider building work.
- Fire safety issues likely to result in the spread of fire.
- The use of non-compliant products or incompatible compliant products in the construction of the building.
- Inappropriate or incorrect installation of construction products.
- Product failure against specification and claimed performance.
- Faults in the design plans, caused by either design software or human error.

Change control applications

If you submit a mandatory occurrence report, you may also need to make a change control application. For example, during construction you discover the load points in the design plans have been miscalculated. If this is not remedied, it could cause structural failure and risks death or serious injury to a significant number of people when the building is in use. This meets the criteria of what to report to BSR and you must submit a mandatory occurrence notice and report.

To correct the plans, the principal contractor must also submit a change control application and request a major change to the building control application.

Transitional arrangements

If the higher-risk building in construction is subject to the transitional arrangements, you may not need to submit mandatory occurrence reports for it.

Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (RIDDOR)

During building work, if someone has died or has been injured because of a work-related incident you may need to make a RIDDOR report. For example, if someone has fallen from scaffolding and has died.

If an incident is reported under RIDDOR, you must also submit a separate mandatory occurrence notice and report if the incident meets the criteria of what to report to BSR.

For example, during building work, part of a building collapses and injures people. The principal contractor reports the incident under RIDDOR. The principal contractor also submits a mandatory occurrence notice and report, as the incident involves structural failure, which if not remedied risks death or serious injury to a significant number of people when the building is in use.

5 – Duties of accountable persons

As an accountable person, you must submit mandatory occurrence notices and reports to the BSR for the parts of the high-rise residential building you are responsible for.

Safety occurrence examples

Some examples that could meet the criteria of what to report to the BSR when the building is occupied by residents, include:

- The spread of fire.
- Total or partial collapse of the building.
- Defective building work.
- Unexpected failure or the 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.

The principal accountable person must establish and operate a MOR system for residents and others to report safety occurrences to the accountable persons.

6 – Systems operated by the principal accountable person (MOR)

As the principal accountable person, you must establish and operate a MOR system for the building when it is occupied by residents. You must review the system regularly to ensure it remains effective.

Your system must enable prompt reporting by:

- All residents.
- Accountable persons.
- Others who use the building.

Reportable incidents

Your system must let people report building safety incidents that have caused, or if not remedied are likely to cause:

- The death of a significant number of people.
- Serious injury to a significant number of people.

Building safety incidents involve at least one of the following:

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

The relevant accountable person must report incidents that meet these criteria to the BSR as a safety occurrence. They must do this by submitting a mandatory occurrence:

- Notice as soon as they can.
- Report within 10 days of the safety occurrence being identified.

Complaints system

Residents and others may be concerned about something that could cause a building safety incident in the future, and submit it on your complaints system.

If a concern submitted on your complaints system meets the criteria of what to report to the BSR as a safety occurrence, the relevant accountable person must:

- Identify it as soon as possible.
- Submit a mandatory occurrence notice and report to the BSR within 10 days of the safety occurrence being identified.

Operating the MOR system

For the parts of the building they are responsible for, the accountable persons must:

- Promptly assess the reports submitted on the system.
- Decide what action is needed.

What you must tell people

You must share information about how the system works with:

- All residents.
- Accountable persons.
- Other users of the building.
- The BSR, when requested and as part of applying for a Building Assessment Certificate. (Refer to the separate William Martin Briefing Note – Building Assessment Certificates – April 2024).

To share the information about how the system works, you should publish a policy which tells people:

- What they need to report.
- How to make a report.
- How and when the report will be dealt with.
- How they can request an update about a report they have made.
- How you'll collect and store information in line with General Data Protection Regulations (GDPR).

It may be helpful to include examples of what people should report on your MOR system.

You'll need to describe how and when incidents that have been reported on the system will be submitted to the BSR as a mandatory occurrence notice and report.

You should share the latest version of the MOR system policy with accountable persons, residents and other users of the building.

Involving residents

You should involve and consult with your residents when establishing your MOR system and display the information clearly within the building, such as the lobby.

Your Resident Engagement Strategy can help you with this. (Refer to the separate William Martin Briefing Note – Mandatory Occurrence Reporting and Resident Engagement – Part 2 - Example Resident Engagement Strategy).

Your policy should:

- Be clear about how residents and others can submit reports on the system. You should consider if reports can be raised via email, telephone, online and in person.
- Consider what to do if residents find it difficult to describe an incident. They could submit, for example, photo or video evidence that helps communicate what happened.
- Set out what you can do if someone needs information in a different language or in an alternative format. For example, large text, easy read, braille, or audio.

Working with residents to find ways of accessing information that better suits them will help you comply with equality legislation. When necessary, residents can appoint a representative to report an incident for them.

You should consider consulting with residents on any changes to your MOR system.

Assessing reports made on the MOR system

You should describe how an incident reported on the system will be assessed by accountable persons. You should include this in your MOR system policy.

When assessing a report, aspects to consider include:

- The factors that make up the report.
- If a mandatory occurrence notice and report must be submitted to the BSR.
- If the incident has already been investigated.
- If the report contains additional information relating to a previously raised incident.

Safety case

You should include all safety occurrences in the building's safety case.

Safety occurrences before January 2024

If a safety occurrence was identified before January 2024, you must make a mandatory occurrence notice and report if one of the following applies:

- After taking into account any safety measures that are in place, it still meets the criteria of what to report to the BSR.
- The risk has worsened and now meets the criteria.

7 – When to report to BSR

When a safety occurrence happens or is identified that meets the criteria of what to report to the BSR, you must submit a:

- Notice as soon as you can.
- Report within 10 days of the safety occurrence being identified.

8 – How to report to BSR

You can submit a mandatory occurrence notice and report online:

<https://www.gov.uk/guidance/submit-a-mandatory-occurrence-notice-and-report>

Submit a notice

You will need to provide:

- Your contact details.
- The address of the building where the incident or risk has been identified.
- The date the incident or risk was identified.
- A brief description of the incident or risk.
- Any immediate actions you've taken to keep people safe.

When you submit a notice, the BSR will give you a reference number which you can use to submit a mandatory occurrence report.

Submit a report

You must submit a report after submitting your notice. You can give the BSR the full report immediately after submitting the notice if you have the information available.

You will need to provide:

- Your mandatory occurrence notice reference number.
- The building registration application reference or address if the building is occupied.
- The building control application reference number if the building is in design or construction and construction work has started.
- Your contact details, the name of your organisation and its involvement in the building.
- The incident or risk you are reporting and when and how you became aware of it.
- What happened, or has the potential of happening.
- Who is involved and the effect on them.
- What you have done and plan to do to keep people safe.
- Any supporting information, such as documents, videos or photos.

Missing information

If you intend to gather more information after submitting the report, you will need to advise the BSR when you expect to have it. The BSR will also contact you if they need any extra information.

Other ways to report

You can also call the BSR on 0300 790 6787 Monday to Friday, 8:30am to 5pm (except Wednesdays when they are open from 10am to 5pm, and public holidays when the BSR is closed).

If you would prefer to speak to the BSR on the phone in a language other than English, a translation service is available.

9 – After submitting a report to BSR

The BSR will review the report and determine the severity of the safety occurrence, and will also review any safety measures that are in place, and if they are sufficient to manage the risk.

The BSR will contact you if they:

- Need further information.
- Decide the incident or risk did not need to be reported.
- Need to start an investigation.

During an investigation, the BSR will review the findings and decide if any action is needed.

There are no charges for making a mandatory occurrence notice and report, but investigations do incur cost recovery charges.



Compliance without compromise

We create next-generation property compliance by fusing clever consultancy with cutting-edge technology, so our clients can grow. Our products include:




Unparalleled expertise to safeguard your people and property.



Our online compliance and risk management platform gives you total visibility.



Take control of your supply chain, confidently and efficiently.

 0203 819 8829

 enquiries@wmcompliance.co.uk

 wmcompliance.co.uk

Health & Safety • Legionella • Fire Safety • Asbestos • Contractor Management • Accessibility • Environmental • Training

London Office, 20 Grosvenor Place, London, SW1X 7HN

Registered Office at 20 Grosvenor Place, London, England SW1X 7HN

William Martin is part of Marlowe Software, Risk & Compliance. Our other brands are Elogs and Barbour EHS.