

Building façade maintenance

Legal liability and damage limitation



A guide for building owners and occupiers



What is a façade ?

The façade forms the external weatherproof envelope of a building. In modern buildings, the façade is often attached to the building frame and provides no contribution to structural stability. This type of façade can be referred to as a non-loadbearing vertical building enclosure.

Many different types of construction can be used. These include profiled metal sheets, cladding panels or glass and aluminium curtain walling. Each type of façade has advantages and disadvantages. These need to be understood if the façade is to be maintained and risks properly managed.

Why does this affect me ?

Owners and occupiers have a legal duty to ensure their building is safe. If injury or damage is caused to visitors, occupiers, neighbours, third parties or property, eg by part of the façade falling, then liability arises. Insurance is usually taken out to cover such risks, but will only cover the legal liability. Other consequent financial loss, which can be substantial, will not be covered by insurance.

To comply with the terms and conditions of the insurance contract you must be able to show that you understand the relevant maintenance needs of your building and that you have met these. Failure to maintain properly the building façade may result in increased insurance premiums, or difficulty in insurance renewal. In extreme cases insurance cover may be terminated, making it impossible to obtain insurance at any price.

Risk management involves an understanding of the risks and implementing a practical plan for dealing with them. Proper risk management procedures will help you demonstrate to your insurers and, if necessary the courts, that you have taken reasonable steps towards discharging your legal responsibilities.



Liabilities and obligations

If you are an owner, a tenant or an occupier you may be responsible for maintenance of the façade. You could therefore be liable to legal action and will find that your insurance does not meet all your costs, after an accident or other event.

A number of potential problems might arise. These may include fire, water penetration, falling debris or collapse of the façade.

You have a legal liability for personal injury caused to staff, all visitors to your building, and members of the public in the vicinity.

In addition, you may have obligations as tenant under the terms of your lease to maintain and/or reinstate the building façade if this proves to be defective. The full extent of such contractual obligation may not be covered by insurance, eg where repair constitutes 'betterment'.

You should check that your obligations under the terms of your lease are covered by insurance. Your insurance cover will also be determined by your actions so maintenance is therefore a crucial element of your strategy.

Insurance policies carry 'subrogation rights'. This means that the insurer may 'stand in your shoes' and reclaim any outlay from a third party, eg the architect, designer or builder, which you yourself would have been entitled to recover. The insurance policy will state what the insurer requires from the insured and breach of this may lead an insurer to decline a claim.

Under developing health and safety legislation there are increasing personal liabilities for directors and managers of companies whose activities (or failures to act) cause death or personal injury. Guidance is published by the Health and Safety Commission. In addition, corporate governance guidance recommends as good practice for all companies (and as mandatory for publicly listed companies) to instigate and report on their risk management practices. Façade maintenance should form an integral part of this process.



What do I do ?

Different risk management strategies should be implemented at different times in the life of a building. A condition survey should be undertaken before you take occupation of a building. The results from this survey will identify existing and potential defects and inform your planned inspection and maintenance programme.

Condition surveys

Condition surveys of building façades area are a specialist activity. It is important that you employ a suitably qualified, experienced, adequately insured person to carry them out.

A condition survey of your building's façade will provide information about the extent and severity of any defects. It is important to have a condition survey carried out to identify any major faults in need of immediate rectification. To the experienced eye, there may be indications of potential failure, months or even years before the failure actually occurs. Problems which need to be dealt with in the longer term can be included in a planned maintenance schedule.

The condition survey will require a site inspection.

As a minimum, this should cover:

Cracks and crazing

Open movement joints

Corrosion

Damp

Plumb and level

Hand rails

Material and construction details

Surface finishes

Joint seals

Staining

Weep holes and vents

Moving parts

Maintenance equipment

Fixings and fastenings

Having identified a risk then an appropriate planned maintenance schedule will help to manage and minimise your risks from façade defects.



Planned inspection and maintenance

Since 1994 all new and refurbished buildings are required to have a maintenance manual. You must check that it has been kept up to date and any necessary maintenance work carried out. Good practice suggests that all buildings should have a maintenance manual. If there is no maintenance manual, have one written, based on the findings of the condition survey. This is the only way of ensuring that an appropriate maintenance schedule is put in place.

All façades require a degree of maintenance if they are to fulfil their intended working life. Early detection of defects can mitigate expensive repairs or replacement later. The degree of inspection and maintenance required will depend on the façade type and its intended design life.

Safe access to the façade and possible disruption to the occupiers must be considered when devising the inspection and maintenance schedule. It is unlikely that all the façade components will age at the same rate. The planned inspection and maintenance schedule should reflect this.

Other than a requirement for regular cleaning, larger components in façades tend to be maintenance free. The joints between panels require particular attention as a failure of sealants or gaskets will lead to water penetration which may cause corrosion of fixings and damage to the building fabric.

Component durability

The durability period of façade components can be divided into four categories.

- Short – components where maintenance is acceptable at short intervals, typically two to five years, for either protective or decorative purposes.
- Medium – components where the first maintenance is envisaged to be at about five to ten years.
- Long – components where the first maintenance is envisaged to be at about ten to twenty years.
- Very long – components that will not be maintained during the design life of the building.





Inspection frequency

The frequency of inspection can be divided into three categories.

- Routine – continuous regular observations that should be undertaken by the user as part of the occupancy of the building. Feedback resulting from this type of observation should be encouraged.
- General – visual inspections of main elements, made under the supervision of a suitably qualified person at times specified in the maintenance manual.
- Detailed – a full inspection of the façade by a suitably qualified person at times specified in the maintenance manual, but probably not exceeding a five year period.

Whole life performance

A carefully tailored schedule will dramatically reduce the incidence of unplanned repair and thus minimise disruption. The adoption of a planned maintenance strategy will optimise whole life performance.

Maintenance of façades often involves scaffolding. This can be disruptive to occupiers and costly to their businesses. It is a good idea to share the cost and frequency of access between maintenance activities.



Disclaimer

No action or inaction should be sanctioned on the basis of this guide without obtaining specialist technical and/or legal advice tailored to the particular circumstances of your position.

References

Internal Control, Guidance for Directors on the Combined Code published by the Institute of Chartered Accountants (ISBN 1 84152 010 1)

Directors Responsibilities for Health and Safety published by the Health & Safety Commission (ISBN 0 7176 2080 8)

Relevant British Standards

BS 5427 – 1 1996

Code of practice for the use of profiled sheet for roof and wall cladding on buildings

BS 8200 1985

Code of practice for design of non-loadbearing external vertical enclosures of buildings

BS 8210

Guide to building maintenance management

BS ISO 15686-1:2000

'Buildings and constructed assets – Service life planning'

Part 1 : General principles

Additional copies of this guide can be downloaded from www.bre.co.uk



Organisations with specialist knowledge

Building Research Establishment
Bucknalls Lane
Garston
Watford
WD25 9XX

Royal Institute of British Architects
66 Portland Place
London
W1B 1AD

Association of British Insurers
51 Gresham St
London
EC2V 7HQ

The Law Society
113 Chancery Lane
London
WC2

Royal Institution of Chartered Surveyors
12 Great George Street
London
SW1P 3AD

Institution of Structural Engineers
11 Upper Belgrave Street
London
SW1X 8BH

Institution of Civil Engineers
One Great George Street
Westminster
London
SW1P 3AA

