

# Navigating the Evolving Impact of the Building Safety Act

A guide for legal and financial stakeholders on managing liabilities, economic risk, and remediation under evolving regulations and case law.

## What's Happening in the Market

The Building Safety Act and the Responsible Actors Scheme have reshaped liability and remediation obligations across the UK construction and property sectors. We have started to see the impact with companies filing for administration in order to draw a line under costly claims. For law firms, in-house counsel, and construction legal advisors, the legislation brings heightened exposure and complex compliance demands. Legal teams are now navigating shifting case law, contractual risk, and regulatory enforcement. In this evolving environment, Kroll helps stakeholders build strategic resilience by delivering expert valuation, litigation support, and financial impact analysis to enable confident decisions and defensible legal outcomes.

## What Does This Mean for Stakeholders:

### 1 Rising Legal Claims

Liability under the Building Safety Act doesn't end with the original developer. Contractors, architects, engineers, designers, and consultants may all be pulled into litigation via Building Liability Orders and contribution notices with exposure stretching back 30 years.

### 2 M&A Exposure

Share acquisitions have been shown to carry latent claim risk. Buyers today may inherit historic liabilities, even where the original contractor or developer has long since exited the project.

### 3 Vacancy-Driven Economic Loss

Unusable student accommodation and affected care homes are triggering claims for lost income. Pension funds and property owners are demanding compensation.

### 4 Insurance Fallout

Professional indemnity insurers are receiving notifications as legal departments increasingly involve risk teams. The insurance sector is emerging as key area in this evolving landscape.

### 5 Uncertainty and Precedent Risk

Case law is still forming. Early movers will control the narrative and potentially secure cleaner settlements—late responders may be subject to precedent-bound exposure.

## Key Market Signals:

- 4,697 residential buildings over 11 metres remain identified with unsafe cladding as of August 2026.
- 1,833 buildings (39%) have completed remediation, including those awaiting final building control sign-off.
- 718 buildings (15%) are undergoing remediation works.
- 2,146 buildings (46%) remain without remediation activity.
- The Ministry of Housing, Communities and Local Government continues to oversee national remediation progress.
- The Building Safety Levy will take effect on 1 October 2026, requiring developers to contribute to funding legacy building safety repairs.

## How Kroll Can Help

Leveraging our cross-service expertise, Kroll supports a wide range of stakeholders, including developers, in-house counsel, insurers, investors, contractors (and associated supply chains) and advisors, in navigating emerging challenges under the Building Safety Act. Through integrated restructuring, valuation, and expert services, we offer strategic clarity, litigation support, and financial insight where regulatory risk and commercial exposure intersect.



### Strategic Resilience in Regulatory Complexity

Navigate high-stakes compliance with confidence. Kroll's restructuring specialists help stakeholders proactively manage exposure under the Building Safety Act, facilitating clear, informed decision-making across legal, operational, and financial dimensions.



### Litigation Readiness with Expert-Led Evidence

Support legal strategy with credible, court-tested insights. Kroll's experts help defend or pursue Building Liability Orders, contribution claims, and professional indemnity disputes, backed by forensic and construction experience.



### Valuation Under Legal and Regulatory Scrutiny

Support litigation, restructuring, and financial reporting with robust valuations. Kroll's valuation teams bring sector expertise and forensic rigor to defend asset positions and quantify liability amid legal and regulatory pressure.



### Credible Forecasting in Volatile Market Conditions

Enable confident planning through volatile interest rates, inflation, and remediation timelines. Kroll delivers business forecasting tools rooted in data, scenario analysis, and regulatory awareness.



### Financial Impact Modelling

Quantify real financial consequences from remediation delays and certification hold-ups to forced vacancy and lost income. Kroll's expert analysts build defensible models to forecast risk and assess economic loss.



### Stakeholder Alignment in Times of Crisis

Foster consensus among developers, lenders, insurers, and contractors. Kroll's cross-functional teams navigate complex remediation negotiations, facilitate contingency planning, and align stakeholders under intense pressure.

## Contact our Experts



**Sarah Rayment**  
Global Co-Head  
of Restructuring  
sarah.rayment@kroll.com  
+44 776 846 7032



**David Eden**  
Managing Director  
Restructuring  
david.eden@kroll.com  
+44 774 720 5730



**David Goodman**  
Managing Director  
Construction Expert Services  
david.goodman@kroll.com  
+44 795 867 7663



**Steven Cornmell**  
Managing Director  
Commercial Expert Services  
steve.cornmell@kroll.com  
+44 734 208 5330



**Mark Whittingham**  
Managing Director  
Real Estate Advisory Group  
mark.whittingham@kroll.com  
+44 796 817 2539



**Jessica Barnes**  
Associate Managing Director  
Risk Advisory  
jessica.barnes@kroll.com  
+44 788 015 7323

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