

Risk Management and Building Safety Management Systems (BSMS), in partnership with Ark Workplace Risk

Wednesday 20 November, 12pm – 1pm

iwfm

WEBINAR SERIES
Navigating turbulent times

 Ark Workplace Risk™



Panellists



Host
Sofie Hooper
Head of Policy and
Research, IWFM



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FIIRSM, MIFireE, MSFPE,
RSP
Senior Director, Regulatory,
Technical and Technology
Solutions, Ark Workplace
Risk

David Hills FRICS, FIIRSM, MIFireE, RSP *Senior Director (Regulatory, Technical and Technology Solutions) - Ark Workplace Risk Ltd.*

David's has been working at Ark for over 24 years and previously has background is based within both local authority building control looking after major construction sites. David is well known and respected in the property sector and supports 1000's of clients in risk management within the built environment demystifying and supporting clients in meeting their obligations.

David was Chairman of a Government Sponsored / RICS committee that contributed to the Regulatory Reform (Fire Safety) Order 2005 and has advised DLUHC, BPF, UKAA, ARMA and the Building Safety Regulator in how to prepare and plan for the Building Safety Act 2022 and the secondary legislation.

David is also Company Director of Ark Sustainability Ltd – one of the Homes England panel for FRAEWs



Agenda

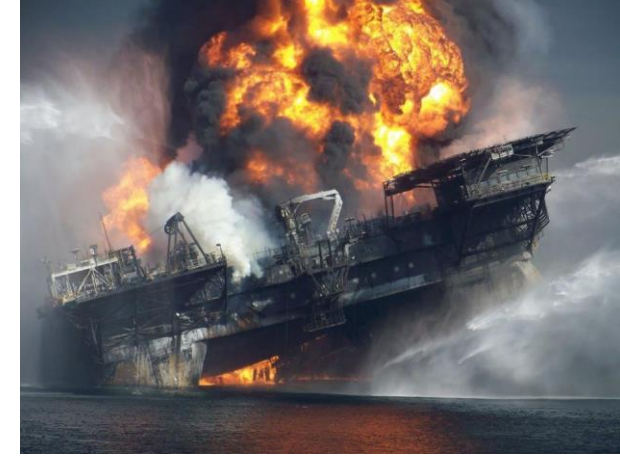


1. Introduction – The Law relating to Risk Management
2. Prescribed Principles
3. Building Safety Management Systems and the Building Safety Act 2022
4. The Role of Technology
5. Making Safety Management Systems workable and avoiding the pitfalls



Historic Failures in Safety Management

- The Challenger Space Shuttle Disaster
- BP Deep Water Horizon – oil spill
- Chernobyl - nuclear explosion
- Grenfell Tower - fire
- All acknowledged to be or be partially blamed on:
 - a lack of adequate and formalised management system and arrangements
 - a lack of management oversight
 - poor safety culture



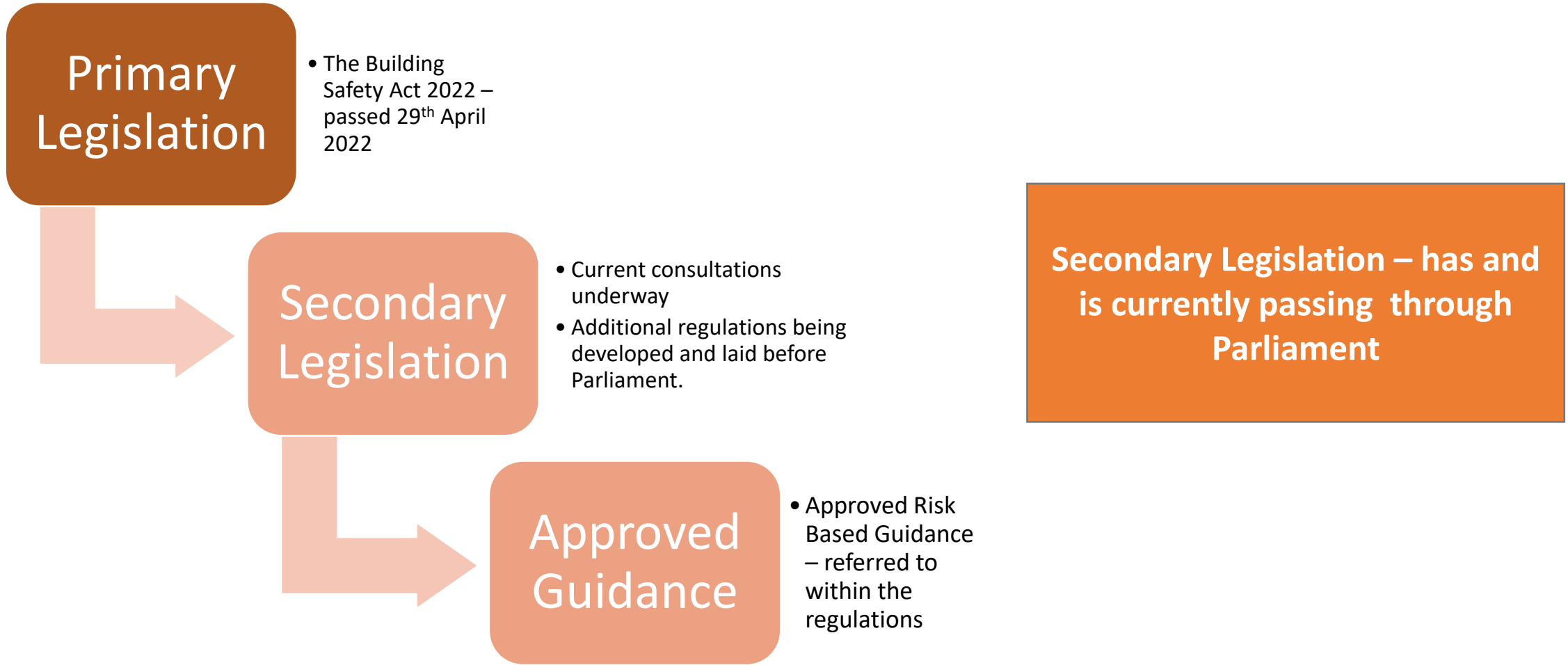
Grenfell Fire – 14th June 2017

- **72 dead**, 70 more injured
- Largest loss of life in a **residential property** since WW2
- Largest loss of life in **any fire in the UK** since the Piper Alpha disaster in 1988
- Grenfell Tower Inquiry Report has suggested that;
 - the safety management arrangements for Grenfell was “...**badly run.**”
 - The failures in the management of fire safety was due to “...**chronic lack of effective management and leadership.**”
 - The management teams paid “...**insufficient attention to matters affecting fire safety management.**”
 - Emergency management was “**muddled, slow, indecisive and piecemeal...**”



Building Safety Act 2022

...an enabling Act



Secondary Legislation

27 pieces of secondary legislation so far – including

- The Higher-Risk Buildings (Descriptions and Supplementary Provisions) Regulations 2023
- The Building Safety (Registration of Higher-Risk Buildings and Review of Decisions) (England) Regulations 2023
- The Higher-Risk Buildings (Key Building Information etc.) (England) Regulations 2023
- The Building (Public Bodies and Higher-Risk Building Work) (England) Regulations 2023
- The Building (Higher-Risk Buildings Procedures) (England) Regulations 2023
- The Higher-Risk Buildings (Management of Safety Risks etc) (England) Regulations 2023
- The Building Safety (Leaseholder Protections) (England) Regulations 2022
- The Building Safety (Leaseholder Protections) (Information etc) (England) Regulations 2022
- The Building Safety (Leaseholder Protections etc.) (England) (Amendment) Regulations 2023
- The Building Safety (Responsible Actors Scheme and Prohibitions) Regulations 2023
- The Higher-Risk Buildings (Keeping and Provision of Information etc.) (England) Regulations 2024

with much more to come...



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Building Safety Risks (s62)

Defines “**Building Safety Risks**” as:

“a risk to the safety of people in or about a building arising from any of the following occurring as regards the building—

- (a) the spread of fire;*
- (b) structural failure;*
- (c) any other prescribed matter.”*

Allows the future scope of the regulatory regime to remain flexible and will allow the Secretary of State to change this over time.

Please Note: we should expect that the definition (and therefore requirements) will, over time move beyond the realm of fire and structural safety



Building Safety Management (s84)

- a) An accountable person for an occupied higher-risk building must take all reasonable steps for the following purposes—
 - (a) **preventing a building safety risk materialising** as regards the part of the building for which they are responsible;
 - (b) **reducing the severity of any incident resulting from such a risk materialising.**

- a) Those steps may in particular involve the accountable person carrying out works to the part of the building for which they are responsible.

- b) When taking the steps the accountable person must act in accordance with **“prescribed principles.”**

- c) The steps must be taken **promptly.**

- d) The accountable person must **make and give effect to arrangements for the purpose of ensuring the effective planning, organisation, control, monitoring and review** of steps taken under this section.



“Prescribed Principles”

The Higher-Risk Buildings (Management of Safety Risks etc) (England) Regulations 2023

- (a) **avoid** building safety risks;
- (b) **evaluate building safety risks** that cannot be avoided, including identifying the proportionate measures required to address, reduce, mitigate and control the risks;
- (c) **combat building safety risks at source** by introducing proportionate measures to address, reduce, mitigate and control the risk at the earliest opportunity;
- (d) ensure suitable and proportionate systems are in place for the **effective inspection, testing and maintenance** of the efficacy of measures taken;
- (e) give **collective protective measures priority** over individual protective measures;



“Prescribed Principles”

The Higher-Risk Buildings (Management of Safety Risks etc) (England) Regulations 2023

(f) adapt to **technical progress**;

(g) where reasonable to do so, **replace the dangerous with the non-dangerous or less dangerous**;

(h) consider the **impacts on residents** and carry out engagement with residents;

(i) give appropriate **instructions and information** to employees and persons working on or in the building;

(j) ensure that any person responsible for or assisting with compliance with a duty in or under Part 4 of the 2022 Act has the relevant **competence**.



“Prescribed Principles”

The Higher-Risk Buildings (Management of Safety Risks etc) (England) Regulations 2023

(j) *Continued*

A person has the relevant competence—

(a) where the person is an individual, if that person has the skills, knowledge, experience and behaviours necessary to perform the functions for which they are responsible in a satisfactory manner;

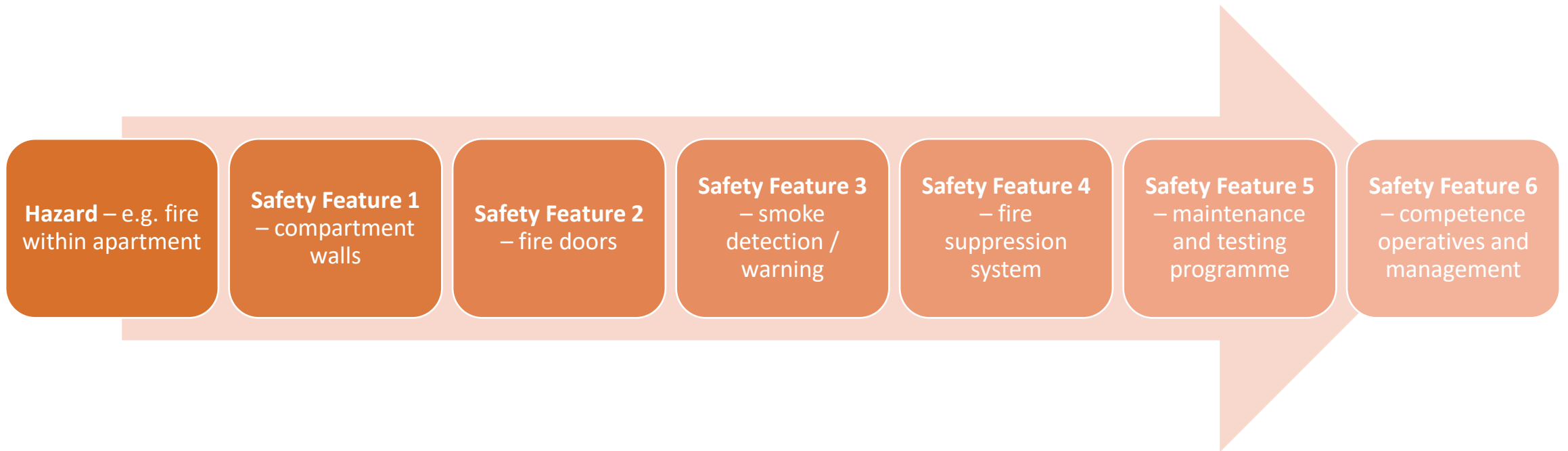
(b) where the person is not an individual, if that person has the organisational capability to ensure that the functions for which it is responsible are performed in a satisfactory manner.

An individual who is in training is deemed to have the relevant competence for a function if that individual is adequately supervised by a person with the relevant competence when performing the function.



Prescribed Principles – Layers of Protection

The Higher-Risk Buildings (Management of Safety Risks etc) (England) Regulations 2023



Prescribed Principles

The Higher-Risk Buildings (Management of Safety Risks etc) (England) Regulations 2023

- The principles **should not be considered in isolation**
- **Layers of protection**
- **Holistic** approach
- With numerous **protective and preventative barriers**
- Cannot rely upon **short-term, old & outdated approaches**



Safety Management Systems



*“Safety in the **process** is impossible without people...*

*Safety in the **people** is impossible without leadership...*

*Safety in the **leadership** is impossible without commitment.”*

*Safety Management starts with
Management Commitment*

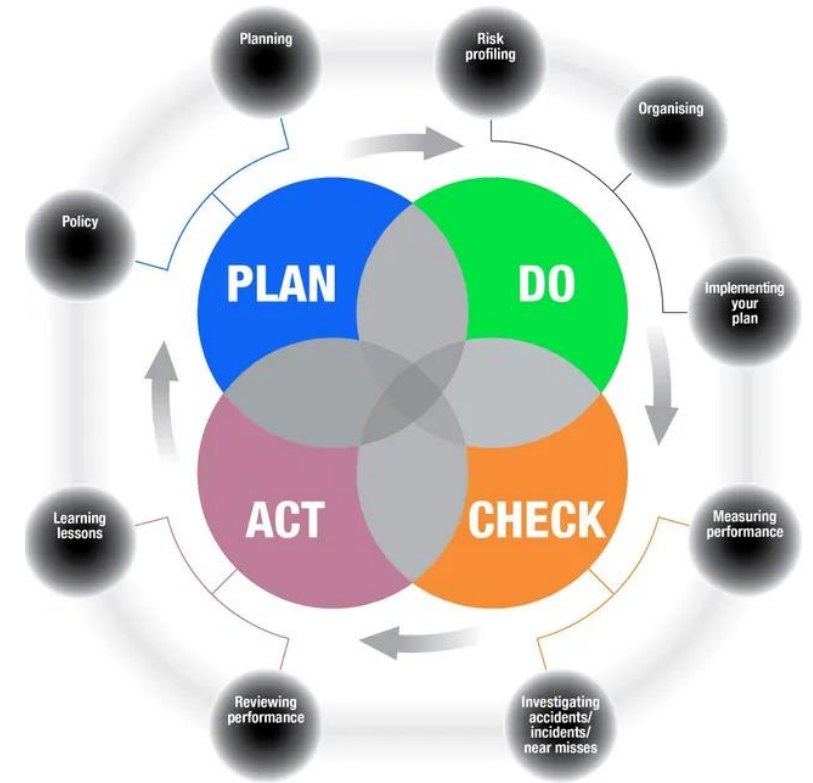


Building Safety Act – Building Safety Management System

The Accountable Person must...

“...make and give effect to arrangements for the purpose of ensuring the effective planning, organisation, control, monitoring and review of steps taken...”

The **Building Safety Management System** is an essential element of the **Safety Case Report**.



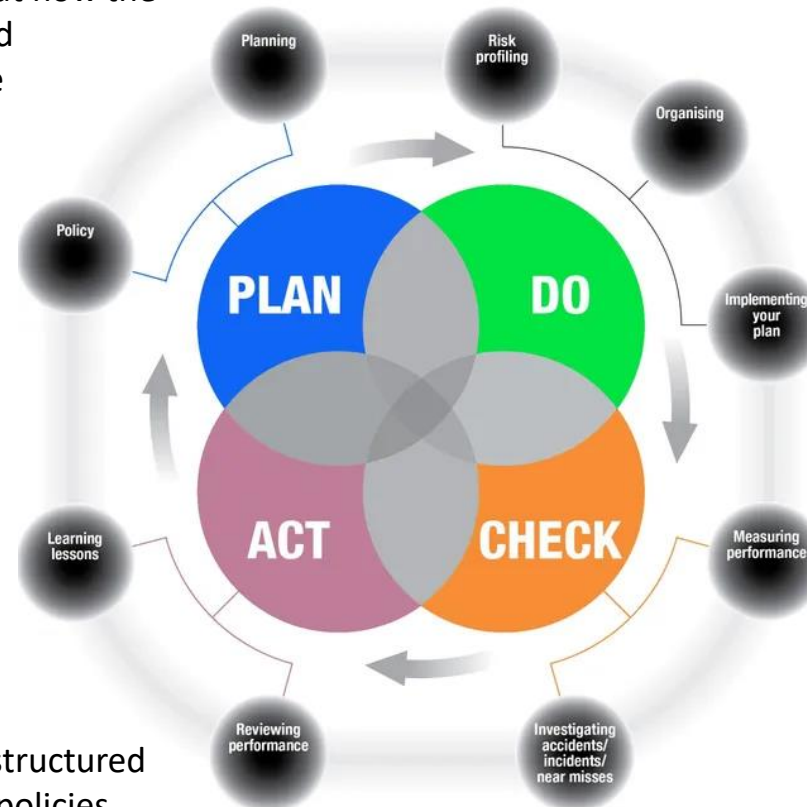
What is a Safety Management System

Planning – setting out how the policy (the intent and commitment) will be implemented

Risk Profiling – assessing and understanding the risks

Organisation – roles and responsibilities, cooperation, coordination, competence, control and communication

Policy – setting out the organisation's statement of intent and management commitment



Implementing – getting the systems policies, procedures and systems done, getting the right technology and tools to support and maintain, training etc.

Learning Lessons – management and leadership review, oversight

Measuring performance – monitoring and identifying opportunities, problems, understanding causes on an active and reactive basis

Reviewing Performance – structured audit and review of plans, policies, assessments against stated objectives and intent

Investigation – structured review of what has happened when things go wrong, reviewing the measures in place

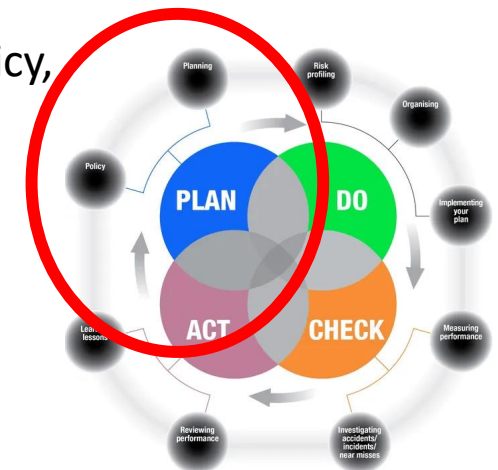




Plan, Do, Check, Act

Plan: determine your policy and plan for implementation

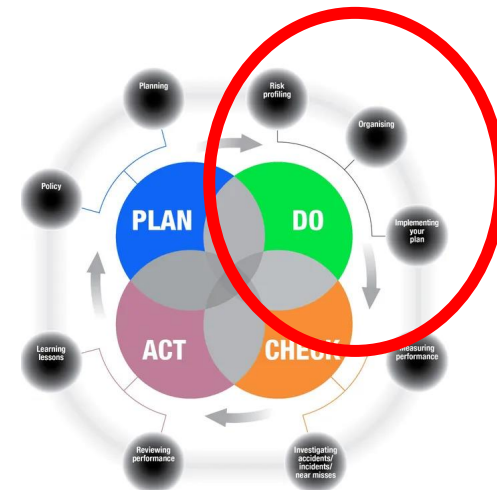
- Consider your **current building safety measures** and how you manage them.
- Your policy statement should set out/explain **how you want to develop** safety management in the future and set out the steps required to achieve this.
- An effective safety management system relies on leadership from senior managers, so your policy (and management system) should be **driven by the leaders** and those who have **accountability**.
- Everyone in an organisation has a part to play in the building safety management system, but some will have specific **roles and responsibilities**, these need to be identified and defined
 - You may already have set out roles and responsibilities in a health and safety policy, fire safety arrangements or in individual job descriptions.
- Anyone with specific responsibilities should have the necessary **competence (skills, knowledge, experience and behaviours)**, to perform their duties – set out these requirements and what training you intend to provide.
- Develop your plan (formally) and set out how you will use the **available resources**.



Plan, Do, Check, Act

Do: assess risks and implement your plan

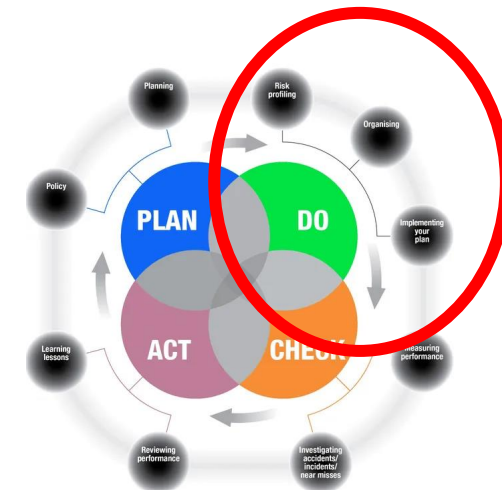
- **Risk Assessment** – your management system requirements should be driven from your risk assessments.
- Accept that the **causes and consequences of failure will vary from building to building**
- Set out and implement your **maintenance, inspection and remediation regime** – determine and record when, who, why, expectations and results management
 - Be aware of the maintenance and inspection requirements relating to building safety in your building specifically
 - Ensure that you have **a system for scheduling, undertaking, and recording** the necessary work.
 - You need to keep **evidence** of completed work as part of the information you hold about your building.
 - **Keep records of maintenance and inspection work**, including any remedial works.
- Record and formalise your management of any **supply chain**
 - Determine how you will check their competence
- Describe how you are going to **manage change**



Plan, Do, Check, Act

Do: assess risks and implement your plan

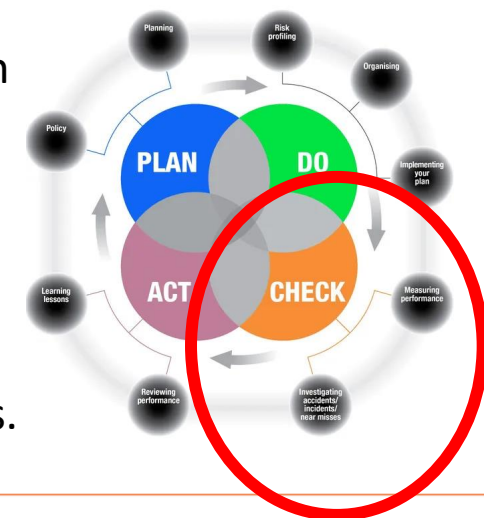
- Set out how you **intend** to **manage change**
- To the **building**
 - To the **residents** (and their needs)
 - To the **management system** (such as organisational change)
 - Made by others that may affect the building – **legislative**
- Have systems in place to **identify the impact:**
 - of changes on building safety risks, systems should include the impact at design, implementation and completion stages
 - while the change is being made, this could include any temporary changes to risk management or control measures needed, for example, because of building work
- Set out how you are going to **manage emergencies**
- **How are you going to describe this to the residents and others?**



Plan, Do, Check, Act

Check: Measure Performance

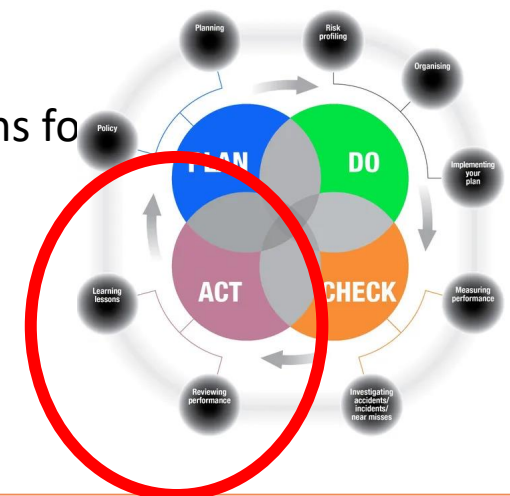
- **Monitor Performance**
 - **Active** Monitoring (looking at leading indicators- information provided in advance of a problem or issue)
 - checking maintenance tasks are completed on time
 - checking to see what issues are being raised – frequency, where, when etc.
 - **Reactive** Monitoring (looking at lagging indicators – i.e. review after an unwanted event)
 - Incident investigations
 - Equipment / system breakdowns
- Decide what is acceptable in terms of **performance**.
 - This will depend on what is being measured and its importance for safety.
 - Whatever measures you use, you will need a process in place to investigate any dips in performance to ensure safety is not compromised.
- Put in place arrangements to regularly **update senior managers** on the performance of measures being monitored.
- You may also want to schedule a **series of audits** which contribute to monitoring your safety management system.
- Your system should include a **formal review of findings** (non-conformances) from audits.



Plan, Do, Check, Act

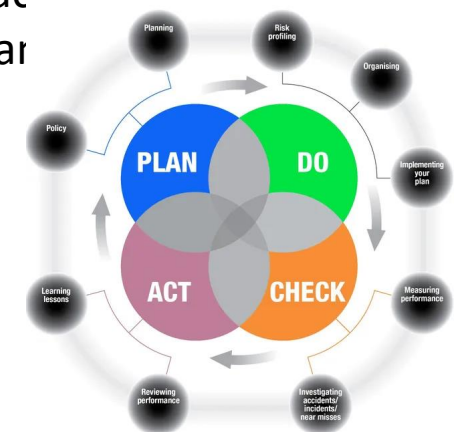
Act: review performance and act on lessons learned

- Review your Building Safety Management System to ensure the measures in place **remain effective**
 - Reviews may be undertaken when:
 - an incident or problems that have been identified, including dips in monitored **performance**, feedback or complaints from residents
 - changes in the building, its residents, or the accountable persons or principal accountable person
 - changes in legislation, guidance and standards, you will need systems in place to ensure you keep up to date with developments
 - a scheduled review
 - The review process must **involve the leadership team and senior managers**.
 - This ensures that they are aware of the resources needed and any recommendations for improvement.



Proportionality

- Base your safety management system on a risk assessment of your building.
 - Your safety management system should be proportionate to the hazards of your building.
- Things that might influence the approach are the:
 - **complexity of your building**, is it a mixed-use building, or is it a complex design structurally
 - **complexity of the measures** in place to control building safety risks, consider how many safety measures you have in place, and how they integrate
 - **number of buildings** you manage
 - **size** of your organisation
 - **extent to which contractors and third parties** manage or maintain the measures in place
 - **resident profile**, for example, do any of your residents need help to evacuate or have any additional needs
- If you produce any documents, they should be **concise and easily understood**.



Role of Technology in Safety Management

Technology plays a key role in enabling organisations to meet the Building Safety Act's requirements—and fundamentally improving how you perform.

There are some capabilities that will be core to compliance, and others that will enhance workflows, sharing data and add value.

It's all about

- **Control**
- **Coordination**
- **Communication**
- **Competence**



Role of Technology in Building Safety Management

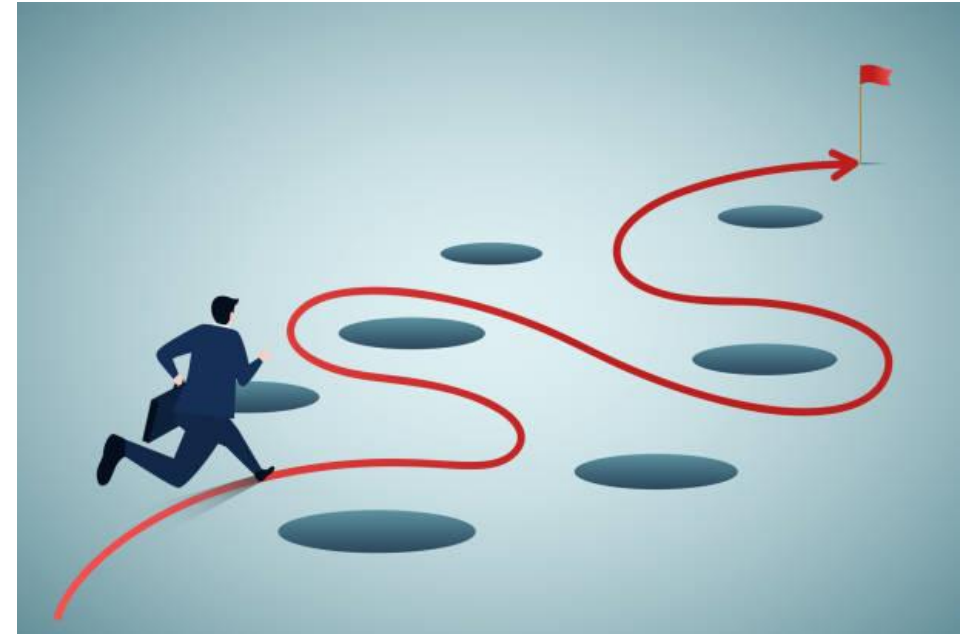
Benefits of leveraging technology in building safety management

- **Transparency and visibility** of your risk position
- **Automate** repetitive tasks and processes
- **Track risk management activities** – increased efficiency
- **Mitigate and reduce** risk
- Ensure data collection is **consistent and accurate**
- **Centralised risk management data** – allowing effective management control
- **Document Hygiene**
- **Knowledge Management and Transfer**
- Making sure the **flow** works – movement
- Improved **engagement** with those involved
- Improved **decision making**
- Getting more done in less time - cost savings



Avoiding the Pitfalls

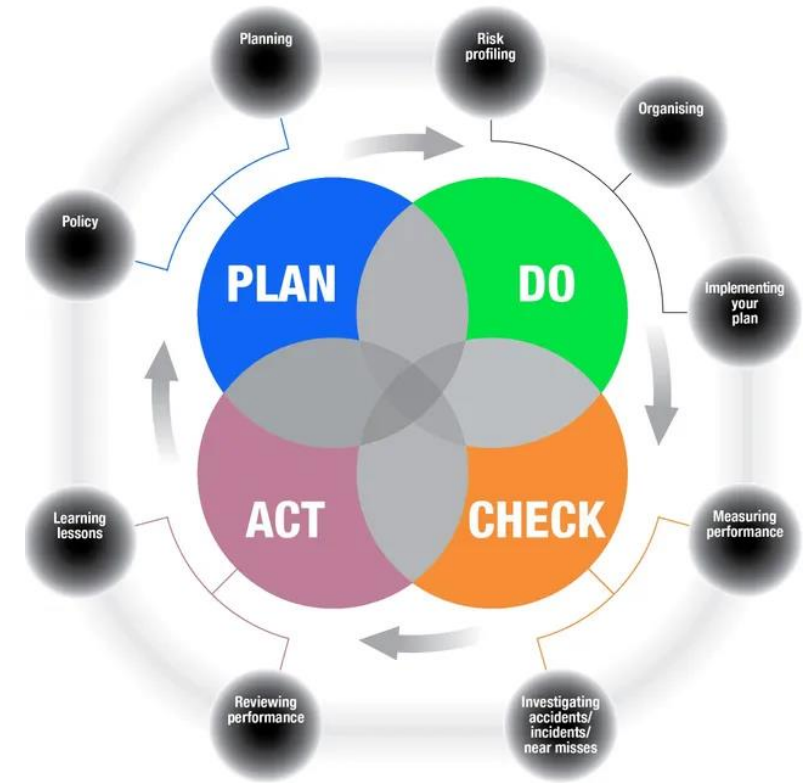
- *Process starts at the top – and ends at the top*
- *Needs to involve everyone to fully work*
- *Everyone needs to know their part*
- *It's not just about training ... it has to include belief!*
- *It doesn't happen by itself*
 - *Needs corporate will, leadership, commitment*
 - *Needs a budget and resources*
 - *Everyone needs to "see the commitment"*
- *Take one of the Plan, Do, Check, Act out – it doesn't work*
- *Take one of the "C's" out – it doesn't work*
 - *You can have the best control – but poor cooperation – it doesn't work*
 - *You can have great coordination – but with poor communication – it doesn't work*
- *Take document hygiene seriously*
- *It's not just a tick box exercise*



Building Safety Act – Building Safety Management System

BSM System needs to include...

- **Building Safety Policy Statement** – (statement of intent)
- **Organisation** – people defined with clear roles and responsibilities for Building Safety
- **Procedures, Policies and Arrangements** for management activities, assessment, maintenance and remediation action – on a proactive and reactive basis specifically for the building
- **Digital Management System** to manage and implement activities, actions, investigations etc
- **Mandatory Occurrences Management** – not the same as RIDDOR
- **Management Reporting, Audit and Review processes**





Questions



Building Safety Act: what FMs need to know and do

Live Virtual Training, 2 December 

This course provides the crucial information all FMs will need to know, whether supervisors, managers, or FMs 'on the ground', about the Building Safety Act 2022

Scan the book your place >



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ACADEMY

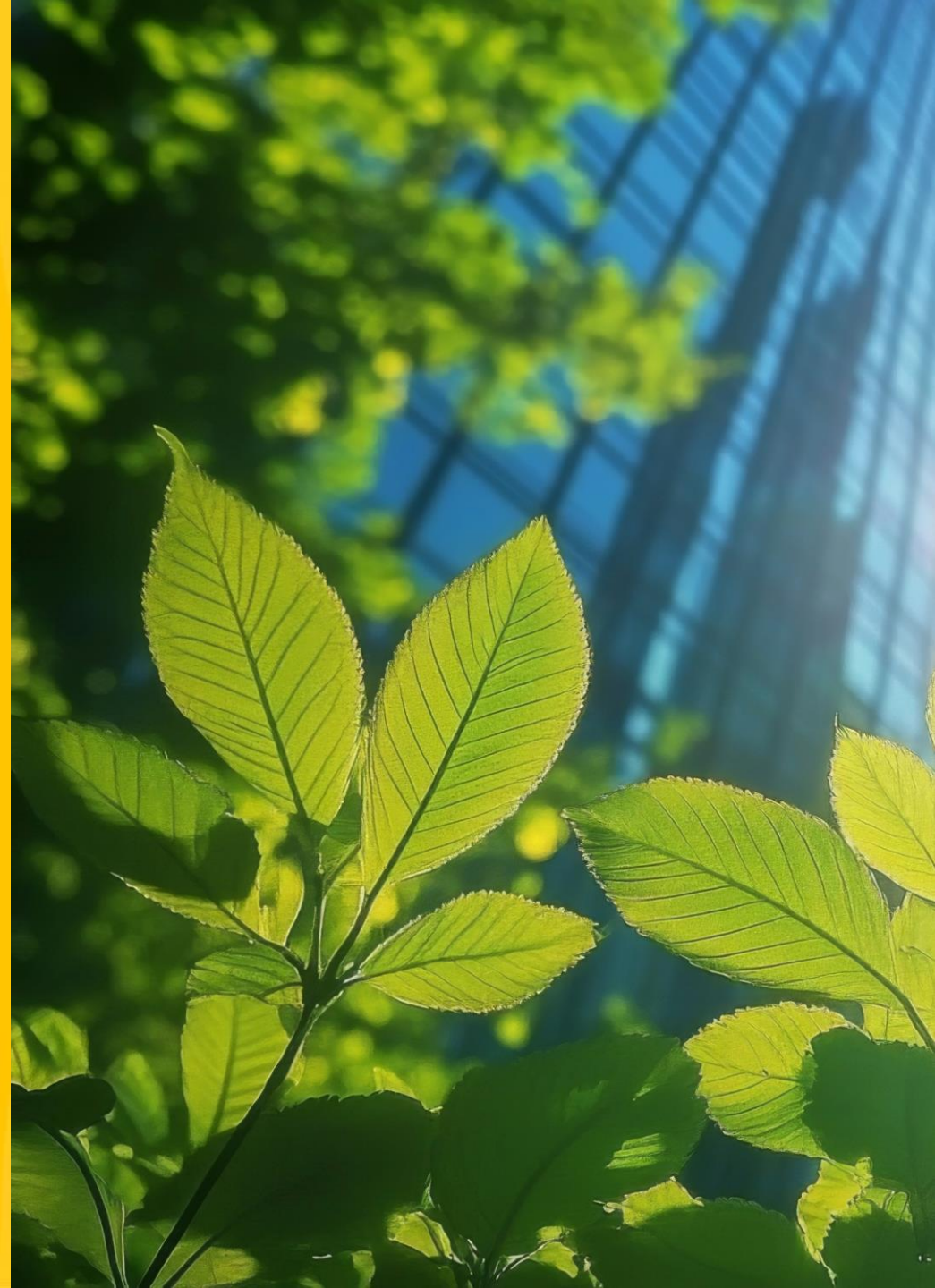


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Wednesday 4 December

IWFM Sustainability Survey Report webinar

Registration opening soon.



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