

Building safety: what are the important changes coming in 2023?

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WEBINAR SERIES

Navigating turbulent times

Panellists



Host

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Building Safety Regulator

Andrew Moore – BSR programme, Industry Competence lead



BSR aims

- A robust, proportionate, evidence-led regulatory regime that is fit for purpose and places residents at its heart
- Provide independent, risk-based assurance of the design, construction and occupation of higher risk buildings
- Promote competence across the industry and regulators, including building control, to raise standards in design, construction and the management of buildings
- Re-establish confidence in the system so that residents are safe – and feel safe – in their homes

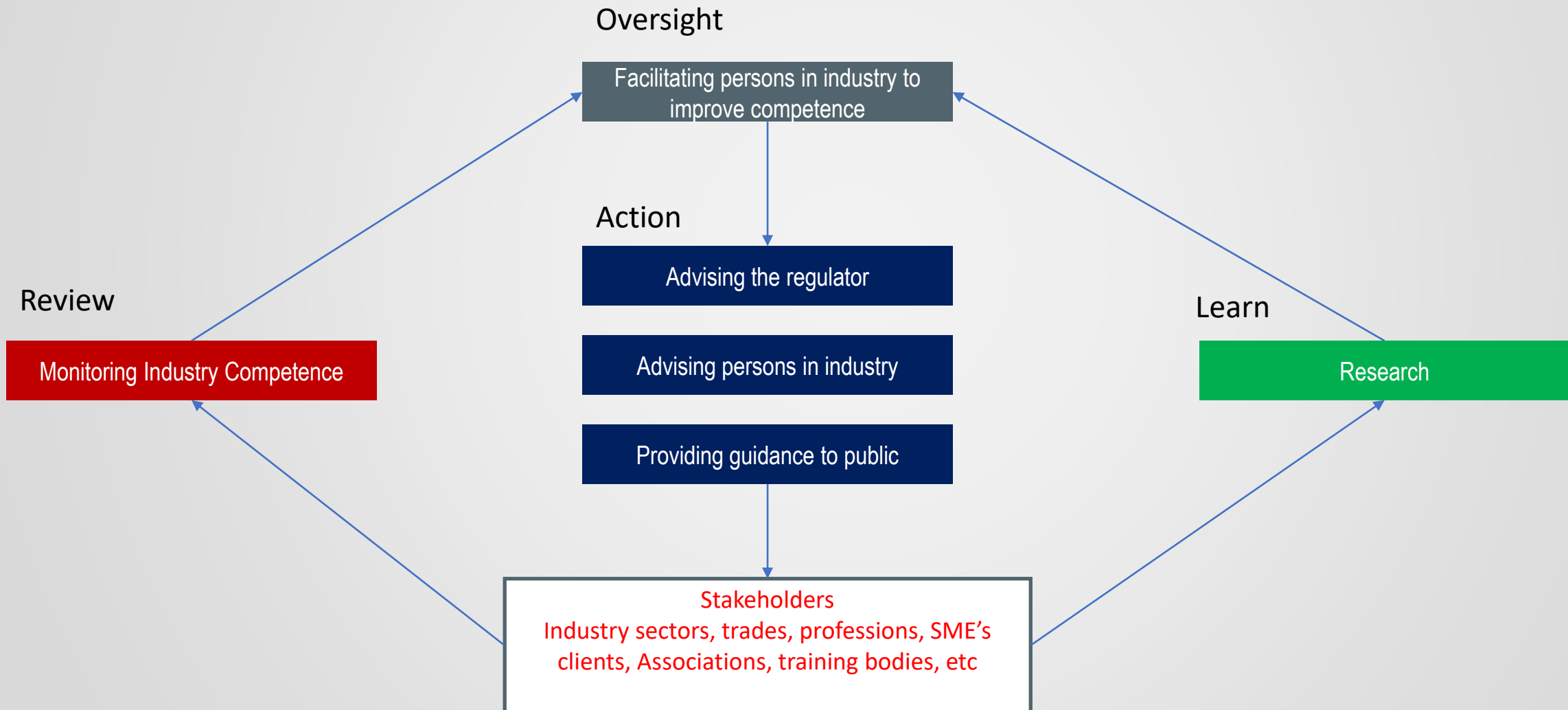


Competence

- We will promote competence among industry professionals and regulators to raise standards in design, construction and the management of buildings
- Competence includes the competence of regulators, such as Building Control
- We are working with organisations, including the CSG who are designing the competence framework
- We have recruited an interim independent competence committee (IICC).



ICC Functions Model



Key barriers/enablers to good building safety practice by attitude to the BSR

Optimistic and welcoming	Open but anxious	Aware but constrained	Unaware and unconcerned
Organisational types <ul style="list-style-type: none">• Integrated development companies• Start-ups with institutional funding• Social sector organisations (e.g. local authorities)• Asset managers	Organisational types <ul style="list-style-type: none">• Social sector organisations (e.g. ALMOs & housing associations)• Managing agents (national)• Asset managers• Architects, designers, fire engineers	Organisational types <ul style="list-style-type: none">• Resident Management Companies• Managing agents (local)	Organisational types <ul style="list-style-type: none">• Small scale developers• (Resident Management Companies)
Barriers <ul style="list-style-type: none">• Reliance on supply chain skills• Ability to adapt	Barriers <ul style="list-style-type: none">• Resource limitations• Breadth of portfolio (owners)• Relationships with contractors (designers)	Barriers <ul style="list-style-type: none">• Limitations on organisation's remit• Limited competences and/or vague understanding of compliance needs	Barriers <ul style="list-style-type: none">• Lack of understanding of duties, or reliance on others for this• Complacency
Enablers <ul style="list-style-type: none">• Strong resourcing• Willingness, focus on need for compliance	Enablers <ul style="list-style-type: none">• Focus on need for compliance• External resources available• Support/learning from other organisations	Enablers <ul style="list-style-type: none">• Desire to 'do the right thing'• External resources available• Clear instructions as to requirements	Enablers <ul style="list-style-type: none">• Support from external intermediaries• Clear instructions as to requirements

Part 4 Building Safety Act

- (Principal) accountable persons
- In most cases the AP will be the freeholder, head lessee or a management company
- The AP will be legally responsible for ensuring they understand fire and structural risks in their buildings
- Take appropriate steps and actions to mitigate and manage these fire and structural risks on an ongoing basis



Competence required for part 4 duties

- The (Principal) Accountable Person duties (safety case etc) have not changed following removal of Building safety manager role..
- Competency requirements set out in “Prescribed Principles” secondary legislation
- There is an need for (P) AP to have the necessary competence to meet these duties.
- BS Standard sets out how to meet this
- AP’s now have greater flexibility to achieve this



What are the safety case clauses?



Competence standard

PAS 8673:2022 Built environment – Competence requirements for the management of safety in residential buildings – Specification

- Operating environment
- Leadership and teamwork
- Building systems and safety
- Operational practices
- Risk management
- Planning, monitoring and control

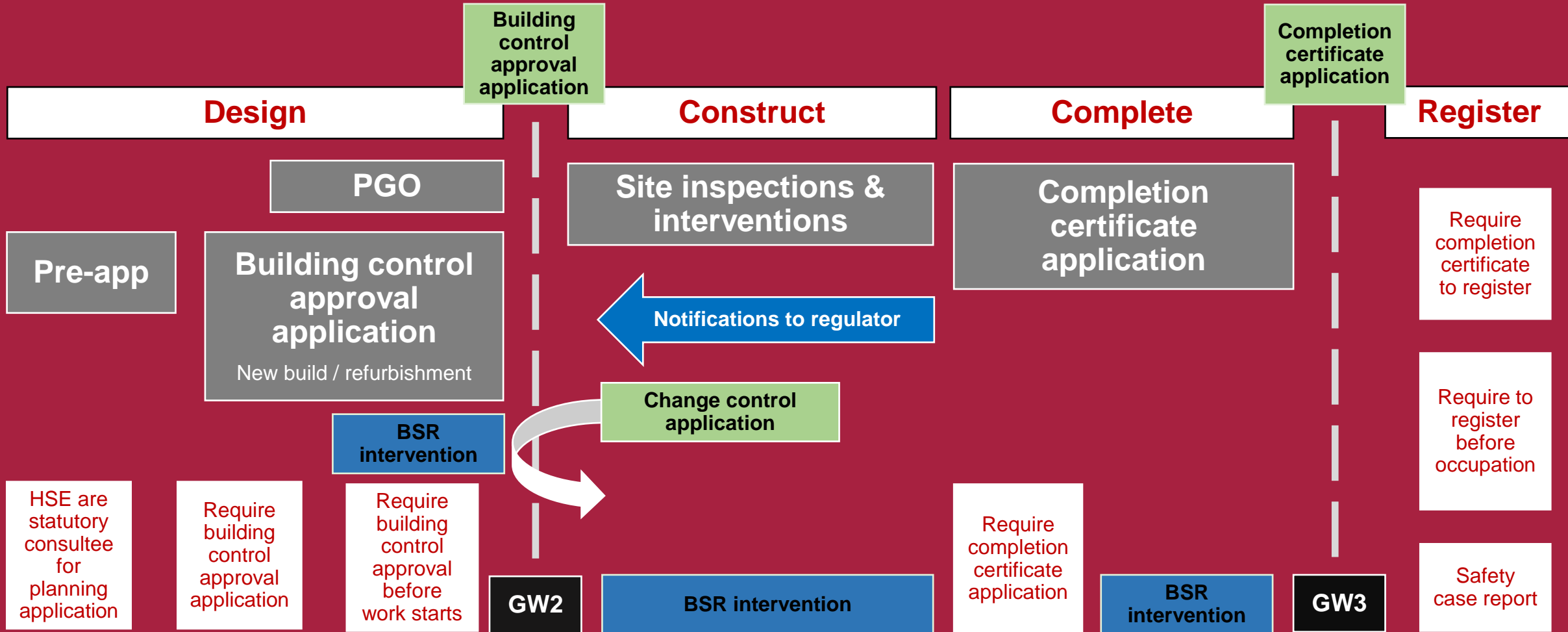


Enforcement

- Existing legislation still applies within HRBs.
- The act introduces new enforcement tools for building control:
 - Compliance Notices / Stop Notices
- The BSR can take action against PAP/AP for an occupied building
 - Contravention notice / Special measures
- Using guidance / codes to support enforcement



Competence requirements - HRB Building control process



Keep up to date

HSE are producing an e-Bulletin which contains regular updates on all things BSR please visit [HSE's webpages](#) and search for building safety.

[Sign up to get the latest news and alerts on the building safety reforms](#)



Building Safety- a practitioner's perspective

Anthony Taylor

Chair, WG8 Competence Framework BSM;

Interim Chair, Building Safety Alliance;

Member, IWFM Life Safety Working Group

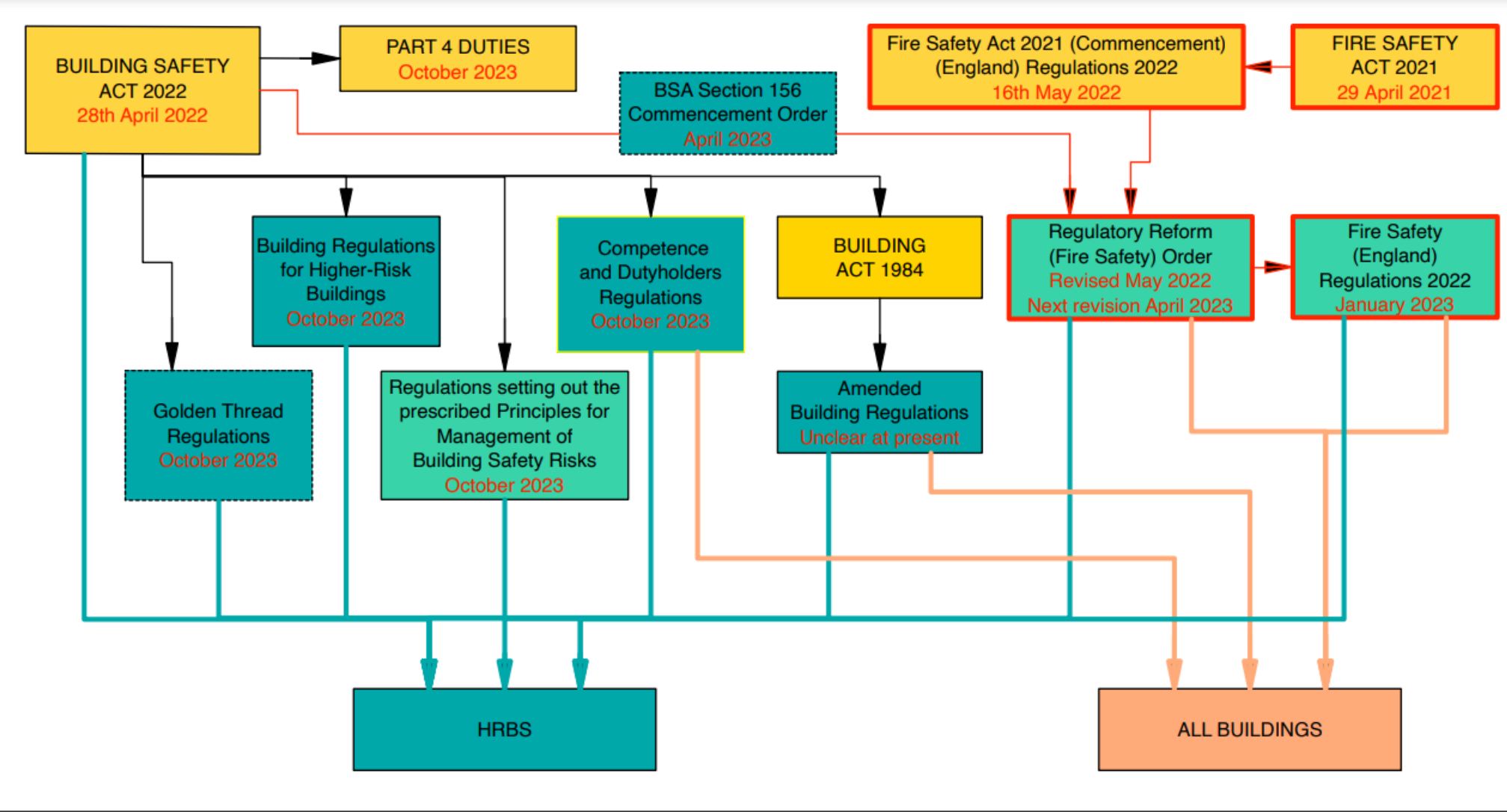
Safer buildings for residents and society at large

Mission



- **bringing together** representative bodies and organisations with one voice to deliver on its vision;
- **driving culture change, competence and best practice throughout the occupation phase**, through collaborative working;
- **bringing together resources** for the betterment of the sector;
- **promoting excellence in safety management in residential buildings**, including promotion of residents' voice and PAS 8673:2022 Competence Framework for the Management of Safety in Residential Buildings;
- **delivering a cross industry independent master scheme for validation of competence** against which assessment schemes, training and ongoing upskilling, should be developed to encourage improvement in safety management competence and business practises' culture across the built environment, but particularly for residential buildings. Collaboration with wider resident groups will be an important element; and
- **supporting implementation** of the Building Safety Act 2022, the Fire Safety Act 2021 and the amended Regulation Reform (Fire Safety) Order 2005.

BSA/FSA interaction



Key issues from the Building Safety Act 2022 for FMs

1. Immediate requirements
2. Safety management systems
3. Competence
4. Golden thread
5. Building Risk Assessment & Safety Case Report
6. Contract Arrangements



1. Immediate requirements

- **Registration** of HRBs (residential over 18M/7 Storeys)
 - between 6th April – October 2023.
- **Who is (are) your (Principal) Accountable Persons?**
- **Have you got the required documentation/information?**
 - [The Higher-Risk Buildings \(Key Building Information etc.\) \(England\) Regulations 2023 \(draft\)](#)
 - Additional information to the registration requirements
 - Key building information: use thereof
 - Key building information: materials
 - External walls and roof = Materials, Insulation and any 'Fixtures'
 - Structure
 - Storeys and Staircases
 - Energy
 - Emergency Planning
 - Key building information duties: Who, What & When (APs and PAP if more than one)
 - Information, in electronic format, with 28 days of Registration
 - Registration information: *from consultation*
 - Details of PAP and AP (actual address and name)
 - Name and title of nominated individual – point of contact for organisation
 - Type of organisation
 - Building address
 - Year building completion
 - Number of storeys and height (in m) of the building, number of dwellings
 - Statement of truthful and accuracy of submission

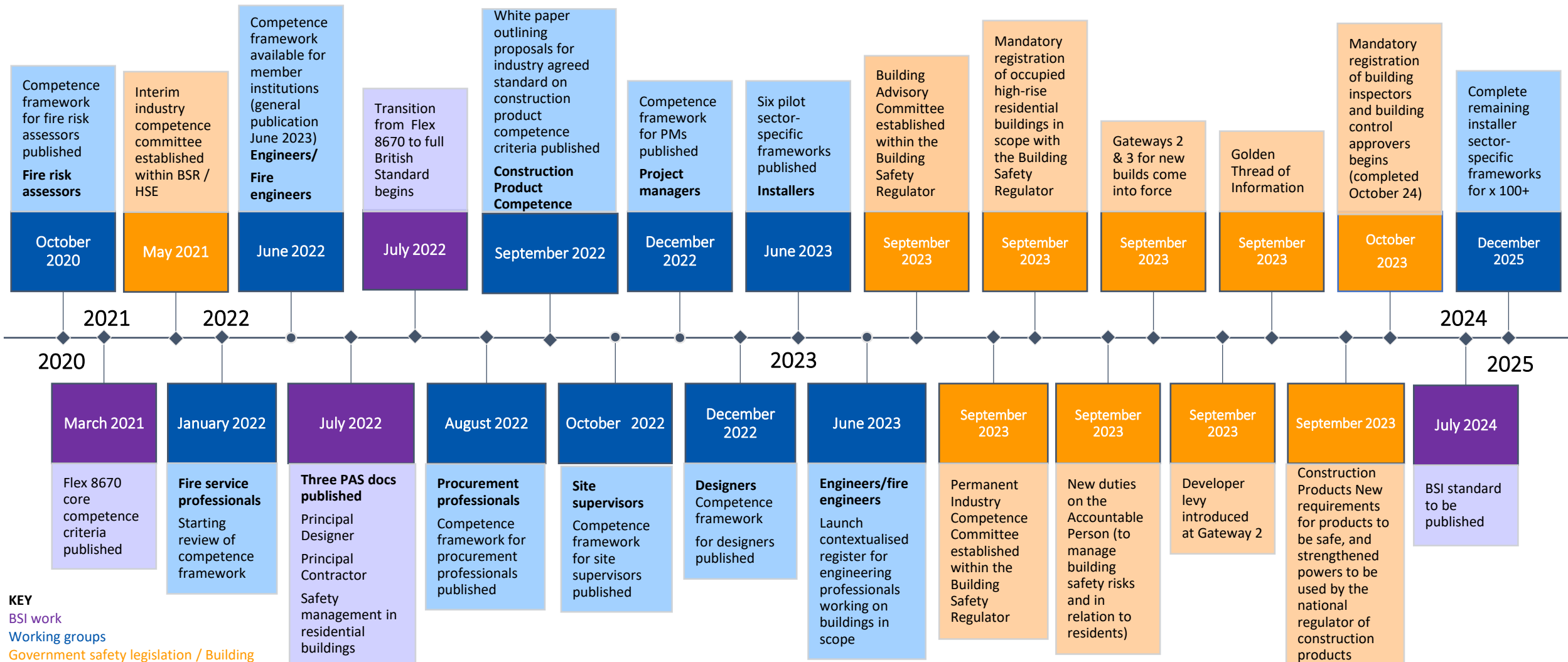
2. Safety Management System(s)

- Part of any Safety Case Report is going to require an explanation as to how the SMS(s) all work together
- Ensure the Golden Thread has the right information to the right person at the right time
 - Historic Building Information
 - Current information useful to maintaining Building Safety
 - Current information to evidence 'compliance' – including all testing/maintenance etc
- (P)APs duty but FMs will be expected to assist:
 - (P)APs SMS
 - Managing Agents' SMS
 - FM SMS
 - Subcontractor SMS
- How will these all work together to ensure verified, accurate and current information
- (P)AP will be required to monitor

3. Competence

- Significant focus on ‘Competence’ and ‘Culture Change’
- BSI Flex 8670 – Overarching Competence Framework for individuals
 - PAS 8671 – Principal Designers
 - PAS 8672 – Principal Contractors
 - PAS 8673 – Management of building safety in Residential Buildings
- All above set-out frameworks for both organisations (Persons) and individuals (Persons)
- Within an organisation there will need to be a (senior) individual with the required competences to manage activities within their remit
- How is an organisation ‘Holding itself out’ as competent going to evidence they have an appropriate competence management system? (Part of any SMS?)
 - Competence of employees
 - Competence of contractors
 - Ensuring only competent individuals assigned to specific jobs
 - Last chance to check; when they arrive on site – are the systems in place to ensure the right individual has turned-up?

Timeline for competence activity



KEY

- BSI work
- Working groups
- Government safety legislation / Building Safety Regulator

4. Golden Thread

- **The right information to the right person at the right time**
- The information will need a process of verification, including at onboarding
- It will need to be digital
- Building Safety Alliance working on
 - ‘The List’
 - ‘minimal viable solution’ for the outset + 10/15 year look-ahead – what is ‘your’ IT strategy to accomplish this?
 - Data Coding system – such that information can be readily exchanged (principle of interoperability)
- Includes information now required under the Fire Safety (England) Regulations – entered into force on 23 January ‘23
- What is your process for ensuring you have **ALL** the right information when you take over a residential property?

5. Building Risk Assessment & Safety Case Report

- All the above will be required to properly undertake a Building Risk Assessment
 - Spread of Fire and Structural Safety
 - Bow Tie etc
 - Recorded
 - Acceptable risk – or more to do to adequately mitigate?
- Safety Case: (P)APs duty – but FMs critical to its development and operation
 - This is what my building is made of
 - This is how the safety critical systems operate
 - This is how both the above are managed (SMS)
 - This is how we ensure the competence of all ‘players’
 - This is how all the above are monitored
 - This is my case, to you Regulator, that the building is safe to occupy
- ‘Called-in’ every five years – but could be requested at any time
- Changes in (P)AP/Managing or Facility Manager/Refurbishment – will all need a review of the Safety Case (and reporting such to the Regulator)

6. Contract Arrangements?

- What are the current arrangements between you (as FM or PM) and the (P)AP –
 - Do these need reconsideration as there may be different and additional expectations in regard to supporting the (P)AP with their Part 4 Duties?
 - Have any changes been considered by your insurers?
 - Are the appropriate competent persons available for all that it is agreed your organisation will provide?
 - Specifying who is responsible for what will be crucial if nothing is to ‘drop between two stools’.
 - These arrangements may be scrutinised by the Regulator when considering the Safety Case Report

The New Regime

- Is not:
 - Business as usual
- It will require:
 - Strategic direction and clarity regarding:
 - Contract arrangements
 - Competence management
 - IT, the Golden Thread and verification of information
 - Functioning Safety Management System(s)
 - Developing Safety Case Reports – and maintaining them in full operation at all times
 - **EVIDENCE for ALL the above**

Building Safety Alliance

Supporting implementation of the new regime:

- SIG 3 – Golden Thread – data, information & interoperability
- SIG 4 – mapping all roles contributing to managing buildings in occupation
- SIG 5 – developing the competence scheme

Your questions



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