



Department for Levelling Up,
Housing & Communities

Building Safety Bill Briefing

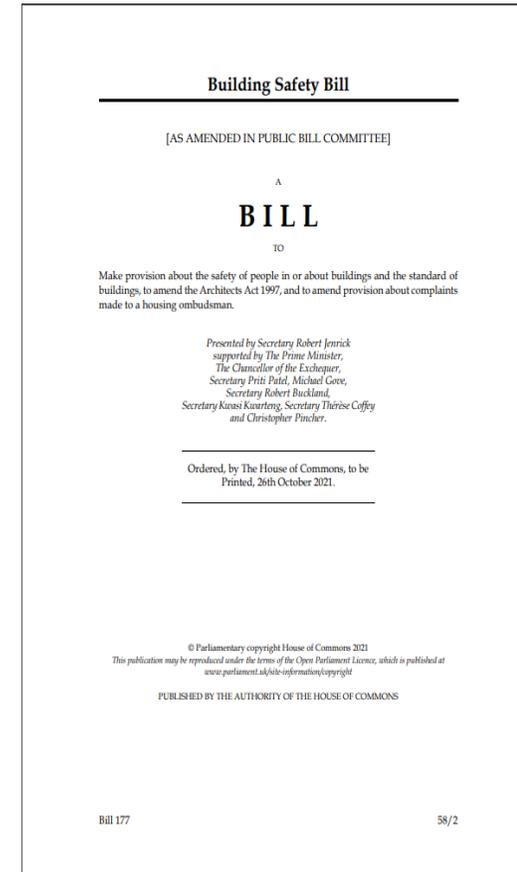
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Building Safety Programme

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Overview

- The Bill is the most significant piece of building safety legislation in nearly 40 years, to implement the recommendations of Dame Judith Hackitt's report on Building Regulations and fire safety.
- The Bill:
 - Sets up a new Building Safety Regulator and paves the way for a new National Regulator for Construction Products.
 - Sets out a new legislative framework for the design and construction of in scope and other buildings.
 - Sets out a new legislative framework for building safety for existing high rise residential and other in scope buildings.
 - Defines which buildings are in scope of the new regulatory regime.
 - Creates powers for a stronger regulatory regime for construction products.
- The Bill was introduced into Parliament in June 2021 and has just completed scrutiny by the House of Commons Public Bill Committee. Royal Assent is expected in Spring 2022.
- The Bill sets a broad framework – there will be a major programme of secondary legislation through to 2024 to implement the detail.





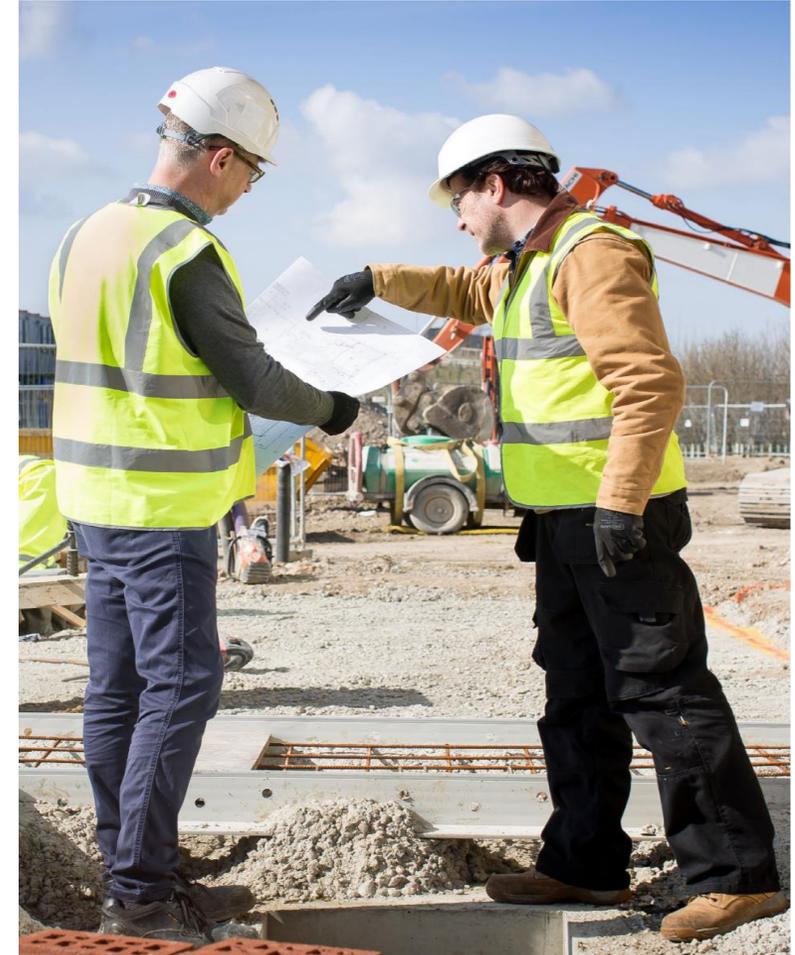
Building Safety Regulator

- The Building Safety Regulator will be located within the Health and Safety Executive.
- It will have the following roles:
 - **Overseeing the safety and performance of all buildings.**
 - **Promoting the competence of professionals, tradespeople and building control professionals working on all buildings.** This has two elements:
 - **Working with industry to promote** competence of professionals working on buildings,
 - **Improving the competence of building control inspectors,** who assess, inspect, monitor and enforce building regulations across the vast majority of buildings. This includes a registration regime.
 - **The delivery of the new, more stringent regulatory regime for buildings in scope.** This includes acting as the building control authority for all building work on all buildings in scope.
- The BSR will work with local authorities and fire and rescue authorities in delivering its role as the regulator and building control authority for in scope buildings. The BSR will be able also to call on the expertise of Approved Inspectors in a support role if necessary.



A new, more stringent regime in design and construction

- The new regime will incorporate:
 - A new **duty holder structure** to ensure clear accountability throughout procurement, design and construction.
 - **Competence** requirements for anyone carrying out design or building work.
 - **Gateway points** (stop/go decision points) to ensure building regulations' compliance is considered at each stage of design and construction.
 - A '**golden thread**' of building information to be created, stored and updated throughout the building's lifecycle.
 - **Mandatory reporting** to the new BSR of fire and structural safety occurrences which could cause a significant risk to life safety.





Duty holders

- There will be **defined roles**, based on the CDM model ie: client, principal designer, principal contractor, designers and contractors.
- This will apply to all building work.
- Duty holders can be individuals or an organisation, and can have more than one role in the project.
- They will be responsible for ensuring compliance with the building regulations and have duties to:
 - **Cooperate** with other duty holders.
 - **Communicate** and share information.
 - **Coordinate** work by having **suitable systems** in place to plan and manage the work.
 - **Appoint competent people** with the right skills, knowledge, experience and behaviours for the work.
- Draft duty holder and competence regulations have been published:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/997755/Competence_and_Dutyholder_draft_regulations.pdf



Competence

- Under the Bill, the Building Safety Regulator will establish an industry-led competence committee to oversee and support improvement of competence of the sector.

Competence requirements - all buildings

- Anyone carrying out design or building work must be competent for their role, or be trained and supervised. This will apply to all building work.
- Those making appointments or permitting anyone to carry out work must take reasonable steps to ensure they meet the competence requirements.
- The Principal Designer (PD) and Principal Contractor (PC) must be competent to fulfil their duties. Where they are organisations, they must designate a competent individual to manage its functions as the PD or the PC.
- The Client must record the steps they have taken to ensure the PD and PC are competent. At Gateway 2, they must provide a declaration that they have assessed the competence of the PD and PC.

Competence standards and frameworks

- Competence standards are being developed for key safety-critical sectors such as engineers, fire risk assessors etc and for key roles.



Gateways

- **Gateway One** – at planning permission stage. A fire statement is required with the planning application. HSE will be a statutory consultee. These changes have been made to the DMPO: <https://www.gov.uk/guidance/fire-safety-and-high-rise-residential-buildings-from-1-august-2021>
- **Gateway Two** – before build starts. Equivalent of full plans plus other prescribed documents, including a fire and emergency file, construction control plan, and competence declaration.
- As build progresses, prescribed changes will need Building Safety Regulator (BSR) approval whilst other changes must be notified. The BSR will carry out inspections at key stages and the **golden thread** of information must be developed and maintained.
- **Gateway three** – completion certificate application with compliance declaration and prescribed information on as-built building submitted to BSR and golden thread information handed to the building owner.
- Gateways two and three are hard stops, ie approval is required before building work starts or the building can be occupied.
- https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1025876/The_Building_Higher-Risk_Buildings_England_Regulations_2022_.pdf



Golden Thread

- The golden thread will hold the information needed to:
 - Show that the building was compliant with building regulations throughout the design and construction and refurbishment of a building.
 - Identify, understand, manage and mitigate building safety risks through out the life cycle of the building.
- The information stored in the golden thread should be reviewed and managed so that the information retained, at all times, achieves these purposes.
- The golden thread covers both the information and documents and the information management processes (or steps) used to support building safety.
- The golden thread information should be stored as structured digital information.
- Many people will need to access the golden thread to update and share golden thread information throughout a building's lifecycle, including but not limited to building managers, architects, contractors and many others.
- The Building Regulations Advisory Committee has published a report on the golden thread:
<https://www.gov.uk/government/publications/building-regulations-advisory-committee-golden-thread-report>



The Bill is not just about in scope buildings...

- Dutyholder and competence requirements will apply to all building work.
- Registration of building inspectors and replacement of Approved Inspectors by Registered Building Control Approvers.
- Wider changes to the Building Act and Building Regulations:
 - Lapse of building control applications.
 - New powers to set procedural requirements.
 - Powers to extend the scope of local authority charging schemes.
 - Mandating plans certificates in certain circumstances.
 - Reforms to arrangements for consultation between building control bodies and fire and rescue authorities and to Regulation 38.



Existing in scope buildings

- An Accountable Person will be appointed for existing in scope buildings, responsible for:
- **Registering** the building and applying for a **Building Assessment Certificate**.
- **Managing building safety risks**.
- Preparing and submitting a **safety report** (safety case) for review by the BSR.
- Putting in place a **residents engagement strategy**.
- Appointing a **building safety manager** to support managing the building's safety on a day to day basis





Construction Products: The future regulatory framework

- There will be a new regime for the regulation of construction products which will:
 - **Maintain** the current CPR approach for products covered by existing harmonized standards by creating powers for the regulation of the same products regulated by the EU framework.
 - **Introduce** similar regulatory requirements for 'safety critical' products, and the power to deem new products as safety critical through a statutory list.
 - Set up a **new regulatory framework to ensure that** construction products are safe.
 - **Pave the way** a new National Regulator for Construction Products, in the Office for Product Standards and Safety.
 - Create **new civil penalties and criminal offences** for breach of the new regulations allowing unsafe products to be withdrawn from the UK market.



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Thank you