

Building Safety Alliance and Working Group 8 - What This Means for Construction?

Anthony Taylor - Interim Chair @ Building Safety Alliance

2nd November 2021



For over 50 years, we've been helping the construction and manufacturing industries **build confidence** in the solutions designed, created and implemented **throughout the entire supply chain**.

The BBA develops **long-term partnerships** with clients and associations to enable **continued growth in both the UK and Global marketplaces**, while remaining reassuringly impartial.

As a for-profit organisation Limited by Guarantee, the BBA looks **to reinvest in the industry as a whole** for the benefit of all stakeholders.



What we do



Product Approval Certification



BBA Agrément Certification



Reproduction Certification



HAPAS



Testing



Audit and Inspection



Management Systems



UKCA Marking

To date



6,000+
CERTIFICATES ISSUED



72+
COUNTRIES REPRESENTED
by CLIENT BASE



130+
BBA PEOPLE



50+
YEARS IN BUSINESS



400+
TESTING METHODOLOGIES



1000+
ANNUAL INSPECTIONS

What we'll cover;

- What are WG8 and the Building Safety Alliance
- Building Safety Bill
- Fire Safety Act
- Building Safety Managers
- What 'In Occupation' means for you
- Q&A





Introduction to WG8, Building Safety Alliance and the BSM

2nd November 2021

Anthony Taylor

Interim Chair BSA/Chair WG8

Resolve Risk Ltd

anthony.taylor@resolvegroup.co.uk

00447902 269405

Resolve
Risk

ISSG & CSG



- **Industry Safety Steering Group (ISSG)**, chaired by Dame Judith Hackitt, established (1 October 2018) to provide support and constructive challenge to industry, and to determine actions for tackling blockages and accelerating culture change in the construction industry. The Group will be responsible for highlighting progress and action that industry is taking and **holding industry to account for progress** made in implementing the changes Dame Judith identified.
- Industry set up a **Competence Steering Group + Working Groups** (x12) in June 2018
- CSG reported on the progress of work to the Industry Safety Steering Group (ISSG) and to the Industry Response Group (IRG, which formally established the CSG).
 - WG0 Governance Structure
 - WG1 Engineers
 - WG2 Installers
 - WG3 Fire Engineers
 - WG4 Fire Risk Assessors
 - WG5 Fire Safety Enforcement Officers
 - WG6 Building Standards
 - WG7 Building Designers
 - WG8 Building Safety Managers
 - WG9 Site Supervisors
 - WG10 Project Managers
 - WG11 Procurement Professionals

Background to WG8

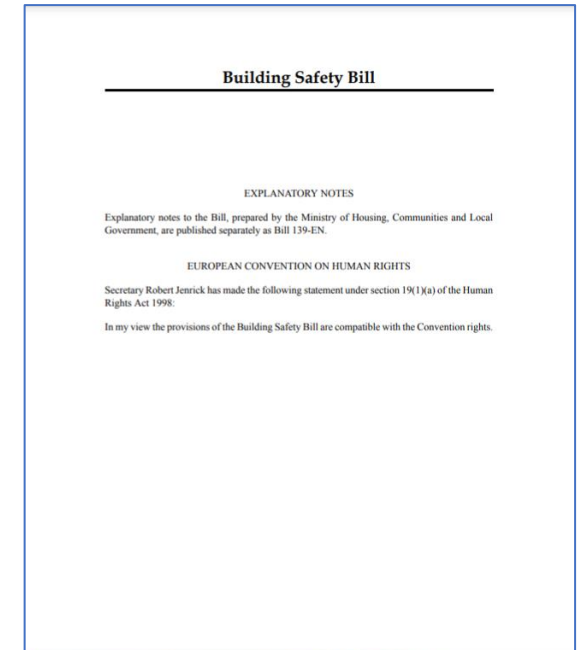
- WG8 Formed June 2018 with brief to deliver a Competence Framework for the Building Safety Manager
 - Reviewed the ‘eco-system’ that the BSM is likely to exist within
 - Discussed the potential Liabilities/insurance issues
 - Discussed who may become an ‘Accountable Person’
 - Developed a framework of competence
- Delivered Interim Report as annex to ‘Raising The Bar’ Aug 2019
- Delivered Final Report as annex to ‘Setting the Bar’ Oct 2020

Annex 8a: ‘Safer people, safer homes : Building Safety Management’.

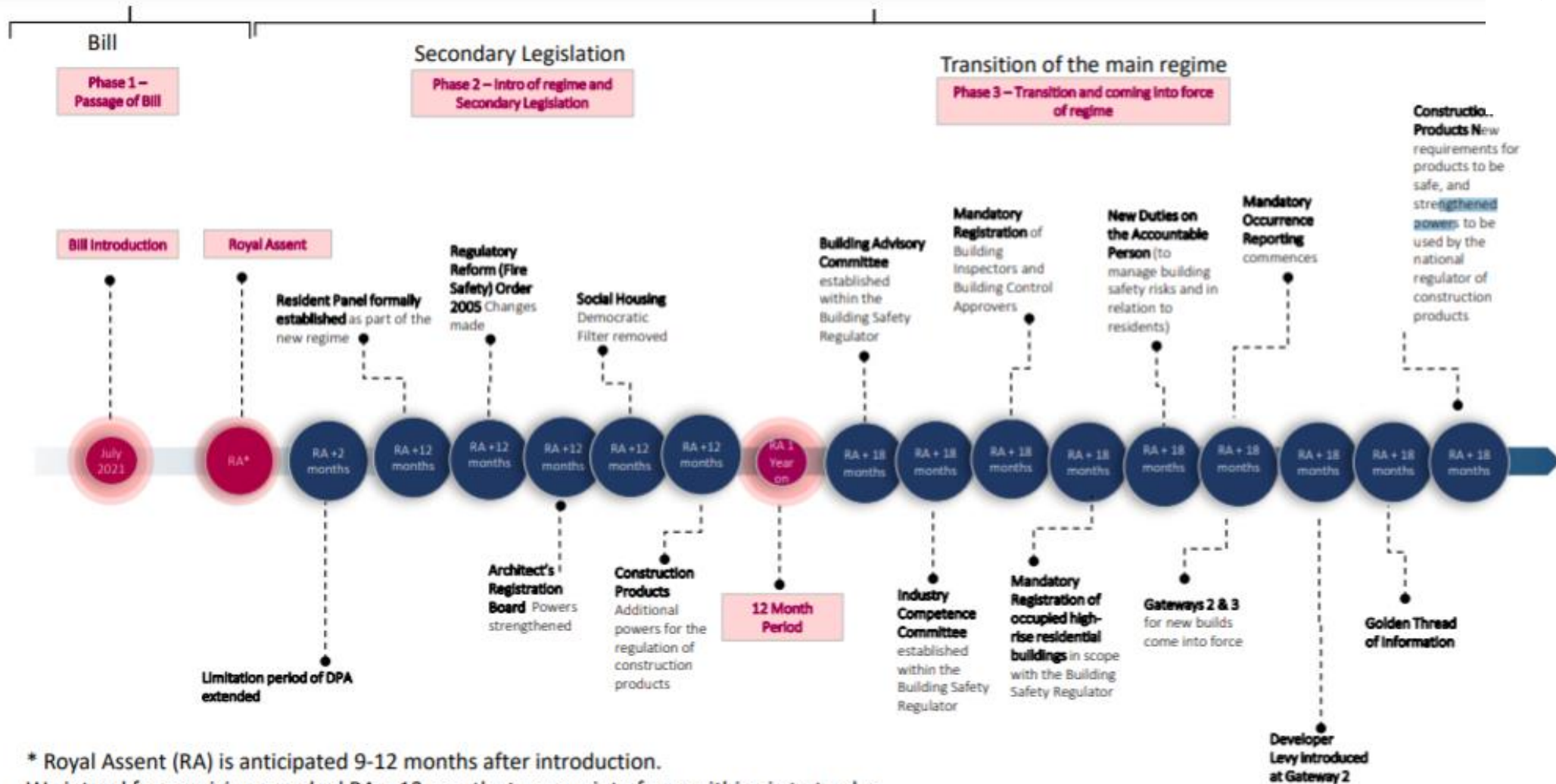
The Building Safety Bill

Five Parts + x9 Schedules **READ the Commentary first**

1. Introduction
 2. The Regulator and its functions
 3. Building Act 1984
 4. **Higher-Risk Buildings**
 5. Other Provision about Safety, Standards etc.
 6. General
- Schedule 1 — Amendments of the Health and Safety at Work etc Act 1974
 - Schedule 2 — Authorised officers: investigatory powers
 - Schedule 3 — Cooperation and information sharing
 - Schedule 4 — Transfer of approved inspectors' functions to registered building control approvers
 - Schedule 5 — Minor and consequential amendments in connection with Part 3
 - Part 1 — Amendments of the Building Act 1984
 - Part 2 — Other amendments
 - Schedule 6 — Appeals and other determinations
 - Schedule 7 — Building safety charges
 - Schedule 8 — The new homes ombudsman scheme
 - Schedule 9 — Construction products regulations



Building Safety Bill



* Royal Assent (RA) is anticipated 9-12 months after introduction.

We intend for provisions marked RA + 12 months to come into force within six to twelve months of Royal Assent.

We intend for provisions marked RA + 18 months to come into force within twelve to eighteen months of Royal Assent.

Building Safety Bill & Transition

Resolve Risk

WG 8 Implementation

Developed into two workstreams:

- **Development of the BSM PAS 8673**
 - Picks up where WG8 recommendations finished
 - ‘translates’ into ‘PAS Language’ as 1st Draft
 - Initiated February 2021
 - Delivery scheduled December 2021, subsequent to public consultation
- **Evolved into ‘Building Safety Alliance’**
 - Inaugural meeting 15th March 2021
 - ‘Observer’ role taken by HSE/MHCLG and Welsh Assembly
 - Initially some 35 ‘Council’ Members
 - Set-up x4 Working Groups
 - ‘Creating the Body’
 - Residents Voice
 - Delivery Model
 - Comms: Strategy

BSM PAS 8673 Update

- **PAS 8673 – BSM**
 - Final Scope signed off by MHCLG
 - Individual BSM/Nominated Individuals only
 - Assessment guidance in ‘Informative Annex’
 - Graduated competences, as per WG8 ‘Driving Licence’
 - Steering Group meetings
 - PAS out for Public Consultation completed 15th September
 - Review Group much wider (as wide as possible) for consultation
 - Publication planned for December 2021

The Building Safety Alliance

Working Group 8 proposed the development of an independent 'not for profit' organisation, the Building Safety Alliance [BSA], led by an Industry Stakeholder Council, initially delivering two functions:

Phase 1

- **the certification of individuals who wish to undertake the role of Building Safety Managers or to act as a Nominated Individual; and**
- **a publicly accessible national register of those certified by the scheme.**

Phase 2

- It is proposed that at a later stage there will also be a scheme for the certification and registration of organisations who wish to undertake the role of Building Safety Manager.

Phase 3

- It is also proposed that there will be a register of contractors who provide services to HRB's and are not covered by other proposed specialist schemes.

Building Safety Alliance

Inaugural meeting 5th March 2021



The Building Safety Alliance will:

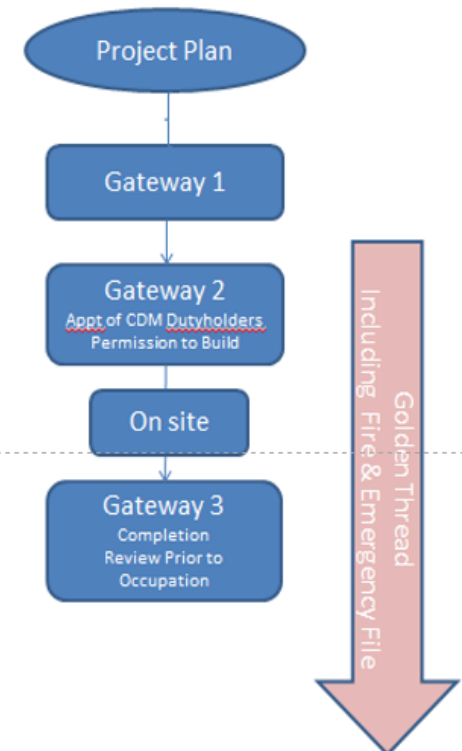
- be responsible and accountable for a full governance regime, including independently considered sanctions for failing to meet registration requirements, Code of Conduct and robust complaints procedure,
- become the preferred & pre-eminent source of assurance for all stakeholders, including residents, Accountable Persons, industry as a whole, and delivering greater confidence for the BSR and the MHCLG,
- be led by a Stakeholder Council;
- be subject to UKAS/Eng: Council (or similar third-party accreditation), oversight,
- be responsible for assessment, certification and management of certified BSM and Nominated Individuals
- offer support to Accountable Persons (ie: training & access to BSMs and best practice)
- issue and manage the use of branded 'ID' Cards??

Construction

- Dutyholders Client, Principal Designer and Principal Contractor – additional to CDM obligations, including **requirement to sign-off** that new builds are in accordance with Building Regs.
- Delivery of the **Golden Thread of Information**

Gateway Scheme

- The amendments to the Building Act 1984 in this Bill, coupled with existing powers both in the Building Act 1984 and in other legislation, will allow for the creation of a new Gateway regime. This will ensure that building safety risks are considered at each stage of a building's design and construction.
- The new Building Safety Regulator will be responsible to oversee the building work and ensure appropriate measures are being implemented to manage risk.
- Gateway 1 – Fire Statement
- Gateway 2 - Appointments, Golden Thread, Arrangements : Hard Stop
- Gateway 3 - Golden Thread etc and Regulator issues Completion
- New requirements in regard to delivery of the 'Golden Thread' of information through the building's whole lifecycle.



In Occupation

- New Duty holder 'Accountable Person' (owner) or Principal Accountable Person where more than
 - Supported by Building Safety Manager
 - BSM can be individual or organisation (if an organisation will require Nominated Individual)

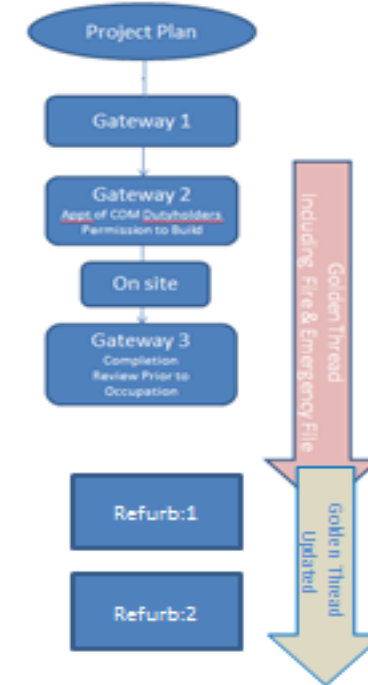
Accountable Person responsible for:

- Registration of Building
 - Golden Thread/Safety Case
 - Building Risk Assessment
 - Appoint BSM
 - Deliver Tenant Engagement Strategy
 - Reporting and complaints process
-
- **Safety Case Report** to go to Regulator who, if satisfied the 'Case' for safe occupation is successfully made will provide '**Building Assessment Certificate**' (**permission to occupy**)

The Golden Thread/The Safety Case

New Building Regulations to set out the information and documents to be:

- obtained and kept
- stored and maintained
- to develop a golden thread of information throughout the building's lifecycle.



If the Accountable Person does not have the prescribed information this clause imposes a requirement that they obtain this information, unless it is not practicable for them to do so.

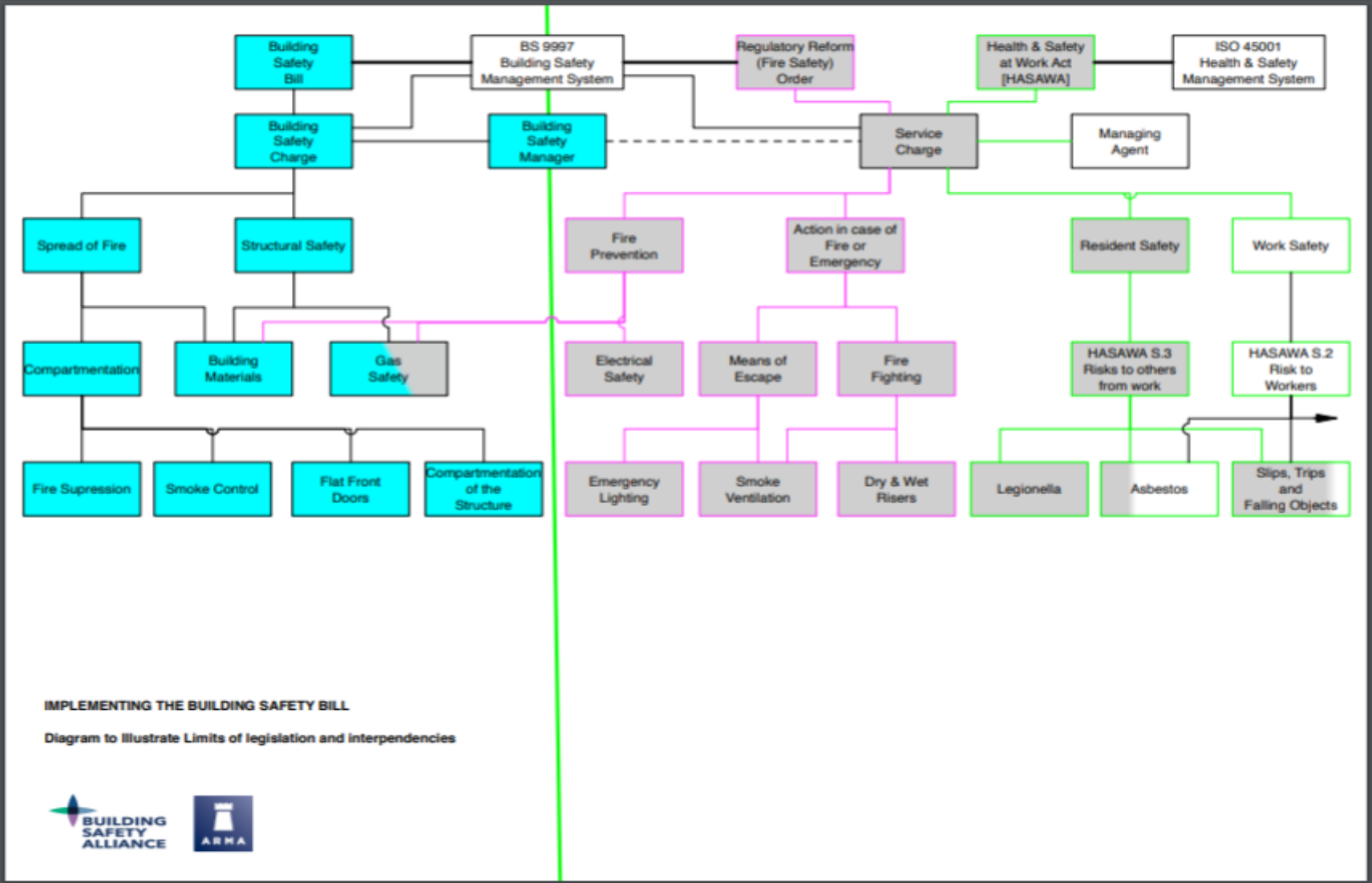
Regulations made under this clause will set out what the “prescribed information” is and what “prescribed standards” it needs to be stored/kept in accordance with, and when the duties to do so will apply.

Assumed Content of the Golden Thread (Safety Case)

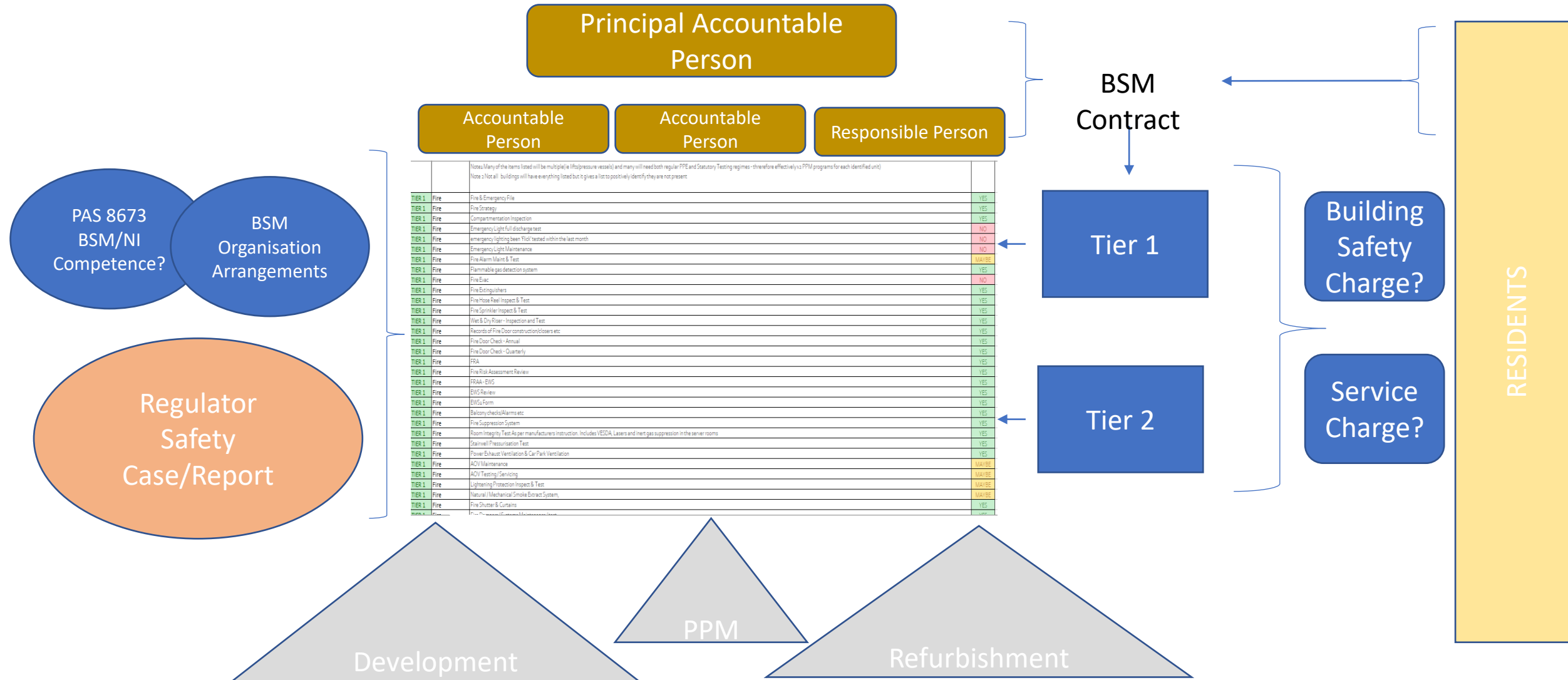
Information relating to an individual building.....

- It is assumed this will start in relation to Spread of Fire & Structure, and preventative/mitigation, within the Residential part, and grow to include 'whole building' and 'holistic' information
- Includes 'Prescribed Information' in a 'Prescribed Format'
- Will include a 'Safety Management System'
- The 'Single Source of Truth'
- Information that assists in 'understanding' the building – the 'Systems' approach that DJH recommended
- Includes the processes as well as the components necessary to keep people and their homes safe
- NOT a 'superior' H&S File !!!!
- Probably start with Fire and Structural.....but go further as it develops/evolves?

Interaction of Regimes



Interaction with other elements of BSB?



Building Safety Manager

The Draft BSB sets-out the following, this may change as the Bill progresses through stages:

Appointed by AP **‘Whilst the Building Safety Manager might be responsible for carrying out certain duties, accountability will always lie with the Accountable Person’.**

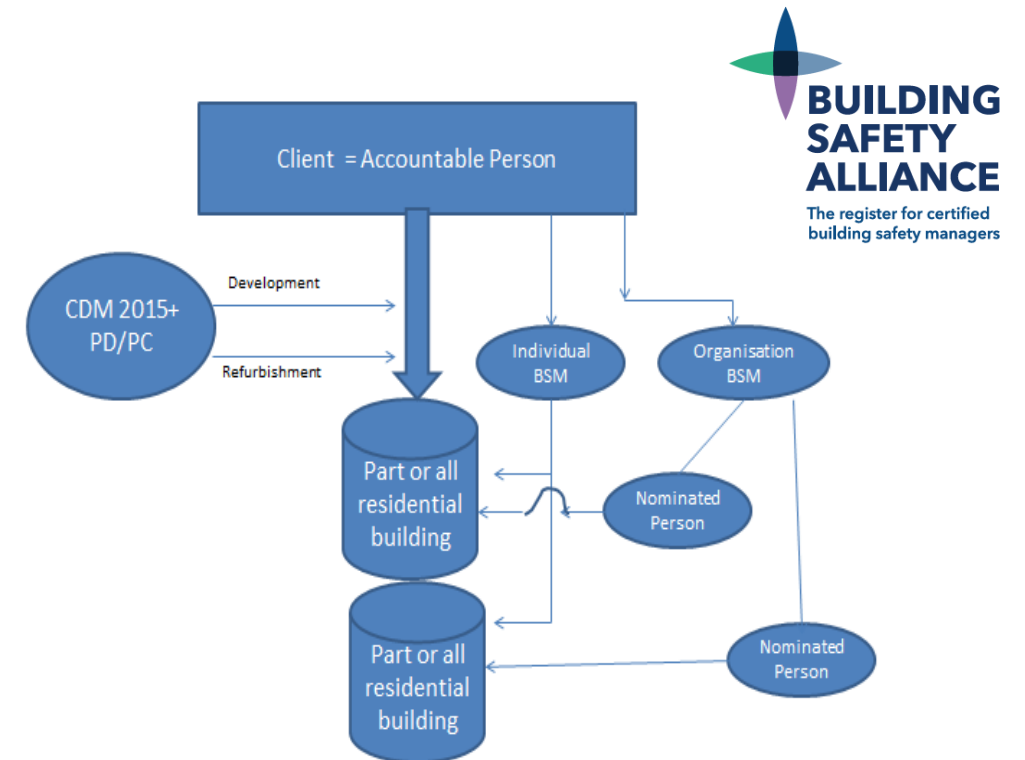
Must be appointed prior to occupation of the building

Support the AP by Day to Day Management

Ratio of:

- One BSM/Nominated Individual to few buildings
- One BSM Organisation to many buildings

- ☐ Deliver Tenants Engagement Strategy
- ☐ Maintain Golden Thread
- ☐ Assist in AP's Building Risk Assessment
- ☐ Required to manage the building in line with the Safety Case Report that the Accountable Person has produced
- ☐ Duty to advise AP when/if BSM considers Building Risk Assessment or Safety Case report requires review
- ☐ Duty of Building Safety Manager to report information related to the safety of an occupied building to the Building Safety Regulator

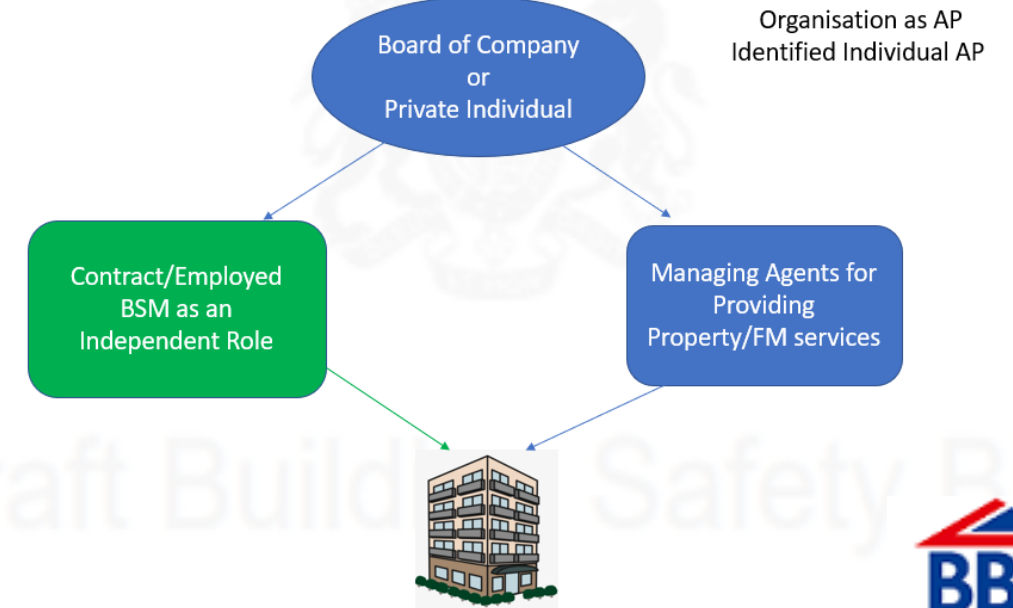
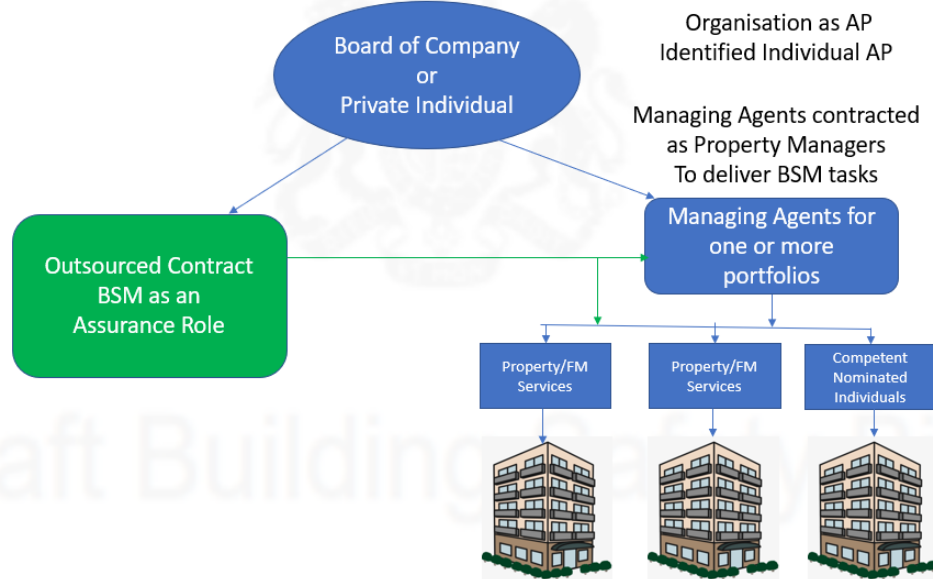


[Appointed by Accountable Person but Employed by the Managing Agent?]

Contractual relationships in-occupation

- Traditional Property/Facilities Management (Holistic)
- Golden Thread/Data Management?
- BSM Function
 - ‘Regulations only’
 - ‘Holistic’ responsibilities

Models for BSM Function?



Thank you:

Any further questions?



Anthony Taylor

Interim Chair BSA/Chair WG8

Resolve Risk Ltd

anthony.taylor@resolvegroup.co.uk

00447902 269405