

## Workshop 2c

# Taking shape and paving the way: the new building safety regime and you

**Speakers:** Lorna Kenyon-Pain, Anthony Collins Solicitors LLP  
Jeremy Bevan, Building Safety Regulator, and  
Andrew Millross, Anthony Collins Solicitors LLP

**Chaired by:** Dominic Higgins

**Room:** C



**NHMF**  
**Maintenance**  
**Conference**  
**2022**



# Coverage

**Lorna – an overview of the Bill  
and its contents**

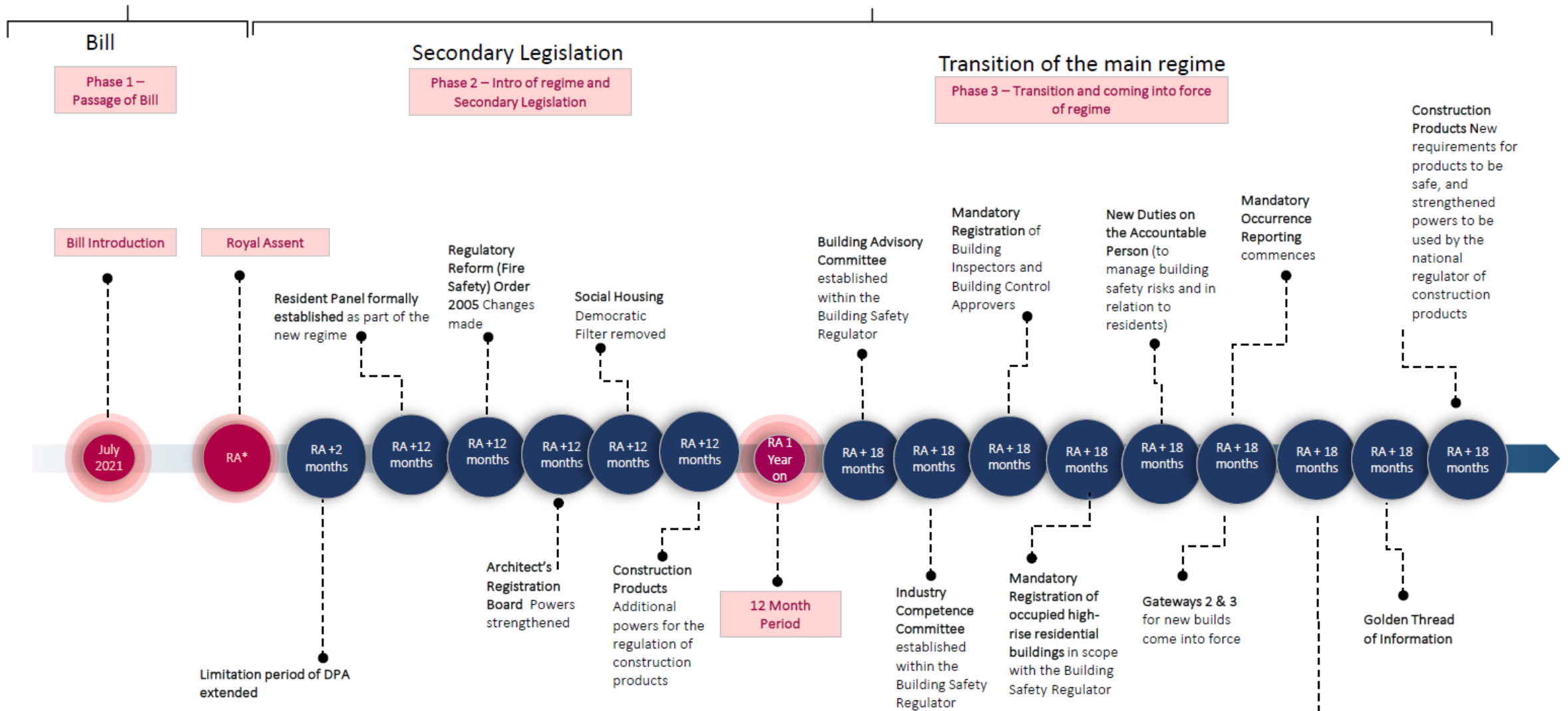
**Jeremy – detail on  
competence, the  
safety case, Building  
Safety manager role  
and resident  
engagement**

**Andrew – practical implications  
for maintenance**



# The Building Safety Bill

- ❑ What does it cover?
- ❑ Where are we now?
- ❑ Likely timescales
- ❑ Detailed factsheets-  
<https://www.gov.uk/government/publications/building-safety-bill-factsheets>



\* 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**

1. Identify the higher-risk buildings
2. Identify the Accountable Persons and the Principal Accountable Persons
3. Register the higher-risk building
4. Appoint a Building Safety Manager or decide to manage the role internally
5. Conduct an assessment of the building safety risks
6. Take all reasonable steps as required by the assessment
7. Safety Case Report
8. Establish the mandatory occurrence reporting system and complaints procedure
9. Comply with information sharing and retention obligations
10. Residents Engagement Strategy
11. Apply for Building Assurance Certificate

# What is a Higher-Risk Building?

- ❑ Still 18m or 7 storeys and above
- ❑ Changing the definition?
- ❑ Duty on BSR to advise SoS on scope
- ❑ Position different in Wales



# Who holds which role?

- ☐ **The Accountable Person**
- ☐ **The Principal Accountable Person**
- ☐ **The Building Safety Manager**
  
- ☐ **What about all of the other roles? Responsible Person, Person with Responsibility etc**



# A Holistic view of the risks relating to building safety

- ❑ The current position – considering risks in silos?
- ❑ An Accountable Person must promptly take all reasonable steps for
  - (a) preventing a building safety risk materialising as regards the part of the building for which they are responsible; and / or
  - (b) reducing the severity of any incident resulting from such a risk materialising
- ❑ The Accountable Person must make and give effect to arrangements for the purpose of ensuring the effective planning, organisation, control, monitoring and review of the steps taken



# Building Safety Regulator (BSR)



Aspects of the new regime in focus  
NHMF conference, Stratford-upon-Avon

Jeremy Bevan, BSR policy team



## Competence – why it matters

- At the sharp end – YOU. Need for a systematic end-to-end approach in ensuring competence of those you engage for work in relation to HRBs
- Broad remit: covers roles in refurbishment and minor works - and procurement
- BSR remit to *improve* competence for *all* industry professionals and Building Control regulators to raise standards in design, construction, sign-off and management of buildings
- Working with organisations including the BSI and the Competence Steering Group to design the competence framework and



# Safety case report – what and why?

‘All reasonable steps’ to ensure building is safe.

Demonstrates:

- Why you believe the measures you have in place to prevent and limit the consequences of a major accident in your building are proportionate and effective; and
- A robust approach to the ongoing management of the building so those measures remain effective.

[Safety case principles for high-rise residential buildings: Building safety reform – Early key messages \(hse.gov.uk\)](https://www.hse.gov.uk/buildingsafety/safetycaseprinciples.htm)

Think about your building holistically - as a system. Considering the effects of maintenance and refurbishment work on that system is a vital component of the safety case





# The Building Safety Manager – eyes and ears (1)

Building Safety Manager must be in place in all occupied higher-risk buildings

- Role? To help the Accountable Person meet their obligations to manage in-occupation safety in accordance with Safety Case principles
- Must have the skills, knowledge, experience and behaviours to carry out the role - BSI's PAS 8673 framework for BSM competence being developed
- Your key person with day-to-day responsibility for keeping the building safe for residents – are you prepared?



## Residents Engagement Strategy – eyes and ears (2)

Purpose? To promote participation and engagement in decision-making about building safety risks

Will need to:-

- Set out what information will be provided to residents, and how
- Describe how residents' views will be sought – a two-way process, especially important where minor maintenance is concerned
- How will you measure that the strategy is working: relevant indicators?



## What can you do to prepare?

- Think about your fire and structural risks and how to maintain their integrity throughout the building's life cycle
- Are those working in safety critical roles competent - do they have the right skills, knowledge, experience and behaviours required?
- Collect the information you need to demonstrate an *integrated, responsive* approach to managing/controlling risk



## Keep up to date

HSE produces a e-Bulletin giving regular updates – search for ‘Building Safety’ on HSE’s website <https://www.hse.gov.uk/building-safety/index.htm>

Save as a favourite and re-visit frequently – content is evolving rapidly

Thank you

Jeremy Bevan, HSE Building Safety Regulator





# “Refurbishments – general approach”

## New Building Regulations

- ❑ Under Building Act 1984
- ❑ Criminal offence to carry out prescribed work without approval

## Enforcement by Building Safety Regulator





# Proportionality

**Different Building Regs requirements for different types of work**

**Competent Person Scheme for simpler works**

- ☐ **No advance application**
- ☐ **Notice to Building Safety Regulator with 30 days of completion**

# Contract implications – smaller works

## Competent person

- ☐ Due diligence – will there be a register?
- ☐ Contractual warranty that the Contractor is (and will continue to be) a “competent person”

## Notification

- ☐ Problems may not be picked up until well after works completed
- ☐ Time limit for BSR to challenge?
- ☐ Access arrangements

# Major works regulatory requirements

## Application to BSR before works start

- ❑ To assess whether proposals comply with Building Regs and assure building safety

## Inspections at key stages of the works

Obligation to obtain approval for major changes to the original proposals

Check on compliance and issue of “compliance certificate”



# Contract implications – major works

## Responsibility for obtaining Building Regulations approval

- ☐ Contractor or client
- ☐ Both initially and if “major changes” needed to the works when on site
- ☐ Completion certificate

## Risk of BSR delays

- ☐ Contractor risk
- ☐ Time only
- ☐ Time and money

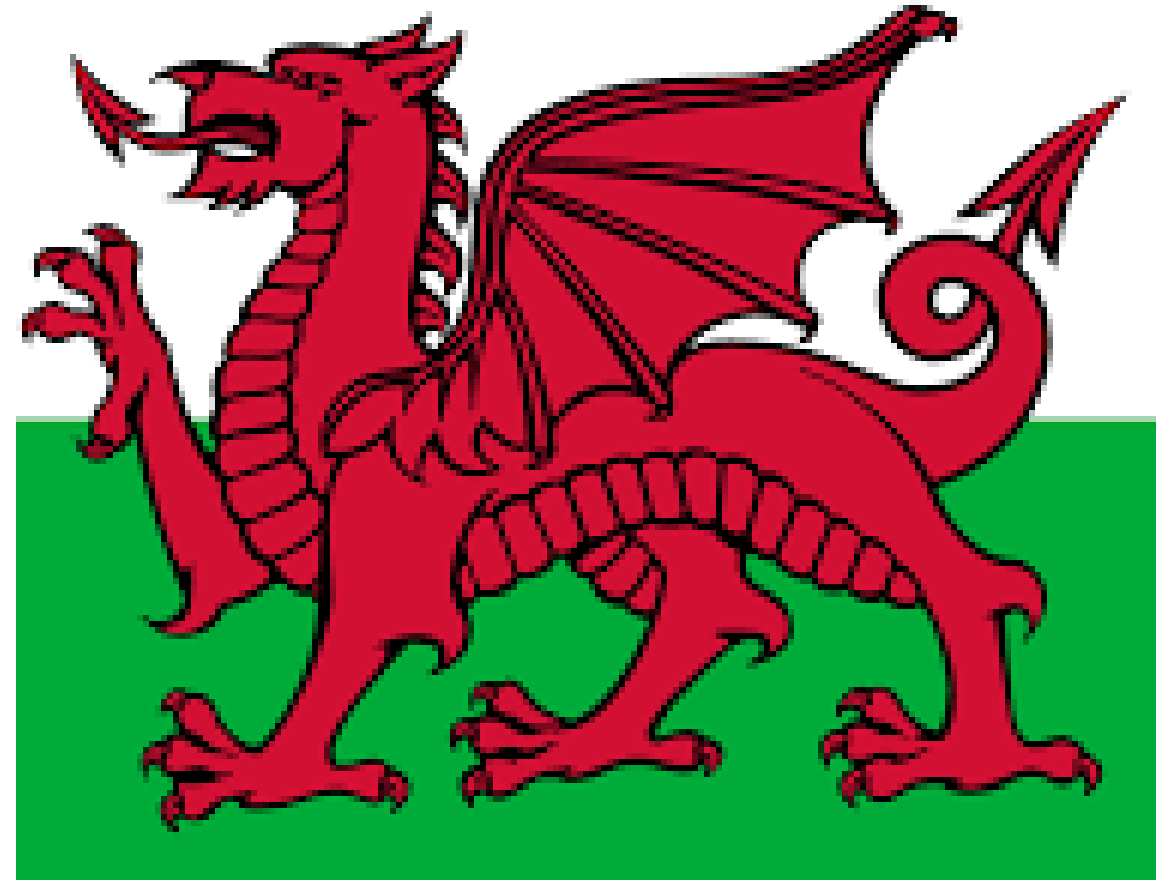
# Welsh proposals

**Not limited to buildings over 18m/7 storeys**

- ❑ **Different categories of multi-occupied buildings**

**“Gateway approach” to major refurbishments**

**New offence of “knowingly breaching compartmentation**







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## QUESTIONS?

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# Thank you.

See you at the  
**next conference!**



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