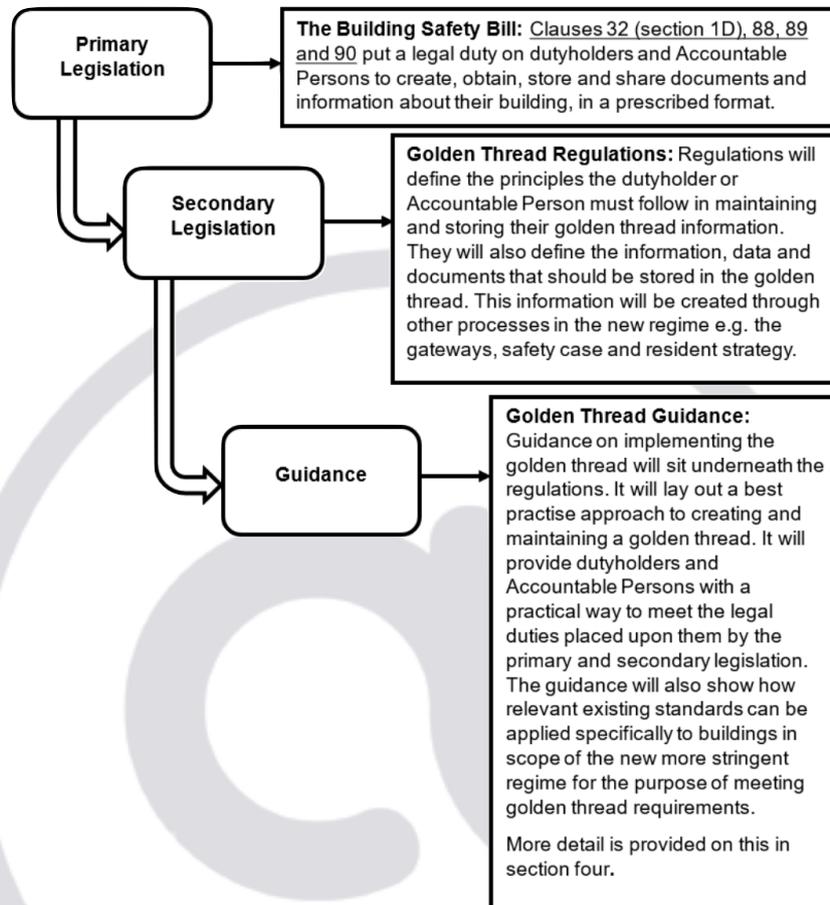


Building Safety Act 2022 New Information & New Roles



The Primary Legislation is for New Information to become mandatory for Higher Risk Buildings (HRB's) it is also mandatory for additional levels of control and expectations of people involved in the building process:

Additional information is required for the building control approval application in the first instance for works relating to a HRB where it relates to the HRB (and not a separated compartment). A set of accompanying documents, must be provided with the application which are to enable applicants to demonstrate:

1. Competence of any person appointed in relation to the work;
2. The approach to meeting functional requirements of the Building Regulations;
3. Any assumptions about how the occupation of the building will be managed ensuring these are realistic;
4. How the building work will be managed through construction; and,

5. How change control specifically will be managed and monitored throughout the construction process.

How you can prepare:

The technical functional requirements of the building regulations are not changing. What is changing is the application process and the level of information required before undertaking building work, when making any changes to an approved application, and, on completion of building work.

You must consider the whole process from the outset – before you submit a building control approval application, you must review how you are going to:

1. Construct your scheme;
2. Manage change (please refer to Change control applications and processes); and
3. How you will meet and evidence the functional requirements of the building regulations?

**THIS INFORMATION ABOVE CAN BE NOW KNOWN AS THE BUILDING
SAFETY CASE**

A BUILDING SAFETY CASE

So, where do I start and what is a building safety case?

Before you submit your safety case, you must make sure that you have registered your building(s). All existing residential buildings within the scope of the Building Safety Act will need to be registered with the BSR. The key timeframe you need to save in your dairies is now upon us, as the BSR will be expecting your registration before now. Now your HRB is registered, the Accountable Person must apply for a Building Assessment Certificate when they receive direction to do so from the BSR.

The Building Assessment Certificate application should include:

- A copy of the latest safety case report for the building
- A copy of the resident engagement strategy
- Some prescribed information about the mandatory occurrence reporting system that is in place

The BSR will, once completely satisfied, issue a Building Assessment Certificate if this has not already been issued, showing that the Accountable Person has taken all reasonable steps to prevent building safety risks.

You cannot present a Building Safety Case, without a Safety Case Report

A safety case is the information that demonstrates that the Accountable Person is taking action to identify, manage and mitigate fire and structural risks, alongside demonstrating what is being done to address these risks. Extra guidance can be found from the Health and Safety Executive (HSE) and from government consultation documents. This guidance, paired with views and knowledge from subject matter experts, has allowed us to create a contents of what we believe should be included in every safety case report.

Note: the list and information provided for the case report is not exhaustive. Please see the what's required for a 'Building Safety Case Report'.

THESE FOLLOWING DUTIES APPLY TO ALL BUILDING WORK AND NOT JUST HRB'S

The Primary Legislation is for New Roles and Responsibilities:

1. There are new dutyholder roles introduced into building regulations. Everyone who has a stake in a project (the client, the designers and the contractors) have duties to have arrangements and systems in place to plan, manage and monitor both the design work and the building work to ensure compliance with building regulations.
2. The duty to ensure compliance remains with those who procure the building work and those who have key roles in the design and construction process, who are responsible for ensuring that building work is designed and built to be compliant with building regulations. The dutyholders will be required to cooperate with other dutyholders, coordinate their work, and communicate and provide information to other dutyholders.
3. They will also need to ensure they and those they appoint are competent (have the necessary, skills, knowledge, experience and behaviours) or if they are an organisation, the organisational capability, to carry out the design work and building work they are engaged to do and only undertake work within the limits of that competence.
4. Clients should carefully consider how their proposed building work will comply with both the procedural and functional building regulations' requirements. They will be required to explain assumptions about the management and maintenance of the building once in use, as well as the behaviours and characteristics of residents or other users. This approach is to support an industry culture change by moving away from building regulations compliance as a 'tick box' exercise, towards a greater understanding and confidence in how to demonstrate compliance with regulations.
5. Principal Designers, Principal Contractors and anyone carrying out any design or building work must be competent for their roles, and organisations must have the organisational capability, competence and capacity to fulfil their obligations.

What is a Dutyholder/s and their main duties

A dutyholder can be an organisation or an individual, and a dutyholder can carry out the role of more than one dutyholder, provided they have the skills, knowledge, experience and (if an organisation) the organisational capability and competence necessary to carry out those roles.

Client

These are organisations or individuals for whom a construction project is carried out that is done as part of a business.

Main duties:

1. Make suitable arrangements for planning, managing and monitoring a project, including the allocation of sufficient time and resource, to deliver compliance with building regulations. In practice, this means appointing the right people, with the right competencies (the skills, knowledge, experience and behaviours or organisational capability) for the work and ensuring those they appoint have systems in place to ensure compliance with building regulations
2. Where there are several firms working on different aspects of the project, a domestic client should appoint a Principal Designer to be in control of design work and a Principal Contractor to be in control of the building work
3. Provide building information to every designer and contractor on the project and have arrangements to ensure information is provided to designers and contractors to make them aware that the project includes any existing or proposed higher-risk building work
4. Cooperate and share information with other relevant dutyholders

Domestic Client

A domestic client means a client for whom a project is being carried out which is not in the course or furtherance of a business of that client.

Main duties :

1. Where there are several firms working on different aspects of the project, the client will need to appoint a Principal Designer to be in control of design work and a Principal Contractor to be in control of the building work.

2. If a domestic client does not appoint either a Principal Designer or Principal Contractor, then the designer in control of the design phase of the project is the principal designer and the contractor in control of the construction phase of the project is the principal contractor.
3. Must provide building information that they have, or it would be reasonable for them to obtain, to designers and contractors working on the project.
4. Must cooperate with anyone working on or in relation to the project to the extent necessary to enable them to comply with their duties or functions.

Principal Designers (PD)

A designer appointed by the client in projects involving more than one contractor. They can be an organisation or an individual with sufficient knowledge, experience and ability to carry out the role.

Main duties:

1. Plan, manage and monitor the design work during the design phase
2. Take all reasonable steps to ensure the design work carried out by them and anyone under their control is planned, managed and monitored so that the design is such that, if built, it would comply with all relevant requirements of the building regulations.
3. Ensure that they, and all those working on the project, co-operate, communicate and co-ordinate their work with the client, the Principal Contractor, and other designers and contractors.
4. Liaise with the Principal Contractor and share information relevant to the building work
5. Assist the client in providing information to others.

Principal Contractors (PC)

A contractor appointed by the client to coordinate the construction phase of a project where it involves more than one contractor.

Main duties:

1. Plan, manage and monitor the design work during the building work
2. Cooperate with the client, the Principal Designer, and other designers and contractors to the extent necessary to ensure that the work complies with all relevant requirements of the building regulations.

3. Ensure that they, and all those working on the project, co-operate, communicate and co-ordinate their work with the client, the Principal Designer, and other designers and contractors.
4. Liaise with the Principal Designer and share information relevant to the building work.
5. Assist the client in providing information to others.
6. Throughout the new process, BSR will be seeking evidence from each of the dutyholders. BSR will want to know how competence of dutyholders has been established, and how you will ensure competence of those performing design and construction tasks, including how these have been procured (please refer to Collaborative procurement guidance for design and construction to support building safety - GOV.UK (www.gov.uk))