

Meeting Record

Date	12 th September 2022 (Mon), 16:30-18:00
Venue	Video conference using Microsoft Teams
Chair	Paul Bussey
Topic	Building Safety Act (BSA) Updates

Attendees	Name	Initial	Organisation
1	Paul Bussey (chair)	PB	AHMM
2	Andrew Mellor (guest speaker)	AM	PRP Architects
3	Aamir Shahzad	AS	Currie Brown
4	Alain Speed	AS	PRP Architects
5	Chris Ottaway	CO	Ottaway and Associates
6	Ciaran Gallagher	CG	Hawkins Brown
7	Danny Coomber	DC	Hardwood
8	David Brook	DB	Hawkins Brown
9	David Stanley	DS	Martin Arnold
10	Eleanor Eaton	EE	SSIP
11	Elizabeth Parrott	EP	Black Cat Consultancy
12	Gary Burden	GB	PRP Architects
13	Gary Walpole	GW	NFRC
14	Greg Brown	GB	Parliamentary Safety Team
15	Jasmine Adley	JA	Currie Brown
16	Jeremy Williams	JW	Grid Architects Ltd.
17	Lee Harvey	LH	EPSOM & St Helier University Hospitals NHS Trust / Redline Fire Safety Consultancy
18	Liesl Dommissie	LD	Bernard Sims Associates
19	Mark Reynolds	MR	Boundary Concepts Limited
20	Mark Skinner	MS	Hawkins Brown
21	Martin Thorpe	MT	Mott MacDonald
22	Martin Touška	MT	Rolfe Judd
23	Myshkin Clarke Hall	MCH	Myshkin Clarke Hall
24	Neil Badley	NB	Sweco
25	Neil Molloy	NM	Levitt Bernstein
26	Nigel Ostime	NO	Hawkins Brown
27	Olivia Firth	OF	DJD Architects
28	Paul Owen	PO	BDP
29	Peter Hegarty	PH	Chapman Taylor
30	Peter Waxman	PW	Black Cat Consultancy
31	Richard Collins	RC	Feilden Clegg Bradley Studios
32	Richard Price	RP	Sweco
33	Roland Reinardy	RR	Hawkins Brown
34	Sarah Susman	SS	Scott Brownrigg
35	Shephard Ndlove	SN	UCLan School of Engineering
36	Stephen Coppin	SP	SJC Risk Management
37	Stuart Osborne-Cudmore	SOC	???
38	Christian Ndaguba	CN	AHMM
39	Goh Ong	GO	AHMM

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NOTE ON COVID-19: Since 23rd March 2020, all DIOHAS meetings will take place over video conference.

Agenda

Presentation Title: Building Safety Act (BSA) Updates

Agenda (as worded in meeting invitation):

1. The full force of the Building Safety Act is expected to be with us by April 2023, with a transitional period until October. Andrew Mellor of PRP Architects will open the meeting by explaining his views of the evolving picture from his recent published article – See attachment 01 - BSE Consultations.
2. The Government's Timeline is proving to be accurate to date, how prepared are architectural practices to start to implement these changes – See attachment 02 – BSA Timeline (220905).
3. Paul Bussey will share some of the latest thoughts of the “Interim Industry Competence Committee” which sets out the expectations of The Department for Levelling Up, Housing and Communities (DLUHC) for “all Built Environment sectors” including Architects and designers, to achieve and demonstrate improved competence on all projects as well as high-rise residential building (HRB) – See attachment 03 – ICC Roadmap (220830) V7.
4. Finally, we will discuss current thinking on the RIBA Plan of Work for Fire and Building Safety reflecting the impact of the BSA on projects especially with regards to “Scrutiny” and “Sign off” – See attachment 04 - RIBA Fire Overlay PoW V14(170822).

Recording

Link to the recording of the meeting:
<https://www.youtube.com/watch?v=pKo-yBQft18>

Attachment 1

The full force of the Building Safety Act is expected to be with us by April 2023, with a transitional period until October. Andrew Mellor of PRP Architects will open the meeting by explaining his views of the evolving picture from his recent published article – See attachment [01 - BSE Consultations](#).

DLUHC has recently published a host of consultations in relation to the Building Safety Act (BSA). Partly obscured by summer breaks, there is time for the industry to respond before the deadlines in October. The consultations give us further insight into the developing BSA process and how some of the secondary legislation will work alongside it. It seems that we are now one step closer and perhaps the penultimate step before the first requirements come into force next April. Therefore, subject to the consultation feedback and any resulting changes, the content of the consultation documents could be seen as the BSA process that the industry has to follow. However, we should all be cautious as there have been changes at every step of the process over the last few years as this very important legislation has evolved.

It is clear from one of the consultation documents that Gateway 2 and Gateway 3 are no longer proposed as more formal terms, instead they become informal 'gateway points'. The application process for works related to High Risk Buildings is clearly set out; a Building Control Approval Application (this was Gateway 2) is made to the Building Safety Regulator (BSR) which then has 12 weeks to determine it. If this application is approved then work on site can proceed subject to any specific BSR requirements (this appears to be conditions attached to the approval). The BSR will undertake onsite inspections according to a programme agreed at the application stage. During the works, applications must be submitted to the BSR in relation to any design changes. These changes come in two forms, Major which is a 6 week approval process and until it is approved then work in relation to this matter cannot proceed, and Notifiable whereby if the BSR has not responded within 10 days, work can proceed at no risk. Major applications may therefore cause delay to development projects.

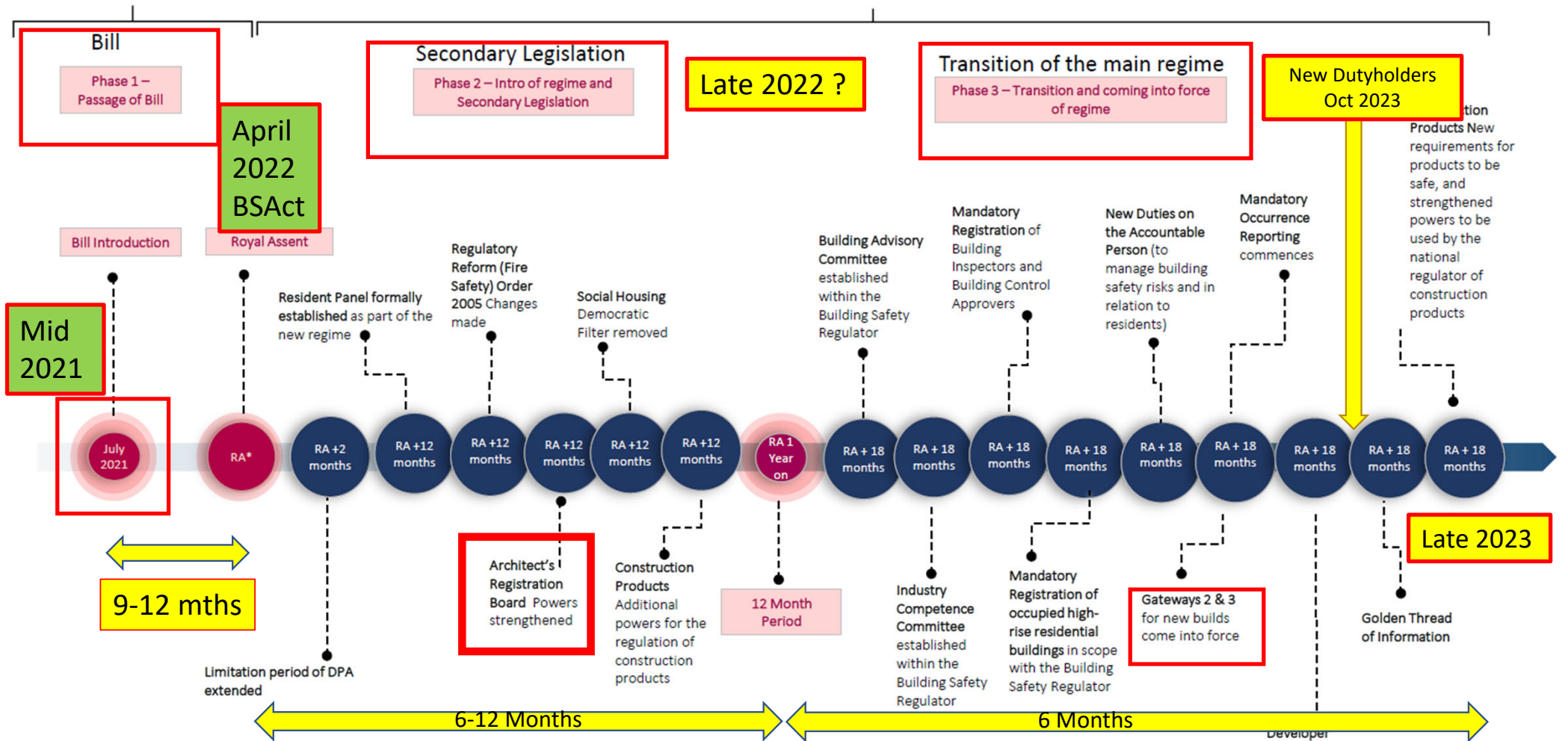
At the end of the construction work, a Completion Certificate Application (this was Gateway 3) is made to the Regulator, this can be for the whole building or part of it. Once approval is received then the Building Control process is complete. The Client or Principal Accountable Person then has to apply to the BSR to register the building for occupation, the building cannot be occupied until this further step is complete.

Whilst DLUHC is consulting on the legislation, HSE as the BSR is consulting on the secondary legislation which will enable it to charge fees for the services it provides in relation to the BSA and Building Act changes. The Building Safety (Fees and Charges) Regulations is the proposed legislation which will allow the BSR to charge for certain services in England although the BSR enforcement powers also cover Wales. The BSR will largely be operating a cost recovery model, something that the HSE is very accustomed to. Some elements of the BSR's role will be funded by Government such as policy development and those not directly related to dutyholder activities. The legislation is accompanied by a charging scheme which sets out what will be charged for, the mechanism for charging and who will pay. Charges for the applications I set out earlier will be fixed charges where as other services such as reviews and appeals will be hourly rate charges. We do not yet have the actual charges or rates so one cannot comment on how they compare to current building control fees, but many developers will be waiting for these figures to see what impact they have. Besides the two main applications, fees will also be charged for change applications, approval of materials, registering a building (required for all existing and new build high risk buildings from April 2023), Safety Case reviews and investigations into Accountable Persons if required during the occupation phase.

With light at the end of this regulation tunnel, we are moving ever closer to the introduction of this important and complex legislation, albeit it is becoming easier to understand the requirements each time greater information is published. But is the industry ready? With 9 months to the introduction of the first stages of the legislation there is much to prepare for, especially for existing building owners who must register their High Risk Buildings next April whilst scrambling to meet all of the other recent fire safety legislation.

Attachment 2

The Government's Timeline is proving to be accurate to date, how prepared are architectural practices to start to implement these changes – See attachment [02 – BSA Timeline \(220905\)](#).



* 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

Attachment 3

Paul Bussey will share some of the latest thoughts of the “Interim Industry Competence Committee” which sets out the expectations of The Department for Levelling Up, Housing and Communities (DLUHC) for “all Built Environment sectors” including Architects and designers, to achieve and demonstrate improved competence on all projects as well as high-rise residential building (HRB) – See attachment [03 – ICC Roadmap \(220830\) V7](#).

CORE COMPETENCE

What is it?

3.4 competence framework *(Definition BSI Flex 8670)

procedures and requirements for the assessment and maintenance of a set of agreed skills, knowledge, experience and behaviours required for an individual undertaking a role, function, activity or task in order to perform their work to predetermined standards and expectations and maintain or improve their performance over time

BSI FLEX 8670 – CORE CRITERIA-

Construction Industry terms

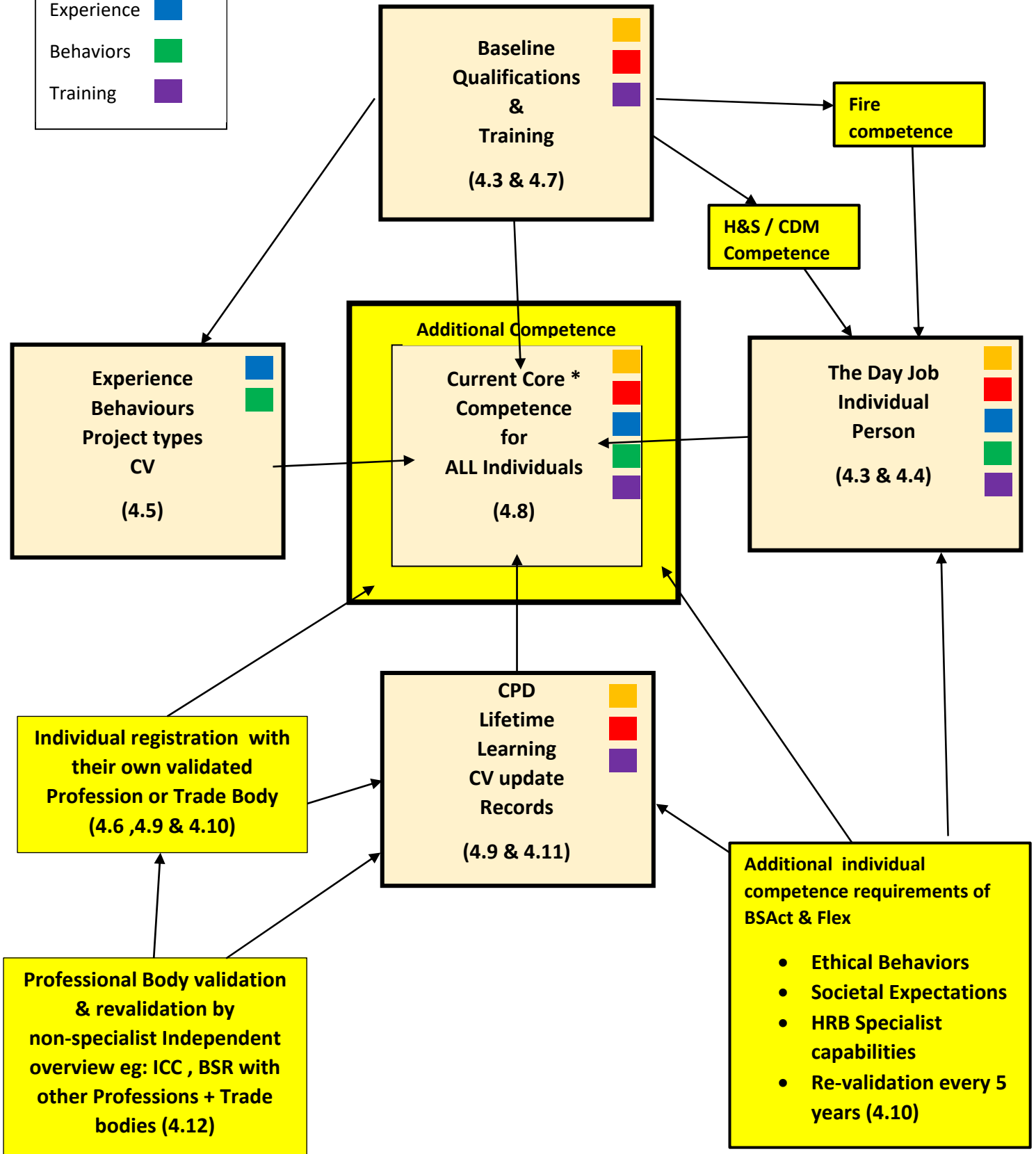
4.2 Overview	4.2 Overview
4.3 Relevant sectors	4.3 Profession, trade or discipline
4.4 Roles in scope	4.4 The Day Job(s)
4.5 Types of building operations and/works in scope	4.5 Building design & construction activities
4.6 Regulator or legislative requirements for validation or revalidation	4.6 Level of competence requiring accreditation / re-accreditation
4.7 Prior learning	4.7 Previous academic & technical learning
4.8 Competence levels and standards	4.8 Competence levels and standards expected
4.9 Validation	4.9 Validation or accreditation
4.10 Revalidation	4.10 Revalidation or re-accreditation
4.11 Requirements for maintaining competence	4.11 Requirements for maintaining competence
4.12 Ability to check the competence of individuals validated against the framework	4.12 Ability to check the competence of individuals validated against the framework

IICC Competence Framework for All Construction Industry Professions, Trades and Disciplines under the Building Safety Act 2022

Competence Roadmap for ALL "Individuals"

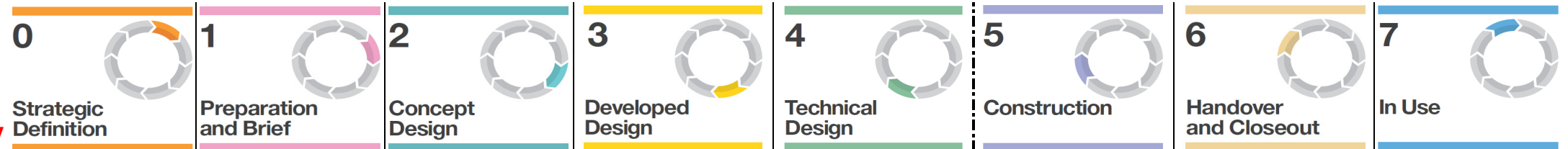
* Definition of "Competence Framework" in BSI Flex 8670
Flex references in brackets (4.1)

Key to Attributes	
Skills	Orange
Knowledge	Red
Experience	Blue
Behaviors	Green
Training	Purple



Attachment 4

Finally, we will discuss current thinking on the RIBA Plan of Work for Fire and Building Safety reflecting the impact of the BSA on projects especially with regards to “Scrutiny” and “Sign off” – See attachment [04 - RIBA Fire Overlay PoW V14\(170822\)](#).



		Briefing		Design			Delivery	Defects Resolution	Evaluation
		< --- Site & Project Enabling --- >		< --- Planning --- >	< --- Tender --- >	< --- On-site --- >	Occupation		
Building Regulations Requirements Building Safety Design & Build record		GATEWAYS FOR HRB's ONLY	GOLDEN THREAD COMMENCEMENT	IDENTIFY ALL RELEVANT REQUIREMENTS	A B1,B5 (B4) M	B2,B3,B4	GOLDEN THREAD AND SAFETY CASE COMPLETION	SAFETY CASE REVIEW	FUTURE UPDATES
Regulator	Local Planning Authority			PRE-APPLICATION ADVICE	PLANNING (GATEWAY 1)				
	Building Control Body / Building Safety Regulator (HSE)			PRE-APPLICATION ADVICE	PRE-APPLICATION ADVICE	FULL PLANS (GATEWAY 2)	COMPLETION (GATEWAY 3)	BUILDING CERTIFICATE	
	Fire and Rescue Authority			PRE-APPLICATION ADVICE	PRE-APPLICATION ADVICE				
Client Team	Client / Accountable Person	PROJECT INITIATION	INITIAL BRIEF & APPOINTMENTS ✓	STRATEGY BRIEF ✓	DETAILED BRIEF ✓	TENDER INFORMATION ✓	OCCUPATION REGISTRATION ✓	UPDATE GOLDEN THREAD BS & CDM ✓	OCCURANCE REPORTING SYSTEM ✓
	Users / Residents (in occupation)							DEFECTS AND COMPLAINTS	ONGOING COMPLAINTS
	Facilities Manager (Building Safety Management)							SAFETY CASE REPORT ✓	SAFETY CASE REVIEW ✓
	Procurement team, including Project Manager, Cost Consultant and Contract Administrator		COST & PROGRAMME RISKS	✓	✓	✓	✓		
	Client Advisor and Monitoring role	BUILDING SAFETY PROJECT VIABILITY	BS & CDM DESIGN BRIEF	BS & CDM CONCEPT DESIGN	BS & CDM DEVELOPED DESIGN	BS & CDM TECHNICAL DESIGN	BS & CDM CONSTRUCTION ✓	BS & CDM DEFECTS ✓	
All	Autonomous Inspectors (all disciplines)		OUTLINE ADVICE	SCRUTINY ADVICE	SCRUTINY PLAN (SP)	DEVELOPED SP ✓	SCRUTINY IMPLEMENTATION ✓	DEFECTS SCRUTINY	
Design Team	Architect, Lead Designer		BS & CDM FEASIBILITY	HOLISTIC DESIGN RISK STRATEGY ✓	MITIGATING ALL RELEVANT RISKS ✓	ALL RESIDUAL/ RELEVANT RISK RESOLUTION ✓	ALL SIGNIFICANT RISK (SAMPLE) INSPECTION ✓	DEFECTS RESOLUTION RECORD ✓	POST OCCUPANCY EVALUATION
	Principal Designer Building Safety and Principal Designer CDM		BS & SURVEY INFORMATION	STRATEGIC FIRE RISKS ✓	BS DESIGN & FIRE STATEMENT ✓	BS DETAILS SPEC ✓	GOLDEN THREAD, FIRE & EMERGENCY FILE ✓	BS DEFECTS ✓	
			CDM PRE-CONSTRUCTION INFORMATION	STRATEGIC CDM RISKS ✓	MITIGATING CDM RISKS ✓	CDM RESIDUAL/ RELEVANT RISK RESOLUTION ✓	HEALTH & SAFETY FILE ✓	MAINTENANCE DEFECTS ✓	
	Structural Engineer (incl. structural fire engineering)			STRATEGIC BS & CDM RISKS ✓	MITIGATING BS & CDM RISKS ✓	BS & CDM RISK RESOLUTION ✓	BS & CDM RISK INSPECTION ✓	MINOR STRUCTURAL BS DEFECTS ✓	POST OCCUPANCY EVALUATION
	Building Services Engineer (MEPH)			STRATEGIC BS & CDM RISKS ✓	MITIGATING BS & CDM RISKS ✓	BS & CDM RISK RESOLUTION ✓	BS & CDM RISK INSPECTION ✓	MINOR SERVICES BS DEFECTS ✓	POST OCCUPANCY EVALUATION
	Fire Engineer (incl. passive & structural fire protection)			STRATEGIC FIRE & CDM RISKS ✓	FIRE STATEMENT ✓	FIRE RISK RESOLUTION ✓	FIRE RISK INSPECTION ✓	MINOR FIRE BS DEFECTS RESOLUTION ✓	POST OCCUPANCY EVALUATION
Other Specialist Consultants (e.g. Access and Inclusion, Building Regulations, Health and Safety etc.)			STRATEGIC BS RISKS ✓	MITIGATING BS & CDM RISKS ✓	BS & CDM RISK RESOLUTION ✓	BS & CDM RISK INSPECTION ✓	OTHER MINOR BS DEFECTS ✓	POST OCCUPANCY EVALUATION	
Construction Team	MAIN / Principal Contractor CDM & BUILDING SAFETY		ADVANCED CONTRACT AND TEMPORARY WORKS DESIGN		MAIN CONTRACTOR PCSA	MAIN CONTRACTOR PCSA/TENDER ✓	GOLDEN THREAD, FIRE & EMERGENCY FILE ✓	MAINTENANCE DEFECTS ✓	POST OCCUPANCY EVALUATION
	Specialist Fire Protection Contractors (MEPH, active and passive measures)				PCSA	PCSA/TENDER ✓	BS RISK INSPECTION ✓	MAINTENANCE DEFECTS ✓	
	Specialist Sub-Contractors (inc. product manufacturers, façade, roofing etc)				PCSA	PCSA/TENDER ✓	BS RISK INSPECTION ✓	✓	
Key	BS & Fire safety design is a collaborative process, delivered across the briefing, design and delivery of construction projects. This Building Safety Overlay to the RIBA Plan of Work maps stakeholder engagement and the roles, responsibilities and key deliverables for Fire Safety. This Overlay supports the Building Safety Bill and draft secondary legislation and can apply to any building, including Higher Risk Buildings (HRB's). The 3 Gateways currently only apply to HRB's. BS = Building Safety Act requirements CDM =Construction Design & Management Requirements				Fire Design Process & Designer Duties		✓	Golden Thread Information signoff	
					BS oversight and inspection		✓	Discipline compliance sign off	
					Briefing, procurement and project leadership		Dark Colour	Dutyholder and information requirement	
					Fire safety design & supervision		Light Colour	Discipline contribution	
					Construction/ Contractor Duties			Statutory Approval (HRB Gateways)	
					Client Dutyholder				
	Occupation and management				Occupation commencement				

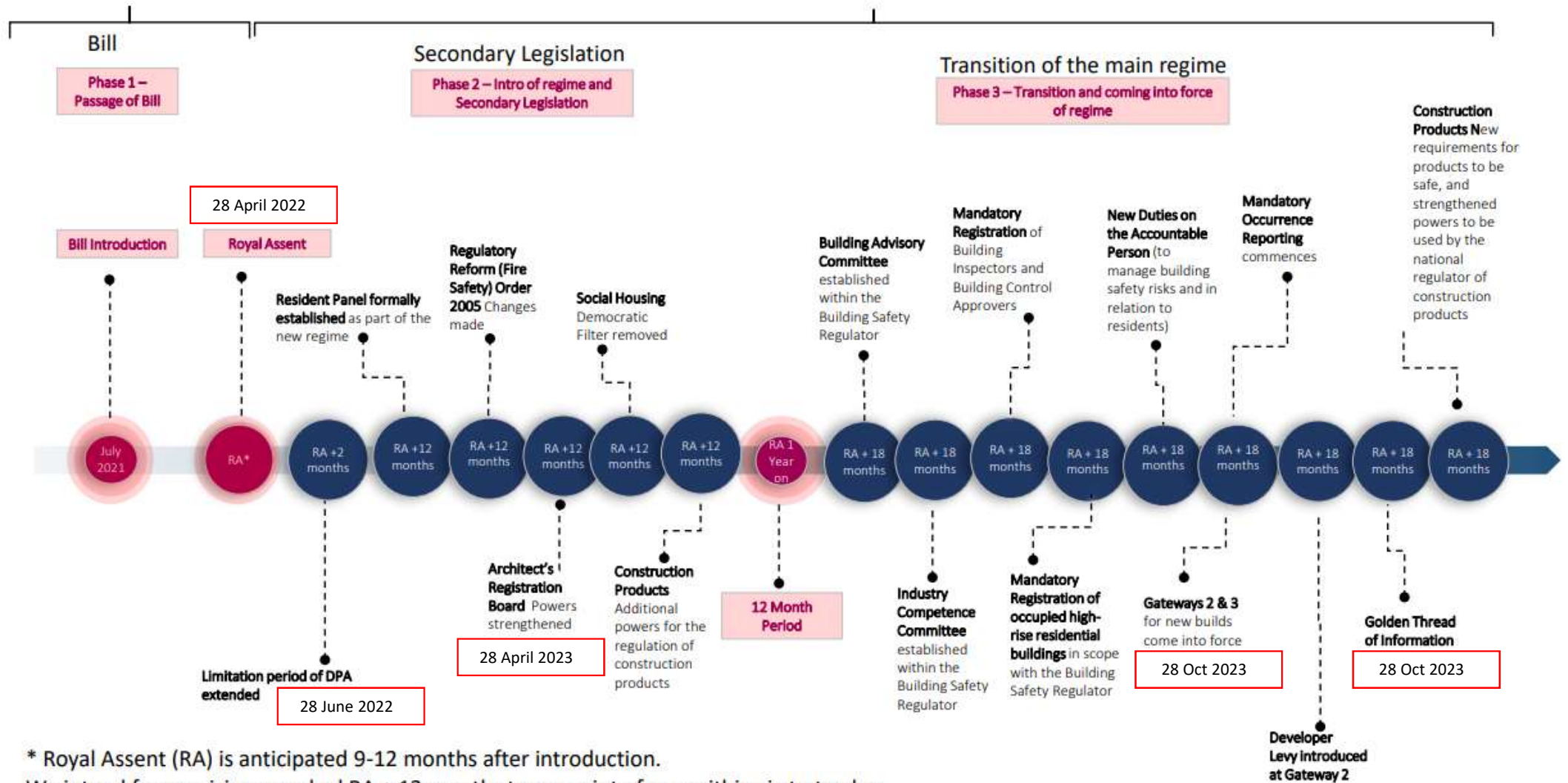
Attachment 5

Andrew Mellor's DIOHAS presentation slides, 12th September 2022.

PRP

Building Safety Act 2022

Secondary legislation consultation summary



* Royal Assent (RA) is anticipated 9-12 months after introduction.
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 We intend for provisions marked RA + 18 months to come into force within twelve to eighteen months of Royal Assent.

Building Safety Bill & Transition

Principal Designer and Principal Contractor

- Both must be appointed before Building Control Approval Application
- For each role: One required for CDM Regs and one for Building Regs
- But could be same organisation
- Developer could act as PD and PC
- PD controls design work to ensure compliance with Building Regs (lead consultant role but related to Building Regs)
- 'PD is a designer'
- Role is to 'plan, manage, coordinate and monitor design work'
- Role is to ensure all designers cooperate and communicate their work to Client, PC and other designers

Principal Designer

- Individual leads process with team members who have other expertise
- Client must check PD competency and if any serious infraction in last 5 years including convictions (RRO, BSA etc)

Competency

- BS 8670 : core criteria for Building Safety
- PAS 8671 : Competency framework for Principal Designer's

‘ PD must appraise and challenge design to aid compliance’

Interactive design role and not just ticking boxes

'The Gateways'

- Building Control Approval Application replaces Full Plans App (all projects)
- One application expected, staged approach for only most complex buildings
- Give BSR 2 weeks warning, 12 weeks determination period
- Major Change Application – 6 weeks
- Notifiable Change – 10 days
- Completion Certification Application – receive Completion Certificate (partial completion possible) – 12 weeks
- Occupation Certificate application – duration?

Application Documents

- Design and Build Approach Document – Design approach to meeting Building Regs
(produced by designers, compiled by PD)
- Fire & Emergency File – compliance with Building Regs A3, B1-B5 and evacuation strategy
(produced by SE and FE and compiled by PD)
- Compliance Statement – Client, PD and PC individual statements
‘ Took all reasonable steps to fulfil duties... ’

Golden Thread

- PD creates, develops and manages it through design stage; PC thereafter
- It must be digital
- It should be a snapshot at the various work stages
- It must include – BC Approval application documents, change control schedule, BC certificates, mandatory occurrence reporting

Mandatory Reporting

- PD and PC are responsible for jointly managing the reporting after the BC Approval application
- PD & PC expected to undertake on site safety inspections during construction

Transition

- To avoid the new legislation: Submit full plans application or building notice by day of new regime coming into force & commence work on site within six months (assumed regime starts Oct 23 but could be April 23)
- Individual buildings not multiple buildings
- Occupation stage requirements will still apply

Summary of HRB PD role

- A designer who plans, manages, coordinates and monitors design work
- Compiles Design and Build Approach Document & FE File
- Creates, develops and manages Golden Thread through detailed design stage
- Jointly manages Mandatory Reporting and undertakes onsite safety inspections
- Provide signed Compliance Statement

Considerations for an Architectural Practice

- Does it offer the PD HRB service?
- Certification required to PAS 8671
- PI Insurance for providing the role
- Procedures and standard template documents to be set up
- Team set up – what is it?