

The Building Safety Manager: role, competences and certification – webinar audience questions

Scope and framework/general

1. Do you think a Building Safety Manager (BSM) needs to be Degree Qualified?

A degree qualification in itself will not be required to become a BSM. Competence will need to be demonstrated across skills, knowledge, experience and behaviours. A Publicly Available Specification (PAS) is being developed, based on the WG8 Report, [Safer people, safer homes: Building Safety Management](#). While some prior learning may be required in the PAS, the PAS will also outline how one can demonstrate meeting the competence requirements through other means than qualifications, including experience.

A qualification in relevant areas is likely to give greater confidence however that one will be able to meet the certification requirements for the BSM.

2. Should the BSM be one person then? It sounds like too large a knowledge base!

The BSM as included in the Draft Building Safety Bill (Draft BSB), can be both an individual or an organisation. In case of the latter, there still needs to be a nominated individual that will manage the building safety manager's functions. In any case, the role is not assumed to be one where the BSM would have all the in-depth knowledge, rather they need sufficient knowledge to understand where they need to obtain the right answers. In that sense, it is more of a holistic coordination and auditing role, than a fully technical role.

The WG8 outlines the different areas the BSM needs to be able to manage.

3. Would the up skill of a Building and Facilities Manager make obsolete a Health and Safety advisor? As an organisation we have both roles who work together?

We do not think that the Health and Safety team should be reduced at all but actually the opposite. Certainly, the Building / Facilities Manager might need to be up skilled to equip the role with Fire Safety and Health and Safety competence but depending on the size of the estate or portfolio there will no doubt still be the need for Health and Safety support. It is worth bearing in mind that the new Regulator will have the power to veto the appointment of a BSM if they do not possess the correct skills, knowledge, experience and behaviours needed for the building.

Buildings covered in the HRB scope

4. What buildings will fall under the new regime, needing a BSM? Will it cover commercial office accommodation environment, schools, boarding school, and university accommodation? What are the expectations for the future?

The Building Safety Regulator in England¹ will have three broad functions:

1. A more stringent regulatory regime for **higher risk buildings (HRB)**
 - a. HRB will be defined through regulations and in a **first phase** is proposed to cover (see explanatory notes to the Draft BSB- para 228):

¹ **Wales** is looking at the building safety policy area as well and they have included several proposals in their own consultation, [Safer Buildings in Wales](#). The policy is broadly similar, but Wales are considering requesting explicit licencing for the BSM- the consultation deadline 12th April and IWFM will be engaging with this consultation and with the Welsh Government

A building which satisfies the height condition and contains:

- a) Two or more dwellings (i.e., house, flat or serviced apartment);
- b) Two or more rooms for residential purposes (e.g., supported accommodation), or
- c) **Student accommodation.**

Where:

1) The height condition is that:

- a) The floor surface of the building's top storey is 18 metres or more above ground level (ignoring any storey which is a roof-top plant and machinery area or any storey consisting exclusively of plant and machinery rooms); or
- b) the building contains more than 6 storeys (ignoring any storey which is below ground level).

And

2) "Room for residential purposes" means a room (other than in a dwelling) which is used by one or more persons to live and sleep but excluding a room in:

- a) A residential care home;
 - b) Secure residential institution (e.g., prison, detention centre);
 - c) Temporary accommodation (e.g., a hotel, hostel, guest house, hospital, hospice).
- b. In a **second phase**, we expect it to cover those other buildings that are currently mentioned as explicitly falling out of scope - hospitals, prisons, hotels, care homes etc.... while they might be considered higher risk, because of the sleeping risk, it is considered that including those buildings at the same time would overwhelm the new system and fail it before it even started properly.
- c. In **consequent phases**, we expect workplaces to fall under its scope (of course, at the same time, the Fire Safety Order is being strengthened and that should be enacted in the very near future). The rationale for this is being supported by the explanatory notes of the Draft BSB which mention the potential for workplaces to fall into scope.

2. **Overseeing the safety and performance of all buildings.** This has two key aspects:

- a. Overseeing the performance of other building control bodies (local authorities and registered building control approvers (currently known as Approved Inspectors). This will involve collecting data on the performance of these bodies and having the power to impose sanctions for poor performance.
- b. Understanding and advising on existing and emerging building standards and safety risks including advising on changes to regulations, changes to the scope of the regime, commissioning advice on risks in and standards of buildings, and so on.

3. **Assisting and encouraging competence among the built environment industry**

5. **Is the BSI Flex 8670 likely to apply to low rise sleeping accommodation in boarding schools - say up to 3 storeys?**

The BSI Flex aims to provide a framework for sector specific competence frameworks. It outlines what each such sector specific framework (including the forthcoming PAS for the BSM) should consider for technical competences (skills, knowledge, experience and behaviour). As such, it will not apply directly to people. The principles considered in the BSI Flex 8670 are however not limited to HRB, it is intended to cover all building types.

6. **How do the panel see the role of affecting the role of BSM for buildings that are not residential, e.g., schools?**

The legislative requirement is evolving, it is expected that the initial implementation will be for specific categories of residential buildings, expanding to a wider group as industries capacity to deliver develops. There will be a requirement to upskill and accredit to the competence requirements of the role and to implement across all sectors at the same time would take a considerable amount of time. The focus is on HRB's following Grenfell but it is expected to widen after implementation is embedded. (See first question in this section).

7. Will the Draft Building Safety Bill (BSB) 2020 apply in Scotland?

The Draft Bill will not apply in Scotland. It would however not be irregular for future Scottish Regulation to be amended to be more aligned with England. We will watch this space.

8. Do you think persons from a housing management/regeneration/development background could enter the role and where would the upskilling be?

Yes, people with the backgrounds listed will be able to upskill in the areas where they have competence gaps to prepare for the role. The BSM PAS will outline the Approved Prior Experience and Learning (**APEL**) route, that will assess gaps in the knowledge of those applying and additional knowledge that needs to be obtained/evidenced. Ultimately a broad range of experience will be required that includes knowledge of the building type and key risks associated with it, as well as the legislation and reporting requirements that underpins the BSM role. Everyone will need upskilling on the legislation, and while there will be applicants that will already have all the necessary knowledge and competence, it will need to be evidenced against the certification requirements.

The WG8 report, [Safer people, safer homes: Building Safety Management](#), contains a basic self-assessment tool that people and organisations can use to understand gaps in competence, both at organisational level and individual level.

9. Where there is no on-site FM presence, who would fill this role? e.g., a visiting FM as the BSM or, would an onsite operations lead (i.e., the registered manager) take the role (or delegated to some other local staff member)?

The BSM will be expected to demonstrate intimate knowledge of the buildings for which they have been appointed to as the BSM, to the regulator through the safety case report. As such, they will need to have familiarised themselves with the building. There is however no expectation that the BSM's workplace is on-site, and the expectation would be that certain aspects of the function would be delivered by or delegated to other staff members, whilst the BSM retains oversight of the delivery.

10. Will the WG8 competence framework within [Safer people, safer homes: Building Safety Management](#) be implemented in full or are there certain areas that might still be influenced by the forthcoming legislation? (e.g., building, residents' engagement)

The core areas outlined within the WG8 competence framework will be included in the PAS, which will refine the specific competence levels further. There will also be an opportunity for professionals to engage with the PAS development during public consultation moments. IWFM is heavily engaged with the development of the PAS and will keep its members in the loop when the PAS public consultation takes place.

11. I have been a Building Compliance Manager for a Housing Association, I raise concerns regarding lack of fire audits, the stay-put policy in Care Homes, lack of statutory maintenance of auto doors fitted for disability access in private residences and much more and was asked if I liked my job, so I left. What protection or support is going to be available for the BSM?

The requirement to appoint a BSM will be a statutory duty for the Accountable Person (AP), as will the AP's requirement to comply with the standards set out in the legislation related to the building safety. Currently it is set out the building will not be occupiable if the safety standards are not in compliance, with a likely grace period to allow the owner to remediate the non-compliant areas. The new mandatory reporting requirements will help to protect the BSM and the need for their independence. In addition, keeping a golden thread of information, will help to support the position of the BSM, so they can demonstrate to the Regulator that they have managed the building in line with the Safety Case Report.

- 12. I work for the FM department for a council where we have experts in the areas of fire, compliance, health and safety, property and legionnaires management. FM are seen as the corporate landlord overseeing the day-to-day compliance of residential and non-residential corporate buildings. The residential buildings include care homes and children's homes so would a BSM be needed to be employed for them?**

The proposals for the BSB state that care homes are currently excluded of the scope of the HRB regime, which requires a BSM to be appointed. Student accommodation does fall within the scope of the HRB regime, but only where it satisfied the height requirements of 18 metres or above, or more than 6 storeys.

- 13. Do the group believe it is possible to have this role outsourced, liaising with the onsite team/facilities manager to ensure compliance? Reason for asking is that there is a discussion that this outsourcing be an additional independent compliance check.**

This is an interesting concept and one worth exploring, as most Aps are unlikely to be able to deliver the role themselves. The AP would have to be comfortable with the arrangements put in place as it is their responsibility, and legal accountability, to ensure that the building is managed effectively and is safe. Indeed, it would be the AP who would need to appoint the BSM, whether in house, or outsourced. The AP will need to have confidence in their outsourced BSM arrangement and would have to carefully monitor the situation.

Landlords and managing agents are reliant on numerous 3rd Parties for the delivery of all their compliance within a building. Reducing the BSM role to an outsourced compliance check will be insufficient and is unlikely to meet the Regulator's requirements. The BSM (whether organisation or individual) will be expected to provide the role with full holistic oversight of the functions. To rely on yet another 3rd party to carry out such a key role, or as per the question - only the compliance check part – does not sit well with us. If there is a dispute within a building then is an additional 3rd party going to be able to deal with this? However, the key factor here is – does the outsourced individual or organisation have the capability to have the knowledge and understanding of the functions and operation of the building in line with the requirements of the safety case report? How would this be handed over or dealt with from a succession planning point of view if the BSM organisation lost the contract? Having gone through this there are already several software organisations offering technology as a solution for developing safety cases for buildings so we will have to watch this space!

- 14. What about the LL responsibility to pass all H&S information on to the next LL or operator?**

This is covered under the Construction (Design & Management) Regulations 2015 (CDM15) which states that the client must retain the Health & Safety file after project completion and thereafter ensure that this file is readily available for anyone who may need it. Further it goes on to say that if the building is sold then the client must handover the Health and Safety file to the individual or company that takes on the client's duties.

BSM competences and upskilling

- 15. Will upskilling require formal qualifications? Will existing qualifications be sufficient? We already have the role - Facilities Manager, however it's the qualifications that these possibly lack?**

The BSM PAS will outline what competences are necessary, building on the work within the WG8 report. The objective of the PAS is not to outline what formal qualifications need to be obtained to do the role, the objective of the PAS is to outline what a BSM should be able to do, and to what level of competence. This will enable organisations, including the Building Safety Alliance, to develop a certification scheme, that will assess people against the PAS competence standard in a level playing field.

It is expected, that once the PAS is developed, full qualifications will be developed against the PAS so that people can support their upskilling via that route. However, people may only wish to upskill formally in those areas where they have gaps and fill their competence gaps with short courses in those gap areas. The assessment towards certification will not ask if you have a qualification, rather it will be asking about the learning outcomes, the knowledge, skills, experience and the behaviours one displayed.

In addition to the above, once having obtained certification, it will be important to maintain one's competence through CPD.

16. What different areas will the BSM really need to know, 'just' fire and structural related regulations, or wider areas such as public health?

WG8's report [Safer people, safer homes: Building Safety Management](#), outlines how BSMs will need to understand holistic building safety, this goes beyond fire and structural and covers public health as well. Both the BSI Flex and the BSM PAS will outline what is understood to be included within these concepts, but it will include legionella, electrics, asbestos, gas, waste, ventilation and damp etc.

17. Will these competence standards apply only to buildings in scope, or will they be transferable across property portfolios, in commercial and non-residential buildings, including extending the "stronger voice for residents" to commercial tenants?

Initially, these competence standards will only be required for the management of HRBs. In due course, the scope of HRBs will be expanded. In any case, the competencies outlined in the BSM competence framework, are very much transferable and articulate what best practice in building management should look like.

18. Will the competency requirements extend to those who are engaged to carry out the remediation works, e.g., FIRAS accredited fire compartmentation works?

While the legislation will initially only require specific competences for three statutory roles- the principal designer, the principal contractor and the BSM, the expectation is that other sectoral competence frameworks will be developed. Work has already begun on this, through the various competence working groups under the Competence Steering Group. In addition, the BSI Flex 8670 which is currently being developed is providing a uniform template for what other competence frameworks should consider. Furthermore, the Building Safety Regulator, will also be responsible for driving competence through a new Committee on Industry Competence, which is due to be established in shadow format very shortly!

19. Would IWFm expect a "workplace manager" to undertake a similar role and have similar competencies for commercial premises?

Yes, we expect consequent phases of the legislation's scope to also include workplaces and other commercial premises although some of the elements of the BSM's statutory duties might not be required. So yes, we would expect a workplace manager to undertake a similar role and we would expect broadly the same competences for commercial premises. In practice, there is anecdotal evidence of organisations starting to apply the overarching principles across their property portfolio as it gives them a benchmark of not just the functions to deliver, but also the accompanying competence needed and indeed expected.

20. Are the competence requirements a national requirement? Will Wales seek to have additional requirements?

The competence requirements will be an English requirement. Wales is however looking to have a very aligned system, with similar competence requirements. The Welsh White Paper on Building Safety does even mention the WG 8 report explicitly. The Welsh have proposed to go further and are considering an explicit licencing requirement for the BSM role.

21. How does the panel think this will be accepted on the public sector where we FMs can be managing several sites with buildings in the hundreds?

The public sector will need to apply the legal requirements in the same manner as the private sector, where their buildings fall within the scope of the regime.

22. How much do you think a BSM will be paid? That is a lot of responsibility for one person.

It is very difficult to provide an answer to this question as the pay bands currently advertised for BSM roles are wide ranging, due to the variety in portfolios to be managed. The key take away here is that the role is a senior manager.

Requirements to practice in future - Certification

23. What are the requirements to practice in future?

As mentioned above, in England, a PAS is being developed, sponsored by the MHCLG, that will be based on the WG8 competence framework. That PAS will outline what BSMs should be able to do and how they will be assessed that they have the competences. As per the WG8 framework, assessment is likely to take the format of professional interviews, a knowledge test and portfolio.

Statutory guidance is expected to state that a future BSM will have to demonstrate they meet the PAS criteria, in relation to the building they are due to be appointed for. The AP will have to prove their due diligence on this, as required by the Draft BSB. Proof of compliance with the statutory guidance and the PAS requirements, can be relied upon as demonstrating that the AP has fulfilled their due diligence to the Regulator. Once they have been deemed to comply, the AP should receive their building assurance certificate, allowing for occupancy of the building. References to proof of compliance with statutory guidance can be found in clause 101 of the Draft BSB.

As such, future BSMs, or their AP, will be able to evidence that they (the BSM) meet the criteria by participating in a Certification scheme much like the gas safe scheme. When people meet the assessment criteria, they will receive certification documentation and they will be able to go on a register.

WG8, the group that developed the competence scheme, and of which several professional bodies are a part including IWFM and ARMA, are collaborating to deliver such a certification scheme and register under the name of the Building Safety Alliance.

In Wales, the Government is exploring requiring a licence to practice. IWFM are engaging with the consultation which is due to close on 12th April.

24. Who will hold the certification scheme and when will it be available? Who is going to 'police' the certification scheme and register? If not the HSE, are regulatory powers likely to be quite loose?

The HSE and government are not taking on the role of assessing competence, they want industry to take responsibility for the competence drive, its assessment and certification and any proposed register. WG8 having identified the need for a central register, and having been challenged by Dame Hackitt, are stepping into this space, through the formation of an implementation group. With the working title of the Building Safety Alliance, this group, with MHCLG, HSE and the Welsh Government taking up observer roles, is looking to deliver this role.

The Building Safety Alliance is already working together to develop a certification scheme and register that will meet the requirements of the PAS. This scheme will have to be third party accredited, to ensure its independence and uniform application of the PAS, to the highest possible standard. As part of the functions delivered, it will also hold a register of certified BSMs, which it will have the duty to maintain.

25. Why is it important to have a register?

In [IWFM's submission to the Housing Select Committee's pre-legislative scrutiny](#) on the Draft BSB we outlined the following benefits for a central register:

- Greater assurance for regulator and AP – if a potential BSM were not to be on the register, additional checks would need to be done by the AP to ensure competence criteria are met. These additional checks would need to be demonstrated to the Regulator who would require more time to review the application submitted
- Making the process easier and more cost effective – the register would reduce the APs burden of proof to demonstrate the BSMs competence, cutting back application time
- 'Single source' of assurance - in the absence of which a plethora of 'registers' will come into existence with specific commercial interests, and a clear risk of a race to the bottom.
- Dynamic source of information – the register would ensure the information will be kept up to date as they will engage with the certification schemes to ensure those on the register maintain their certification criteria. This function will not be carried out by the Building Safety Regulator

Managing agent specific questions

26. Should I restructure my Managing Agent organisation now and how will the AP & BSM roles fit into that?

The AP is likely to be landlord and then could have an organisation as a Senior BSM to support named BSMs (Property/Facilities managers) out in the field. We believe that the existing structure of most Managing Agent organisations will be able to cope with the new requirements of Fire Safety legislation by way of succession planning and up-skilling of existing staff. We envisage that a senior health and safety manager or property manager (FM) with a good knowledge of Health and Safety would be the overall Building Safety Manager (BSM) with this role being supported by a network of regional property managers (FM's) completing the day-to-day BSM tasks on site.

27. As a prospective named individual BSM is there any advice available to steer me towards any additional training and qualifications that I could be working on now? What actions can a Managing Agent/organisation take?

While we do not have the PAS ready at the moment (it is anticipated for late 2021), we do know that it will be based on the WG8 report, [Safer people, safer homes: Building Safety Management](#). We would strongly recommend engaging with the report, and the self-assessment form that is included within. This should help people and organisations understand where they have gaps at the moment. In short, the BSM would have to have an excellent knowledge of the construction and functionality of buildings and the compliance requirements of the building assets. In addition, a good knowledge of fire safety and general health and safety would be required and this person should have the seniority and gravitas to get things done. Understanding and being responsible for resident engagement will also be central to the role. Senior managers considering their future in a BSM role would be wise to commence up-skilling in these key areas, if they have gaps.

IWFM will continue to engage with the development of both the PAS and Government policy in this area.

28. I have older legacy buildings that we are managing where I have very little information within the O&Ms so what can I do to remedy this gap? Will there be a grace period?

This is going to be a problem for most professionals in the FM/Building Management industry as there are just so many buildings where we just don't have sufficient information. If you have a HRB building then a great deal of digital information will need to be submitted to the new regulator to obtain the Building Assurance Certificate and to build a safety case to demonstrate that all risks have been identified and controlled adequately. The key function required here is to ensure that the management team fully understands all the functions of their building and how they come together to ensure the safety of residents and others who work or visit the building. If this information is not available then we believe that sufficient information will have to be collated retrospectively by way of surveys being completed and records built up to show how the building is constructed and the main functions to build up a safety case. This will of course cost time and money and who pays for this is yet to be decided or indeed whether there will be grace period. Our advice is to plan ahead, be proactive and gather the information now.

There are several guidance documents and standards being developed that will help both Aps and BSMs to meet the anticipated requirements.

29. Will there be any additional powers to deal with residents who damage the compartmentalisation within their apartments or who interfere with fire safety measures within common areas?

There are no additional powers as such however this is already included in the majority of lease agreements, although some of these agreements may need to be tightened up to cover the problems of material changes being made by residents. In our experience this clause within lease agreements has never been effectively managed which has resulted in problems in buildings where residents have for example fitted new front doors to apartments, which are not fire rated.

While there aren't new powers as such, the draft Bill will require greater engagement with residents, so that residents can be kept involved in the decision making on building safety, in a more informed manner, so that it's also clearer why certain provisions are in place. This is why residents will be able to get hold of additional information from their AP/BSM. In addition, the draft Bill has included some duties to residents, including to keep any relevant residents' item in repair and proper working order, likewise, they must take reasonable care not to damage any relevant safety item and must comply with the Accountable Person's requests to provide information reasonably required for the AP/BSM to do their duties, and comply with such other duties as may be prescribed.

Beyond BSM

30. Listening to need for information. Whatever happened to the CDM / H&S File or the likely impact of BIM?

The requirements for the handover and retention of the Health and Safety file is still covered by the Construction (Design & Management) Regulations 2015 (CDM15) and this is a rich source of information from a fire safety perspective. The problems arise when this file is lost!! A new British Standard (BS 8644 the digital management of fire safety information.) is under development. The principal concept of the new standard is to provide a digital framework to include the use of BIM frameworks to manage the flow of fire safety information through all stages of the life of a building and to ensure that it remains accessible, available and usable by all parties. While the standard will be useable for the analogue world, the aim is to help move towards a digital format, that support more easily accessible, accurate and up to date building information.

31. Which stakeholder(s) does the panel believe is most likely to be a blocker on meeting this new legislation i.e., is there a risk that fingers will be pointed at each other without any one accepting accountability?

The draft BSB ensures that no building will be occupied, or be brought into the new system, without having a clear identifiable Accountable Person, that will be accountable. The biggest risk at the moment, would be that the Accountable Person would not fully understand their duties, and what their statutory duties fully entails. Mitigation against this is being build into the system through the use of the safety case report, where the Building Safety Regulator will check that it meets expectations, and mandatory reporting systems.

The draft BSB is still being reviewed to ensure that the Accountable Person, is just that.

Please find the webinar slides [here](#). You can watch the full webinar again [here](#).

We would like to thank the webinar panel and our LSWG members for their contributions to these answers.

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