

Building a Safer Future – the critical role of the Building Safety Manager

The new building safety regime and its impact on the FM sector

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Institute of Workplace
and Facilities Management

Agenda

- Introductions
- Overview of proposals
 - MHCLG proposals
 - Scope of regime
 - BSM and Accountable person
 - Regulatory regime
 - Competency
 - Home Office consultation
- What is IWFM doing for the profession?
- What can you do?
- FM perspectives in conversation – Chris Jeffers and Martin Ryan

Introduction



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You can also email my team at policy@iwfm.org.uk

An overview

We'll discuss “proposals for a radically new building and fire safety system which puts resident's safety at its heart.” Throughout, we'll keep returning to the questions:

- **How does this impact facilities managers?**
- **What's the expectation of a building safety manager?**
- **What can you do to prepare as an individual and organisation?**

We will also consider how culture change and competence are essential to the proposed role being successful.

[Download the full report](#)

Building a Safer Future

The [Building a Safer Future consultation](#) from the Ministry of Housing, Communities and Local Government (MHCLG) was launched on 6th June 2019

The proposals span 5 broad areas:

- the **scope** of the new regime (**building safety vs fire and structural safety & buildings within scope**)
- the concept of dutyholders throughout a building's design, construction and occupation
 - the new **building safety manager (BSM)** and the **accountable person (AP)**
 - **Golden Thread of information, building safety certificate and safety case**
- giving **residents** a stronger voice in the system and ensuring their concerns are never ignored
- plans for a new **building safety regulator** to provide oversight of the new building safety regulatory regime – buildings and competent people
- strengthened **inspection, enforcement and sanctions** to deter non-compliance with the new regime

Building a Safer Future Regime

Scope

Building types	Regulatory regime
Multi-occupied Residential Buildings 18m+	Building a Safer Future regime - BSF (AP, BSM, Safety Case, Golden Thread of information, Residency engagement)
Multi-occupied Residential Buildings under 18m	Housing Act 2004 (risks residential parts + common parts) + Regulatory Reform (Fire Safety) Order 2005 (RRO) for common parts – how to clarify overlap? + new statutory duty to co-operate (Fire & Rescue serv. & LA)
Mixed use buildings under 18m	Housing Act 2004 (risks residential parts) + Regulatory Reform (Fire Safety) Order 2005 for commercial areas and common parts (duty to cooperate where there are more than one RP)
Mixed use buildings 18m+	BSF + Regulatory Reform (Fire Safety) Order 2005 for commercial areas and common parts + a potential new duty to cooperate and coordinate for the new Accountable Person and the Responsible Person
Workplaces and other non-domestic premises	Regulatory Reform (Fire Safety) Order 2005
Higher risk workplaces	The consultations are asking: <ul style="list-style-type: none">• Is the Regulatory Reform Order sufficient?• Should the principles of BSF regime apply?

Building a Safer Future regime

New duty holder regime – the AP

- Proposed new **accountable person (AP)** – legally responsible for ensuring that building safety risks to occupants are reduced do far as is reasonably practical
 - Register buildings with building safety regulator and provide address for notices
 - Appoint a competent and registered building safety manager (BSM)
 - Put adequate measures in place to manage building safety including access to funding and resources for the BSM
 - Comply with building safety certificate requirements
 - Carry out and provide the building safety regulator with a safety case every 5 years
- **Who are they?**
 - Right to **receive funds** and have **control** of the building
 - If legal entity rather than natural person, a single accountable person at Board level should be appointed
- Must have the competence to discharge their functions with necessary skills, knowledge, experience and behaviours however...

Building a Safer Future regime

New duty holder regime – the BSM – could this be you?

- New Statutory **building safety manager (BSM)** role – a first in the FM sphere!
- Who are they and what do they do?
 - appointed by and working under control and supervision of the accountable person (if 3rd person), the BSM supports the accountable person by carrying out the day to day functions (para167) of ensuring that the building is safely managed with regard to fire and structural risks and promote the openness, trust and collaboration with residents fundamental to keeping buildings safe.
 - Overseeing safety works, and others employed in management, maintenance or checks of the building
 - If different from AP – **accountable** for performance in complying with obligations under the building safety certificate unless proven negligence or obstruction from AP
- Regulator will check suitability criteria before agreeing to register BSM:
 - **Availability of necessary team and funding**
 - Relevant competence, experience and qualifications to undertake functions in compliance with the building safety certificate
- If organisation fulfils the role- must have nominated individual within the organisation as competent BSM

Building a Safer Future regime

The BSM role – necessary preconditions for success

- Access to occupiers' premises
 - Proposal for requirement for residents to cooperate with the AP and/or BSM
 - Specific to fire and structural safety and relevant to the ability of AP or their agents to fulfil their duties under the new regime
 - Residents providing reasonable information on works carried out within their property
 - Providing reasonable access with reasonable notice
- Necessary and up to date building information
 - Proposals around Golden Thread/building safety certificate/safety case
 - BSM key functions/skills:
 - Maintaining information management systems to facilitate safe management of the building
 - Maintaining the safety case for the building so that risks are proactively identified and mitigating measures put in place and maintained

Building a Safer Future regime

Building safety certificate

- AP to register with and obtain a building safety certificate prior to occupation (for new buildings)
- Will identify the AP, the BSM, the building and the obligations/conditions for ensuring the building is safe for residents
- The registration process will ensure:
 - The accountable person has sufficient control of the building to ensure that the obligations of the building safety certificate may be met;
 - The accountable person is complying with the requirements of the building safety regulatory regime and the obligations attached to the building safety certificate;
 - The building safety manager is competent and suitable to perform the role;
 - The building safety manager is discharging their functions competently and in accordance with the obligations in the building safety certificate.
- Conditions – mandatory/voluntary/special
- Mandatory display of summary
- Duration of certificate linked to duration of safety case

Building a Safer Future regime

Golden Thread of information

- Digital format and standards- may mandate compliance with BIM standards
- Key data set for every building – held in specific format
- Openness and transparency:
 - Key data set should be open
 - Some information should not be made open for security purposes
- What information will be part of Golden Thread?
 - New buildings: information collected through gateway points, which will feed into safety case
 - Existing buildings: information collected during building safety registration process and information required to build and evidence the safety cases
- Mandatory occurrence reporting of building safety critical issues

Building a Safer Future regime

Safety case

- Principle: the AP has to make a case to the building safety regulator demonstrating that hazards have been identified, risks assessed and appropriate mitigation put in place
- Safety case =
 - evidence-based approach in which
 - the dutyholder identifies, assesses and understands the hazards and risks involved in a building,
 - describes how risks are controlled/mitigation measures are put in place (to reduce those risks as far as is reasonably practicable) and
 - describes the safety management system in place, including emergency procedures in the event of an incident.
 - tailored to each building and is proportionate because the level of detail and amount of information required is determined by the level of risk.
 - 5 year review
- Objective of the safety case (para 127) and content (para128)

Building a Safer Future regime

Resident engagement – the BSM ‘supporting’ the AP

- BSM will need to support the AP to:
 - Provide residents with the building and fire safety information they need to understand the protections in place (proactively and reactively)
 - Develop and implement a Resident Engagement Strategy
 - Provide a clear route of escalation for concerns
- BSM is explicitly responsible for (para 267):
 - **delivering engagement plan on day to day basis**
 - **providing the engagement plan to all residents so they can understand how to get involved in decision making**
 - providing residents with updates to the plan

Building a Safer Future regime

Building safety regulator

Functions:

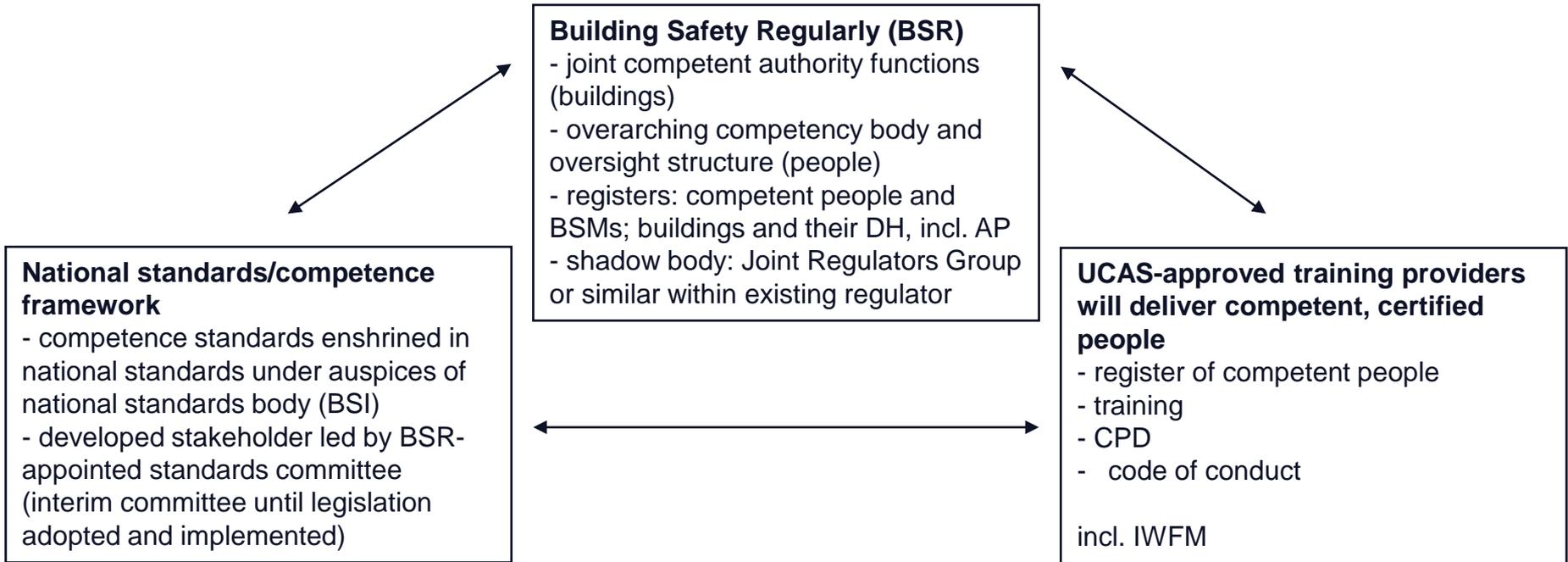
- Overseeing the enforcement of a more stringent regulatory regime for buildings in scope of the new regime (register of buildings, guidance for dutyholders, ...)
- Overseeing competence of professions and trades working on buildings
- Overseeing the building safety and wider regulatory system as a whole

Enforcement, compliance and sanctions:

- Three step process:
 - Reinforcement of operating standards and provision of professional guidance
 - Proactive intervention and monitoring
 - Enforcement action: where the previous phases fail compliance- formal orders penalties, reviewing the building safety certificate (including revocation) and prosecution

Building a Safer Future

Building safety regulator and competence



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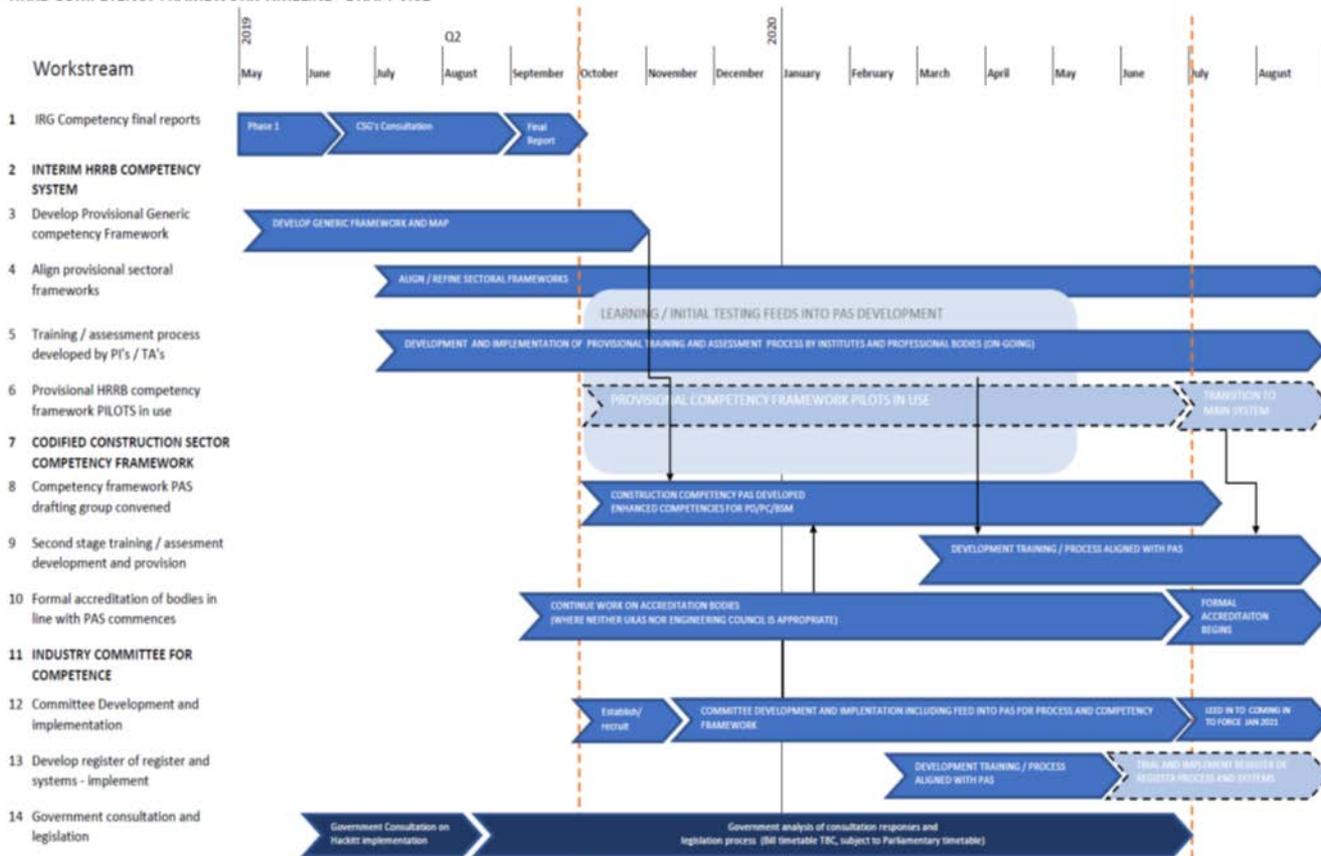
competence



Building a Safer Future regime

timelines

HRRB COMPETENCY FRAMEWORK TIMELINE - DRAFT V.01

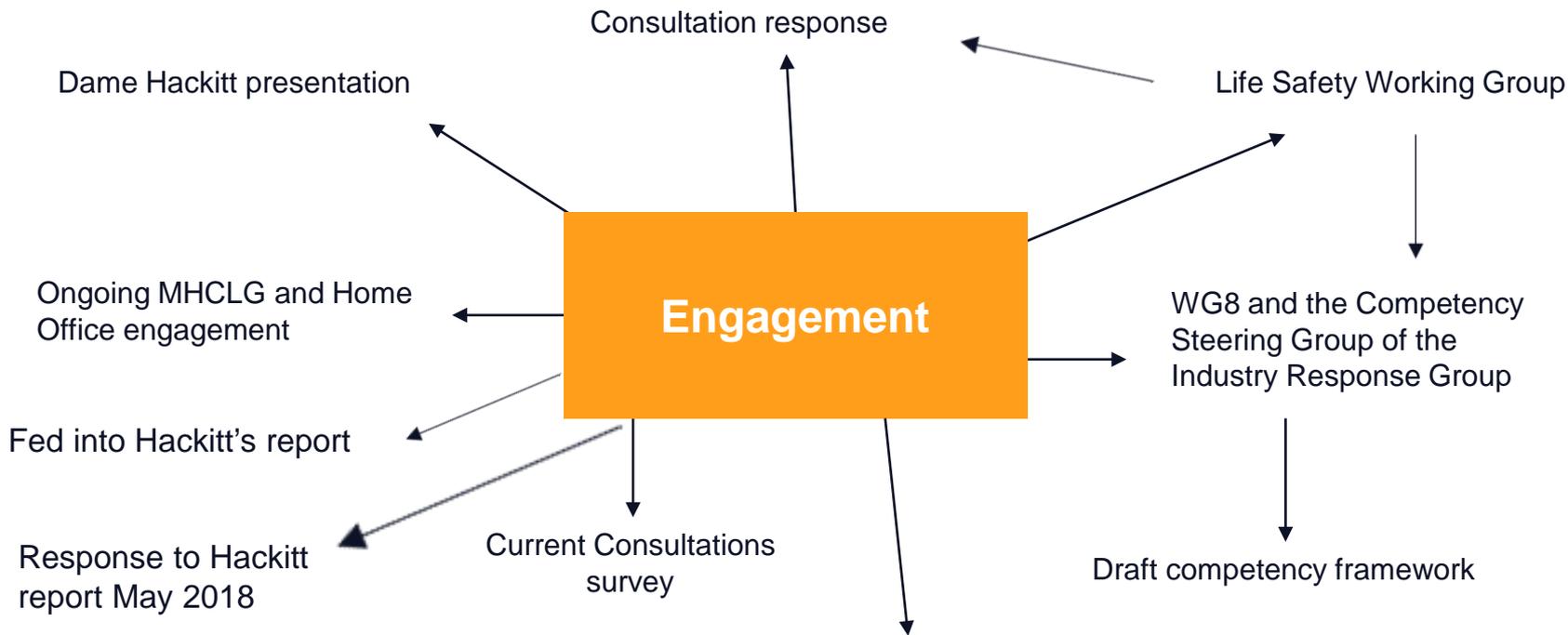


Home Office Consultation

- [The Regulatory Reform \(Fire Safety\) Order 2005](#) consultation launched on 6th June

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What are we doing?



Collaborating with stakeholders on a competence standard to allow members to demonstrate knowledge, skill, experience and behaviours to become and stay registered

What can you do?

Future statutory role with specific duties and functions (detail of the competences still to be finalised – gap analysis can take place once they are completed - IWFM working towards draft scheme)

Respond to our survey

BIM strategy and wider competences to support the fulfilment of the statutory requirements

Certified competence will be required in future for individual BSM

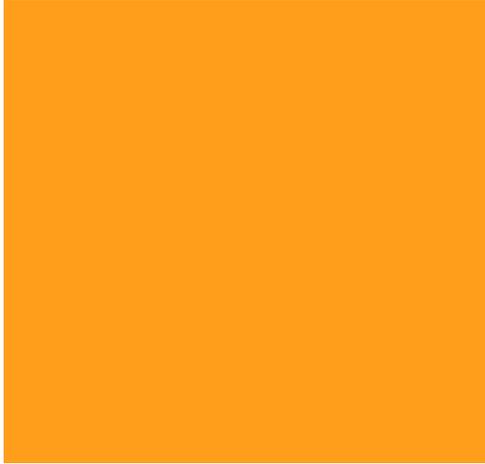
Preparing and upskilling

Digital and strategic preparedness of the organisation

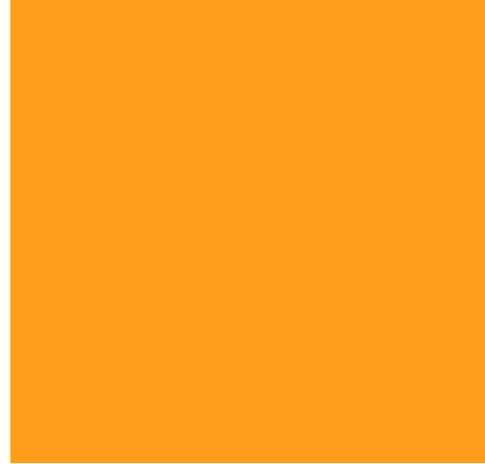
Organisations will have to demonstrate they have resources and funding in place to support BSM and the 'right' BSM to fulfil obligations under the building safety certificate

Perspectives

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Thank you

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