



Management of Safety in Residential Buildings under the New Regime

18 May 2022

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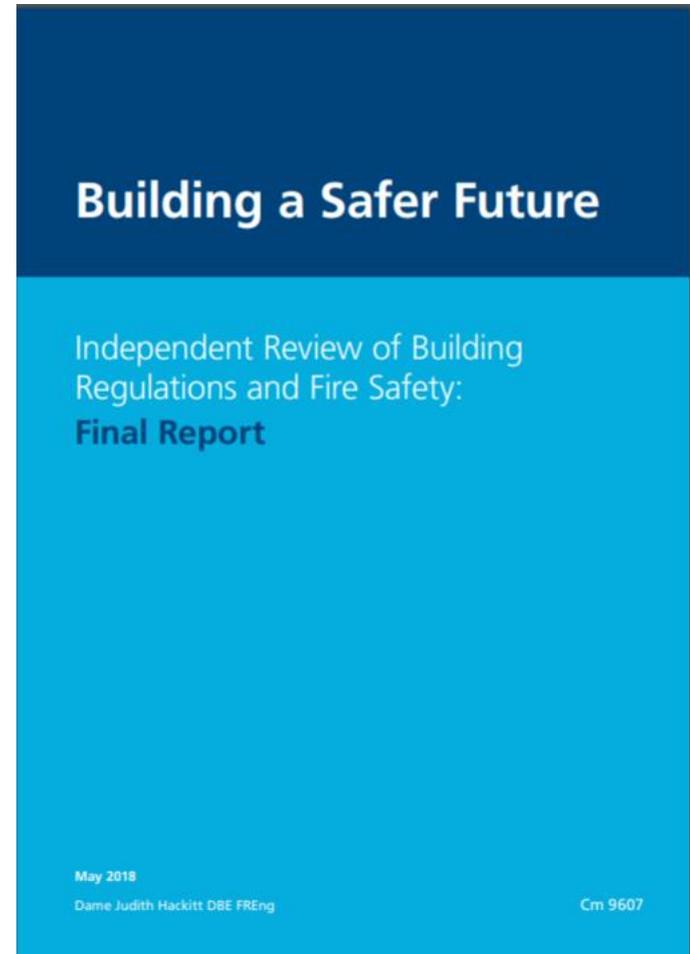
Hackitt Report :

Interim December 2017; Final May 2018

- The main finding from the report is that "***the current system of building regulations and fire safety is not fit for purpose and that a culture change is required to support the delivery of buildings that are safe, both now and in the future.***"

Specifically:

- the roles and responsibilities of those procuring, designing, constructing and maintaining buildings are unclear;
- the package of regulations and guidance can be ambiguous and inconsistent;
- the processes that drive compliance with building safety requirements are weak and complex with poor record keeping and change control in too many cases;
- competence across the system is patchy;
- the product testing, labelling and marketing regime is opaque and insufficient; and
- the voices of residents often goes unheard, even when safety issues are identified.



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Final Report additional findings

The Review's Final Report in May 2018 went further and set out the underpinning cultural problems which resulted in a system wide failure, such as:

- **Ignorance** – regulations and guidance were not always read by those who needed to, and when they did the guidance was often misunderstood and misinterpreted.
- **Indifference** – the primary motivation was often to do things as quickly and cheaply as possible rather than to deliver quality homes which are safe for people to live in. When concerns were raised by others involved in building work or by residents, they were often ignored.
- **Lack of clarity on roles and responsibilities** – there was ambiguity over where responsibility lay, exacerbated by a level of fragmentation within the industry, and which precluded robust ownership of accountability.
- **Inadequate regulatory oversight and enforcement tools** – the size or complexity of a project did not seem to inform the way in which it was overseen by the regulator(s). Where enforcement was necessary, it was often not pursued. Where it was pursued, the penalties were so small as to be an ineffective deterrent.

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ISSG & CSG

- **Industry Safety Steering Group (ISSG)**, chaired by Dame Judith Hackitt, established (1 October 2018) to provide support and constructive challenge to industry, and to determine actions for tackling blockages and accelerating culture change in the construction industry. The Group will be responsible for highlighting progress and action that industry is taking and **holding industry to account for progress** made in implementing the changes Dame Judith identified.
- Industry set up a **Competence Steering Group + Working Groups (x12)** in June 2018: July 2021 Interim Industry Competence Committee (IICC) created by Regulator
- CSG reported on the progress of work to the Industry Safety Steering Group (ISSG) and to the Industry Response Group (IRG, which formally established the CSG).
 - WG0 Governance Structure
 - WG1 Engineers
 - WG2 Installers
 - WG3 Fire Engineers
 - WG4 Fire Risk Assessors
 - WG5 Fire Safety Enforcement Officers
 - WG6 Building Standards
 - WG7 Building Designers
 - WG8 Building Safety Managers
 - WG9 Site Supervisors
 - WG10 Project Managers
 - WG11 Procurement Professionals

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CSG Final Report : ‘Setting the Bar’ (Oct 2020)

Final Report (164 Pages + annexes) ‘*Setting the Bar – A New Competence Regime for Building a Safer Future*’.

- Many considered suggestions for revision received at the two consultative conferences, held in September/October 2019, and the hundred + formal written responses that were received
- Recommendations from each WG, including (annex A) **Safer people, safer homes: Building Safety Management** WG8 (completed in June 2020)
- WG6’s deliberations fed into ‘Future of Building Control Working Group’ established under MHCLG auspices to look at building control / standards across the whole of the built environment. Recommendations from Future of Building Control Working Group were published on 16 July 2020
- The British Standards Institution (BSI) begun to implement the recommendations of WG0 in already taking forward the development of a suite of National Standards to raise competence in the built environment sector, ‘Overarching Competence Standard (**BSI FLEX 8670**)

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This has been published as a separate document at: http://cic.org.uk/setting-the-bar-annexes.php	

DJH: "the current system of building regulations and fire safety is not fit for purpose and that a culture change is required to support the delivery of buildings that are safe, both now, and in the future."
(June 12, 2018)

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WG 8 Process of Deliberation

- Firstly to decide what an individual BSM may ‘look like’ – based on Dame Judith Hackitt’s Interim Report of December 2017. (Role later stripped from the Building Safety Bill in March 2022)
- Consideration given to what relationships the BSM would be exposed to
 - The ‘Client’ or who became the ‘Accountable Person’
 - Residents, and the ‘Tenant Engagement Strategy’
 - Managing Agents etc
 - Services Providers
- Initial expectation that the management of building safety should include:
 - ‘Whole Building’
 - ‘Holistic’ Safety (ie: public health as well as fire & structures)
- Soon realised the Competence/resources requirement would be very wide – identified likely to be best delivered by an organisation – but tasked with framework for an individual ‘BSM’.
- Interim Report (Appendix B to Raising the Bar) issued for consultation August 2019, WG8 Final report ‘Safer people, safer homes: Building Safety Management’ issued June 2020 and published as Annex 8a of ‘Setting the Bar – a new Competence Regime for Building a Safer Future’ (October 2020)

Building Safety Manager Role and Functions – evolution of concept (before 29th March)

DJH:

- a. the BSM being responsible for the day-to-day management of the building; and
- b. acting as the point of contact for residents.

The BSM would need to have the right skills, knowledge, experience and behaviours (SKEB) to take on the role, which would need to contribute to holistic, whole building safety for higher risk buildings.

1 person per building

Consultations and draft Building Safety Bill:

- Statutory role with statutory duties
- Three key functions for the role:
 - Manage the building in accordance with its safety case report
 - Establish where necessary and operate a mandatory occurrence reporting system
 - Implement a resident engagement strategy

Ratio - 1 person for more buildings (how many never formally determined)

Person/organisation?

Building Safety Bill:

- Statutory requirement to have a BSM/NI/Individual in place = Statutory role but no statutory duties
- BSM Duties = “such duties relating to the planning, managing and monitoring of Part 4 functions as may be specified in the appointment” (by the principal accountable person).

The contract will determine which accountable person’s functions the BSM will support and help implement, while legally ensuring accountability remains with the accountable person.

Organisation with nominated person for many buildings

Post March 2022

- Misunderstanding that ratio of 1:1 ('pure Hackitt') long evolved as incorrect
- This had been refined to a requirement for at least one competent person in senior 'overseeing/management' role in organisations with authority to
 - Marshal all appropriate resources
 - Access the PAP/AP directly if & when necessary

However:

- Bill stripped of requirement to appoint BSM altogether – and therefore the requirement for competent individuals

Consequences

- PAP/AP still has all other duties – but potentially little/no competence or resource to deliver
- Significant competence required all way through construction period and for FRA etc
 - none required for management of occupation – the longest period
- Recognised that many organisations (agents of various kinds), in 'Occupied Sector' have siloed working – someone needed with competent oversight due to separate reporting lines and P&Ls

WG 8 Implementation



Developed into two workstreams:

- **Development of the BSM PAS 8763**
 - Picks up where WG8 recommendations finished
 - ‘translates’ into ‘PAS Language’ as 1st Draft
 - Initiated February 2021
 - Delivery scheduled spring/summer 2022, subsequent to public consultation
- **Evolved into ‘Building Safety Alliance’ – for Implementation of competence/culture change**
 - Inaugural meeting 15th March 2021
 - ‘Observer’ role taken by HSE/DLUHC and Welsh Govt:
 - Approximately 45 ‘Council’ Members
 - ‘Not-for-profit’ industry owned/operated - Independent

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- **Evolution of PAS 8673**
- **Building Safety Alliance – assessment and certification**

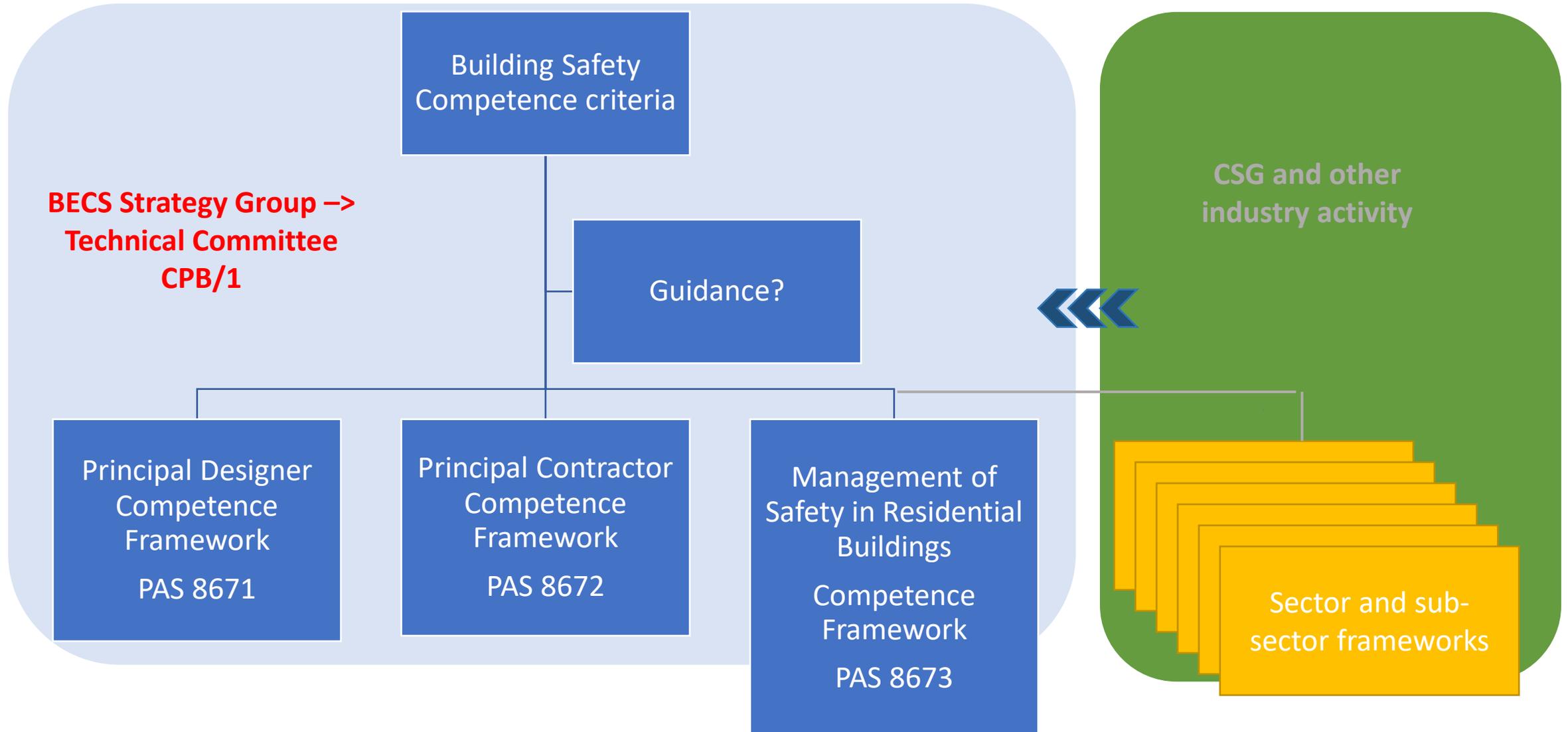
BSI's PAS Programme for 'Built Environment'

- Overarching Committee:
 - CPB/001 Competence in the Built Environment
- Overarching Competence Framework BSI Flex 8670
- Discipline Specific PAS:
 - PAS 8671 – Principal Designer (BSB)
 - PAS 8672 – Principal Contractor (BSB)
 - PAS 8673 – (BSM) Now: Management of Safety in Residential Buildings

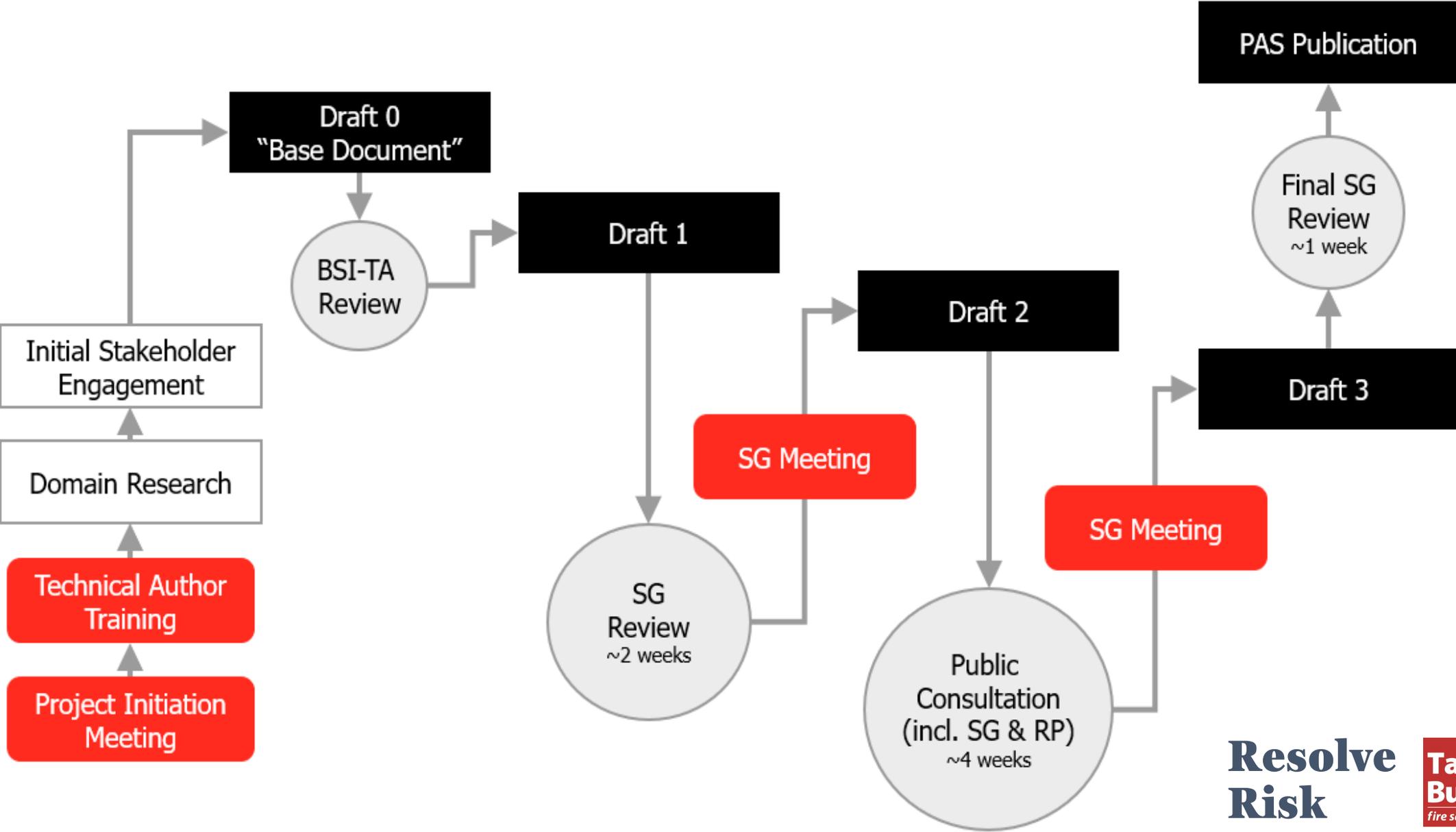
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BECS programme of standards development 2020-2022



BSI Timeline – PAS 8673 start December 2021



'The List'

Full List R18 30-11-21 Building Safety Manager - Skill, knowledge and Experience - List of topics										
BSB Competence to deliver the "BSM duties" LIFE SAFETY Additional competences for life safety BSC Column identifies where the matter recoverable through the building safety charge. BSB Risk indicates justification for cost allocation. BSC Cost of activity recoverable through the Building Safety Charge				Level A – Level A – Able to manage a building designed in accordance with fire safety engineering principles, or with significant features that have been designed in accordance with fire safety engineering principles or where the fire design strategy for the building is not understood. Level B – Able to manage a building designed in accordance with a recognised design code without significant variation.						
Knowledge	Topic	Feature / Document / System / Requirement / Topic	BSC	BSB Risk	Level A	Bloom's Taxonomy	Level B	Bloom's Taxonomy	PAS 8673 Mapping Level 1	PAS 8673 Mapping Level 2
BSB	Fire	Fire hazard in buildings	NO	Relates to BSRisks	YES	Level 5: Evaluating	YES	Level 5: Evaluating		
BSB	Fire	Behaviours of fire and smoke in buildings	NO	Relates to BSRisks	YES	Level 4: Analysing	YES	Level 3: Applying		
BSB	Fire	Impact of fire on building safety	NO	Relates to BSRisks	YES	Level 5: Evaluating	YES	Level 5: Evaluating		
BSB	Fire	Fire Design Strategy - Level A Building	NO	Relates to BSRisks	YES	Level 5: Evaluating	NO	Level 2: Comprehending		
BSB	Fire	Fire Design Strategy - Level B Building	NO	Relates to BSRisks	YES	Level 5: Evaluating	YES	Level 5: Evaluating		
BSB	Fire	BS 7974 Application of fire safety engineering principles to the design of buildings	NO	Relates to BSRisks	YES	Level 4: Analysing	NO	Level 2: Comprehending		
BSB	Fire	BS 9991:2015 Fire safety in the design, management and use of residential buildings	NO	Relates to BSRisks	YES	Level 4: Analysing	YES	Level 4: Analysing		
BSB	Fire	Approved Document B - Fire Safety (England Only)	NO	Relates to BSRisks	YES	Level 4: Analysing	YES	Level 4: Analysing		
BSB	Fire	Fire safety requirements of the Building Regulations applicable to the jurisdiction	NO	Relates to BSRisks	YES	Level 4: Analysing	YES	Level 4: Analysing		
BSB	Fire	Fire safety requirements of the Building Regulations Codes / Guidance applicable to the jurisdiction	NO	Relevant to BSRisks	YES	Level 4: Analysing	YES	Level 4: Analysing		
BSB	Fire	Fire safety information - Building Regulations - Regulation 38	NO	Relevant to BSRisks	YES	Level 5: Evaluating	YES	Level 5: Evaluating		
BSB	Fire	RISCAuthority Design Guide for the Fire Protection of Buildings	NO	Relevant to BSRisks	YES	Level 4: Analysing	YES	Level 4: Analysing		
BSB	Fire	Fire Evacuation Strategy	NO	PAP Duties	YES	Level 4: Analysing	YES	Level 4: Analysing		
BSB	Fire	Duty Holder Details - All Responsible Persons and Accountable Persons	NO	PAP Duties	YES	Level 3: Applying	YES	Level 3: Applying		
BSB	Fire	Details of Safety Assistance - FSO Article 18 (fire risk assessors, fire safety advisers, etc.)	NO	Relates to BSRisks	YES	Level 3: Applying	YES	Level 3: Applying		
BSB	Fire	Details of Safety Assistance - FSO Article 18 (evacuation managers, fire wardens, etc.)	NO	Relates to BSRisks	YES	Level 3: Applying	YES	Level 3: Applying		
BSB	Fire	Fire Risk Assessment - FSO Article 9	NO	Relates to BSRisks	YES	Level 5: Evaluating	YES	Level 5: Evaluating		
BSB	Fire	Fire Risk Assessment - External Wall Construction and Cladding - FSO Article 9 - BS9980	NO	Relates to BSRisks	YES	Level 4: Analysing	YES	Level 4: Analysing		
BSB	Fire	Dangerous Substances and Explosive Atmospheres [DSEAR] Assessment	NO	Relates to BSRisks	YES	Level 4: Analysing	YES	Level 4: Analysing		
BSB	Fire	Fire Safety Arrangements - FSO Article 11	NO	Relates to BSRisks	YES	Level 5: Evaluating	YES	Level 5: Evaluating		
BSB	Fire	Managing fire risk assessment actions	NO	Relates to BSRisks	YES	Level 5: Evaluating	YES	Level 5: Evaluating		
BSB	Fire	Procedures for serious and imminent danger (Evacuation Plan) - FSO Article 15	NO	Relates to BSRisks	YES	Level 5: Evaluating	YES	Level 5: Evaluating		
BSB	Fire	Procedures for serious and imminent danger (Emergency Isolation) - FSO Article 15	NO	Relates to BSRisks	YES	Level 5: Evaluating	YES	Level 5: Evaluating		
BSB	Fire	Procedures for danger areas - FSO Article 15	NO	Relates to BSRisks	YES	Level 3: Applying	YES	Level 3: Applying		
BSB	Fire	Fire Safety Training - FSO Article 21	NO	Relates to BSRisks	YES	Level 5: Evaluating	YES	Level 5: Evaluating		
BSB	Fire	PEEPS - Fire Safety (England) Regulations	NO	Relates to BSRisks	YES	Level 4: Analysing	YES	Level 4: Analysing		
BSB	Fire	Information for the emergency services	NO	Relates to BSRisks	YES	Level 3: Applying	YES	Level 3: Applying		
BSB	Fire	Fire Safety Management System Standards - BS 9997, etc.	NO	Relates to BSRisks	YES	Level 4: Analysing	YES	Level 4: Analysing		
BSB	Fire	Fire alarm systems - Communal areas in common parts - BS5839-6	NO	Relates to BSRisks	YES	Level 4: Analysing	YES	Level 4: Analysing		
BSB	Fire	Fire detection and alarm devices for dwellings - BS 5446	NO	Relates to BSRisks	YES	Level 2: Comprehending	YES	Level 2: Comprehending		
BSB	Fire	Smoke alarm devices - BS EN 14604	NO	Relates to BSRisks	YES	Level 2: Comprehending	YES	Level 2: Comprehending		

- Guide Competence requirements
- Guide Contract arrangements
- Golden Thread

Core competences - descriptors – WG8 > PAS 8673 framework for competence of ...anyone who will deliver on the AP duties

Building Systems - Evaluating the performance and safe operation of the building in use to identify the implications on building and life safety, fire strategy, residents, occupant and users.

Operating Environment - Explaining the key principles of good governance, the legal and contractual environment the building operates within and any safety management or information management requirements.

Risk Management - Applying the key principles of risk management and explain how that relates to the building and life safety.

Leadership, teamwork and resources - Demonstrating personal leadership and commitment to ethics and professional standards, alongside the design of a robust system that provides adequate oversight of building and life safety risks which provides assurance to residents and others.

Operational Practice - Test for and evaluate the effectiveness of the delivery of safety, communications, resident and stakeholder engagement and the maintenance of accurate information systems.

Monitoring and Control of Work - Determining what needs to be measured and when, to oversee actions, managing change, tracking progress, reporting, providing feedback and learning from experiences.

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PAS 8673 – ‘BSM’

Now ‘Built environment – Competence requirements for the management of safety in residential buildings – Specification’

- The “PIM” (project initiation meeting) was held on 22 February 2021
- There were four steering group meetings before DPC, to resolve 417 comments received during the first SG consultation
- The DPC was issued on 6 August 2021 and closed on 15 September 2021
- We received 403 comments at public consultation
- This weeks meeting was the 6th following close of DPC
- March 2022 BSM scrapped – **April 2022 PAS revised to reflect ‘Organisations’ as well as individuals’**
- **Proposed publication June/July 2022**
- Review in two years – potentially following the Flex 8760 to a full British Standard

Proposal for Building Safety Alliance



Regulator(s) confirmed they will not hold 'registers' of competent persons – for 'Industry' to deal with

Working Group 8 proposed the development of an independent 'not for profit' organisation, the Building Safety Alliance [BSA], led by an Industry Stakeholder Council, delivering two functions:

- To take a strategic approach to providing a cross-industry, independent, forum to lead, inform and promote the successful implementation of the Building Safety Act and related building safety management obligations,
- Lead, shepherd and develop the cultural changes, including competence, needed to promote residential building safety, and use the experiences of the forum to inform further development of the PAS 8673 to a full British Standard in due time.
- Provide a forum for all stakeholders in the sector to liaise and work with Government and Building Safety Regulator to promote necessary cultural change and assist in the practicable implementation of related statutory obligations. This will include 'horizon-scanning', with the BSR, to anticipate matters of importance to the sector.
- Develop and oversee an independent process for the assessment of competence as set-out in the final, published, version of PAS 8673; and develop, oversee and govern an independent national register of those assessed as competent to the requirements of PAS 8673.

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Building Safety Alliance



The Building Safety Alliance will:

- be responsible and accountable for a full governance regime, including independently considered sanctions for failing to meet registration requirements, Code of Conduct and robust complaints procedure,
- become the de-facto source of assurance for all stakeholders, including residents, Accountable Persons, industry as a whole, and delivering greater confidence for the BSR and the MHCLG,
- be led by a Stakeholder Council;
 - be subject to UKAS/Eng: Council (or similar third-party accreditation), oversight,
- be responsible for assessment, certification and register of 'Managers of Safety in Residential Buildings'
- offer support to PAP/APs (ie: training & access to best practice)
- issue and manage the use of branded 'ID' Cards??

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- **New Regime for Management of Safety in Residential Buildings**
- **HRB = 18 Metres or 7 Storeys with 2 or more residential units**

The Principal Accountable Person, Responsible in Occupation

- New roles have been created with new, direct, accountability during occupation :
- **‘Principal Accountable Person’/ ‘Accountable Person’ (effectively the Client):** The Accountable Person is the dutyholder during occupation. They may be an individual, partnership or corporate body and there may be more than one Accountable Person for a building, hence the PAP.
- The “principal accountable person” for a higher-risk building is—
 - (a) in relation to a building with one accountable person, that person;
 - (b) in relation to a building with more than one accountable person, the accountable person who holds a legal estate in possession in the relevant parts of the structure and exterior of the building.

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Client in Occupation: The Accountable Person Duties 1.

- Clause 73 – Requirement to Register the (HRB) Building with the Regulator
- Clause 74 - Occupied building: duty to apply for building assessment certificate
- Clause 75 - Applications for building assessment certificates
- Clause 76 - Building assessment certificates
- Clause 77 - Duty to display building assessment certificate etc
- ~~• Clause 78 - Duty to appoint building safety manager~~
- ~~• Clause 79 - Appointment of building safety manager where multiple accountable persons~~
- ~~• Clause 80 - Terms of appointment of building safety manager~~
- ~~• Clause 81 - Exception from duty to appoint building safety manager~~

Client in Occupation: The Accountable Person Duties 2.

- Clause 82 - Further provision where multiple accountable persons
- Clause 83 - Assessment of building safety risks
- Clause 84 - Management of building safety risks
- Clause 85 - Safety case report
- Clause 86 - Notification and provision of report to the regulator
- Clause 87 - Mandatory reporting requirements
- Clause 88 - Keeping information about higher-risk buildings
- Clause 89 - Provision of information etc to the regulator, residents and other persons
- Clause 90 - Provision of information etc on change in accountable person
- Clause 91 - Residents' engagement strategy
- Clause 92- Requests for further information
- Clause 94 - Complaints procedure operated by principal accountable person

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Registering the Building & Safety Assessment Certificate

Requirement for Registration of higher-risk buildings

The principal accountable person for a higher-risk building commits an offence if the building is occupied but not registered. (Subject to transition period)

Requirement to apply for a certificate

The regulator directs / 'Calls-in' the principal accountable person for an occupied higher-risk building to apply to the regulator for a building assessment certificate in relation to the building.

The principal accountable person for the building must make the application within the period of 28 days beginning with the day on which the direction is given.

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Application for a Building Assessment Certificate

An application must be accompanied by—

- (a) a copy of the most recent safety case report for the building unless a copy of that report has been provided
- (b) further prescribed information demonstrating compliance by each accountable person for the building with their duties;
 - duty to assess building safety risks;
 - management of building safety risks;
 - duties relating to mandatory occurrence reporting system;
 - provision of information to regulator, residents etc;
- (c) a copy of any residents' engagement strategy.

It is expected that there will be 100% review of 'called-in' applications over a 5 year cycle – beginning with the 'higher risk' HRBs – However we are promised '100% Regulation' from the start, and that all PAPs are likely to be visited.

- These may be identified through local fire brigades?

Or

- Review of 'Registrations' against specific criteria

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Appointment by PAP for others to assist in fulfilling 'Part 4 Duties'

- Many PAP/APs may not have the competence/resources to undertake and deliver their duties
- It is anticipated that many will contract with others (eg Managing Agents) to assist
 - Terms of Contract arrangements?
 - **Regulations (Part 4 duties) Only**
 - **Regulations +?**
 - **Regulations ++ ?**
- Residential Management Companies (RTM) and similar organisations now facilitated to engage a third party 'Safety Director'
- Anyone, (including organisations) appointed by the PAP/AP/RTM to undertake works will need to assure themselves they are competent to deliver the work and the 'client' will need to assure themselves that those they appoint are competent to undertake the work.
- PAS 8673 anticipates a competent 'senior manager' within the organisation to be in place with overall responsibility to manage the resources necessary to deliver on 'Part 4' - the organisation will need 'access to competent advice'
- Where the work is undertaken 'for & behalf of' it may be that both supplier and PAP/AP will require and assurance process

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Obligations re the Golden Thread

- The Accountable person for a higher-risk building is required to give prescribed information or a copy of a prescribed document to—
 - (a) the regulator,
 - (b) another accountable person/Principal Accountable Person for the building,
 - (c) residents of the building,
 - (d) owners of residential units in the building, or
 - (e) any other prescribed person.
- The regulations will prescribe what information and the format it is to be provided in such that the 'Thread' can be passed on to the next PAP if, and when appropriate. (sale or disposal)
- Information relating to
 - Spread of fire & structural safety
 - Plans/drawings etc
 - Building assets and their maintenance/testing
 - Competence of those delivering the above
- In order to ensure effective management of the Golden Thread/Safety Case etc there will need to be an appropriate 'safety management system' in place.

Occupation: AP's Building Risk Assessment

- Based on information accumulated as part of the Golden Thread & the Safety Case
- The assessment must be suitable and sufficient so that the Accountable Person is able to comply with their safety duties imposed by the Bill, including:
 - to take steps to prevent and mitigate major incidents,
 - prepare a Safety Case Report
 - and provide information about the building to other persons
- Duty will apply as soon as the building is in multiple occupation by residents and the first assessment must be carried out as soon as it is reasonably practicable.
- New Accountable Persons must carry out their risk assessment as soon as it is reasonably practicable to do so after having become the Accountable Person.
- Further assessments must be carried out by the Accountable Person:
 - at regular intervals, &
 - when directed to do so by the Building Safety Regulator
 - when the Accountable Person suspects the assessment is no longer valid
 - Or they become aware of a significant change to the building.

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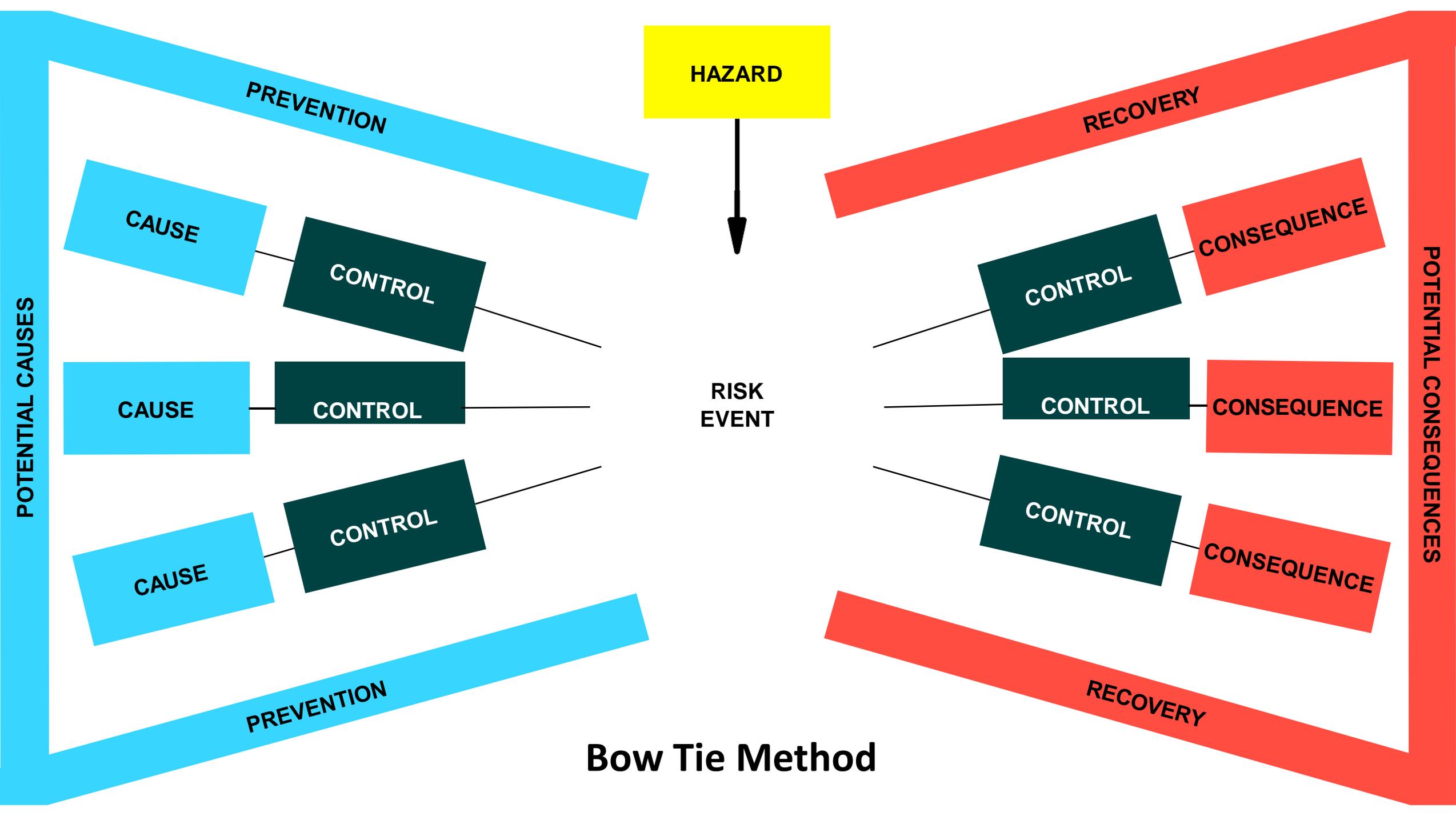
How should we approach Building Risk Assessment?

: Bowtie

- The approach is to consider what and how a threat / risk might occur and how it could escalate. (reasonable worst-case scenario) and the potential consequences.
- Recommended that initiated through Facilitated Workshops – PAP/AP should attend
- Identify how the risks can occur in a particular circumstance and identify the existing measures in place (sometimes referred to as layers of protection) to prevent an incident occurring and reduce its severity if it did.
- Additional reasonable steps may also be identified to reduce the risk further.
- Work through the areas of the building and processes / departments that keep it operational
- Transfer the output to the Risk Register
- Consider mitigating opportunities – and allocate them!

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HAZARD

RISK
EVENT

PREVENTION

RECOVERY

CAUSE

CONTROL

CONSEQUENCE

CAUSE

CONTROL

CONSEQUENCE

CAUSE

CONTROL

CONTROL

CONSEQUENCE

PREVENTION

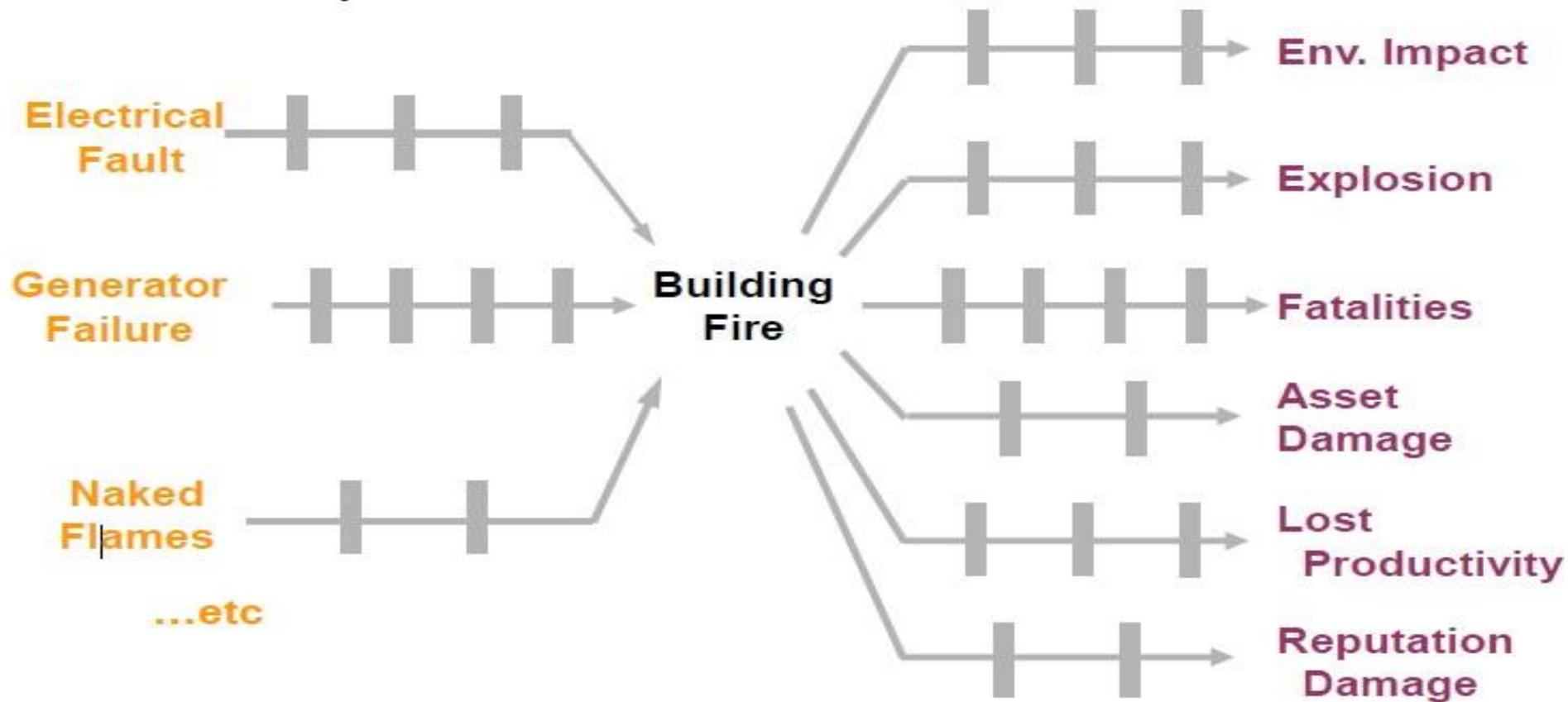
RECOVERY

POTENTIAL CAUSES

POTENTIAL CONSEQUENCES

Bow Tie Method

An example of the Bow Tie applied to a building fire (risk event)



Contact Anthony Taylor if you want further assistance with HAZID/Bow Tie etc
anthony.taylor@resolvegroup.co.uk

The 'Safety Case' & 'Safety Case Report'

Essentially the response to the PAP's exam question:

- 'Can you identify the building safety risks in your building, and show me how you manage these on an on-going basis, as far as you can, so that it is safe?'
- The Safety Case Report summarises all the key components of the safety case with references to supporting documentation (held in the Golden Thread/Safety Case itself).
 - submitted by the Principal Accountable Person either as part of the process for applying for a Building Assessment Certificate or on request from the Building Safety Regulator.
 - Regulator accepts or 'enters dialogue'
 - Regulator can issue a 'Compliance Notice' to enforce action
 - Needs to be updated as requested, or when changes occur.
- Safety Case Reviews anticipated to be called-in by the Regulator on a 5 yr cycle
- This is to ensure that the whole of a higher-risk building is properly, regularly and proactively considered by a dutyholder against the principles of what is reasonably practicable to reduce risk. **This duty – to assess and manage building safety risks – falls on the Principal/Accountable Persons** for building in scope of the new regime.

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Requirements regarding the ‘Safety Case Report’

The principal accountable person for an occupied higher-risk building must as soon as reasonably practicable prepare a report (a “safety case report”) containing—

- (a) any assessment of the building safety risks
- (b) a brief description of any steps taken to mitigate risks.

The principal accountable person must revise a safety case report if they consider it necessary or appropriate to do so following—

- (a) any further building risk assessment
- (b) any further mitigation steps

The accountable person for an occupied higher-risk building must as soon as reasonably practicable after preparing or revising a safety case report notify the regulator.

Residents' engagement strategy

The principal accountable person for an occupied higher-risk building must—

- (a) as soon as reasonably practicable after the relevant time prepare a strategy (a “residents’ engagement strategy”) for promoting the participation of relevant persons in the making of building safety decisions;
- (b) review the strategy at prescribed intervals, and revise it if they consider it necessary or appropriate to do so.

The strategy must include information about—

- (a) the information that will be provided to relevant persons about decisions relating to the management of the building,
- (b) the aspects of those decisions that an accountable person will consult relevant persons about,
- (c) the arrangements for obtaining and taking account of the views of relevant persons, and
- (d) how the appropriateness of an accountable person’s methods for promoting participation will be measured and kept under review.

Duties on Residents

These duties applies to—

- (a) a resident of a residential unit in an occupied higher-risk building who is aged 16 or over;
 - (b) an owner of a residential unit in such a building.
- A person to whom this section applies—
 - (a) must not act in a way that creates a significant risk of a building safety risk materialising;
 - (b) must not interfere with a relevant safety item;
 - (c) must comply with a request, made by the appropriate accountable person, for information reasonably required for the purposes of undertaking their risk management duties.
 - A person “interferes” with a relevant safety item if they, without reasonable excuse— (a) damage it, (b) remove it, or (c) do anything to, or in relation to, it that interferes with its intended function.

“relevant safety item” means—

- (a) anything that—
 - (i) is in, or forms part of, the common parts and
 - (ii) is intended to improve the safety of people in or about the building in relation to a building safety risk,

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Complaints Procedures

The principal accountable person for an occupied higher-risk building must as soon as reasonably practicable after the relevant time establish and operate a system for the investigation of relevant complaints.

The regulations may in particular make provision—

- (a) about the way in which complaints may be made;
- (b) about the period within which a complaint must be considered and dealt with;
- (c) requiring the principal accountable person to refer a complaint to the regulator.

“relevant complaint” means a complaint relating to— (a) a building safety risk as regards the building, or (b) the performance by an accountable person for the building of any duty

The regulator must establish and operate a system for the investigation of relevant complaints that are made, to the regulator.



[Collaborative Reporting for Safer Structures UK \(CROSS-UK\)](https://www.cross-safety.org/uk)

- <https://www.cross-safety.org/uk>

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Insurance

Duty as regards buildings insurance

- Require an accountable person for an occupied higher-risk building to ensure that there is adequate insurance against loss (or loss of a prescribed kind) arising as a result of a building safety risk materialising as regards the building.

Wider Problems:

- New Duties (especially for RTM, RMC, etc Commonhold etc) – Directors & Officers for ‘non-competents’
- Cladding – requirement for EWS, very significant remediation required before insuring, cost of waking watch?
- Perhaps Business Interruption – how are APs, or their representatives to deal with re-housing post event?
- Data ? – How is the Golden Thread protected?
- Excellence in Building Safety Management arrangements MAY assist

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Management of Safety in Residential Buildings under the New Regime

Thank you for listening : - have you any questions?

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