

Industry Response Group Competences for Building a Safer Future

Working Group 07 – Building Designers

Final Report

version: 0.1

1.00 Building Designers - membership and lead contributors

1.01 Membership

Joint Chairs: Nabila Zulfiqar (ARB), Richard Parnaby (ARB)

Secretary – Simon Howard (ARB)

1.02 The lead contributors and members of the project group are listed in Annex A.

2.00 Executive Summary

Working Group 7 (WG7) consisted of bodies that regulate and represent building designers who may work on higher risk residential buildings (HRRBs). This group was chaired by the Architects Registration Board (ARB) and included representation from the engineering, fire safety, surveying and architectural technology professions.

2.01 The terms of reference required the group to develop a framework to assess and assure the competence of building designers. The group worked on the basis that building designers have achieved a set level of competence within their profession. This competence means that they have met certain standards and must maintain these standards throughout their professional membership or registration. The building designers identified by WG7 are subject to regulation and/or are members of professional organisations that require adherence to a code of conduct and ongoing learning and development. There are disciplinary procedures in place if individuals do not comply with the requirements of membership or registration.

WG7 identified a fundamental purpose and general principles that should apply to all construction professionals and workers: that all those working on HRRBs deliver a better working and living environment for the public. This is achieved through meeting and championing a set of core principles, core behaviours and core knowledge. The competencies for building designers are enhanced through the specialist knowledge required for those who want to work on HRRBs.

The guidance to the framework (Annex C) identifies the main types of professions that may be defined as building designers; subject to review by the Overarching Competence Body (OCB). A building designer may fulfil the role of the (as yet undefined) principal designer role. The competence framework has been

developed so that it may be used by the OCB to accredit or licence a building designer as a principal designer.

The core competencies of the building designer framework are:

1. Technical knowledge and understanding
2. Assessment of design, process, systems, services and products
3. Responsibility, management and leadership
- 2.02 4. Effective communication and inter-personal skills
5. Professional commitment

Each competence is defined in more granular detail together with the scope and typical evidence required to meet it. There are four levels of competency and it is expected that building designers leading on a HRRB project will have comprehensive knowledge of each competence.

- 2.03 WG7 envisaged that the principal designer should have a legal responsibility for managing and assuring the competence of those working with them. This may include ensuring other members of a design team such as engineers or surveyors are compliant with their own competence framework.

3.00 Industry context

To develop the standards in context, WG7 adopted the role/main duties of a designer, being an individual or entity who:

- (a) is appointed by the client to prepare or modify a design for a building or structure in conformity with relevant legislation and where relevant may jointly certify for its' practical use; or
- 3.01 (b) arranges for or instructs someone else to do so under their design direction and co-ordination; or
- (c) is appointed by the client or principal contractor to design or consult on specialist elements of a building or structure to be assembled as part of a whole building or structure in co-ordination with the principal, lead or other designers in the appointed team.

The framework is relevant to any person acting as a building designer in relation to the design, construction, alteration, extension or maintenance of HRRBs.

- 3.02 There is no legal requirement for a building designer on a construction project to hold a qualification, registration or certification. WG7 proceeded on the assumption that future regulations would require a scheme of accreditation to allow a building designer to work on an HRRB.

Many building design professionals are subject to professional regulation. Architects are subject to statutory regulation through ARB, and two-thirds of the architectural profession are members of the Royal Institute of British Architects and/or another professional body. Architectural technologists are members of Chartered Institute of Architectural Technologists, and surveyors are members of the Royal Institute of Chartered Surveyors.

3.03 Members of these bodies are subject to some form of competence testing before membership or entry is granted, and all are subject to ethical codes of conduct, which will include an expectation that they do not practise outside of the limits of their competence. The regulator and these professional bodies have complaints and enforcement regimes in place to deal with issues of conduct and competence. In addition, ARB, as a statutory regulator has a statutory responsibility to set standards for entry to the profession.

4.00 **Responding directly to questions arising from Dame Judith Hackitt's recommendations**

DJH Recommendation 5.1

The construction sector and fire safety sector should:

4.01 a) *demonstrate more effective leadership in relation to developing a responsible approach to delivering building safety and integrity;*

This is demonstrated through the work undertaken over the last 12 months in developing the competence frameworks and in contributing to the development of the overarching competence body. The industry has collaborated and taken the lead in delivering improved building safety. The proposed overall approach requires refinement and embedding. Due to the complexity of the sector, it will inevitably take some time to transition to a new way of working. The membership bodies of WG7 are proposing to demonstrate leadership by piloting the approach it has developed.

4.02 b) *work with other sectors to learn and translate good practice and implement it within the sector;*

WG7 considered the approach to accreditation and reaccreditation undertaken by other professions, including accountants, solicitors and some health professions.

4.03 c) *develop continuous improvement approaches to competence levels.*

WG7 is of the view that membership of a relevant body that requires continuous improvement to ensure ongoing competence is an essential requirement for a building designer engaged to work on HRRBs. It is

recommended that the competence levels are reviewed and refreshed on a regular basis to ensure they are fit for purpose and up to date with advances in areas including technology, digitisation and other product development.

- 4.04 *Government and the Architects Registration Board, working with partners, should consider current and future competence levels of those architects on the Register of Architects, and those joining the Register, in relation to the fire safety design issues specifically relating to those architects involved in designing HRRBs.*
- Design responsibilities are not exclusive to architects. However, they are likely to play an early and significant part in the design of HRRBs and are likely to be appointed to the role of principal designer by the dutyholder. The competence framework gives assurance to those appointing a building designer that the individual is competent to carry out the task.
- ARB sets the standards for entry into the profession. It maintains these standards through the prescription of qualifications. It requires architects to maintain their competence and undertake work within their expertise and competence. The MHCLG and ARB will consider whether any change to legislation is required to enhance this function.

5.00 Detailed analysis of issues

5.01 Issue 1: The need for clarity and responsibility

One of the key issues emanating from Dame Judith Hackitt's report was for dutyholders to be held to account for their performance. WG7 welcomes this approach. The roles of principal designer, principal contractor and dutyholder exist in the Construction Design and Management Regulations (CDM). There is a need to ensure there is clarity between these regulations and the roles created for oversight by the OCB if effective change is going to be delivered.

WG7 notes that a legal entity may be a dutyholder and may appoint an individual or an organisation/company/firm to the role of principal designer. If an organisation is appointed to the role of principal designer, they must be responsible for ensuring a competent individual designer is appointed to lead the design team. The view of WG7 is that the principal designer should usually be the leader of the building design team (an architect or other building design professional). This aligns with the view of WG0 which recognises that the principal designer role on a HRRB should effectively be the lead designer.

However there are situations, for example refurbishment or retrofit projects, where the principal designer may be an engineer or other construction professional. We acknowledge that there may also be a lead designer, and indeed other designers, in the design team. We envisage that these designers will be accountable to the

principal designer as the dutyholder.

It is important that the statutory dutyholder roles in the design, construction and management of HRRBS are held by accredited individual persons, or organisations employing identifiable accredited individual persons, responsible for oversight of the key design, construction and management decisions that affect fire safety.

The principal designer (or principal contractor) leading the design or construction should not be able to divest or delegate their specific responsibility.

5.02 Issue 2: Assurance of competence and ethical practice

WG7 considers that any individual wishing to access the competence framework for building designers must:

- Be a current full member in good standing of a relevant construction professional organisation;
- Be required to have in place a suitable programme for continuing professional development (CPD);
- Be subject to and adhere to a Code of Conduct and disciplinary procedures;
- Have suitable academic qualifications in a construction-based subject; and
- Have the specified or relevant experience in complex building projects.

5.03 Issue 3: Maintaining competence

Levels of competence should be maintained and subject to continuing professional development. These competence levels should be reassessed and reaccredited on a defined periodic basis.

WG7 recommends a robust system of revalidation, involving documentation and peer-interview, so as to ensure that the building designer has maintained their competence in relation to the work they are accredited to undertake, and have a plan to develop new competencies where necessary.

The recommended period for reassessment is five years.

6.00 Raising the bar: proposed approach

6.01 The Competence Framework has been drafted to raise the standard of competence of building designers working on HRRBs and allow it to be applied to other complex buildings that may later be brought into scope.

Although WG7 identified that those leading on building design may be subject to professional and statutory regulation, there was a gap in relation knowledge, skills

and overall competence in relation to building designers working on HRRBs. The framework addresses this gap.

It is flexible and can be used by schools to develop qualifications; by professionals to gain the requisite experience for accreditation; as a career development tool and by employers to develop and recruit staff. The framework can be adapted and changed over time to reflect the changing landscape in the built environment.

The membership organisations of WG7 are proposing to pilot the recommended approach because it acknowledges legislative change may take some time to implement. This may highlight any gaps or issues with the approach and also help with the development of continuous professional development and the role and work of the OCB.

6.02 The Architects Registration Board is considering the coverage of life safety in the criteria for initial qualification, which are held jointly with the RIBA, as part of the current regular review of those criteria. It is also considering how best to monitor the ongoing competence of those on the Register of Architects.

6.03 Most of the organisations already have requirements in place for continuing professional development and can adapt their procedures and processes to comply with the competence framework.

7.00 Programme for delivery & primary authorities

7.01 Subject to the proposed regulatory framework in relation to HRRBs, the initial step for delivery would be to identify those organisations and individuals with sufficient expertise to be able to assess the competence of those wishing to access the framework.

7.02 While the overarching system of regulating competence has yet to be decided, WG7 does not see any logistical issues with the professional bodies running the accreditation schemes for their members (and if necessary, non-members), with oversight from the standards body UKAS, the Engineering Council or any other organisation that may enter this market. Given the number of professional bodies and organisations that exist in the building design field, the concept of an additional regulatory body appears disproportionate.

WG7 has prepared a draft timetable for delivery of the system based on an interim competence system and a codified system for the construction sector that aligns with the introduction of the OCB.

8.00 Barriers to delivery

8.01 The absence of a statutory obligation to employ competent persons on HRRBs may undermine the work of the industry to raise standards of competence. Risks to the public do not come from those willing to engage in raising standards, but from

those who will operate outside of the regulatory framework if they are allowed to.

8.02 Conversely, standards cannot be set at an unrealistically high level if they are going to be accepted by industry. There must be a balance between benefit and burden for the individuals wishing to demonstrate their competence and accept the additional responsibility and liability arising from it. Consideration needs to be given to issues such as the availability of insurance for dutyholders and role holders, the cost of delivery, as well as ensuring organisations and individuals are willing and able to fulfil the roles.

In order to avoid bottlenecks and a skills shortage, it will be important to ensure that in advance of any new regulations there are individuals and organisations capable of establishing and using the competence framework.

8.03 It is evident from the Hackitt Review and the work undertaken to date that the construction sector is complex. The change in culture, procedures, systems and processes will take time to implement and embed. Keeping the momentum is key to achieving this change.

8.04 WG7 acknowledges that it is common for significant and often high-risk elements of buildings to be designed by subcontractors or suppliers: for example, façade assemblies, fire alarm and suppression systems and HVAC equipment. Many of the individuals who design such elements contribute significantly to the design of the completed building but fall outside the definition of building designers covered by WG7 and so will not be covered by the building designer competence framework. The design of these types of building assemblies and components and their interfaces with other building elements and systems constitute a significant life safety risk which must be addressed in the new system of regulation, competence assessment and contractual relationships.

This issue has been picked up in the report from WG0 which highlights that there are disciplines with no established professional or trade bodies, or system for assuring competence. It recommends the Industry Committee for Competence should promote and oversee representative working groups to develop appropriate assessment and accreditation processes, to enable compliance with a benchmark overarching competence framework.