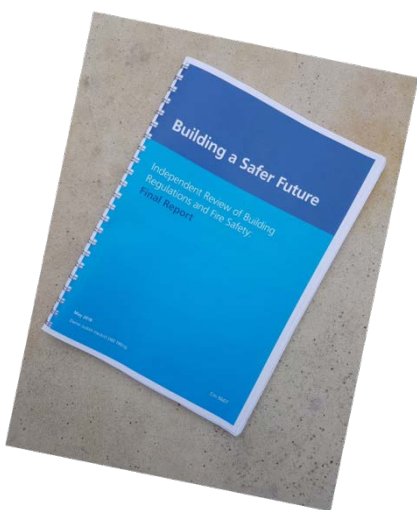


# Safer people, safer homes: Building Safety Management



**Building Safety Manager  
Working Group 8  
Full Final Report to IRG**

**June 2020**

<b>Foreword .....</b>	<b>4</b>
<b>1.0 Summary report, collated recommendations and glossary .....</b>	<b>7</b>
Summary report.....	7
Collated Recommendations.....	18
Glossary .....	27
<b>2.0 Competencies for the Building Safety Manager .....</b>	<b>31</b>
2.1 Introduction.....	31
2.2 Managing Risks Effectively: Organisational Capability .....	31
2.3 Building Safety Management: Safe places and Safe People.....	31
2.4 The Building Safety Manager (BSM).....	32
2.5 Individual Competence .....	33
2.6 The Building Safety Competence Framework .....	33
2.7 Core Competencies .....	37
2.8 Competence Profile: Named Individual BSM.....	43
2.9 Other Competence Profiles.....	50
2.10 Example Internal Competence Assessment.....	52
<b>3.0 Progress and Anticipated future delivery by Social &amp; Private Sectors ...</b>	<b>53</b>
3.1 Social Housing Sector: Update on Progress for Improving Fire Safety.....	53
3.2 Private Housing Sector: Update on Progress for Improving Fire Safety .....	56
<b>4.0 Buildings .....</b>	<b>62</b>
Overview .....	62
Classification of Buildings .....	63
Access.....	64
Leases / Tenancy Agreements .....	65
Occupier communication and engagement.....	66
<b>5.0 Organisational Management and registration or certification</b>	
<b>Structure.....</b>	<b>69</b>
Overall HRRB Management Arrangements and Roles .....	69
Building Safety Manager BSM .....	69
Accountable Person (AP).....	73
Building Safety Manager (BSM) as an Organisation .....	76
Named Individual Building Safety Manager [NI (BSM)] .....	79

Management and oversight of Competence.....	80
<b>6.0 Fire and Emergency File (FEF).....</b>	<b>83</b>
Overview .....	83
<b>Appendix A .....</b>	<b>87</b>
Saatchi M&C Saatchi – 17.10.18 .....	87
<b>Appendix B .....</b>	<b>90</b>
Table of lease types tenure types Contracts .....	90
<b>Appendix C.....</b>	<b>94</b>
Fire & Emergency File Content .....	94
<b>Appendix D .....</b>	<b>109</b>
Model Job Description .....	109
<b>Appendix E.....</b>	<b>114</b>
Membership of WG8	

## Foreword

Working Group 8 (WG8) membership includes remarkable depth of experience and technical knowledge from the wider 'residential housing sector'. I have been privileged to chair this team since July 2018. There is still much for this pan-sector group and the wider housing sector to achieve before we can reasonably consider that the vision set out by Dame Judith Hackitt, in response to the awful tragedy that befell those residents in Grenfell Tower, is complete, however we have made some progress towards this goal. As a result, work continues with the British Standards Institute (BSI) and others to deliver the cultural and skillset changes demanded by that tragic event, and I am grateful for the continued time and effort afforded to the Group by its members.

WG8 was tasked with defining the competencies necessary for a newly designated role of a 'Building Safety Manager', the 'BSM'. To meet this task, we first needed to establish the working environment that the BSM would be working within, whom would be employing them, what would influence the delivery of their responsibilities, what the impact of legislation and regulatory reforms could be and indeed what, exactly, would their responsibilities be.

The Final Report of this Working Group, seeks to set out the:

- summary report and collated recommendations
- the BSM required competencies
- progress and anticipated future delivery by social and private sectors
- the detailed considerations behind our recommendations

WG8's 'Interim' report, had been issued as a separate appendix to the Industry Response Group's interim report '[Raising the Bar](#)', published for consultation in August 2019. We have considered a significant volume of comments and views received through the consultation period from professional bodies, trade associations, representatives of private companies, social housing providers and the Health and Safety Executive (HSE) as well as private individuals.

Overall we were pleased to see that there a high level of support for all our recommendations and our aim has been to address matters raised by the consultation, and any other queries requesting further explanation in this, our final, report.

At the time of writing, we are pleased and grateful for the assistance and guidance provided by the Ministry of Housing, Communities and Local Government (MHCLG). Many of the WG8 initiated recommendations have been accepted, and we anticipate their essence to be delivered in the forthcoming Building Safety Bill.

There are, however, some recommendations that have not been fully accepted, notably in regard to our preferences for:

- The role of the BSM, and the scope of the proposed legislation, to reflect Dame Judith Hackitt's vision and include all areas of a 'whole building' rather than, for example in a mixed use property, only the residential accommodation.
- The safety role(s) of the BSM to retain 'holistic' obligations for wider occupier's safety and health, including public health considerations as well as those for fire and structural safety

(where this relates to fire safety), as we understand will be proposed in the forthcoming regulations.

While we understand that the scope of the anticipated legislation is to avoid legal duplication, practically, we consider it highly likely that the reduced scope may cause gaps in the delivery of holistic building safety.

We will be passing our full report to the BSI 'Built Environment Competence Standards Group' so that the skills, knowledge, experience and behaviours outlined by WG8, become the de facto competence requirements for a fully-fledged 'Named Individual Building Safety Manager'. WG8 will continue to participate in this work to convert its competence framework into the proposed BSI Publicly Available Specification (PAS). WG8 have also recommended some principles which should apply to the organisation BSM, as this function develops we anticipate best practise will evolve too

The final delivery of the BSI competence standards will take time, and we exhort the industry to continue to make the differences that matter in cultural, behavioural, and the associated competence requirements that are already recognised across the residential and housing sectors.

We have made a number of further recommendations on wider management arrangements to support the BSM role that remain outstanding. Not least 'reasonable and proportionate' access to individual demises, the need to address particular issues within 'traditional' lease clauses, and a request that the Government further support occupiers to improve fire safety understanding through investment in public sector broadcasting or campaign.

A further matter of detail that requires consideration, is the potential to legally facilitate the appointment of a 'professional and competent director' to support 'lay' directors of entities such as Right to Manage, Commonhold, and Residential Management Companies, in taking on accountability for H&S matters as a Board member .

We are pleased to report that, without waiting for legislation or regulation, both social and private sector housing providers have made significant improvements in fire, public health and safety management over the period since Grenfell and continue to do so. Much of this work has included risk identification, prioritisation and remediation. However, there are elements of work that WG 8 consider could be enhanced and expedited, should our recommendations be accepted in full. We have included an overview of how both private and social sector housing providers have already improved occupier safety, and how they envisage delivery of the anticipated new building safety regulatory regime.

Our [Interim Report](#) provided in full, details which included recommended content for the Fire & Emergency File (FEF). We are pleased to report that this recommendation has already been taken forward by BSI in forming part of the ongoing work on BS8644, which is a new standard and aims to provide a code of practice for the digital management of fire safety information.

WG8 members have pledged to continue to work together with a wider group of professional bodies and other interested organisations, who all share the aim of up-skilling their members, to ensure swift implementation of the new WG8 competence framework, and later the PAS when published, across the built environment.

Critical steps towards implementation currently work in progress include:

- Working with stakeholders to road-test the WG8 competence framework and the included internal assessment tool to raise building safety management competence in the short term, whilst the PAS is being developed. Working with other professional bodies, not yet participating in WG8, to agree how the proposed assessment and certification of the named

individual BSM aligns to their existing competence frameworks, professional standards and assessment processes.

- Further development of the assessment and accreditation approach recommended by WG8 and working group 0 (WG0), with consideration to the details noted in the Government's response to the [building a safer future consultation](#).
- In the meantime, WG8 will continue to work with government and BSI to develop the PAS national standard that will be developed for the BSM role. We will make every effort to raise awareness of the new named individual BSM competence requirements and encourage organisations to review how they compare with existing organisational and individual's resources. We will continue to work with MHCLG and any interested parties/professional bodies to develop a formal, central register of competent roles as defined by the different CSG working groups, including certified named individual BSMs

I have pleasure in commending this report and its recommendations.

A handwritten signature in black ink, appearing to read 'Anthony Taylor', written over a faint rectangular box.

Anthony Taylor

Independent Chairman  
MSc, CMIOSH, MBCI, HonRICS, MIIRSM, PIEMA  
Director: H&S for Avison Young, OSHCR, EurOSHM.

# 1.0 Summary Report, Collated Recommendations and Glossary

## Summary report

### Industry Response Group Competences for Building a Safer Future

Working Group 08 – Building Safety Manager

Final Report

version: 0.4

## Membership and lead contributors

Membership

Chair: Anthony Taylor, Avison Young (Independent)

Secretariat: Sofie Hooper, Institute of Workplace and Facilities Management;  
John Briggs, Fire Protection Association

Lead contributors: See foot of report, and WG8 Full and Final Report

## Introduction

Aims and Objectives

WG8 was tasked to respond to relevant recommendations in Dame Judith Hackitt's Report Building a safer future:

- Recommendation 5.4: 'Relevant parties should work together, along with the relevant professional bodies, to develop and define a robust, comprehensive and coherent system for:
  - a) The competence requirements for the role of the building safety manager of HRRBs; and
  - b) The remit of this role in introducing and overseeing the process by which residents in HRRBs would be able to access fire safety awareness training.
- Recommendation 3.1.c: The dutyholder must nominate a named 'building safety manager' with relevant skills, knowledge and expertise to be responsible for the day-to-day management of the building and act as a point of contact for residents. The building safety manager's name and contact information must be notified to the JCA and to residents and should be displayed in the building.

WG8 explored the competency requirements for Higher Risk Residential Building's (HRRB) Building Safety Manager (BSM), and any appropriate scheme, governance, and potential sanctions for non-compliance.

The complexity of residential management and its many arrangements leading to opaque lines of responsibility for life safety should not be underestimated. Which is why WG8 also looked at the wider residential building ecosystem, in which the BSM would operate, to ensure a holistic and effective approach. This wider ecosystem and accompanying

organisational and structural recommendations are described in greater detail in the full WG8 report, which is contained in a separate document (Appendix B to this report).

Our stated objective from the outset has been to deliver holistic life safety in whole buildings.

One of the complexities of residential property management is the wide range of ownership models, some of which can overlap in a single whole building. While this is addressed in our Full and Final Report it needs noting here that it is common to have 'mixed use' properties with residential above retail units, or residential interspersed with retail/leisure or hotels in a single tower. It is equally common to have a freehold building, within which a number of demises will have been leased, potentially on terms of anything from six months Assured Shorthold Tenancy (AST) to ninety-nine years or more, a Full Repairing & Insuring Lease (FRI). There are also ownership models such as Right to Manage, Residential Management Companies, and Commonhold – all of which can give rise to a potential hierarchy of organisation BSMs and Named Individual BSMs, all responsible for different areas within one 'whole building', therefore it is crucially important that these individuals co-operate and co-ordinate and that due consideration is given to this potential situation when undertaking a Safety Case review or considering the roles and responsibilities when registering a building at Gateway 3. Where there are common areas or commercial parts of a mixed use building in scope there will also be a 'Responsible Person(s)' as defined by the Regulatory Reform (Fire Safety) Order 2005 (FSO), this individual(s) also has a duty to co-operate and co-ordinate with occupiers.

It is also envisioned that a Named Individual BSM will require a career path, and that they will need to gain knowledge and experience in the field. It is therefore recommended that there are levels of competence (as set out in the WG8 Competence framework) which will relate to the complexity of the buildings they are required to manage, or they may be a subordinate to a 'senior' Named Individual BSM who is responsible for a very complex/large building, while they progress their career. It is anticipated that Named Individual BSMs will have to hold a 'card', akin to a driving licence, to evidence their level of competence. Such card would be issued once the BSM has been certified against the competence standard. Ideally, the industry body that would hold the central register of competent people would issue such external demonstration of competence so that there is consistency across the different schemes.

Since our last report, it has been clarified that the BSM role could be carried out both by a legal entity (organisation) or a natural person, Named Individual BSM. WG8 understand that even an organisation BSM, would need to have a competent Named Individual BSM, that would need the necessary skills, knowledge, experience and behaviours to carry out the BSM functions. In addition, WG has been informed that legal requirements for organisational capability will be put in place, which will be assessed during the Building Registration Certificate application process.

WG8 strongly welcome this development as we had been advocating that the BSM would need to be supported within an organisation as the competences necessary for a Named Individual BSM will require a level of competence and confidence across a very wide range of technical disciplines.



WG8 had been advocating such structure through the concept of the ‘Residential Accommodation Operator’. This concept has now been replaced by the organisation BSM. Where necessary, we will make the distinction between the Named Individual BSM and the organisation BSM.

## Audience

WG8’s primary audience has focused on those delivering residential building management and safety services, both in private and social housing sector. WG stakeholders included managing agents, facilities managers and housing directors and their respective professional bodies to evaluate the detail of the BSM role, and to consult on our initial proposals.

The secondary audience for our report and recommendations include the proposed regulators and wider industry bodies to test our proposals in live situations and to develop best practice by putting the recommendations into common use prior to legislation being enacted.

The national competence framework developed by WG8 sets the minimum competence standard that should apply to BSMs for in scope buildings. The framework has been designed to accommodate assessing an individual’s competence as well as the competences necessary within the wider organisation, and it intends to align with the benchmarking framework, which will be developed by the BSI.

An assessment tool is included in the report, which can be used both for external, third party accredited assessment, and internal assessment for ongoing performance management.

The WG has also undertaken much work in evaluating, sharing and evolving a model management system that can be applied across all property types and ownership models. It is fully understood that the immediate concern is to deliver Safe Homes to those in ‘designated properties in scope’, however we have anticipated that the model and management systems should be rolled-out across the whole (residential) property sector during a reasonable, and sustainable, transition period to support the wider culture change needed.

WG8’s full report specifically identifies competences, obligations and responsibilities for:

- The Named Individual BSM
- The organisation BSM, its role, resources and obligations

WG8’s full report also makes recommendations/observations around:

- The Accountable Person.
- Empowering occupiers on life safety including their and their neighbours’ safety, access to relevant information and their obligations to relevant stakeholders (incl. BSM).
- The role of the regulator and Building Safety Competence Committee
- An extended “Fire Kills” campaign (extended in scope and materials)

- Implementing professional bodies and other organisations delivering against the national standard.
- Leasehold/contracts/tenure arrangements, including for RMC/RTM/commonholds etc, and highlights the wide range of ownership models, with their accompanying range and complexity of management arrangements. The full report also highlights the immediate need for some changes/additions to such legal arrangements to facilitate the vision and objectives outlined by DJH.

## WG8 Background

### Final Recommendations

This being a ‘newly defined’ role, WG8 has focused its recommendations around the following:

1. The scope of the role and responsibilities of the BSM (Named Individual and organisation);
  2. The competence of the Named Individual BSM; and obligations of the BSM
  3. The organisational management and registration/certification structure essential to the BSM role;
  4. The Golden Thread and processes the BSM and connecting roles should oversee; and
  5. The recommendations that should be embedded in legislation to support this structure
- WG8 recommends that legislation embeds its key recommendations to achieve strengthened life and building safety. Full recommendations and more detail can be found in WG8’s, full, final, report. The detailed reasoning behind the summary recommendations can be found in WG8’s full final report (**Safer people, safer homes: Building Safety Management**) available separately for download.

WG8 Recommendations are as follows:

1. The Building Safety Manager role should:
  - a. be a role with statutory duties and functions, responsible for life safety in whole buildings and for engagement with residents/occupiers.
  - b. Ideally sit within a wider organisational structure, the organisation BSM, so that sufficient support and resources are available to enable each Named Individual BSM to fully exercise their responsibility and duty of care. The body corporate will need to comply with legal requirements for organisational capability (which will be assessed during the Building Registration Certification (BRC) application process), and will have to have a named (senior) individual that will ensure that the Named Individual BSM(s) will be appropriately competent and have the resources necessary. Both an individual or an organisation can accept the role, as long as there is a named individual that meets the competence requirements of the WG8 competence framework.
  - c. Be appointed by the Accountable Person (AP), who is the duty holder. The AP cannot delegate their duties to the BSM.

2. A competence framework for the Named Individual BSM covering the core knowledge, skills, experience and behaviours required for the role to be adopted for HRRBs, and beyond.
  - a. This framework will be required to align with the overarching benchmark competence framework for HRRBs (when the latter is developed, although WG8 has aligned the existing work with the draft framework). WG8 will continue to work with government and the BSI to develop the BSI BSM Competence standard (which will take the format of a PAS- publicly approved standard and which will formalise the WG8 competence criteria).
  - b. To be(come) a competent Named Individual BSM, a person must:
    - i. Demonstrate adequate and appropriate minimum relevant experience in managing building risk, (including pre-new regime experience and duration dependent on building classification) and demonstrate a relevant recognised professional qualification;
    - ii. Demonstrate the requirements of the competency framework are met through assessment of:
      - Knowledge: an individual would be required to do an online assessment testing their knowledge, understanding, application and analysis of the relevant subject matter. The questions will be set to demonstrate achievement of the competence statements of the competence framework.
      - Experience/skills: this component would be assessed through the production of a professional paper and portfolio, with a professional interview allowing further verification of application of the required competences. A minimum of three to five years of relevant experience is expected for the role.
      - Behaviour: this component would be incorporated in the professional interview and would also be demonstrated by adherence to a code of conduct
    - iii.. Resubmission for certification of Named Individual BSM competence should occur every three years, evidencing participation in a refresher course, relevant CPD and adherence to the Code of Conduct.
3. WG8 recommends a statutory certification and registration structure for buildings (in scope) covering:
  - a. **A building registration:** to operate and occupy buildings (in scope) with any residential accommodation, with classification based on risk profile which would include building types, occupancy and complexity, amongst others.
  - b. **Registration** (checking of suitability criteria during the building registration process) **for the legal entity BSM organisation** to operate residential accommodation. They must employ adequate numbers of Named Individual BSMs appropriate for the building types within their portfolio, and ensure the

relevant resources are made available to manage all the classifications of buildings they operate. The Corporate Body/organisation BSM should have a named senior manager in place that carries responsibility for ensuring sufficient resources and budget for the Named Individual BSMs and the obligations of the BSM as a corporate entity/organisation. This could be one of the measures to check organisational capability against, as part of the wider management system in place, which must include a set of policies, governance, processes and procedures.

- c. **Registration for the Accountable Person**/duty holder who would be held responsible and accountable for building safety and resident engagement. They must also either be resident in or have formal representation in the UK. The AP must comprehend their responsibilities and obligations as such WG8 recommend that consideration of this be mandatory during the building registration process and the safety case review. The AP must ensure a BSM is appointed for each of the buildings in scope. Depending on the arrangements, the 'type' and complexity of buildings, the volume of buildings for which a Named Individual BSM, and organisation BSM can be made responsible for is at their own professional discretion and will be led by developing industry best practice. There must be a direct line of communication between the AP and the BSM.
- d. **Certification (third party accredited) for the Named Individual BSM** which will be relevant to the building classifications which the BSM is responsible for. Anyone holding the Named Individual BSM role, must be certified against the competence requirements set out in the WG8 competence framework. WG8 will continue to work with MHCLG to decide the most appropriate tool to achieve this essential outcome.
- e. The **regulator** should maintain a **national register** for these statutory roles, (AP, BSM, Named Individual BSM). This is to facilitate the traceability and transparency of role holders and, indeed provides the sanction to remove them from, or record cautions against them if necessary. This aim can be met through the register of Registered Buildings, which will list the AP/BSM responsible for them.
- f. Other roles/actions supporting delivery of the culture change needed:
  - i. WG8 strongly recommend that there is also a **Central Register**, which will hold the names of those individuals that will have upskilled their competence according to competence criteria of the different Working Groups/forthcoming national BSI standards. This would include a list of certified/competent Named Individuals who could deliver the BSM role. This register could be held by Industry Representatives, Professional Bodies participating in the certification schemes, or by the regulator but must have some recognition in Law or by way of a requirement set down in statutory guidance.
  - ii. The **Building Safety Competence Committee** will be responsible for setting, maintaining, assessing and delivering competence standards.
  - iii. Professional bodies and other organisations concerned with certifying and professionalising people have a central role to play, including:

- The delivery of the Named Individual BSM certified individual's scheme
- The assessment of people wanting to advance to formal assessment and certification (this will allow two effective routes into certification: Accreditation of Prior Experiential Learning<sup>1</sup> and formal learning in those areas where people may lack competence)
- The development of the questions and the assessment tools against the NI(BSM) competence statements and the requirements of the organisation BSM
- Either holding, or overseeing the management of, registers of competent Named Individual (BSM)s
- The delivery of learning interventions and supporting activities, including CPD, that are mapped against the competencies so individuals can fill any gaps identified in knowledge or understanding

4. Golden thread related recommendations:

- a. The **content and structure of the Safety Case File and the Fire & Emergency File should be mandated**, and this information should only be uploaded and managed by competent persons. This information should be held on a single (digital) National Database (akin to the Energy Performance Certificate). The content structure for the FEF as drawn up by WG8, will be incorporated in a forthcoming BS standard on digital fire safety information.
- b. The **Fire & Emergency File should become mandatory for all residential buildings**, (except detached and semi-detached, owner occupied and subject to the building category falling into scope of the new regime) to include for existing 'built' stock, (the assumption being that the new regime will be rolled out across different building categories over a period of time)

5. The BSM will be responsible for the resident engagement strategy and its implementation, for and on behalf the dutyholder AP, ensuring that through working in partnership with occupiers, they are better informed about building safety and their role in supporting it.

6. Occupier education and engagement should be supported by an extended "Fire Kills" campaign. This would provide additional uniform messaging and additional education material that can be shared with occupiers by BSMs.

---

<sup>1</sup> The identification, assessment and formal acknowledgement of prior learning and achievement. This may either be certificated learning (APCL) or accredited prior experiential learning (APEL), where learning achieved outside education or training systems is assessed and recognised for academic purposes.

7. **Strengthened right of ‘reasonable and proportionate’ access** to individual residential units. This to be enshrined in new and ‘standard’ clauses in leases and provided for in existing tenure contracts.
8. It is understood that proposed changes to the FSO will clarify the remit of Fire Risk Assessment to include external cladding and the entry doors to individual residential units. It is also understood that statutory changes will include obligations on the occupier to advise the BSM of any less abled bodied occupants such that Personal Emergency Evacuation Plans (PEEPs) and similar arrangements can be put in place. Also that there will be placed obligations of a nature of a general duty of care on the Occupiers to behave in a safe manner and to disclose any plans for making structural changes within their leased demise. WG8 endorse and support these changes as providing further risk management measures to improve safety in residential accommodation.

Ambition framed against *Building a safer future* (BSF)

Scope of competence/legislation – **Fire and structural safety**: WG8 understands the rationale to limit the legislation’s scope to fire and structural safety. WG8 believe that the regime could, and should, go further and recommends a holistic ‘whole systems and life safety’ approach. In the absence of statutory obligation at this time, WG8 urge industry to take up the yoke and develop comprehensive ‘whole systems’ guidance.

WG8 have often raised the complications that arise when requesting additional costs from service charges when the costs are not supported by clear legislated requirements. There are on-going discussions to seek solutions as to how to bridge the gap between the legislation’s proposed scope and the material scope of a ‘whole systems and life safety’ approach. The gap potentially allows for APs, BSMs and Managing Agents to refuse funding, or up-skilling, for a ‘whole systems and life safety’ competent BSM over a ‘fire and structural only’ BSM, which could lead to the perpetuation, and risk, of non-compliance in other aspects of life safety.

WG8 agrees with the statutory functions outlined in the BSF and strongly support the requirement for the suitability criteria, especially the essential need to demonstrate competence against a national framework.

**‘Whole Building’** – BSF describes the role of a BSM as being responsible for a ‘whole building’, but the anticipated legislation will only cover the ‘residential parts’. Where there are mixed-use buildings, a new Duty to Co-operate with the Responsible Person (RP) in the FSO will apply.

1. We welcome this Duty to Cooperate, and the Home Office’s plan to align the FSO with the new regime. We advocate that the alignment also extends to an alignment of competence requirements between the BSM and RP (as defined in the FSO) to avoid gaps in implementation.
2. WG8 is concerned that this approach doesn’t fully negate the potential for gaps and therefore recommend that Government deliver detailed guidance on aspects of control and associated responsibilities throughout mixed use and other forms of

building occupation, including ‘Right To Manage’ and commonhold organisations, many of which will have very varied ownership structures. WG8 would like to offer its support for the development of such Government guidance, which should also cover the expected alignment and implementation of various (duty holding) roles.

Organisational responsibility is recognised in para: 170 of BSF. WG8 have consistently advocated a formal assessment of such organisational capability (of an organisation BSM) by the regulator and therefore welcome MHCLG assurances that legal requirements to ensure organisational capability of the BSM will be introduced. An assessment of those requirements will take place by the regulator during the building registration certificate application. Such assessment is necessary to ensure that the Named Individual BSM is properly equipped to deliver their statutory functions and duties. WG1 have also made recommendations to this effect, which WG8 support – “for individuals to perform competently the organisation must also be competent”.

Dame Judith Hackitt’s recommendations indicate that a competent Named Individual BSM must have a direct relationship with the buildings and occupiers for whom they are responsible. This infers, as does WG8’s strong recommendations, that competent Named Individual BSMs should not be made responsible for too many buildings- there should be a **ratio of one Named Individual BSM to a few buildings**. It would be inappropriate to determine precise volumes/ratio in legislation. Rather, the ratio should be left to the integrity of the BSM, AP and regulator as it will depend on the size and complexity of the portfolio of buildings.

It’s anticipated that organisation BSMs will have a large number of buildings (for which it has received an appointment from a number of APs in the private sector or large portfolios often occur in social housing too), and as such the ratio of **one organisation BSM** will likely be **to many buildings**. In such circumstances, an appropriate number of Named Individual BSMs should be foreseen.

## Consultation Responses

We have received and considered a significant volume of comments received through the consultation period from professional bodies, trade associations, representatives of private companies, social housing providers and the HSE as well as private individuals.

We were pleased to see that there is, generally, full support for all our recommendations. We trust that we have addressed any other matters raised by the consultation, and any queries requesting further explanation in this, our final, report.

WG8 have retained a log of our responses to those comments that differed from our recommendations, and our response to those comments. This is available on request.

In response to the HSE submission to our consultation, we have further nuanced our recommendation to demonstrate the congruence in our respective positions.

## Assuring Improvement

Top-down approach: Including connection with WG0

Many of our recommendations reflect on the assumed roles of both the regulator and the Building Safety Competence Committee. For the purposes of this final report, and at time

of writing, we have assumed their structures, relationships and obligations as has been presented by WG0, the MHCLG consultation and recent government response to that consultation.

We have made recommendations on what competence the regulator should check for, through the formal certification system advocated, and also agree with the suitability criteria as outlined in MHCLG's consultation. These criteria should be checked before granting the Building Registration Certificate to the Accountable Person.

In addition, we agree the ongoing competence testing by the regulator through the safety case.

As for the Building Safety Competence Committee, we see that as the Overarching Body to oversee the work on the national competence standards and to ensure that those standards remain relevant and up to date. The role of the Building Safety Competence Committee would be very important in ensuring uniformity of application of the framework and the ethics applied across the built environment

Bottom-up approach: Including connection with other WGs, and further, wider engagement with the stakeholder(s) groups.

For the bottom up approach to be successful, the competence framework designed by WG8 must be translated into a national standard. Compliance with this standard, and resulting certification against it, would demonstrate an individual's competence beyond question. Uniformity of implementation of the standards across different certification bodies could be assured by third party accreditation.

The recent government response to the MHCLG consultation confirms this approach, with BSI due to develop a suite of appropriate standards. WG8 will continue its work within this next phase, which will see the incorporation of the WG8 competence criteria into a PAS format.

## **Progress to Date**

In section C of our full final report, we have given an update on the significant progress that has been made by both the social and the private sectors. Both sectors have different, historic, approaches to property management, and different realities to manage. The report sets out how they currently operate and how they envisage to progress in the future to implement and achieve holistic building and life safety for occupants.

In addition, the implementation roadmap described below builds on some of the activity WG8 members are already undertaking, such as for example raising awareness of the forthcoming regime and how members can prepare for the new regime, delivering safety ahead of the legislation.

## **Programme to achieve ambition with key milestones**

Implementation road map



WG8 members will continue to work together with wider professional bodies and other interested bodies aiming to upskill their members to ensure implementation of the framework across the built environment. We will also develop the detailed framework that will underpin the assessment piece and the assessment tools needed. Furthermore, as part of the competence requirements we will agree to a programme of relevant CPD.

Critical implementation steps that are being prepared are:

- Work with stakeholders to road-test the recommended approach and the included internal assessment tool to raise building safety management competences, including within WG8 member organisations and commercial members, National Housing Federation (NHF), Local Government Association and Early Adopters.
- Work with other professional institutes, not yet participating in WG8, such as CIOB, CIBSE, IOSH, ARLA etc. to agree how the proposed assessment and certification of the Named Individual BSM aligns to their existing frameworks, professional standards and processes.
- Finalise the assessment and accreditation approach, in line with the recommendations for the Overarching Competency System, proposed by WG0 and included in the Government's consultation and develop the assessment tool and process for certification.
- WG8 to continue to work with government and BSI to translate the WG8 competence framework into a national standard/PAS for the BSM role.
- Raise awareness of the new Named Individual BSM competence requirements, and how they compare with organisational requirements, across the built environment through events and other communication means.
- Work with MHCLG and any interested parties/professional bodies to develop a formal, central register of competent roles as defined by the different CSG working groups, including certified Named Individual BSMs

End of summary report

## Collated Recommendations

Recommendations noted in the WG8 Summary Report		
Number	Recommendation content	Status
1.	<p>The Building Safety Manager role should:</p> <ol style="list-style-type: none"> <li>be a role with statutory duties and functions, responsible for life safety in whole buildings and for engagement with residents/occupiers.</li> <li>Ideally sit within a wider organisational structure, the organisation BSM, so that sufficient support and resources are available to enable each Named Individual BSM to fully exercise their responsibility and duty of care. The body corporate will need to comply with legal requirements for organisational capability (which will be assessed during the Building Registration Certification (BRC) application process), and will have to have a named (senior) individual that will ensure that the Named Individual BSM(s) will be appropriately competent and have the resources necessary. Both an individual or an organisation can accept the role, as long as there is a named individual that meets the competence requirements of the WG8 competence framework.</li> <li>Be appointed by the Accountable Person (AP), who is the duty holder. The AP cannot delegate their duties to the BSM.</li> </ol>	<p>Progressed in the Building Safety Bill</p>
2.	<p>A competence framework for the Named Individual BSM covering the core knowledge, skills, experience and behaviours required for the role to be adopted for HRRBs, and beyond.</p> <ol style="list-style-type: none"> <li>This framework will be required to align with the overarching benchmark competence framework for HRRBs (when the latter is developed, although WG8 has aligned the existing work with the draft framework). WG8 will continue to work with government and the BSI to develop the BSI BSM Competence standard (which will take the format of a PAS- publicly approved standard and which will formalise the WG8 competence criteria).</li> <li>To be(come) a competent Named Individual BSM, a person must: <ol style="list-style-type: none"> <li>Demonstrate adequate and appropriate minimum relevant experience in managing building risk, (including pre-new regime experience and duration dependent on building classification) and demonstrate a relevant recognised professional qualification;</li> <li>Demonstrate the requirements of the competency</li> </ol> </li> </ol>	<p>The WG8 framework will be translated into a BSI PAS</p> <p>Progressed,</p> <p>WG8 have shared the WG8 competence framework BSI 'Built Environment Competence Standards (BECS) Strategy Group with the request the work to implement our recommendations is taken forward immediately (i.e.: Q2 2020 – from July)</p>

	<p>framework are met through assessment of:</p> <ul style="list-style-type: none"> <li>• Knowledge: an individual would be required to do an online assessment testing their knowledge, understanding, application and analysis of the relevant subject matter. The questions will be set to demonstrate achievement of the competence statements of the competence framework.</li> <li>• Experience/skills: this component would be assessed through the production of a professional paper and portfolio, with a professional interview allowing further verification of application of the required competences. A minimum of three to five years of relevant experience is expected for the role.</li> <li>• Behaviour: this component would be incorporated in the professional interview and would also be demonstrated by adherence to a code of conduct</li> </ul> <p>iii. Resubmission for certification of Named Individual BSM competence should occur every three years, evidencing participation in a refresher course, relevant CPD and adherence to the Code of Conduct.</p>	<p>Unclear if the assessment requirements will be included in the BSI BSM PAS</p> <p>This requirement should be reflected in either the PAS or the statutory guidance</p>
3.	<p>WG8 recommends a statutory certification and registration structure for buildings (in scope) covering:</p> <p>a. <b>A building registration:</b> to operate and occupy buildings (in scope) with any residential accommodation, with classification based on risk profile which would include building types, occupancy and complexity, amongst others.</p> <p>b. <b>Registration</b> (checking of suitability criteria during the building registration process) <b>for the legal entity BSM organisation</b> to operate residential accommodation. They must employ adequate numbers of Named Individual BSMs appropriate for the building types within their portfolio, and ensure the relevant resources are made available to manage all the classifications of buildings they operate. The Corporate Body/organisation BSM should have a named senior manager in place that carries responsibility for ensuring sufficient resources and budget for the Named Individual BSMs and the obligations of the BSM as a corporate entity/organisation. This could be one of the measures to check organisational capability against, as part of the wider management system in place, which must include a set of policies, governance, processes and procedures.</p> <p>c. <b>Registration for the Accountable Person/duty holder</b> who would be held responsible and accountable for building safety and resident engagement. They must also either be resident in or have formal representation in the UK. The AP must comprehend their responsibilities and obligations as such WG8 recommend that consideration</p>	<p>Progressed in Building Safety Bill</p> <p>Progressed, the checking of suitability criteria will be carried out by the AP and the regulator will check if the AP has done its due diligence, taking into account the building's complexity</p> <p>Not clear if named senior manager will be included as part of the suitability requirements</p>

	<p>of this be mandatory the during the building registration process and the safety case review. The AP must ensure a BSM is appointed for each of the buildings in scope. Depending on the arrangements, the ‘type’ and complexity of buildings, the volume of buildings for which a Named Individual BSM, and organisation BSM can be made responsible for is at their own professional discretion and will be led by developing industry best practice. There must be a direct line of communication between the AP and the BSM.</p> <p>d. <b>Certification (third party accredited) for the Named Individual BSM</b> which will be relevant to the building classifications which the BSM is responsible for. Anyone holding the Named Individual BSM role, must be certified against the competence requirements set out in the WG8 competence framework. WG8 will continue to work with MHCLG to decide the most appropriate tool to achieve this essential outcome.</p> <p>e. The <b>regulator</b> should maintain a <b>national register</b> for these statutory roles, (AP, BSM, Named Individual BSM). This is to facilitate the traceability and transparency of role holders and, indeed provides the sanction to remove them from, or record cautions against them if necessary. This aim can be met through the register of Registered Buildings, which will list the AP/BSM responsible for them.</p> <p>f. Other roles/actions supporting delivery of the culture change needed:</p> <p>i. WG8 strongly recommend that there is also a <b>Central Register</b>, which will hold the names of those individuals that will have upskilled their competence according to competence criteria of the different Working Groups/forthcoming national BSI standards. This would include a list of certified/competent Named Individuals who could deliver the BSM role. This register could be held by Industry Representatives, Professional Bodies participating in the certification schemes, or by the regulator but must have some recognition in Law or by way of a requirement set down in statutory guidance.</p> <p>ii. The <b>Building Safety Competence Committee</b> will be responsible for setting, maintaining, assessing and delivering competence standards.</p> <p>iii. Professional bodies and other organisations concerned with certifying and professionalising people have a central role to play, including:</p> <ul style="list-style-type: none"> <li>• The delivery of the Named Individual BSM</li> </ul>	<p>The volume of buildings for which a NI BSM is responsible for will be considered by regulator</p> <p>The Recommendation for a Central Register, or ‘Register of Registers’ remains unresolved. Not currently progressed, WG8 will continue to advocate for this through a variety of routes. While a register of Registered Buildings will exist, this will not necessarily be open, transparent and accessible to those with wider interests.</p> <p>Progressed</p> <p>Progressed as part of the statutory guidance, even though more</p>
--	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

	<p>certified individual's scheme</p> <ul style="list-style-type: none"> <li>• The assessment of people wanting to advance to formal assessment and certification (this will allow two effective routes into certification: Accreditation of Prior Experiential Learning<sup>2</sup> and formal learning in those areas where people may lack competence)</li> <li>• The development of the questions and the assessment tools against the Named Individual (BSM) competence statements and the requirements of the organisation BSM</li> <li>• Either holding, or overseeing the management of, registers of competent Named Individual (BSM)s</li> <li>• The delivery of learning interventions and supporting activities, including CPD, that are mapped against the competencies so individuals can fill any gaps identified in knowledge or understanding</li> </ul>	<p>clarity is needed on what other routes will be accepted to demonstrate competence for managing the building</p> <p>Progressed by individual organisations. WG8 would advocate for professional bodies to collaborate to deliver consistent competence across the industry</p>
4.	<p>Golden thread related recommendations:</p> <p>a. <b>The content and structure of the Safety Case File and the Fire &amp; Emergency File should be mandated</b>, and this information should only be uploaded and managed by competent persons. This information should be held on a single (digital) National Database (akin to the Energy Performance Certificate). The content structure for the FEF as drawn up by WG8, will be incorporated in a forthcoming BS standard on digital fire safety information.</p> <p>b. <b>The Fire &amp; Emergency File should become mandatory for all residential buildings</b>, (except detached and semi-detached, owner occupied and subject to the building category falling into scope of the new regime) to include for existing 'built' stock, (the assumption being that the new regime will be rolled out across different building categories over a period of time)</p>	<p>Unclear if this will be progressed</p> <p>A BS standard is working on the digital management of fire safety information</p> <p>No clarity on status</p>
5.	<p>The BSM will be responsible for the resident engagement strategy and its implementation, for and on behalf the dutyholder AP, ensuring that through working in partnership with occupiers, they are better informed about building safety and their role in supporting it.</p>	<p>Progressed</p>

<sup>2</sup> The identification, assessment and formal acknowledgement of prior learning and achievement. This may either be certificated learning (APCL) or accredited prior experiential learning (APEL), where learning achieved outside education or training systems is assessed and recognised for academic purposes.

6.	Occupier education and engagement should be supported by an extended “Fire Kills” campaign. This would provide additional uniform messaging and additional education material that can be shared with occupiers by BSMs.	No clarity about progress
7.	<b>Strengthened right of ‘reasonable and proportionate’ access</b> to individual residential units. This to be enshrined in new and ‘standard’ clauses in leases and provided for in existing tenure contracts.	While an extended duty of care has been put in place, this does not go as far as WG8 would have liked to see
8.	It is understood that proposed changes to the FSO will clarify the remit of Fire Risk Assessment to include external cladding and the entry doors to individual residential units. It is also understood that statutory changes will include obligations on the occupier to advise the BSM of any less abled bodied occupants such that Personal Emergency Evacuation Plans (PEEPs) and similar arrangements can be put in place. Also that there will be placed obligations of a nature of a general duty of care on the Occupiers to behave in a safe manner and to disclose any plans for making structural changes within their leased demise. WG8 endorse and support these changes as providing further risk management measures to improve safety in residential accommodation.	Progressed

## Additional, Full Report, recommendations

Number	Recommendation content	Status
<b>BSM Role</b>		
9.	The Certification (third party accreditation) for the Named Individual BSM(s) must in due course be stratified, to: <ul style="list-style-type: none"> <li>facilitate compatibility between NI(BSM) competence to the building classifications which the NI(BSM) is responsible for,</li> </ul> or, <ul style="list-style-type: none"> <li>to assure all that the NI(BSM) has the appropriate certification for all the buildings the AP may have appointed the NI(BSM) to be responsible for.</li> </ul>	This appears to be planned in due course
10.	WG 8 recommend that the Named Individual Building Safety Managers NI(BSM) should be required to carry an identification card to a) provide comfort to the occupiers as to their identity and b) designation as to the levels of competence (and therefore the complexity of the buildings) they are deemed competent to manage.	No progress as of yet, WG8 will continue to progress this

	WG8 envisage this to be similar to a current UK driving licence or CSCS card) which will detail the building classification(s) they are deemed to be competent to operate in. Their registration, (i.e.: 'licence to operate' because of their certified competence), is the physical 'evidence' of their competence certification, to inspire confidence in building occupiers and residents.	
11.	WG8 recommend that, depending on the arrangements, the 'type' and complexity of buildings, the volume of buildings for which a NI(BSM), and BSM organisation can be made responsible for should remain squarely with their own professional discretion and will be led by developing industry best practice. WG8 recommend that it would be inappropriate to determine precise volumes/ratios of BSMs/NI(BSM)s in legislation. Rather, the ratio should be left to the integrity of the BSM, NI(BSM), AP, and the building safety regulator as it will depend on the size and complexity of the portfolio of buildings for which they are, respectively, appointed.	Progressed and consideration taken on board
12.	There must be a direct line of communication between the AP and the BSM and NI(BSM).	Progressed, in addition the Bill is due to stipulate that the AP appoints the BSM
<b>Tenure and access</b>		
13.	Notwithstanding the risk that occupiers may not understand their legal obligations, WG8 highly recommends that a small number of 'standard' 'General Duty of Care' clauses are inserted into all residential occupier contracts, clarifying occupier or resident responsibilities and obligations to their landlords, the BSM/NI(BSM) and other occupiers of the building. Similar clauses should be put into primary legislation to ensure that existing tenure arrangements are appropriately included. (WG8 do acknowledge the proposed obligations regarding residents advising the BSM where they may have need for a PEEP, or regarding proposed works)	Not progressed as such
<b>Buildings</b>		
14.	WG8 recommend that the 'Building Registration Certification' regime for residential buildings should, over time, apply to all buildings. (As defined in the glossary; all designated properties 'in scope' of the new building safety regulatory regime, extending to include any residential accommodation except single unit, owner-occupied domestic detached, and semi-detached properties). <b>Our recommendations are intended for wider roll-out across the residential sector, subsequent to an appropriate transition period.</b> This will enable promotion of common requirements and messaging across all residential accommodation, including existing homes.	It is our understanding this is due to be progressed over time
15.	As the new regime expands with 'new' building types or classifications, the competence framework should be	This is due to be taken forward in future, as and

	<p>updated with complementary competence sections dedicated to those building types.</p> <p>The 'Building Classification' should be determined from the list, by the Building Safety Regulator, at Gateway 3 or during Safety Case Reviews, and by their nature would pre-determine the competence required of those responsible for it.</p> <p>Secondary legislation should determine this classification as soon as possible, and this classification could be used as a method for determining the phasing in of the new legislation to non-HRRBs and other buildings which may become designated as 'in scope'.</p>	<p>when appropriate, once the new system has been bedded in. But we understand this is MHCLG's intention</p>
16.	<p>While WG8 are advised, and understand that forthcoming building safety regulation will not extend the scope of the BSM to a 'whole building' but will only cover the residential part(s) we continue to recommend that the scope of the Building Safety Bill should extend to a 'whole building'.</p> <p>The potential division of responsibility, especially in 'Mixed Use' properties will potential leave gaps, missing an opportunity to further enhance building and resident safety.</p>	<p>Some progress is being made through the duty to cooperate between the BSM and the responsible person under the FSO, however such an approach is unlikely to remove all gaps</p>
<b>Building Registration Certification</b>		
17.	<p>Complementing recommendation 3, f, i above, WG8 recommend that any individual certified to work on HRRBs should have an Identification Card (ID) similar to that recommended for the NI(BSM) – to assure individual competence on visiting each building, by scanning the ID card with embedded data chip.</p>	<p>This remains outstanding</p>
18.	<p>The Accountable Person should always be able to identify the parties to leases and other contractual arrangements and their attendant responsibilities for the buildings they are responsible for. This issue is particularly pertinent to the growing number of RTM/RMC, Commonhold and other similar 'non-traditional' property entities, WG8 therefore propose that the AP is required to:</p> <ul style="list-style-type: none"> <li>▪ Identify those who have control over the management and maintenance of the building</li> <li>▪ Ensure those who have this control are aware of their duties and responsibilities.</li> <li>▪ Ensure that a BSM (organisation) and/or NI(BSM) are appointed to the building as appropriate, (and as above that this information is logged as part of the Building Registration Certification process and record)</li> </ul> <p>WG8 recommends that this information is submitted online, like the HSE F10 Notification in accordance with CDM 2015 requirements.</p>	<p>This is being progressed, it is unsure if the legislation or guidance will go into great detail however over the different scenarios to cover</p>
<b>Management Structure</b>		
19.	<p>Owner/Landlord (O/LL), now Accountable Person See recommendations 3.c and 3.e above</p>	<p>Concerns around the AP have mostly been</p>



		progressed although WG8 would have like to have seen a clear identifiable person at all times, even in the case of an organisation taking the role
20.	In addition to recommendations 1.b and 3.b on the organisation BSM, WG8 see the term 'senior manager' aligned in a similar vein as existing H&S and other statutory duties imposed on organisations. That the 'natural person', (the individual signing 'for and on behalf of' the organisation BSM), would be the Managing Director/Chief Operating Officer or other senior manager, at partner level and above, who could be held accountable due to their responsibilities within the organisation. This would include the assurance of adequate resources, including competences, being made available to deliver their organisations 'undertakings' in a safe and proper manner. For the sake of clarity, while the Organisation BSM and its senior manager would take on the many liabilities accompanying the BSM function, to ensure the competence, they would employ relevant (to the required building class) and appropriate NI (BSM)s. Without those relevant NI(BSM)s in place, they would not be able to deliver the BSM function as a resourced organisation. Both these roles (organisation BSM and NI(BSM)), for delivery of the BSM function, should be included in primary legislation.	Suitability criteria for the organisation BSM will be taken forward. It is unclear at this point in time if this will include a specific reference to a 'senior manager'
21.	It should be made a statutory obligation on both the BSM organisation and the Accountable Person to ensure appropriate resources (in time, personnel and financial terms) are always made available to ensure that their obligations to operate can be executed suitably and sufficiently.	Suitability checks will take place during both the registration process and the safety case review
<b>Occupier and resident engagement</b>		
22.	WG8 note that the tenant or resident may not be the occupier of a dwelling. As a result, we recommend that the 'Resident Engagement Strategy' be titled and aimed at both residents and 'Occupants'.	Not taken forward but awareness raised
<b>Golden Thread and Fire &amp; Emergency File</b>		
23.	WG8 envisage that the Golden Thread of information scope should include 'life safety' information, including Public Health, Fire and Structural safety. Once past gateway 3, the Safety Case review should interrogate the information within the Safety Case for accuracy and completeness.	The scope of the legislation will only cover fire and structural safety, WG8 will continue to work towards inclusion of public health into the scope
24.	The BSM would manage this Safety Case in occupation, which would include the separate Fire and Emergency File (FEF), as built plans, Health and Safety file, residency engagement strategy..., each will in turn have their own regulatory mandated structure. This information is currently often unavailable or absent.	It is unclear what progress is being made on the various mandated structures

25.	A Safety Case review should become a formalised element of any sale/procurement of (in scope) residential property transactions.	Not progressed at this point in time for all building, this may be advocated as best practice for any buildings outside the initial scope
26.	In addition to rec. 4 above, WG8 recommends that the FEF should be a distinct and separate document/information repository, being a distinct section of the Safety Case and <b>not subsumed in the H&amp;S File.</b>	No clarity on progress
27.	The Fire & Emergency File will form part of the overall information necessary for a BSM to operate effectively. A formal structure should be imposed by Law. This structure should be significantly more prescriptive than the H&S File. While the structure of the FEF (i.e.: index) should be prescriptive, the type, style and detail of information required from competent engineers (of all disciplines) must be outcomes based.	No clarity on progress
28.	Legislation should require that the Fire and Emergency File <b>must</b> be consulted and considered at the design stage of any refurbishment, or other 'small works', to ensure that the proposed works do not compromise existing safety arrangements	No clarity
<b>Other matters of concern</b>		
29.	A specific working group should be set up to determine the list of building 'classifications/ratings', considering the building's unique hazard profile. This will also inform whether additional BSM competences will be required during the building registration phase.	Not currently progressed
30.	Further consideration needs to be given to the definition of 'Whole Building' and, within this context, to the BSM role in the event of a partially occupied building, or potentially multiple 'Whole Buildings' in one development.	While a duty to cooperate is being progressed for the BSM and the Responsible Person under the FSO, the potential for gaps remains and this is currently not sufficiently acknowledged
31.	Further consideration needs to be given to the role of the BSM in relation to any requirement to 'sign-off' building work, and the relationship to third party suppliers of both services and products (including WG1's Lead Designer and WG9's Independent Construction Assessor).	
32.	Work by the MHCLG leasehold reform teams, the 13th Law Commission, Lord Best's inquiry and the Hackitt response team is ongoing independent from each other while there is significant overlap. These workstreams should be brought together to ensure consistent outcomes.	Lord Best's report was published in July 2019
33.	Terminology used across the wider built environment sector is not consistent. Often the same term means different things in different contexts. To ensure	There are several BS standards that aim to bring consistency in terminology.

	<p>consistency, terminology used within the fire safety sector must be defined in legislation, or statutory guidance, including:</p> <ul style="list-style-type: none"> <li>• Fire Policy,</li> <li>• Fire Strategy,</li> <li>• Fire Safety Manual,</li> <li>• Fire Logbook</li> </ul> <p>After wider industry consultation, WG8 put this recommendation to the Industry Response Group (IRG) for the establishment of an industry wide working group to agree on terminology to be included in legislation.</p>	<p>However, they are not necessarily used consistently, and the terminology is not necessarily obvious in occupation phase.</p>
--	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------

## Glossary

### Accountable Person

The Accountable Person will be the individual, partnership or corporate body with the legal right to receive funds through service charges or rent from leaseholders and tenants in the building. The Accountable Person will also be identifiable by their legal responsibility for the upkeep and maintenance of the structure and outside of the building, and the plant room and common parts within. In the case of complex building ownership models, there could be more than one Accountable Person.

There are other ownership models: in leasehold buildings the responsibility and control is usually set out in the lease which means that responsibility for managing fire and structural safety can sit with another party, for example a Residents Management Company (RMC) rather than the owner. However, legislation also allows leaseholders to manage their own property through a Right to Manage Company (RTM) and in some cases, a manager can be appointed by the Tribunal who may be given wide management powers under an Order made by the Tribunal. Legislation also allows Commonhold where there is no lease but the property is owned and managed jointly by the flat owners through a commonhold association and commonhold community statement.

WG8 note that for example, a RTM Company benefits from service charge monies but it does not own anything. Consideration should be given to the simple definition that the AP should be the person/co that owns the freehold. It can be seen that such a definition in Law will avoid any argument as to whom the AP is.

The Accountable Person will be the named, natural person, or an organisation that will be held responsible and accountable for building safety by the Regulator. They may not always be the sole owner of the building because of the many different ownership and lease arrangements in place within the world of residential accommodation provision (see below). The Accountable Person will need to demonstrate to the Building Safety Regulator that they are 'fit and proper' and have a basic understanding of the responsibilities that come with 'ownership', including the appointment of an appropriately competent BSM, (as part of Building Registration Certification/Safety Cases).

#### Freeholder - where freehold and 'control' of the building remain together

The ultimate legal 'owner' of the freehold of a building. If that is an individual, then that individual will be the 'named person', taking on the Accountable Person role. If the freehold is held by an organisation (legal entity), then that organisation will be required to name a senior individual (e.g. Director or Chairperson) to take responsibility for the Accountable Person on behalf of that organisation. In either case, the named, natural, individual must be resident in England or Wales. The freeholder or the named person for

the organisation will need to demonstrate that they are 'fit and proper' and have a basic understanding of the responsibilities that come with ownership.

#### Accountable Person – where freehold and 'control' has separated

Often the Accountable Person refers to the legal entity that has the responsibility in law for building management functions.

Where the responsibility for the management functions has been passed by the freeholder to another party under the terms of the lease (eg Residents' Management Company) or those functions have been taken away from the freeholder (eg Right to Manage Company, Appointment of a Manager by the Tribunal), there should be a clear legal structure put in place to ensure that both the freeholder and the party with legal responsibility for the management functions, are both liable

It is common for building management responsibility to have been transferred to another party by way of either:

- A document recognised in existing legislation as transferring management responsibility – e.g. a lease, or commonhold community association document (where not only do the commonhold unit holders have responsibility for the management of their blocks, they also own the freehold.)
- A right in law to take on management responsibility, e.g. right to manage (RTM) (where they do not necessarily have ALL of the management functions and they have no 'ownership')

In all cases, where a legal entity (organisation) has management responsibility, a named senior individual (e.g. Director or Chairperson), residing in England and Wales, must take responsibility for the licence on behalf of that party. Should an individual not be forthcoming then that legal entity or the officers of that legal entity should remain accountable in law (jointly and severally) and legislation will be required granting authority to the Regulator to take appropriate action. This, it is suggested, may include a financial penalty or in extreme cases making a forced appointment of a third-party manager/Accountable Person, or a revocation of the licence.

## **APEL**

Accredited prior experiential learning

### **Building safety manager: Organisation (BSM)**

An organisation (or individual) appointed by the Accountable Person to deliver the responsibilities of the Accountable Person in regard to management of residential property

The entity (could be a company or individual [BSM or NI BSM]) who is appointed by the Accountable Person to carry out the management functions on behalf of the Accountable Person. There will need to be a nominated 'named individual' (NI BSM) who must be resident in England and Wales and will need to evidence they have the organisational capability to operate, which should be certificated. The entity (individual or company) will need to demonstrate that they are competent to manage each particular classification of building(s) under their control. An Organisational BSM (BSM) is anticipated as having a relationship of one BSM to many properties for which they are responsible.

### **Building Safety Manager: Named Individual Building Safety Manager (NI BSM)**

A single individual 'natural person' who is qualified by way of knowledge skills, experience and behaviour and therefore assessed as being competent to take the role of a Named Individual Building Safety Manager.

The NI (BSM) with the relevant skills, knowledge and expertise to be responsible for overseeing the safety of a small number of buildings and act as a point of contact for the occupiers. The NI (BSM) will be appointed by the AP. They would be 'certified' for particular building classifications or risk complexities. They may be employed by a BSM (organisation), but their appointment would be direct from by the Accountable Person. Where no BSM has been contracted by the AP, the NI (BSM) would be appointed directly by the Accountable Person. In all cases, the NI(BSM) must have a direct line communication to the Accountable Person for the purposes of good governance. The NI(BSM) will be required to evidence appropriate competence and behaviours prior to being granted registration. It is proposed that the NI(BSM) would carry and identification card, akin to a UK driving licence such that there are evidenced core competencies and further specialisms as determined by the building(s) classification(s) they hold responsibility for. There will be a relationship of one NI(BSM) to a small number of properties for which they are held responsible.

Note: The Name Building Safety Co-ordinator (proposed in WG8's Interim Report), was withdrawn, however the proposed role function has been taken forward as the 'Named Individual BSM [NI(BSM)]'

## **Building**

Within this report 'building' refers to all designated properties 'in scope' (see below) of the new regulatory regime. In certain circumstances the term will be used describe buildings not in the initial 'scope' of the Building Safety Bill where it will mean any residential accommodation (except single unit, owner-occupied domestic detached, and semi-detached property) in order that our recommendations are seen as being intended for wider roll-out across the sector, subsequent to an appropriate transition period.

## **CPD**

Continuous Professional Development

## **"Fire Kills" campaign**

Existing Public Sector Broadcasting public awareness campaign

## **FSO**

The Regulatory Reform (Fire Safety) Order 2005

## **HRRB**

Higher Risk Residential Building, as set out in Building a Safer Future – Independent Review of Building Regulations and Fire Safety: Final Report

## **In scope buildings / Buildings in scope / designated properties 'in scope'**

Buildings that are included within the scope of the forthcoming Building Safety Bill setting out the new regulatory regime.

## **Residents (to include other potential building occupiers and visitors)**

Defined as a resident and an occupier of a property within a building, Could be a leaseholder, shared owner or tenant. In some circumstances this may encompass building or property visitors such as family and friends but also can include roles such as contractors. The tenant named on the lease or tenancy agreement is not always the person residing in the property which is why we refer to residents and occupiers, where these persons are the target audience of any measures.

Residents will need to be better informed and further supported as they are a crucial part of the safety management of a building.

### **RAO/Residential Accommodation Operator**

A role proposed by WG8 in its interim report, this role has now been recognised as an 'Organisation BSM' and as such the expression RAO is defunct.

### **RMC/RTM/commonholds**

Residential Management Company (RMC), Right to Manage (RTM), Commonhold etc:

All of these are specific legal entities for the ownership/management of property, each has specific legal obligations.

### **Senior Manager (within this report generally referring to an employee of an BSM organisation)**

A senior manager (eg: head of department or managing director) who is nominated, by the organisation, as the person responsible, for and on behalf of the organisation, to assure the organisation BSM will provide all the resources necessary for the organisation to deliver its responsibilities to manage the full range of residential properties within its portfolio.

### **Social Housing Sector**

The sector of organisations that provide the type of housing where rents are linked to local incomes. Organisations will include housing associations (not-for-profit organisations that own, let, and manage rented housing) or local council authorities.

### **Whole Building**

Expression to describe the area within the physical boundaries (walls) of a single building, may be used to describe the total area that is determined and managed through a Fire Strategy.

Whole Building also refers to larger buildings with residential parts, retail, office, entertainment or other use, where regulations might apply as part of the building is residential.



## 2.0 Competencies for the Building Safety Manager

### 2.1 Introduction

Collectively through Working Group 8 of the Competence Steering Group we have worked across sector with colleagues from the housing, fire safety, construction and FM sectors to develop a national competence framework for those that manage or own multi-occupied residential premises. The framework can easily be adapted to the wider built environment.

WG 8 has agreed that the below framework will not just apply for multi-occupancy residential buildings, in principle, it applies to any building needing management. For the purpose of this exercise however, WG8 considers that the scope of the competence requirements should be explicitly extended beyond multi-occupied residential buildings to include institutional residential buildings.

### 2.2 Managing Risks Effectively: Organisational Capability

Following the recent fires in residential buildings and the resulting tragic loss of life, there is an identified need to improve building safety performance by focusing upon improving the competence of the workforce at all levels. This requires organisations to have robust systems and processes, governance, resources and expertise to be able to ensure that risks are well managed and resident safety is at the forefront of all decision making.

This will require a focus on the knowledge and skills of the workforce during the design and construction of buildings but, once in occupation, similarly those managing, will also require organisations to have such capabilities which demonstrate that they have robust systems in place, which are a combination of systems and behavioural aspects of management.

To deliver these requirements, the ongoing commitment and delivery of a competent workforce will be required that has the right mix of skills, knowledge, experience and behaviours to ensure a positive culture is established and delivers the effective management of buildings throughout their lifecycle.

Individual competence will need to be established and monitored on a regular basis to ensure the organisation and its workforce remain competent in its function to deliver safety and manage risks effectively.

We strongly recommend that organisations should consider its management approach and develop an approach such as the **Plan, Do, Check, Act** model. This model is used successfully when managing health and safety risks and is also aligned to other management systems approaches. This will be an important factor when developing and setting out the requirements of the safety case regime and meeting the wider competence requirements.

The competence framework outlined in this report is focused on individual competence, but by meeting the requirements of the framework will contribute to managing risks effectively and in developing a positive building safety culture. It is expected that this in turn will provide improved assurance to residents, members of the public, landlords, boards and regulators.

### 2.3 Building Safety Management: Safe places and Safe People

Managing safety, in particular fire safety in housing goes well beyond the establishment of passive and active systems in the built and refurbishment phases as it needs to extend and reach all those involved in the lifecycle of a building. The importance of the on-going dynamics of the users and the condition of the building fabric and systems needs continuous monitoring and control to ensure their effectiveness.

A key element of life safety strategy is its management, as well as residents' and occupants' reactions to fire safety measures and the integration of fire safety into areas of the business not always identified as being part of a fire safety role. The need to ensure that competent management is in place is paramount for occupant life safety and is only effective if it is underpinned, at all levels by knowledge, skills and experience.

The competence life safety challenge must not be underestimated as it requires the hearts and minds of all parties to recognise and identify with the changes required not only in technical competences but also equally in attitudes and behaviours.

This framework is dynamic and holistic in nature, which will enable organisations to develop robust systems to deliver competence and safety proactively throughout the lifecycle of a building and across a range of organisational roles. The application of this framework can be used to define the role of the Building Safety Manager and be tailored to the type of building and complexity.

This dynamic framework should act as a catalyst for change and for the future success in delivering a competent workforce, which contributes overall to the output of safe buildings and safe people.

## **2.4 The Building Safety Manager (BSM)**

The BSM role is of course part of a wider ecosystem of people influencing the life safety of a building. To help provide that wider context and operating environment, Appendix 1 provides an overview of the competence expectations and levels for other key actors.

This includes the accountable person (AP), who will be legally responsible for ensuring that building safety risks to occupants are reduced so far as is reasonably practicable and who exerts control and supervision of the BSM.

Our scope and focus remain wide, which is our strong recommendation, to ensure that we apply a whole systems approach to ensure there are no gaps and continuous improvement models are adopted to ensure competence is delivering in the future as the landscape and methods change.

The (statutory) function and role of the building safety manager is expected to support the accountable person, who will appoint them, in fulfilling their duties to manage life safety risks and would include:

- Ensuring and assessing that those employed to maintain and manage the building have the necessary skills, knowledge and experience
- Maintaining and operating information management systems to facilitate safe management of the building
- Maintaining and managing the safety case for the building so that risks are proactively identified, and mitigating measures put in place and maintained
- Identifying and ensuring that necessary and appropriate building remediation is undertaken to ensure that the conditions set out in the building registration certificate are met
- Engaging residents in the safe management of their building through a Resident Engagement Strategy that includes routes of escalation for resident concerns
- Demonstrating that fire risk assessments for the whole building are undertaken and reviewed regularly and any recommendations are undertaken in a timely manner
- Reporting mandatory occurrences to the building safety regulator.



## 2.5 Individual Competence

The BSM role can be undertaken by a legal entity (organisation) or individual, however in both cases there is a need for a named individual who is competent and will be required to be appointed to undertake the role and manage implementation within an organisation. The competence required to deliver this role will be the same.

Organisational systems will determine how functions and roles are structured to deliver effective building safety management, however to give an indication about the level of seniority and competence, we recommend that the named individual appointed is a senior professional with overall 'advanced' competence. We expect their knowledge levels to be aligned with the Recognised Qualification Framework (RQF) between Level 4 and Level 6 spectrum.

In this framework, we have focused on the key competences to expect from a Named Individual BSM for multi-occupied residential buildings, however we have provided an outline of required competencies for other actors, noted in Appendix 1.

The Regulator, when considering the building registration certificate and depending on the building's purpose and risk profile, may want to see enhanced competences in certain areas for other building types falling into a future wider scope. This framework allows for such adjustments.

## 2.6 The Building Safety Competence Framework



This framework is designed to complement existing competence frameworks, act as a national benchmark framework for all residential buildings, set out a minimum standard to achieve and provide a dynamic and proportionate approach which will assist in contributing to the cultural changes required to deliver safer buildings in the future. This approach can easily be expanded to the design and construction phases as well as other roles, sectors and existing frameworks.

The composition of each competence group sets out how the framework can be translated into the relevant performance outputs. The framework will then allow the relevant performance outputs to be identified and will highlight any knowledge or skill gap present through assessment.

## 2.6.1 Behaviours

Dame Hackitt in her Independent Review<sup>3</sup> outlined the need for culture change across the built environment. The key to unlocking this culture change is through encouraging the right behaviours in people and by making behaviours an integral part of competence requirements. Behaviours are defined as the way in which someone acts or conducts themselves, especially towards others.

Each positive behaviour strand is outlined below. Please refer to the assessment of competence for more information on how each behaviour can be assessed alongside relevant knowledge, skills and experience.

### B1 – Honesty

Reliable and trustworthy, treats others with equality and fairness, considers behaviours of others, is open, transparent and honest. Communication is clear and unambiguous.

### B2 – Accuracy

Acts with care, performs services competently, keeps knowledge and skills up to date, assists in the development of others, identifies, mitigates and manages risks. Communication is clear and accurate.

### B3 – Respect

Safety of others is paramount, ensures work is lawful and justified, recognises the importance of alternative views, respects personal information and intellectual property including confidentiality, protects and embeds a sustainable approach to improve the built and natural environments

### B4 – Integrity

Declares and manages conflicts of interest, avoids deception and takes steps to prevent/reports corrupt practice, professional misconduct, bribery and improper influence.

### B5 – Responsibility

Takes ownership of actions, delivers an effective service to ensure safety is delivered. Provides direction to others and challenges others where safety is impacted, or professional concerns are identified.

### B6 – Capability

Understands the limits of competence, knowledge and capacity. Recognises that ongoing learning is required to maintain competence.

---

<sup>3</sup> Building a Safer Future, Independent Review of Building Regulations and Fire Safety: Final Report, Dame Judith Hackitt, May 2018, 159p.

## 2.6.2 Competence Groups

<p>Group 1 – Building Systems</p> <p>1.1 Building Design and Construction</p> <p>1.2 Life safety, Protection, Fire and Behaviour</p> <p>1.3 Compartmentation</p> <p>1.4 Fire Strategy</p> <p>1.5 Building Fabric and Systems</p> <p>1.6 Interaction of System and Components</p>	<p>Group 2 – Building Operations</p> <p>2.1 Legal Framework</p> <p>2.2 Legal Duties</p> <p>2.4 Compliance Drivers</p> <p>2.5 Due Diligence</p> <p>2.5 Documentation and information sharing</p> <p>2.6 Golden Thread and Safety Case</p>
<p>Group 3 – Risk Management</p> <p>3.1 Governance Principles</p> <p>3.2 Risk Identification/assessment</p> <p>3.3 Risk Management</p> <p>3.4 Risk Profile</p> <p>3.5 Risk Factors</p> <p>3.6 Insurance Requirements</p>	<p>Group 4 – Leadership and Planning</p> <p>4.1 Risk Oversight</p> <p>4.2 Personnel</p> <p>4.3 Business Objectives</p> <p>4.4 Prevention and Protection</p> <p>4.5 Roles and Responsibilities</p> <p>4.6 Resource Planning</p>
<p>Group 5 – Operational Practice</p> <p>5.1 Engagement and Communication</p> <p>5.2 Procurement</p> <p>5.3 Project Management</p> <p>5.4 Information and Data Systems</p> <p>5.5 Stakeholder Management</p> <p>5.6 Emergency Response</p>	<p>Group 6 – Monitoring and Control</p> <p>6.1 Performance Management</p> <p>6.2 Shared Learning</p> <p>6.3 Monitoring</p> <p>6.4 Management Review</p> <p>6.5 Action Tracking and Planning</p> <p>6.6 Audit</p>

## 2.6.3 Definitions

Competence is defined by the Health and Safety Executive as:

*“The combination of training, knowledge, skills and experience that a person has and their ability to perform a task safely. Other factors such as attitude and physical ability can also affect someone’s competence”*

It is important to note that managing building safety requires both organisational and individual competence. The BSM is also about more than safe operation and protection of operatives and employees. The BSM has to focus on occupation and use which means that their main constituent, the occupier, cannot be expected to have a degree of relevant competence, other than an introduction to life safety.

Culture is defined by the Health and Safety Executive as:

*“The safety culture of an organisation is the product of individual and group values, attitudes, perceptions, competencies, and patterns of behaviour that determine the commitment to, and the style and proficiency of, an organisation’s health and safety management.”*

*CPD is defined by the CPD Certification Scheme as:*

*“Continuing Professional Development is the holistic commitment of professionals towards the enhancement of personal skills and proficiency throughout their careers”*

## 2.7 Core Competencies

### Group 1 – Building Systems

Requirement:

To know and understand how buildings work, the systems within them and know how fire behaviour can impact on their effectiveness and overall life safety in buildings.

Performance Outputs:

In each area, a competent person must be able to:

1.1	<ul style="list-style-type: none"><li>• Demonstrate the principles of building design and the key components of the building and their implications for maintenance.</li></ul>
1.2	<ul style="list-style-type: none"><li>• Apply and appraise the basic principles of the protection of life safety in a range of buildings, including fire and human behaviour and impact on effectiveness.</li></ul>
1.3	<ul style="list-style-type: none"><li>• Identify and appraise the primary causes of failure to life safety systems, including compartmentation and their potential impact on human and resident behaviour, building safety and each other.</li></ul>
1.4	<ul style="list-style-type: none"><li>• Interpret the principles and benefits of an effective fire risk management strategy and the required mitigation measures to deliver safe buildings and devise an appropriate strategy for the building.</li></ul>
1.5	<ul style="list-style-type: none"><li>• Define the principles and factors affecting the life safety of residents and explains the impact on the building and performance of life safety systems.</li></ul>
1.6	<ul style="list-style-type: none"><li>• Relate the principles of a building as a system and its component parts to performance characteristics and to articulate their impact on life safety.</li></ul>

## Group 2 – Building Operations

### Requirement:

To know and understand the building operating environment, legal framework, golden thread and safety case requirements.

### Performance Outputs:

In each area, a competent person must be able to:

2.1	<ul style="list-style-type: none"> <li>• Explain the applicability, principles, objectives, and intent of legislation relating to the design, construction, management and use of the building.</li> <li>• List the civil and criminal framework relating to the building and identify its impact and the roles and powers of enforcement agencies, including building safety, building control, housing, H&amp;S, CDM and fire, and integrate learnings into operational management of the building.</li> </ul>
2.2	<ul style="list-style-type: none"> <li>• Explain the relevant legal duties in relation to the management and operation of the building including identifying the key differences between contracts, leases and tenures to relevant stakeholders.</li> </ul>
2.3	<ul style="list-style-type: none"> <li>• Explain the nature and extent of the primary compliance drivers within the context of the organisation and how it relates to life safety and implement across organisation.</li> </ul>
2.4	<ul style="list-style-type: none"> <li>• Demonstrate the principles of due diligence to deliver safety as they apply to obtaining quotations for work, selecting and appointing contractors, selecting suppliers, executing work and record keeping.</li> </ul>
2.5	<ul style="list-style-type: none"> <li>• Recognise the importance of documented information at organisation and premises level, including advising and sharing information with residents and relevant stakeholders.</li> </ul>
2.6	<ul style="list-style-type: none"> <li>• Operates building and life safety information, information management system and appraise the extent of information required at building level and organisation level.</li> <li>• Lead the identification of the key elements of managing the golden thread principles, including managing and maintaining the safety case file, so that risks are proactively identified, and mitigation measures put in place and maintained.</li> </ul>

## Group 3 – Risk Management

### Requirement:

To know, understand and apply the key principles of good governance and risk management and know how it relates to the building and resident safety.

### Performance Outputs:

In each area, a competent person must be able to:

3.1	<ul style="list-style-type: none"><li>• Explain the principles of good governance in relation to how work is planned, organised and completed.</li></ul>
3.2	<ul style="list-style-type: none"><li>• Recognizes key differences between hazard identification and risk management.</li><li>• Interpret and implement the principles and practice of risk assessment relating to building and life safety, including key controls, primary compliance drivers, appropriate process and the requirement to complete actions within appropriate timeframes.</li></ul>
3.3	<ul style="list-style-type: none"><li>• Understand the difference between strategy, policy and procedure.</li><li>• Create the building's risk management strategy.</li><li>• Understand, develop and implement the basic control measures used to mitigate the risk posed by the threats to life safety, considering a range of different scenarios and views.</li></ul>
3.4	<ul style="list-style-type: none"><li>• Apply the statutory requirements relating to duty holders and building registration certificate and the risk profile of the building.</li><li>• Identify building safety risk and prioritization.</li></ul>
3.5	<ul style="list-style-type: none"><li>• Construct and maintain suitable and sufficient processes to manage physical changes in the building and identify the reasoning for recording changes and its impact on the golden thread, safety case and resident and building safety.</li></ul>
3.6	<ul style="list-style-type: none"><li>• Identifies insurance requirements relating to the building risk profile.</li></ul>

## Group 4 – Leadership and Planning

### Requirement:

To know, understand and demonstrate personal leadership, have adequate oversight of building safety risk, understand residents' and stakeholders' needs and develop a framework to monitor those risks.

### Performance Outputs:

In each area, a competent person must be able to:

4.1	<ul style="list-style-type: none"> <li>• Identify the internal and external issues that are relevant to the organisational building and life safety risk profile.</li> <li>• Recognises the difference between leadership and management.</li> </ul>
4.2	<ul style="list-style-type: none"> <li>• Demonstrate appropriate knowledge to identify and assess the status of those with responsibilities and duties in relation to building and life safety risk, including their competence.</li> <li>• Explain how to develop and maintain effective relationships and be able to engage with residents and a wide range of stakeholders.</li> </ul>
4.3	<ul style="list-style-type: none"> <li>• Explain the importance of setting smart objectives.</li> <li>• Recognise and balance competing needs using a risk-based approach and set smart objectives.</li> <li>• Identify the needs of residents and stakeholders and other interested parties.</li> </ul>
4.4	<ul style="list-style-type: none"> <li>• Aligns prevention and protection objectives relating to building and life safety with the broader objectives of the organisation's values.</li> </ul>
4.5	<ul style="list-style-type: none"> <li>• Define roles and responsibilities relating to building and life safety and recognises the differences between accountability and responsibility.</li> <li>• Identify the boundaries of their jurisdiction and the scope of the building/life/fire safety risk management system under their control.</li> <li>• Identify and manage the escalation process for critical decision making.</li> </ul>
4.6	<ul style="list-style-type: none"> <li>• Monitor and manage budget under their control and in relation to building and life safety using a risk-based approach.</li> <li>• Assess the resource requirements (time, funding and headcount) for maintaining governance of building and life safety risk.</li> </ul>



## Group 5 – Operational Practice

Requirement:

To understand how to provide effective communication, deliver safety, engage residents and maintain accurate information systems that support the proactive delivery of safety

Performance Outputs:

In each area, a competent person must be able to:

5.1	<ul style="list-style-type: none"> <li>• Develop and implement an effective resident engagement strategy including the dissemination of information, internal processes for escalation and arranging access to training.</li> <li>• Encourage, enable and support residents and occupants of buildings towards good housekeeping and proactive safety practices.</li> </ul>
5.2	<ul style="list-style-type: none"> <li>• Interpret and apply procurement principles.</li> <li>• Manage change and lead on objectives, including evaluating and making procurement decisions, recognising when the limits of competence are reached and when to bring in additional professional procurement expertise for new build or major refurbishment procurement.</li> <li>• Assess the importance of appointing competent persons and where and when to seek additional competence in this area.</li> </ul>
5.3	<ul style="list-style-type: none"> <li>• Enforces the control of work onsite in so far as it affects building or life safety.</li> <li>• Interpret any statutory or manufacturers requirements for testing and maintaining fire prevention and protection systems to ensure they operate correctly and record any relevant information.</li> <li>• Manages effective risk assessment and building safety programmes.</li> </ul>
5.4	<ul style="list-style-type: none"> <li>• Interpret and review information, prioritise and assess the strengths and weaknesses of data systems.</li> <li>• Use collected information to produce and maintain a robust safety case, considering key factors such as building complexity and condition, resident behaviours and vulnerability, height, occupancy or use of, and the building registration certificate.</li> </ul>
5.5	<ul style="list-style-type: none"> <li>• Communicate effectively and engage with residents and internal and external stakeholders.</li> <li>• Construct and implement strategies required to achieve safety throughout the building in conjunction with residents.</li> <li>• Report on the adequacy of safety management or maintenance functions, including reporting mandatory occurrences to the building safety regulator.</li> <li>• Select, manage and actively challenge contractors and sub-contractors effectively to deliver safety to include assessing their health and safety competence.</li> </ul>
5.6	<ul style="list-style-type: none"> <li>• Establish and effect a response in the event of an emergency.</li> </ul>

## Group 6 – Monitoring and Control

### Requirement:

To know what needs to be measured and when, to manage actions and track progress, provide feedback and learn from experiences.

### Performance Outputs:

In each area, a competent person must be able to:

6.1	<ul style="list-style-type: none"><li>• Identify monitoring and measurement requirements and to interpret results.</li><li>• Provide robust assurance to a range of stakeholders e.g. residents, accountable person and/or regulator.</li></ul>
6.2	<ul style="list-style-type: none"><li>• Analyse, and appraise lessons learnt from good/poor practices, issues and incidents and apply shared learning.</li></ul>
6.3	<ul style="list-style-type: none"><li>• Construct and establish an effective monitoring programme, including conducting regular reviews of golden thread information, resident feedback and other key documentation relating to the risk profile of the building</li></ul>
6.4	<ul style="list-style-type: none"><li>• Identify the information requirements to be conveyed during management reviews.</li></ul>
6.5	<ul style="list-style-type: none"><li>• Report and act upon non-compliance or remedial actions relating to building and life safety, and to know when and how to report specific occurrences to the regulator(s) relating to building or life safety.</li></ul>
6.6	<ul style="list-style-type: none"><li>• Identify the competence required of external auditors relating to building and life safety.</li><li>• Conduct internal audits relating to building and life safety, ensuring its scope relates to the overall effectiveness and risk profile.</li></ul>

## 2.8 Competence Profile: Named Individual BSM

Dame Hackitt set a challenge to the Industry and professional bodies to work together and develop a competence framework, including for the Building Safety Manager. The objective was to drive competence and professionalism across the built environment by having a coherent competence framework and formal accreditation routes.

To ensure that the BSM role can be delivered effectively, the Named Individual BSM will need to be able to demonstrate that they have met the outlined specification, to the profile below. The minimum level of overall BSM competence required is set at 'advanced'.

Table 2.1 – Named Individual BSM Profile

Minimum Level of Overall Competence		Advanced		
	Foundation	Intermediate	Advanced	Specialist
<b>BUILDING SYSTEMS</b>				
Building Design and Construction		X		
Life Safety, Protection, Fire and Behaviour			X	
Compartmentation			X	
Fire Strategy			X	
Building Fabric and Systems		X		
Interaction of System and Components			X	
<b>BUILDING OPERATIONS</b>				
Legal Framework			X	
Criminal and Civil Law		X		
Legal Duties			X	
Compliance Drivers		X		
Due Diligence			X	
Golden Thread and Safety Case				X
<b>RISK MANAGEMENT</b>				
Governance Principles		X		
Risk Identification/assessment			X	
Risk Management			X	

Understanding Risk Profile			X	
Risk Factors			X	
Insurance Requirements		X		
<b>LEADERSHIP AND PLANNING</b>				
Risk Oversight			X	
Personnel			X	
Business Objectives		X		
Prevention and Protection			X	
Roles and Responsibilities			X	
Resource Planning			X	
<b>OPERATIONAL PRACTICE</b>				
Engagement and Communication				X
Procurement		X		
Project Management			X	
Information and Data Systems				X
Stakeholder Management			X	
Emergency Response		X		
<b>MONITORING AND CONTROL</b>				
Performance Management			X	
Shared Learning		X		
Monitoring				X
Management Review		X		
Action Tracking and Planning			X	
Audit			X	

## 2.8.1 Conversion of Competence Levels

The below conversion table identifies the regulated academic levels (England, Wales and NI) and how they could apply to the knowledge element of the framework for all competence profiles. Levels are associated with the difficulty level of a qualification and are provided for reference only. Achieving the required RQF levels, does not make someone competent. An assessment of the required knowledge, skills and experience is required, which may involve ongoing learning and development.

### Regulated Conversion Table

Building Safety Framework Proficiency Level	RQF Levels (info <a href="#">click here</a> )
Foundation	Entry Level and Level 1 GCSE
Intermediate	Level 2 to 4 A / AS Level Intermediate or Advanced Apprenticeship Tech Level Higher National Certificate (HNC)
Advanced	Level 5 or above Foundation Degree Higher Apprenticeship Higher National Diploma (HND)
Specialist	Level 6 or above Honours Degree Degree Apprenticeship Masters

## 2.8.2 Assessment of Competence for those delivering the Named Individual BSM Role

To be able to deliver the Named Individual BSM role effectively, an individual will be required to demonstrate they are competent by evidencing that they have met the required competencies outlined above, to the required Advanced competence level.

Organisations, and the AP, will need to satisfy themselves that the required competencies can be delivered and that the Named Individual BSM is competent, certified and registered with the building safety regulator. This assessment would need to evidence the individual's knowledge, skills/experience and behaviours relating to the portfolio of buildings that is being managed.

Organisations are recommended to seek external accreditation of their systems and processes to provide assurance via the building registration certificate and the safety case regime, which will include evidence of both organisational and individual competence. WG8 recommended anyone holding the Named Individual BSM role, must be certified (third-party accreditation) against the competence requirements. WG8 will continue to work with MHCLG to decide the most appropriate tool to achieve this outcome.

The individual assessment would require a range of tools to demonstrate competence:

- Knowledge: an individual would be required to do an online assessment testing their knowledge, understanding, application and analysis of the relevant subject matter. The questions will be set to demonstrate achievement of the competence requirements of the competence framework.
- Experience/Skills: this component would be assessed through the production of a professional paper and portfolio, with a professional interview allowing further verification of application of the required competences. A minimum of three to five years of relevant experience in a similar role is expected for the role.
- Behaviour: this component would be incorporated in the professional interview and would also be demonstrated by adherence to a code of conduct

Professional bodies and other organisations concerned with certifying and potentially upskilling individuals have a central role to play, including:

- The delivery of the BSM certified person's scheme
- The assessment of people wanting to advance to formal assessment and certification (this will allow two effective routes into certification: APEL<sup>4</sup> and formal learning in those areas where people may lack competence)
- The development of the questions and the assessment tools against the BSM competence requirements
- The holding of the registers of people competent to deliver the BSM role
- The delivery of learning interventions and supporting activities, including CPD, that are mapped against the competencies so individuals can fill any gaps identified in knowledge or understanding

Certified Named Individual BSMs would be required every three years to demonstrate they are keeping up to date and current with developments and requirements in the BSM sphere. This must be done by evidence of practice or re-taking of the knowledge assessment tool and by ongoing demonstrated commitment to CPD and the Code of Conduct.

The Regulator will support the ongoing verification process through checking for certification when granting the building registration certificate. In addition, when reviewing the safety case file, against the conditions of the building registration certificate, the Regulator will effectively appraise the ongoing performance of the BSM. Both the Accountable person and the Regulator will have sanctions at their disposal for when the BSM would not deliver against expectations or criteria.

A more detailed overview of the different requirements and roles of the different stakeholders can be found in other sections in the full report.

WG8 members will continue to work together with wider professional bodies and regulators to ensure implementation of the framework is accepted and developed across the built environment.

---

<sup>4</sup> The identification, assessment and formal acknowledgement of prior learning and achievement. This may either be certificated learning (APCL) or accredited prior experiential learning (APEL), where learning achieved outside education or training systems is assessed and recognised for academic purposes.

### 2.8.3 Assessment Tool

In anticipation of regulatory requirements to demonstrate competence, the below tool is recommended that will provide organisations the ability to assess existing competence levels at organisational or individual levels.

Assessment of competence can be undertaken at any time; however, it is recommended that for those working on “in scope” buildings are required to undergo an internal assessment at the following periods:

- I. At the start of the financial year / start of post
- II. At the mid-year review period e.g. 6 months
- III. When applying for a new role
- IV. When buildings are added, or the risk profile of the building changes

For all other premises this should be undertaken at least annually. Continuing professional development (CPD) evidence should be available to support the assessment. The assessment matrix below enables managers to assess the level of proficiency against the performance outputs identified in the framework. CPD and ongoing learning and development will be required to maintain competence.

Formal external assessment is recommended every three years as noted above.

Measuring current competence against pre-determined competence requirements, will allow individuals to identify whether it is knowledge, skills/experience or behaviours that require development. An example ‘competence matrix assessment’ can be found in Appendix 2.

### 2.8.4 Assessment Matrix

Note: The below levels are not qualification levels

COMPETENCE LEVEL	KNOWLEDGE AND EXPERIENCE SCORE	COMPETENCE DESCRIPTOR	CRITERIA
Level 0 Remember	K = 1 AND S/E = 1	Foundation	May require guidance and supervision. Start of the learning journey to understand concepts and practices.
Level 1 Understand/Apply	K = 1 or above AND S/E = 2 or above	Intermediate	Concepts understood, limited supervision, may require guidance. Knows when to seek advice
Level 2 Apply and Analyse	K = 2 or above AND S/E = 2 or above	Advanced	Concepts understood with some technical knowledge. May require guidance. Knows when to seek advice and can identify limits of competence
Level 3	K = 3 AND	Specialist	Technical expert. Has a balanced level of technical and non-technical knowledge. Knows limits of

Create and Evaluate	S/E = 2 or above		competence. Can identify strengths and weaknesses and apply risk management principles.
---------------------	------------------	--	-----------------------------------------------------------------------------------------

### 2.8.5 Knowledge and Skills/Experience Scoring

KNOWLEDGE	DESCRIPTOR	SCORE
Limited	You know the performance outputs required and are able to describe “who, where, what and when”	1
Significant	You have a solid knowledge of the performance outputs and are able to demonstrate “how” by applying knowledge. You have a good understanding of how the competence requirements are practised and can evaluate and adapt it as required	2
Extensive	You have a detailed understanding of the competence requirements and able to integrate into practice and interpret and analyse the results. Can demonstrate the “why” and can use knowledge into new or unfamiliar situations. You are also able to educate others and are a recognised expert.	3

SKILLS/EXPERIENCE	DESCRIPTOR	SCORE
Limited	You have experience and have practiced the competence requirements with the support or supervision of others on a number of occasions in a limited number of tasks/roles.	1
Significant	You have experience and a good track record by applying the competence requirements across several tasks/roles. You have independently practiced the competence elements in a number of projects and can manage others practicing the competence.	2
Extensive	You have a broad range of experience and a demonstrable track record gained from a range of differing roles and have guided others in demonstrating the competence requirements. You are recognised as an expert	3



## 2.8.6 Behaviour Scoring

BEHAVIOURS	DESCRIPTOR	SCORE
Limited	You can demonstrate a friendly and enthusiastic approach and can demonstrate the required behaviour(s) with supervision and development required.	1
Significant	You can demonstrate the required behaviour(s) and can apply them to most situations	2
Extensive	You live and breathe the behaviours required every day without supervision and can demonstrate how those behaviours can be displayed to others. Considered a champion.	3

## 2.9 Other Competence Profiles

### 2.9.1 Accountable Person Profile

Minimum Level of Overall Competence	Intermediate			
	Foundation	Intermediate	Advanced	Specialist
<b>BUILDING SYSTEMS</b>				
Building Design and Construction	X			
Life Safety, Protection, Fire and Behaviour	X			
Compartmentation		X		
Fire Strategy	X			
Building Fabric and Systems	X			
Interaction of System and Components	X			
<b>BUILDING OPERATIONS</b>				
Legal Framework	X			
Criminal and Civil Law	X			
Legal Duties			X	
Compliance Drivers			X	
Due Diligence			X	
Golden Thread and Safety Case		X		
<b>RISK MANAGEMENT</b>				
Governance Principles			X	
Risk Identification/assessment	X			
Risk Management			X	
Understanding Risk Profile			X	
Risk Factors		X		
Insurance Requirements	X			
<b>LEADERSHIP AND PLANNING</b>				
Risk Oversight			X	
Personnel		X		
Business Objectives			X	
Prevention and Protection	X			
Roles and Responsibilities	X			
Resource Planning			X	
<b>OPERATIONAL PRACTICE</b>				
Engagement and Communication				X
Procurement		X		
Project Management		X		
Information and Data Systems		X		
Stakeholder Management				X
Emergency Response		X		
<b>MONITORING AND CONTROL</b>				
Performance Management			X	
Shared Learning		X		
Monitoring		X		
Management Review			X	
Action Tracking and Planning		X		
Audit	X			

## 2.9.2 Resident / Employee

Minimum Level of Overall Competence	Foundation			
	Foundation	Intermediate	Advanced	Specialist
<b>BUILDING SYSTEMS</b>				
Building Design and Construction	X			
Life Safety, Protection, Fire and Behaviour	X			
Compartmentation	X			
Fire Strategy	X			
Building Fabric and Systems	X			
Interaction of System and Components	X			
<b>BUILDING OPERATIONS</b>				
Legal Framework	X			
Criminal and Civil Law				
Legal Duties	X			
Compliance Drivers				
Due Diligence		X		
Golden Thread and Safety Case	X			
<b>RISK MANAGEMENT</b>				
Governance Principles	X			
Risk Identification/assessment	X			
Risk Management				
Understanding Risk Profile				
Risk Factors				
Insurance Requirements	X			
<b>LEADERSHIP AND PLANNING</b>				
Risk Oversight				
Personnel				
Business Objectives				
Prevention and Protection	X			
Roles and Responsibilities	X			
Resource Planning				
<b>OPERATIONAL PRACTICE</b>				
Engagement and Communication	X			
Procurement	X			
Project Management	X			
Information and Data Systems	X			
Stakeholder Management	X			
Emergency Response	X			
<b>MONITORING AND CONTROL</b>				
Performance Management	X			
Shared Learning	X			
Monitoring	X			
Management Review				
Action Tracking and Planning	X			
Audit	X			

## 2.10 Example Internal Competence Assessment

Competence	KNOWLEDGE SCORE	EXPERIENCE SCORE	COMPETENCE LEVEL	BEHAVIOUR SCORE
K = KNOWLEDGE E = EXPERIENCE B = BEHAVIOURS				
1.1 Building Design and Construction				
1.2 Life Safety, Protection, Fire and Behaviour				
1.3 Compartmentation				
1.4 Fire Strategy				
1.5 Building Fabric and Systems				
1.6 Interaction of System and Components				
2.1 Legal Framework				
2.2 Criminal and Civil Law				
2.3 Legal Duties				
2.4 Compliance Drivers				
2.5 Due Diligence				
2.6 Golden Thread and Safety Case				
3.1 Governance Principles				
3.2 Risk Identification/assessment				
3.3 Risk Management				
3.4 Understanding Risk Profile				
3.5 Risk Factors				
3.6 Insurance Requirements				
4.1 Risk Oversight				
4.2 Personnel				
4.3 Business Objectives				
4.4 Prevention and Protection				
4.5 Roles and Responsibilities				
4.6 Resource Planning				
5.1 Engagement and Communication				
5.2 Procurement				
5.3 Project Management				
5.4 Information and Data Systems				
5.5 Stakeholder Management				
5.6 Emergency Response				
6.1 Performance Management				
6.2 Shared Learning				
6.3 Monitoring				
6.4 Management Review				
6.5 Action Tracking and Planning				
6.6 Audit				

## 3.0 Progress and Anticipated Future Delivery by Social & Private Sectors

### 3.1 Social Housing Sector: Update on Progress for Improving Fire Safety

#### 3.1.1 Actions in last two years

##### Culture

- 'Holistic' and 'Socially Responsible' ethic already well understood, adequately staffed, and practised
- Resident engagement already embedded across social housing practice and ethos
- Proactive engagement with change – not waiting for legislation to adopt new practices
- Positive sharing of good practice across the sector – cross range of media platforms, roundtables and events

##### Investigation works

- On-going external cladding fire testing
- Compartmentation inspections
- Undertaken comprehensive type 4 (Intrusive Fire Risk Assessments) FRAs
- Wholesale review of evacuation systems and processes
- Building Safety Case pilot design process for MHCLG

##### Remediation works (following on from above)

- Compartmentation programmes
- Removal/ replacement of cladding
- Replacement and repair of fire doors (communal and flat entrance) as required
- Installation of overhead closing devices
- Removal of alarm systems unsuitable for the building types they have been installed into
- Installation of systems detection
- Retrofitting of sprinkler and misting systems
- Replacement of non-fire rated glazing
- Upgrade or renewal of non-fire-rated fanlights
- Testing and replacement of door entry systems

##### Resident engagement / assurance

- Involving residents in decision making on safety issues
- Resident participation in individual FRA inspections
- Publication of FRAs
- Resident perception surveys on building safety
- Myth busting campaigns
- Regular coffee mornings and surgeries to address resident's safety concerns

- Regular programmed engagement through Facebook – Safety Saturday
- Set up quarterly meeting between residents and local fire services
- Instigation of walking watches
- Employing in-house fire safety advisers, providing home visit service

### **3.1.2 How the Social Housing Sector will implement Hackitt’s recommendations/ new legislation**

- Monthly partnership liaison with local fire service
- Establishing formal monitoring and reporting of safety programmes to dedicated resident led panels
- Establishing long term ‘Hackitt Response’ programmes
- Undertaking critical systems compliance review
- New governance, audit and performance monitoring regimes
- Developing new-build due diligence process for fire safety
- Reviewing ‘eyes on the ground’ functions to for caretakers and tenancy managers
- Communications and information programmes to ensure residents, staff, contractors understand their responsibility for safety
- Review of communal house-keeping regimes and standards
- Assessing the need for fire suppression systems
- Developing training and awareness strategies
- Assessing which buildings will be in scope (above and beyond regulatory requirements)
- Determining who will be the accountable person for each building in scope
- Planning for the introduction of the BSM
  - Audit of existing knowledge, skills and behaviours in organisation
  - Drawing up job descriptions and person specification
  - Piloting the role ahead of legislation – test and learn approach
- Collating information required for the safety cases
- Piloting building safety case design
- Assessing the traceability & auditability of materials
- Developing resident engagement strategies (in consultation with residents)

In response to Phase 1 Grenfell inquiry:

- Reviewing evacuation plans
- Considering options and scope of personal evacuation plans
- Beginning to carry out urgent inspections of fire doors in all buildings containing separate dwellings, whether or not they are high rise
- Assessing processes, cost and resourcing to enable the checking of fire doors every three months

### **3.1.3 The Role of the Building Safety Manager in the Social Housing Sector**

We understand that MHCLG has set out 3 overall functions of the BSM:

1. Managing building safety in accordance with the proposed safety case
2. Facilitating the discharge of statutory duties
3. Supporting and enable residents

In practice we understand this to mean:

- Engaging residents in safe management of their building through a Resident Engagement Strategy
- Ensuring that FRA's for the whole building are undertaken and reviewed regularly and any recommendations are undertaken
- Taking responsibility for reporting mandatory occurrences to the building safety regulator
- Maintaining and meeting conditions of the safety case for the building
- Maintaining information management systems
- Overseeing safety works, and others employed in management, maintenance or checks of the building
- Ensuring that those employed to maintain and manage the building have the necessary skills, knowledge and experience
- Working with residents to ensure that they understand their roles and responsibilities to ensure building safety

Taking this into account, organisations are considering approaching this in different ways to ensure their approach works for their own organisations and also recognises that one person is unlikely to be able to discharge strategic duties and have the technical expertise to deliver the operational functions:

- Recruiting an BSM with the overarching responsibility of discharging the statutory duties – using existing resource to carry out operational building safety activities
- Allocated a named person but meeting expected outcomes through current inhouse expertise
- Recruiting in expertise to carry out operational roles (e.g. internal FRA's) but using in-house compliance manager to carry out BSM function

#### 3.1.4 Matters that the Social Housing Sector consider outstanding

- Finite detail about how the new Regulator will operate, how it will be funded
- Detail on the transitional period for each new requirement – for example, recruitment of BSM, preparation of safety cases, resident engagement
- Clarity on which complex, multi-user buildings are in scope
- Confirmation of how the registration/certification to occupy and operate will work
- Indication of how or when major building refurbishment will fall within scope of new legislation
- Clarity on funding available to support transition to new regime
- Further clarity on:
  - Data standards
  - Overall cost apportionment
  - Clarification of guidance and detail in a number of areas where more information has been promised or not forthcoming
  - Reasonable and proportionate access remains an issue

## 3.2 Private Housing Sector: Update on Progress for Improving Fire Safety

### 3.2.1 What has the private sector achieved in the last two years?

Members of the different professional bodies in WG8 are carrying out programmes of in-depth fire risk assessments and wider building surveys across their building portfolios to assess overall building safety and to address any non-compliances and to satisfy residents and regulators but is reliant on the risk assessment industry to advise on the measures necessary to comply with expectations.

Business plans are being adapted to take account of greater resource requirements and to put processes in place to collate information for the safety case. ISSG/MHCLG have already received, as we understand it, detailed information on these matters.

The industry is already implementing the Building Safety Management (BSM) function as an organisation insofar as (usually) the managing agent, is coordinating the tasks required to deliver health and safety including fire safety under the present requirements and in addition, is implementing the requirements of the guidance notes, including GN1 and AN14, and will include MHCLG Advice for Building Owners of Multi-storey, Multi-occupied Residential Buildings (Jan 2020).

The private sector is constrained by landlord and tenant legislation and the lease (contract) between the landlord and leaseholder. Despite these constraints, agents have been working hard to find solutions to deliver safety. New legislation and/or formal guidance with help to remove some of these constraints.

IRPM has 5,000 members from CEOs to students, managing over 50% of the leasehold and build-to-rent housing stock, both private and social sector. IRPM delivered over 250 articles, guidance and thought pieces and news items to members, delivered regional and national conferences and workshops leading on fire and building safety and the residents' voice, and most importantly driven home the culture change message demanded by Dame Judith Hackitt. IRPM professional qualifications, since prior to Grenfell, include safety in syllabuses, learning material and assessments. IRPM work with government, including representation on WG8, and other stakeholders to carry forward the messaging of Dame Judith Hackitt's report.

ARMA has 300 member firms managing 50,000 blocks containing approximately 1,250,000 Flats. Immediately after the Grenfell Fire ARMA created the Fire Safety in High Rise Buildings Group to allow ARMA members who manage High Rise Residential Blocks to discuss and resolve current fire safety issues and engage with the MHCLG and other industry stakeholders including representatives of lenders and insurers. The group met fourteen times since June 2017.

ARMA is represented on Working Group 8; has given evidence to the ISSG; and is engaged directly with the MHCLG. ARMA was represented on the External Wall Fire Review, Form EWS1, review panel and is subsequently engaging with BIBA regarding professional indemnity insurance for members and fire safety professionals.

ARMA have:

- written and published Fire Safety Management in Flats, a guidance note for managing agents and others involved in the management of blocks of flats.
- written an advice note for leaseholders, entitled Fire Safety in Flats both to provide advice generally to leaseholders and to allow Managing Agents and others to communicate some of the key information expected as part of the Residents Voice communications.
- have established a coordinated Primary Authority Partnership with Hampshire Fire and Rescue who have reviewed and endorsed the guidance.



- have delivered nine training courses on the implementation of the principals set out in the Fire Safety Management in Flats guide: and
- communicated with its members and others on fire safety matters at their conference, regional briefings and in newsletter articles.

ARMA has set up a working group involving two managing agents and technical partners to trial the resident's voice proposals. The ARMA group are now part of the MHCLG's cross sector early adopters group. ARMA members have implemented the requirements of the Governments Building Safety Programme Advice notes, so far as the leases of the properties allow, and are in the process of reviewing and implementing the new consolidated Advice for Building Owners of Multi-storey, Multi-occupied Residential Buildings where that differs to earlier guidance.

ARMA members and their professional partners are, and continue, to identify and manage the remediation of fire safety risks associated with external cladding and internal compartmentation although funding, despite some success recovering costs through building assurance schemes and claiming against the Government funding scheme for ACM clad buildings, there are many properties where leaseholders are unable to raise the funds to support the required remedial work.

IWFM is the professional body for workplace and facilities management practitioners. It promotes excellence among a worldwide community of over 17,000. At the core of this are the professional standards, outlining the competence for the professionals. The organisation also offers guidance and training, developing new insights and sharing best practice.

IWFM has been involved with WG8 since its inception, building on the work of its own Life Safety Working Group, which had been established to pool the life safety expertise of its members in the aftermath of the Grenfell fire. Providing the secretariat for WG8, IWFM has not only been supportive of the Group's work but has been a crucial member of it.

Elsewhere, IWFM has raised awareness of the lessons of Grenfell and what best practice looks like, including advocating its members to take a proactive approach to preparing for the forthcoming changes both in legislation and in standards, covering both the need for competence in people as ensuring that buildings are safe from a life safety perspective. IWFM will continue to keep its members and the wider FM community up to date while at the same time it will continue to work with government to achieve the right holistic outcomes.

IWFM have qualifications procedures and competence standards in place for workplace and FM professionals, who are responsible for the safe management of buildings throughout the occupation phase. IWFM already covers many of the competences outlined by the WG8 competence framework and reviewing where additional provision needs to be made.

RICS supports the creation of the Building Safety Manager role, and view this as a key requirement in creating clarity and ownership of fire safety during the operation phase of the building lifecycle. To operate effectively and without ambiguity, a holistic role in operational safety management for the Building Safety Manager would be welcomed and we await further clarity on how the full suite of recommendations from WG8 are received.

In terms of upskilling to meet the requirements of the role, RICS have in place qualification procedures and competencies for members of the surveying profession who are involved in the operation phase of a building and fire safety.

Our qualification procedures are robust and already cover some of the competence behaviours as recommended by WG8. Now that the report of WG8 is being finalised following review of consultation comments from industry, RICS is:

- Reviewing how existing qualification and ethical conduct procedures meet the current recommendations of WG8; updating them where necessary.

- Assessing its current competencies to meet the minimum requirements of the competence framework suggested by WG8, bearing in mind the proposed BSI framework and competencies.
- Carrying out a complete review of its fire safety competencies on a pathway basis.

### 3.2.2 How does the private sector envisage putting in place the proposals from MHCLG (as set out in their consultation document<sup>5</sup>)?

In general terms, the private sector is/will:

- determine the safety of existing buildings in scope and carry out remedial works as required and where successfully funded (see below)
- review the manner in which the properties are legally 'held'
- develop training and awareness strategies – for staff and residents
- decide (over and above those that are mandated) which buildings will be in scope under the new regime
- determine who will be the accountable person for each building in scope
- plan for the introduction of the Building Safety Manager (BSM & NI(BSM))
- begin to collate information for the safety cases
- develop resident engagement strategies
- engage with the recommendations from the Grenfell Tower Inquiry: Phase 1 report overview

The MHCLG consultation document was scrutinised and there are multiple early adopters working with MHCLG to determine how the recommendations can be practically implemented. However there is a significant amount of caution and many will wait until formal legislation is issued before taking definitive steps to ensure costs are recoverable under the terms of the lease (i.e. there is a legal basis for the actions taken) as residents have a legal right of challenge expenditure.

It is assumed that many freeholders will not have the competence to undertake the BSM role. In cases where a building has a Residents' Management Company [RMC], Right To Manage Company [RTM] or is commonhold those Directors (who are generally property owners within the block (working on a voluntary basis) would be unwilling to take on the personal liability. Indeed, many RMC and RTM companies already struggle to find any directors and this issue will only deteriorate when the legal obligations placed on directors are increased. (please also see comment at the foot of this section)

Reliance will therefore be on managing agents or private consultants to deliver this role. Within this pool, the number of individuals with the necessary skill set to act as a NI(BSM) is questionable and up-skilling will be necessary over several years. Many agents are already finding that the cost of PI insurance is increasing exponentially. The insurance market continues to review with care fire safety and the associated liabilities. The costs of employing the right calibre of person will be high and will ultimately be borne by the leaseholders.

Across the private sector additional due diligence has been seen as part of transactional activity primarily led by either the lending industry or the insurance industry.

---

<sup>5</sup> MHCLG consultation, [Building a safer future: proposals for reform of the building safety regulatory system](#), June 2019, 192p.

### **3.2.3 What is the role/function envisaged for the Building Safety Manager (BSM) within the private sector?**

The BSM as an organisation function is to a large degree already being delivered within the private sector by managing agents. In most cases a managing agent's property managers act as the primary point of contact for residents, delivering the residents voice function. Fire management safety expertise is provided by professionals either employed by or contracted by the managing agent.

If, as there is a desire by Government for the role to be an individual role with personal accountability and criminal liability, NI(BSM) the training and personal skills will need to be significant. Professional indemnity insurers have already indicated that they are unlikely to be willing to insure individuals. There has been further concern that individuals within organisations who may be expected by their organisation to undertake the NI(BSM) function may refuse to do so because of the personal liability they are expected to take on. The private sector acknowledge that this concern may have been mitigated by the introduction of the BSM as an organisation. Once we have absolute clarity through draft legislation the sector will again engage with the insurers to reassess their position.

The industry acknowledges their previous concerns, including whether the BSM role can be fulfilled by a single individual and may be more suitable for delivery by a range of people with varying skill sets within a body corporate, have been taken into consideration. We would continue to anticipate that if the role of BSM can also be a body corporate role, with perhaps a named Manager as the Residents Voice contact, one method of fulfilling the obligations may include the role being quickly implemented by larger managing agents with relatively little additional training required.

The ISSG group queried the calibre of individual person in-role, that we think ought to fill this role. WG8 is clear in its view that the NI(BSM) is a 'senior leader', who because of the role will not need to know or be able to do everything, however they will need to know where to go for answers and will need the gravitas, and confidence from competence, to manage stakeholders and strategies.

There is a concern that the skill set of many existing building managers is insufficient to take on the function of a NI(BSM) and the associated personal liability. The sector recognise that to provide the necessary up-skilling will incur cost which will ultimately be transferred to leaseholders as a result of increased salaries that will be paid via service charges.

It is difficult for the sector to develop detailed up-skilling programmes until it knows what the precise parameters of the NI(BSM) role will be, e.g.: whole building or residential parts only, fire and structural safety only or 'holistic' health and safety. The Private Sector support the overall recommendation of the WG that the skill set required of a NI(BSM) must be holistic, and include for the 'Public Health' elements of H&S as well as Fire and Structure as we understand will remain the focus of the forthcoming Building Safety Bill.

### **3.2.4 What are the perceived issues for the private sector falling from MHCLG's proposals?**

In general terms the private sector is encouraged by the direction of travel and is calling for greater clarity, through the issue of legislation and associated formal guidance (ie through the proposed PAS Guidance route) so that building safety can be delivered. The primary issues affecting the implementation of MHCLG recommendations by the private sector are as follows:

- the need for defined legal basis for taking measures for which funds can then be recovered under service charge.
- a lack of confidence in, or lack of, 'as built' information

- the cost of assurance or remediation and the lack of competent resource to undertake assessment and remediation.
- where premises are managed by residents directly there will be insufficient competence amongst the appointed directors to take on the required duties and in many cases a refusal by directors to do so on behalf of others, who in the absence of any alternative may be forced to sell their property. As such there is a need for them to be held responsible jointly and severally. (Please see comment at the end of this section)
- insufficient right of access and authority to require residents to allow inspection of their own demise and / or enforce alterations in the interest of wider building safety.
- the inability of duty holders to obtain the necessary PI insurance to protect their position (not withstanding that insurance does not of course absolve or cover against breaches of legislation).

### **3.2.5 What are the perceived issues at large (not appropriately addressed by MHCLG's proposals)?**

The regulation needs to respect the various nuances of ownership and management within the private sector. There is concern that proposals to remove leasehold and increase the presence of commonhold are in conflict with many of MHCLG's proposals to establish individual Accountable Persons and BSMs.

Within the leasehold sector there is already much confusion regarding roles and responsibilities. Any additional roles must be added in such a way that they do not add to this confusion.

WG8 understand that, the forthcoming legislation will deal only with any residential element of a building, not the 'whole building'. We regard this as a missed opportunity to realise the initial vision of a holistic approach. The Government's response to the Building a Safer Future consultation has made it clear that the legislation in relation to the BSM will relate to fire and 'structure' safety only, not the holistic responsibility envisioned. The matter is of course absolutely critical to the structures of the role and the competencies relating to it.

From a private sector perspective however, only this wider legislative scope would ensure delivery of holistic building safety, in part because of the rules around the service charge, but also because of the different approach towards risk-based compliance and at times a lack of knowledge. Professional bodies and trade associations are already trying to address this culture, but as long as there are no statutory requirements around the role, the consistent delivery of building safety across all buildings may remain lacking as investment in up-skilling may continue to be seen as discretionary. We are hearing that, and we believe we can reasonably assume, the condition of private housing stock requires remedial attention. In simplistic terms, and as industry is aware, landlords (Accountable Persons) have the legal obligation to repair and maintain the buildings, under the terms of the lease, recovering costs from leaseholders through the service charges. However the capacity of the private landlord to raise the funding to undertake the remedial work is being frustrated as, although some leaseholders can afford to and are willing to pay, others are not and indeed cannot raise the funds due to problems related to lenders (when their property has been nil-valued for lending purposes) and insurers looking more carefully at what they are prepared to fund.

These circumstances can result in an impasse, similarly where funding is inadequate or not made readily available, in relation to, for example, works required to deliver remediation/safety; a situation so insurmountable that government intervention akin to the £200m ACM fund will be required. This conundrum is being debated within the sector, but has not, as we understand it, yet reached a workable solution. As greater clarity and

knowledge of the (fire safety) condition of the wider portfolio is better understood a resolution will need to be found.

As we have also noted above, and as is noted within the insurers' briefing, (attached as an appendix), until such time as there is absolute clarity as to the extent of the regulation, the private sector landlords are watching carefully, some are preparing more than others.

The industry needs time to develop the appropriate delivery mechanisms and to put people through the up-skilling programmes. Industry needs to know the scope for the competence framework and the scope and reach of the legislation. Until industry has more certainty about what will be supported through legislation, we will continue to encourage the up-skilling of people via modules such as fire safety, building services, building systems, etc.

Without some legislative framework supporting the requirement of competence (and the role envisioned for the BSM), the costs associated with both will, particularly within the private sector, look to be recovered through service charges, and without this avenue of cost recovery, investment in up-skilling is likely to continue to be seen, by some, as discretionary.

The private sector is constrained by landlord and tenant legislation and the lease (contract) between the landlord and leaseholder. Despite these constraints, agents have been working hard to find solutions to deliver safety. The costs of delivering safety and/or remediation works in fractionally owned buildings falls, (subject to the terms of the lease), generally to leaseholders.

Where those costs are not the fault of leaseholders, for example due to poor construction, poor building specification, failures of building regulations, building control, then building managers have sought to recover costs from those responsible or those providing warranties. Recovering costs from innocent leaseholders is regarded as a measure of last resort if the lease itself even permits recovery of such costs. Pursuing the chain of blame exposes parties, including leaseholders to risks of costly litigation, such as legal costs and professional fees. It also takes time.

## 4.0 Buildings

### Overview

- 4.1 In the simplest terms, the proposed structure for the governance of HRRB management, BSMs and NI(BSM) is set out as follows:
- Each building has a Building Registration Certificate (setting out conditions for operation)
  - The owner (AP) is required to employ a Building Safety Manager, (this BSM can be an organisation or an individual)
  - The AP must ensure the appointment of a competent named individual [NI (BSM)] who is responsible for the day-to-day operation of the building, including the delivery of the Tenant Engagement Strategy and 'Golden Thread' data on the AP's behalf.
- 4.1.1 In our Interim Report we recommended that each building should hold a classification, based upon its primary use and other critical features, which, amongst other matters, will serve to define the competence requirements of those working within it, among other matters.
- 4.2 Each individual residential building, except single unit, owner-occupied domestic detached, and semi-detached property, should be given a classification. Note: reference should be made to the 13<sup>th</sup> Law Commission, who, we understand, are seeking to clarify the definition of a house. (As noted elsewhere in this report we recommend that the outcome from the workstreams associated with the Hackitt work must strive for consistent taxonomy at all times.- it has been suggested that one of the outcomes of the forthcoming BSI work to ascertain competence standards should include for a full glossary of all terms used by all WG).
- 4.3 While we suggested in our Interim Report that each 'Accountable Person' (AP) would require a Licence to evidence they are fit and proper we are pleased to support the process proposed by MHCLG, that this forensic examination of the AP will be undertaken at the point of the AP applying for a Building Registration Certificate, at which point the requirements in regard to both BSM and NI(BSM) will also be reviewed to ensure all concerned with the ownership and management of the building are suitable and appropriately competent for their contribution to the task.
- 4.4 Within the structure for residential building management, ownership of a residential building may come in many guises. The term 'Accountable Person' aims to capture them all (see glossary).
- 4.5 The AP could carry out the BSM role themselves should they be able to evidence that they have the appropriate competence, but more probably they will appoint a 'Building Safety Manager', for example a managing agent, letting agent or estate agent, to do so on their behalf. BSM's, as organisations, would require a named senior officer as the designated person for and on behalf of the (BSM) organisational role. Organisational BSM's will require adequate numbers of competent 'Natural Persons', (known as NI(BSMs) see below) to manage the day-to-day operations at each building, alternatively the Accountable Person could appoint a NI(BSM) directly.
- 4.6 For each building there must be a 'Natural Person', a suitable competent individual, appointed to operate the day-to-day management of the building, the NI(SM). This person will also have been required to evidence their competence (as set out in section 2) to perform the role. **WG 8 recommend that the NI (BSM) should be required to carry an identification card to a) provide comfort to the occupiers as to their**



**identity and b) designation as to the levels of competence (and therefore the complexity of the buildings) they are deemed competent to manage.**

- 4.7 A NI(BSM) will be a competent, named, individual, and may, or may not be, an employee of a BSM. Their appointment will be direct from the Accountable Person to ensure maintenance of, and accountability for, each individual building.

## Classification of Buildings

- 4.8 Although the Hackitt report is concerned directly with HRRBs, **WG8 recommend this should over time apply to all buildings as defined in the glossary, not least due to promoting common requirements across all residential accommodation, including existing stock.**
- 4.9 It was agreed to leave the definition of a 'Whole Building' (as used in the initial Hackitt report 'Building a Safety Future') to others, which should include consideration of the work currently being undertaken by the 13th Law Commission, on the provision that any definition of 'whole building', should include any 'Common Parts' attached, or functioning as part of, the whole building. **While WG8 are advised, and understand that the forthcoming regulation will not extend the scope of the BSM to a 'whole Building' but only to the residential part(s) we continue to recommend that the scope of the Building Safety Bill should extend to a 'whole building'.**
- 4.10 While WG8 discussed, and reported in our Interim Report various elements that we considered should be used to identify the true 'complexity' of any given residential building we are advised, and welcome that these matters will be addressed as part of the Building registrationCertificate process, we therefore make no further comment on this matter in this our final report.
- 4.11 WG8 does concur and agree that the Building registrationCertificate should, and will, set out the conditions as to how the building must be managed in order to operate safely.
- 4.12 **WG8 does, however, continue to recommend that, as the reach of the new Regulations roll-out more widely, bringing more properties 'in scope', that each individual building 'in scope' with residential accommodation should be provided with a form of 'type' listing defining the 'classification' of building to inform the competencies necessary for the AP, BSM and NI(BSM) (and others who may work on/in it over its lifecycle). The Classification could be defined based on a (possibly extensive) list of building types and their occupation, and thereby their 'complexity' in fire engineering terms. The 'risk factor', which may create a unique hazard profile, including the risk derived from occupation, could also be a determining factor, as could any elements of mixed use. How government finalises such classification and/or rating, however, falls out of the scope of WG8's remit. The 'Building Classification' would be finally determined from the list, by the Regulator, at Gateway 3 or during Safety Case Reviews, and by their nature would pre-determine the competence required of those responsible for it. Secondary legislation should determine this classification promptly, and this classification could be used as a method for determining the phasing in of the new Legislation to non-HRRBs and designated buildings.**
- 4.13 Appropriate sanctions will be necessary should a classified building be deemed 'unsafe' to operate. Potential sanctions may include:
- 4.13.1 Suspending the Licence of the Accountable Person (AP) and BSM /or NI(BSM) when defaulting on their obligations
  - 4.13.2 Suspension of the individual building's Certificate
  - 4.13.3 Placing the Building under the control of an 'approved' AP/BSM
  - 4.13.4 Potential criminal consequences for the incumbent AP, BSM

## Access

- 4.14 Dame Judith Hackitt's report seeks safety of entire (whole) buildings. That would include entry through front door of leasehold/commonhold residential units to undertake periodic or ad hoc reasonable and proportionate inspections of the private accommodation.
- 4.15 Leasehold/commonhold units are units that have been purchased by their owners, who are not culturally accustomed to the notion that the owner of the common areas has any jurisdiction over their home. Going beyond the front door and entering the unit rarely occurs under the current regime. Any access to individual units was identified as a severe problem for those needing ready access to monitor or assess risk and condition. Building managers, landlords, agents or NI(BSM) seeking to do so will require new powers of entry, which **must** be reasonable and proportionate.
- 4.16 Landlords are under an implied obligation to give the tenant quiet enjoyment of the property. This basically means that the landlord must not interfere (or allow anyone else to interfere) with the tenant's enjoyment of the property. To ensure clarity, however, most leases include a specific covenant to quiet enjoyment of the property. Quiet enjoyment covenants usually refer to the tenant having quiet enjoyment "without any lawful interruption" by the landlord. This means that the landlord will not be liable for lawful acts. For example, if it carries out an inspection pursuant to the terms of the lease, or it carries out its repairing obligations. WG8 believe that it is imperative that whatever is finally put in place, there are stringent rules to avoid misuse, either by mistake or deliberately.
- 4.17 Once an AP or their representative (i.e. a BSM/NI(BSM)) avails themselves of reasonable and proportionate access, the following may also be necessary and should be considered:
- 4.17.1 The right to require leaseholder/occupier to do work
  - 4.17.2 The right for the AP to do work if the occupier refuses
  - 4.17.3 The right to recover costs of inspecting and doing work, either directly from the unit owner or through the service charge
  - 4.17.4 The right to inspect, invasively if proportionate or required
- 4.18 Access is generally already available to the owner/agent in contract terms but is exceedingly difficult to arrange/execute in practise. (Indeed, can be made quite difficult on purpose by occupiers at in all tenures and types of property). Most will have no comprehension as to fire (or other safety) principles and their place in the matter. Timely intervention on a statutory basis is needed to enable prompt access, notwithstanding property rights. Consideration may need to be given to the appropriate regulation of those empowered to exercise access rights and relevant processes put in place to safeguard the fair interests of both parties.
- 4.18.1 Recent experience in Courts has underlined the extensive time and costs that can be incurred in seeking to make individual occupiers address fire safety matters. Ref: Piechnik vs Oxford County Council
- 4.19 Having also considered the responsibilities to, and of, all occupiers, there is a huge number of both long term and shorter-term contracts already in place with no opportunity to change the terms of the agreement due to existing leaseholder's, (particularly), legal protections. A method to impose the proposed 'common duties clauses', (once agreed), by regulation should also be considered. WG8 suggest the following subject matters be included within new clauses:



- 4.19.1 Access Obligations, a right to inspect, in a reasonable and proportionate manner, is required. [e.g. Housing [Fit for Habitation] Act 2018 has in it a clause requiring access regardless of occupancy agreements.]
- 4.19.2 Maintaining Fire Safety Arrangements jointly between occupier(s) and the BSM/NI(BSM) (and indeed potentially the Responsible Person in mixed use property)
- 4.19.3 Whistleblowing/access to redress for occupiers
- 4.19.4 An obligation on leaseholders and occupiers to cooperate with the AP and BSM/NI(BSM) which sits above any existing lease/contract
- 4.19.5 Not to undertake any 'works' without appropriate consultation with BSM, NI(BSM) (and perhaps an obligation to consider the building fire strategy in the Fire and Emergency File (FEF) in any event)
- 4.19.6 A right to require leaseholder to do work
- 4.19.7 A right for the landlord to do work if the occupier refuses
- 4.19.8 A right to recover costs of inspecting and doing work, directly or through the service charge
- 4.19.9 *Notwithstanding the risk that occupiers may not understand their legal obligations, WG8 highly recommends that a small number of 'standard' clauses are inserted into all residential occupier contracts, clarifying their responsibilities and obligations to their landlords, the BSM/NI(BSM) and other occupiers of the building. Similar clauses should be put into primary legislation to ensure that existing tenure arrangements are appropriately included. (WG8 do acknowledge the proposed obligations regarding occupiers advising the BSM any need for a PEEP, or regarding proposed works)***
- 4.19.10 Further to the above recommendation and commentary, further legal consideration needs to be given to what sanctions may be realistically visited upon an Occupier, potentially with a long-standing lease, in the event they do not meet their obligations. It is the view of WG8 that even the 'court route' is difficult to enforce in practise.

## Leases / Tenancy Agreements

- 4.20 There is a wide range of contract arrangements which will have an impact on the way in which a residential building is operated, and therefore managed (see Appendix B).
- 4.21 Additionally, other parties too, may have rights in a block of flats, for example commonhold associations, Right to Manage (RTM) or Residents' Management Companies (RMC).
- 4.22 There is a wide variety of types of leases and tenancy agreements, with all the associated complexities of rights and obligations to establish. This could include short term tenants on assured shorthold, assured or contracted tenancies, or licences. 'Head Lessees', tenants with long leases (typically 99yrs or more at the outset, where the owners of the leasehold interest consider themselves to have bought their home rather than being a tenant) and while there will be a 'Freeholder', potentially taking 'Ground Rents', the Freeholders' capability, in law and contract, to effect change or be 'in control' may be difficult to determine and affect.
- 4.23 Recent experience in Courts have underlined the extensive time and costs that can be incurred in seeking to make individual occupiers address fire safety matters.

- 4.24 Similar to the obligations being placed on residential occupiers, WG8 acknowledge that the revision of the FSO (Fire Safety Order) is providing clarity in regard to the Responsible Person and their obligation to co-operate and co-ordinate with all occupiers in mixed use properties. including provision of access and documentation where it is in the interest of “Whole Building” Safety.

### Occupier communication and engagement

- 4.25 WG8 note that the tenant may not be the occupier. ***As such it is recommended that the ‘Residents Engagement Strategy’ be titled and aimed at ‘Residents and Occupants’.***
- 4.26 It must be seen that the responsibility for building safety resides with all parties including the owner/landlord and all the occupiers, whom need to work collaboratively to ensure the safety of a building and those who live in it.
- 4.27 In practice, there are currently very few tools in place to make occupiers co-operate with those who manage buildings to enable them to carry out their job. Occupiers necessarily must be made aware of their obligations and responsibilities, as well as rights, and how they can play a significant role in keeping the premises safe to live in. Occupiers very often do not understand the role they play, nor do they understand fire safety principles and what the effect of their actions on others may be in certain situations. As a result, the Hackitt report has identified resident engagement as lacking in many instances. There are several existing best practice examples in the housing sector which have conducted information campaigns to their occupiers; outlining how occupiers could help building managers help them and outlining basic principles of fire etc.
- 4.28 We consider there is the need for two layers of obligations:
- 4.28.1 The first layer should set out clearly the general obligation for occupiers not to put their fellow occupiers at risk
- 4.28.2 The second layer should set out those powers that are needed to ensure the safety of all occupiers, including the power of reasonable and proportionate entry/access.
- 4.29 Building Safety requires not only that structures and roles are identified to ensure that building operation is fully understood, and information is readily available, but that occupiers within buildings are engaged. If a true behavioural step change is to be achieved, reflecting and supporting new policies, that engagement must be real and positive – changing the way that individuals think, feel and act, rather than potentially disregarding information provided (or available) as bureaucratic or simply irrelevant.
- 4.30 The Residents Engagement Strategy (RES) should reflect and effect a real and positive engagement. It is recognised that the RES can only be one of the mechanisms to communicate and communications must reach all occupiers. Therefore, further active engagement activities will need to exist and will need to go live as the new regulations/requirements roll out beyond HRRBs. All communications will need to be designed to embed cultural change and supportive relationship between the parties.
- 4.31 On-going occupier communication and engagement on fire safety needs to cover:
- 4.31.1 Basic information on fire and smoke dynamics
- 4.31.2 Information on building safety – how their building operates, fire risk assessments, safety case, information on the BSM, NI(BSM), whistleblowing, the Accountable Person and other duty holders, (including the Responsible Person where appropriate).

- 4.31.3 Education and awareness raising about the owner/landlord/Accountable Person and occupiers' roles and responsibilities. This will enable occupiers to have a clearer understanding of hazards and potential hazards and how they can be reported. This could be through a variety of methods including training, leaflets, online learning or building portals etc.
- 4.31.4 How occupiers can raise concerns/ issues about building safety and how this can be escalated.
- 4.31.5 Defining the ongoing relationship between the Accountable Person, BSM, NI(BSM), Responsible Person (if appropriate) and the occupier and other relevant people.
- 4.31.6 Clear parameters on the consequences of breaches/unacceptable behaviour and continuing behaviour that puts buildings and occupiers at risk.
- 4.32 While it may be necessary to prescribe what information is provided to occupiers with the RES, it will be necessary for Accountable Persons to develop their own mechanisms for communication and engagement throughout the portfolio under their control. WG8 agree with the proposals from MHCLG that the BSM is best placed to deliver the RES.
- 4.33 It will be necessary to develop a clear set of Regulatory expectations including a mechanism for a Regulator to enforce these where Accountable Persons, (or their designated representatives) are not meeting them. In practice this would mean that organisations would need to proactively demonstrate to a Regulator they are meeting this standard, which could cover issues like communicating with occupiers, involving them in decision-making processes and responding effectively to complaints. In the social housing sector, this function could be incorporated into the current remit of the Social Housing Regulator. While the matter will also be part of a Safety Case review for HRRBs and designated, in scope, property types, it will also need day-to-day regulation within the private sector which could be included within the remit of the Building Safety Regulator.
- 4.34 It is recognised that the existing powers of access and enforcement will need to be strengthened. This is considered in the section on Access above.
- 4.35 While there will be a role for the BSM/NI(BSM) in supporting engagement and communication, responsibility should remain with all those involved in building safety and be built into the wider engagement practices.
- 4.36 There is a clear need and opportunity for strategic behaviour change communication, via long-term public-sector broadcast, provision of information to schools, scouting and, other community-based organisations, for example scouting and the Women's Institute. There are highly effective examples of public sector broadcasting, such as "Change4life" and "Clunk Click". (See paper from M&C Saatchi in Appendix A)
- 4.37 Strategic communication offers a viable means through which to carefully frame and explain issues, driving a new social norm through positive engagement in the need and desire to participate in building safety at an individual level – getting people to think, feel and act differently in line with objectives. [See Appendix A] Any campaign in this area should link up with the current Home Office fire safety campaigns.
- 4.38 Public service broadcasting, knowledge exchange and tenant and stakeholder engagement would need to cover the following elements:

Resident and occupant Obligations (reiterated where the obligation is already in Law or lease)	Obligations of Accountable Person (AP), or the BSM organisation	Obligations of NI Building Safety Manager
<p>To have 'viewed' Occupier training</p> <p>Including fire dynamics, obligations and overview of relevant Law</p>	<p>Provide access to Public Service Broadcast training materials</p>	<p>Provide access to relevant fire and safety information.</p> <p>(Manage all "Golden Thread")</p>
<p>Not to block fire exits/fire corridors etc. One suggestion being the issue of prams etc. in hall. Change the law to "leave it – lose it". Simple, singular and visible. It stops arguments and it sends a message that the law is on the BSM's side for a reason.</p>	<p>Tenant/occupier liaison.</p>	<p>Resident/occupier contact point</p> <p>Answer occupier queries, or ensuring relevant queries are answered.</p>
<p>Not to undertake unpermitted works</p>	<p>Twice annually issue an occupier/tenant information briefing</p>	<p>Tenant/occupier association liaison, including liaison with occupiers regarding proposed works + mixed use commercial units, potentially assisting residents with permissions to undertake work and engagement with the appropriate authorities.</p>
<p>Not to interfere with Fire compartmentation/doors, including propping of fire doors</p>	<p>Provision of Whistleblowing capacity</p>	<p>Support Whistleblowing arrangements</p>
<p>Ensure reasonable and proportionate access: (high penalties should be sanctioned via legislation); however, consideration will need to include the reality that a Court Order is required to get a Leaseholder to forfeit a lease</p>	<p>Information as to Classification of Building Licence and all Licence holders (and duty holders).</p> <p>Details will be on national registers held by Regulator and Building Safety Competence Committee ).</p> <p>Duty to provide all 'Golden Thread'</p>	<p>Always assure life safety (including fire safety) management at the building.</p> <p>Assuring that only competent 'workers' are employed to undertake works at the building.</p>

## 5.0 Organisational Management and registration or certification Structure

### Overall HRRB Management Arrangements and Roles

#### 5.1 WG8 recommends:

- a) ***A building registration (process and certificate): to operate and occupy buildings (in scope) with any residential accommodation, with classification based on risk profile which would include building types, occupancy and complexity, amongst others***
- b) ***That a national register of Accountable Persons, Organisation BSMs and the Named Individual BSM [NI(BSM)] responsible for, and related to, each residential building is held. WG8 are assured, and agree, that this will be achieved through the register of Registered Buildings, which will list the AP/BSM responsible for them. WG8's objective is to facilitate the traceability and transparency of role holders and, indeed provides the sanction to remove them from, or record cautions against them if necessary.***
- c) ***WG8 strongly recommend that there is also a Central Register, which will hold the names of those individuals that will have upskilled their competence according to competence criteria of the different Working Groups/forthcoming national BSI standards for BSM. This would include a list of certified/competent Named Individuals who could deliver the BSM role. This register could be held by Industry Representatives, Professional Bodies participating in the certification schemes, or by the regulator but must have some recognition in Law or by way of a requirement set down in statutory guidance.***

### Building Safety Manager BSM

- 5.2 This being a 'newly defined' role, WG8 has focused its recommendations around the following:
  - a) The scope of the role and responsibilities of the BSM (Named Individual and legal entity)
  - b) The competence of the Named Individual BSM; and obligations of the BSM
  - c) The organisational management and registration/certification structure essential to the BSM role.
  - d) The Golden Thread and processes the BSM and connecting roles should oversee; and
  - e) The recommendations that should be embedded in legislation to support this structure
- 5.3 The operation of any residential accommodation building, (whether this be an HRRB or a simple multi-unit residential building, or accommodation situated above a retail unit within a mixed use high street shopping arcade or a hotel, or similar) requires significant competence in understanding and executing existing statutory obligations including (but not limited to) public health issues, H&S, environmental, building risk, safety and fire safety. In many circumstances these (existing) duties are sub-contracted by the owner of a building to a managing, letting, estate agent, facilities manager or other such agent.

- 5.3.1 WG8 has therefore identified there are a very wide range of competences necessary to execute successful building management, particularly if “sleeping risk” exists.
- 5.4 A great deal of discussion and debate has been undertaken within WG8 about the extent of the function of Hackitt’s Building Safety Manager (BSM), and what may be deemed ‘fair, just, proportionate and reasonable’ in relation to the potential role of an individual appointed as being a NI(BSM) and what they may be asked to deliver and be held responsible for. This debate considered responsibilities both on behalf of the Accountable Person and in partnership and with the support of the building safety regulator. WG8’s deliberations have reconfirmed that, in reality, the ‘safety’ and public health elements of the role should not, (and in practical terms probably cannot), be diluted, as the intent is to create a senior role with total oversight of ‘life’ safety, including fire and structural safety within residential buildings. Therefore, our recommendations remain for ‘holistic life safety’ as opposed to ‘fire & structural safety’ as proposed by MHCLG.
- 5.5 At the very outset of our task WG8 debated, in detail, the practicalities of the appointment and related responsibilities of the NI(BSM), and it became very apparent that the Named Individual BSM role has a very wide scope. In practice, for many buildings, given their complexity, the capability to meet the required competencies in various disciplines is likely only to be achieved through the support of an organisation. . However, at the same time, WG have recognised the need to deliver competent people, after all, the organisation itself will not deliver the service, it will be individual people. Therefore, WG8 have always advocated an individual, a NI(BSM) who is competent, who can be responsible for resident engagement and who can be assessed accordingly.
- 5.6 Typically, ‘Agents’ will manage a portfolio of differing building types for and on behalf of the Accountable Person, therefore these agents need to ensure they have, or have access to, all the appropriate expertise and knowledge and ‘suitable and sufficient’ management systems to encompass all the risks relating to the portfolio(s) for which they are contracted to manage. Within WG8’s Interim Report we recommended that a role as ‘Residential Accommodation Operator’ (RAO) be created. We are pleased that the role has been acknowledged, and, we are assured will now be introduced as the legal entity/organisational ‘Building Safety Manager’ (BSM). We are also advised that a BSM, (appointed by the Accountable Person) will be an “individual with organisational support or a corporate entity with a named individual to be the BSM”. And “ where the proposed BSM is a corporate entity, it must nominate a natural person (individual) within the organisation with the relevant skills, knowledge, experience and behaviours, to carry out the day to day management of the fire and structural safety of the building, having regard to the statutory functions of the BSM”.
- 5.7 While WG8 are pleased to see many of their recommendations have been adopted, the Working Group remain convinced that the BSM role should be all encompassing regarding life and public health related safety, as envisioned by the Hackitt recommendations. We therefore continue to report our findings, and set-out our recommendations, for a wider residential building ecosystem in which the BSM would operate to ensure a holistic Life, including, public health, and fire/structural safety, and therefore a fully effective response to the challenges set by Dame Hackitt’s initial report ‘Building a Safer Future’.
- 5.8 Our stated objective from the outset has been to deliver ‘holistic life safety’ in ‘whole’ buildings and if, as we are advised, these two objectives are not to be regulated as part of the forthcoming Building Safety Bill legislation. WG8 further recommend that the residential housing sector, both social and private, take up our recommendations and deliver them as best practice. WG8 note that the revised FSO will ensure requirements of Responsible Persons and fire safety that will interact with the duties of the BSM, while

the building safety legislation is also due to include a duty to cooperate between the BSM and the Responsible Person.

5.9 WG8 therefore discussed, at length, how an end-to-end management structure must be created that provides the Named Individual BSM [NI(BSM)] with a recognised framework, within which they can deliver the role proposed by the Hackitt report (Building A Safer Future, Recommendation 3.1c). The following illustration (Figure 4.1) has been developed after discussion with representatives of the industry sector and MHCLG. An overview of the recommended management arrangements for each element of the proposed structure for managing residential properties are set out in this section.

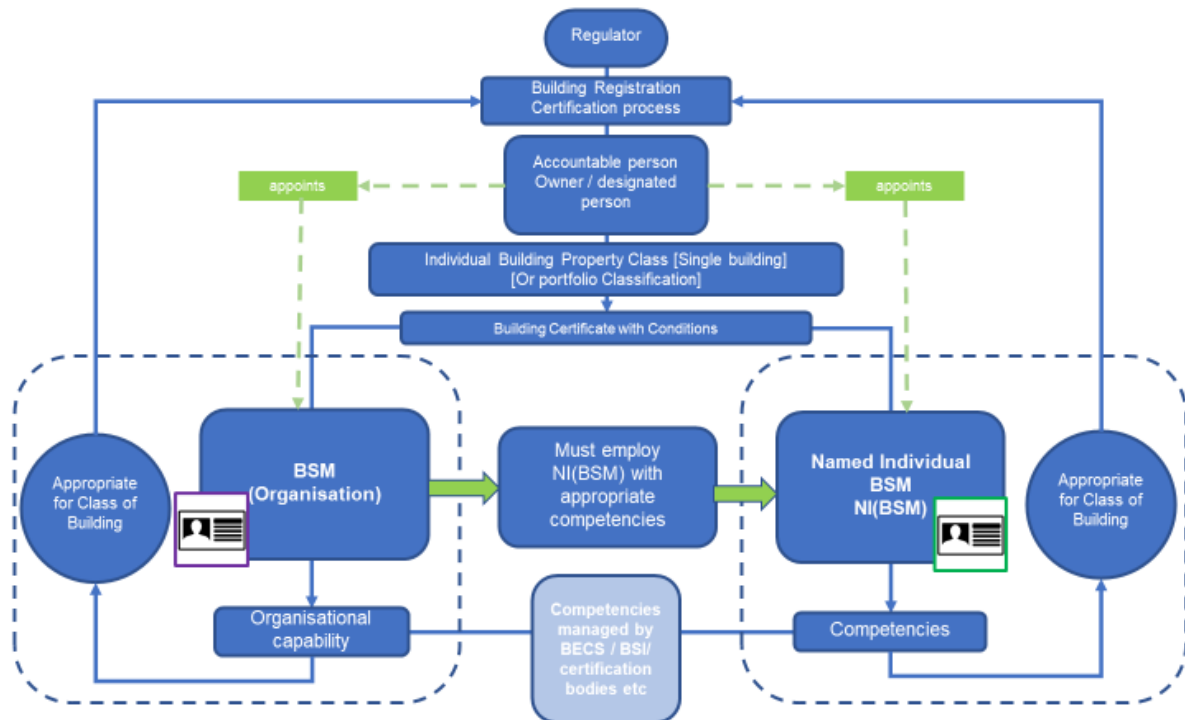


Figure 5.1. Illustrative Structure for the management of residential building.

This structure illustrates what the responsibilities for each of the roles are and how they interact as a management system:

- **Accountable Person** (which may include multiple individuals within RTM and RMC companies see below) (**AP**)
- **Building Safety Manager** - as an organisation (**BSM**)
- **Named Individual BSM** - as a 'natural, individual & competent person' [**NI(BSM)**]

5.10 The principle of organisational responsibility is already enshrined within health and safety legislation, the closest parallel being CDM 2015 where it has been recognised that the skill sets needed to perform the function of Principal Designer are often best served by appointment of an organisation. It is recommended that a model like that of CDM 2015 is adopted.

5.11 Following the approach of Regulation 8 of CDM 2015, WG8 suggest the 'BSM' "must have the skills, knowledge and experience, (and we now add 'behaviours') and if they are an organisation, the organisational capability, necessary to fulfil the role in a manner that secures the wider health and safety "of the occupants, visitors and workers in a building".



- 5.12 The BSM organisation should have a named senior manager in place that carries responsibility for ensuring sufficient resources and budget for the NI (BSM)s and the obligations of the BSM as a corporate entity. This could be one of the measures to check organisational capability against, as part of the wider management system in place, which must include a set of policies, governance, processes and procedures.
- 5.13 For the sake of clarity, while the BSM (organisation) would take on the many obligations accompanying the BSM function, not least to ensure the competence and resources are made available to NI(BSM)s, they must employ (or contract) relevant competent NI(BSM)s. Without those relevant, competent individuals (NI(BSM)s) in place, they would not be able to deliver the required function as a BSM. This is because competence is inevitably locked-into individuals and can only genuinely be assessed at individual level.
- 5.14 WG8 believe that where an Accountable Person is an entity there needs to be a senior person within, or formally representative of, the entity who is nominated as the individual responsible to ensure the requirements required of 'Accountable Persons' by regulation, are delivered, and are enforceable in the relevant jurisdiction, such as in HASAWA S. 37.
- 5.15 Where an organisation is contracted by the AP to take the role of BSM, as likely as not in regard to portfolios of buildings with differing occupations types/complexities, the BSM organisation will be required to have (one or more) certified and registered NI(BSM)s for the relevant building type. The combination of the individual NI(BSM)s competencies must include for all the necessary competencies required to accommodate all the varieties of Registered buildings held by their client(s). These provisions will be assessed and potentially challenged during each Building Registration Certification process and/or safety case review.
- 5.16 It will be incumbent on such (BSM) organisations to maintain knowledge of all the classification of residential buildings under their control, and to ensure they have an appropriate number of appropriately competent NI(BSM)s to manage the portfolio.
- 5.17 **WG8 recommend that, depending on the arrangements, the 'type' and complexity of buildings, the volume of buildings for which a NI(BSM), and BSM organisation can be made responsible for should remain squarely with their own professional discretion and will be led by developing industry best practice. There must be a direct line of communication between the AP and the BSM and NI(BSM).**
- 5.18 Allowing this approach (organisation + nominated senior person within the BSM(s)) prohibits senior members of a (BSM) organisation from hiding behind more junior individuals [potentially NI(BSM)] and trying to render an organisation free of liability that it should in fact be accountable for. Notwithstanding other mechanisms, which currently exist, for holding organisations to account through existing legislation.
- 5.19 While the Hackitt report focuses on HRRB's, (and other buildings in the initial 'scope') WG8 recommend that many of their recommendations should, in due course, become applicable to most other types of residential buildings. Primary legislation could provide for this by having a phased implementation whereby HRRB's (or buildings deemed in the initial scope of the legislation) have a shorter transition period, with longer transition periods for other classifications of residential buildings, (non-HRRB's). Such a phased approach to implementation would provide businesses with certainty and proportionate time to begin to adopt improved safety and fire management across the wide spectrum of buildings with residential accommodation, and therefore sleeping risk.
- 5.20 While not in the remit of WG8, our members are aware of the cost implications to both Regulators and those providing the housing. It is envisaged that some of the



cost of the scheme's operation would come from fees associated with the application for Building Registration Certificates and Safety Case Reviews. However, it is not anticipated that the full cost for Regulators could be recovered if only operated for HRRBs. Widening the scheme as recommended above could allow the amount of public funding required to be gradually reduced, while increasing life safety across a wider range of buildings.

- 5.21 The additional costs of this regime will, inevitably and necessarily, be passed on to the residents and occupiers, mainly by way of service charges. WG8 have advised MHCLG and others that where services are not designated by legislation it can be hard for the Landlords to persuade their residents (occupier) to pay higher costs, as a result 'best practice' can be difficult for many APs and their appointees to deliver.
- 5.22 Consideration will need to be given to the impact on other residential housing licencing schemes (such as those for nursing homes or Houses of Multiple Occupation (HMOs)) and whether the obligations of Accountable Persons and BSMs for building safety should be introduced into existing licence schemes. Consideration, too, will need to be given to the final outcome of Lord Best's work<sup>6</sup> on regulating managing agents within this context.
- 5.23 It is understood that MHCLG policy is, that following the purchase of an existing building/change of ownership, the necessary process to review and accept the new AP/BSM and building safety regime will need to be put forward by the Accountable Person, to the Regulator, by way of a Safety Case Review and within a reasonable period of time. As a minimum, WG8 suggests that applications should be submitted within 30 days of the purchase.

### **Accountable Person (AP)**

- 5.22. WG8 Recommend: That where there are potentially joint 'Owner(s)' of a residential building, for example The Owner or Landlord of a residential building (whether an individually identified Accountable Person or the joint and several Accountable Persons of a corporate body, or those named to the role) should be Registered as such during the Building Registration Certification process.**

**The Accountable Person/Duty Holder should be held responsible and accountable for building safety and resident engagement. They must also either be resident in, or have formal representation in, the UK. The AP must comprehend their responsibilities and obligations therefore WG8 recommend that consideration of this be mandatory during the building registration process and the safety case review. The AP must ensure a BSM is appointed for each of the buildings that they own, and which are 'in scope'. The AP must also ensure there is a competent Named Individual BSM for each building, with competence relevant to the complexity of the building. These appointments should be assessed by the Regulator when the AP applies for a Building Registration Certificate. The names and contact details for all those entities and their individual representatives should be entered into a national database maintained by the Regulator.**

- 5.23 WG8 agrees that there is a need to have greater clarity on who is responsible and accountable for the delivery of building safety in a building. We agree with MHCLG that the entity or person that ultimately benefits from the building income, should be identified as the 'Accountable Person', and that they as such, as the recipient of

---

<sup>6</sup> [Regulation of Property Agents: working group report](#), July 2019, 56p.

- income from the building, must be identified, be Duty holders and be held accountable to ensure the provision of resources necessary to deliver building safety.
- 5.24 Where an Accountable Person is an entity there needs to be a senior person within, or formally representative of, the entity who is nominated as the individual responsible to ensure the requirements required of 'Accountable Persons' by regulation, are delivered, and are enforceable in the relevant jurisdiction. This may be problematic for RTMs or RMC, who should perhaps be allowed to appoint a professional, competent, Director who could assume the role.
- 5.25 WG8 recommended, in their Interim Report, that the Accountable Person(s) should be required to apply for a licence to be deemed fit and proper to be responsible for a residential building, whether a single 'whole building' or a portfolio of 'buildings', or in the case of an RTM a number of stakeholder Owners responsible for one "Whole" building. This was to ensure that they are fit and proper, and that they understand their obligations in English and Welsh Law (in owning a residential building). This recommendation was in line with the recommendations set out in the Hackitt report, (recommending that there should be a named person (owner) who is domiciled in the UK.)
- 5.26 The objective of this recommendation will be met through the building registration process, which should ensure that the AP is fully aware of their obligations and accountability, including towards the BSM. In addition, the Safety Case Review will ensure they meet their ongoing obligations as set out in the Building Registration Certificate.
- 5.27 WG8, in their interim report, also noted that the 'owner' may come in many guises, and WG8 are now assured that the outcome required by Hackitt will be met by way of the process for the AP being required to submit an application for a Building Registration Certificate prior to occupation being allowed. By way of illustration of the variety of potential owners, or potential Accountable Persons, WG8 offer the following, non-exhaustive list:
- 5.27.1 A private individual (i.e.: owning one or more residential units for let)
  - 5.27.2 A UK based 'fund' investing in residential building for investment purposes.
  - 5.27.3 A foreign based 'fund' investing in residential building for investment purposes.
  - 5.27.4 A hotelier or guest house owner (either a chain or as an individual operator).
  - 5.27.5 A Local Authority
  - 5.27.6 A Social Housing operator
  - 5.27.7 An institution (i.e.: hospital, care home, prison, boarding school or residential home for specific occupants etc.)
  - 5.27.8 An 'Official Receiver' (where the actual owner remains the 'distressed' landlord, supported by a bank but under the control of the licenced receiver. Who here has real control as envisaged as an 'Accountable Person'?
  - 5.27.9 Members of a Right to Manage, a Trust, or Residents Management Company's board of directors.
- 5.28 WG8 recognise that the Accountable Person can choose either to 'operate' the residential building themselves (and employ a NI(BSM) directly), or to contract others to 'operate' (manage the daily operation) of the building, (for example a managing, letting or estate agent or facilities management business, as a BSM organisation).
- 5.29 In the event an Accountable Person chooses to operate their building(s), they must also be a Competent BSM (organisationally themselves, with appropriate NI(BSM)s as necessary for their portfolio)
- 5.30 The Accountable Person(s) will be responsible to make such appointments as necessary regarding either, or both of, their agent(s) (referred to as an organisational

BSM), and NI(BSM) for each property; having undertaken suitable and sufficient due diligence to ensure all contracted parties are competent to undertake their roles in relation to the classification of Certificated buildings owned by the Accountable Person. This due diligence should be interrogated by the Regulator as part of the Building Registration Certificate application process.

- 5.31 In the simplest of cases, the Accountable Person will be the Freeholder (an individual or a legal entity). However, it is (increasingly) common for the management responsibility to have been transferred to another party by way of either:
- 5.31.1 A document recognised in existing legislation as transferring management responsibility - e.g. a lease, or common-hold community association
  - 5.31.2 A right in law to take on management responsibility, e.g. Right to Manage Company, appointment of a manager by the Tribunal
- 5.32 WG8 recommend that in all cases, where a legal entity (i.e.: RTM/RMC/Commonhold) has management responsibility a named senior individual (e.g. Director or Chairperson), residing in the England and Wales, must take responsibility for the Duty Holding role on behalf of that party. Should an individual not be forthcoming then WG8 consider that the legal entity should remain accountable in law and that legislation will be required granting authority to the Regulator to take appropriate action. This, it is suggested, may include a financial penalty or in extreme cases making a forced appointment of a third-party manager (the precedent for which is established in First Tier Tribunal (Property)).
- 5.33 A suggestion made by private sector stakeholders to overcome this growing problem, (of 'layman directors' in post within residential property owning entities refusing to accept/not comprehending/not being adequately competent to accept the statutory roles such as AP or BSM), could be by way of facilitating the appointment of 'professional and competent' directors being appointed to the Boards of the Entities.
- 5.34 Notwithstanding the comments made above, the Accountable Person(s) should always be in a position to identify the parties to leases and other contractual arrangements and their attendant responsibilities. This issue is particularly pertinent to the growing number of RTM/RMC, commonhold and other similar 'non-traditional' entities, WG8 therefore propose that the Accountable Person(s) are required to:
- Identify those who have control over the management and the maintenance of the building
  - Ensure those who have control over the management and maintenance of the building are aware of their duties and responsibilities.
  - Ensure that a BSM and NI (BSM) are appointed to the building (as appropriate) (and as above that this information is logged as part of the Building Registration Certification process and record)
- 5.35 ***WG8 recommends that the information is submitted online. The information could be submitted online in a manner similar to the F10 Notification to the HSE in accordance with the requirements of CDM 2015.***
- 5.36 In the event that a party 'resigns' their management responsibility i.e. forfeits a lease, or the Right to Manage fails, then management responsibility would pass directly back to the party above them in the chain of ownership.
- 5.37 The Accountable Person(s) should be responsible, and accountable, to ensure that the information required by the BSM and all the appointed NI(BSM)s, and indeed the occupiers, (in relation to Fire and holistic life and public health management) is made available or is sourced where not already available. The Accountable Person will be

particularly accountable, (their appointed BSM may be appointed as responsible), to the Regulator for ensuring that information management systems are in place to maintain relevant documentation and compile and maintain a Safety Case File, which includes the golden thread of information, including the Fire and Emergency File. WG8 envisage that the Golden Thread (in the widest 'life safety' sense) should be interrogated for accuracy and completeness at the Safety Case Review. **And, it is recommended, should be a formalised element of any Sale/Procurement of (in scope) residential property transactions.**

- 5.38 The Accountable Person will be accountable, although the BSM responsible, to deliver the Resident Engagement Strategy, which should be presented, and interrogated, as part of the application for the Building Registration Certificate at Gateway 3 by the AP.
- 5.39 The Accountable Person(s) will be responsible and accountable to:
- appoint a Building Safety Manager (whether organisation or competent NI(BSM))
  - co-operate with the BSM & NI(BSM) so far as is necessary to undertake their duties under this legislation
  - authorise all reasonable requests made by the BSM and NI(BSM) where action is required to comply with the requirements of relevant health, safety and fire legislation
  - Maintain the Golden Thread information
  - Deliver an Occupier Engagement Strategy
- 5.40 Where the Accountable Person fails to undertake their duty, the BSM or NI(BSM) will be expected to promptly refer any failings to the Regulator.
- 5.41 WG8's Competence Framework (section 2) also outlines an expected competence profile for the AP to understand the importance of their (Duty Holding) role. This profile also allows for an informal assessment of the AP being 'Fit and Proper' to take the role.
- 5.42 Throughout their ownership and/or control of building, the Accountable Person will be responsible to 'sign-off' and ensure that works carried out under their direction or control are fit for purpose and the Safety Case/FEF are maintained and updated. It is anticipated that this duty will be delivered 'for and on behalf of' the Accountable Person by expert contractors supported by independent consultants, likely with oversight by the BSM and the Independent Construction Assessor recommended by other WGs.

## **Building Safety Manager (BSM) as an Organisation**

- 5.43 ***WG8 have recommended that:***

***The Building Safety Manager role should:***

- a) be a role with statutory duties and functions, responsible for life safety, (including public health, fire and structural) for the whole building and for engagement with residents/occupiers.***
- b) Ideally sit within a wider organisational structure, the legal entity BSM or BSM organisation, so that sufficient support and resources are available to enable each Named Individual BSM to fully exercise their responsibility and duty of care. The body corporate will need to comply with legal requirements for organisational capability (which will be assessed during the Building Registration Certification (BRC) application process), and will have to have a named (senior) individual that will ensure that the Named***

***Individual BSM(s) will be appropriately competent and have the resources necessary to execute their obligations. Both an individual, or a legal entity, can accept the role, as long as there is a Named Individual that meets the competence requirements of the WG8 competence framework.***

***c) Be appointed by the Accountable Person (AP), who is the Duty Holder. The AP cannot delegate their duties to the BSM.***

- 5.44 ***WG8 also recommend: An individual role should be created the 'Named Individual Building Safety Manager' NI(BSM) and that these individuals will need to registered, the register setting out 'classifications' of building within which the individual is deemed competent to undertake their overall safety role. Referred to as the 'NI (BSM)' throughout this report. (see below)***
- 5.45 Within WG8's interim report we recommended that a 'Residential Accommodation Operator' (RAO) be appointed. The role and the majority of the recommendations made were in relation to the need to have an organisational supporting function for the 'Named Individual Building Safety Manager', (previously referred to in the WG8 Interim Report as the Building Safety Co-Ordinator). WG8 are pleased to note that the majority of their recommendations have been acknowledged and the recommended RAO function has evolved into the proposed BSM as an organisation, and that the recommendation for a building safety co-ordinator has been rolled up into a 'Named Individual BSM (NI(BSM)).
- 5.46 WG8 acknowledges that it is intended that Regulation will stipulate that an AP must appoint "an individual with organisational support, or a corporate entity with a named individual to be the Building Safety Manager (BSM)."
- 5.47 WG8 were also pleased to note that the recommendation, in line with Hackitt's', that there must be a Natural Person responsible for each building has also been acknowledged and this function has been recognised as the 'Named Individual Building Safety Manager [NI(BSM)] role. However, the legal definition of a "Natural Person" does include a company.
- 5.48 The BSM appointment will come from the 'Accountable Person', whether this be a BSM organisation or a competent NI(BSM). Hackitt requires that the Accountable Person will be responsible to appoint a 'Natural Person' as the Building Safety Manager. The NI(BSM) could be either a named employee of a BSM (organisation) (whereby the Accountable Person appoints the organisational BSM) or an independent named NI(BSM) providing services to owners/Accountable Persons of single or small portfolios.
- 5.49 Critically, WG8 also acknowledge that it is intended to set out in Regulation that; where the proposed BSM is a corporate entity it must nominate a 'natural person' (individual) within the organisation with the relevant skills, knowledge, experience and behaviours (as recommended in WG8 Competence framework in Section 2), to carry out the day to day management of the fire and structural safety of the building, having regards to the functions of the BSM (as regulated).
- 5.50 Organisational responsibility is recognised in para 170 of 'Building a Safer Future'. WG8 have consistently advocated a formal assessment of such organisational capability (of a BSM legal entity) by the Regulator and therefore welcome MHCLG assurances that legal requirements to ensure organisational capability of the BSM will be introduced. It is therefore understood that an assessment of those requirements will take place by the Regulator during the building registration certificate application. Such assessment is necessary to ensure that the Named Individual BSM is properly equipped to deliver their statutory functions and duties. WG1 have also made recommendations to this effect, which WG8 support – "for individuals to perform

competently the organisation must also be competent”. WG8 have made recommendations (provided tools) as to how this assessment may be undertaken in section 2.8 as part of their Competence Framework.

- 5.51 For the legal entity BSM organisation to operate residential accommodation, They must employ adequate numbers of Named Individual BSMs [NI(BSM)] appropriate for the building types within their portfolio, and ensure the relevant resources are made available to manage all the classifications of buildings they operate. The BSM organisation should meet organisational capability requirements, including having a named senior manager in place, that carries responsibility for ensuring sufficient resources and budget for the Named Individual BSMs and the obligations of the BSM as a corporate entity.
- 5.52 Having a ‘senior manager’ appointed is an alignment with existing H&S and other statutory duties imposed on organisations. That a ‘natural person’, (the individual signing ‘for and on behalf of’ the organisation), would be the Managing Director or the Chief Operating Officer (MD / COO) or other senior manager, at Director / Partner level and above, who could be held accountable due to their responsibilities within the organisation. This would include the assurance of adequate resources, including competences, being made available to deliver their organisations ‘undertakings’ in a safe and proper manner.
- 5.53 It is anticipated that BSM organisations will have a large number of buildings (for which it has received an appointment from a number of APs in the private sector or large portfolios, which often occur in social housing too), and as such the **ratio of one legal entity BSM will likely be to many buildings**. In such circumstances, an appropriate number of Named Individual BSMs will need to be deployed.
- 5.54 Dame Judith Hackitt’s recommendations indicate that a competent Named Individual (BSM) must have a direct relationship with the buildings and occupiers for whom they are responsible. This infers, as does WG8’s strong recommendations, that competent Named Individual BSMs should not be made responsible for too many buildings- there should be a **ratio of one Named Individual BSM to a few buildings**.
- 5.55 ***WG8 recommend that it would be inappropriate to determine precise volumes/ratios of BSMs/NI(BSM)s in legislation. Rather, the ratio should be left to the integrity of the BSM, NI(BSM), AP, and regulator as it will depend on the size and complexity of the portfolio of buildings for which they are, respectively, appointed.***
- 5.56 Where an organisation (e.g.: rural or SME sized lettings agent) is too small to have all the required competencies to support the role of the BSM in-house they will need to sub-contract to competent NI(BSM).
- 5.57 As has been noted above, the competence necessary for an individual [NI(BSM)] to take on the role is exceptional if the building concerned is in anyway a ‘complex’ or ‘higher risk’ building. Definition of the core and specialist competencies that would be required by a NI(BSM) are detailed in Sections 2.6 and 2.7.
- 5.58 Depending on the specific circumstances and the number of separate demises within the ‘Whole Building’ it may be assumed the cost of a BSM would be shared through the service charges.
- 5.59 In principal we support the roles of both BSM organisation and NI(BSM) subject to both being fit for purpose. WG8 sets out in section 2 the competences required for an NI(BSM) and the tools necessary to review whether an organisation has the appropriate resources and corporate knowledge to respond to the proposed obligations of the BSM as an organisation.

- 5.60 It is recommended that, as part of the application by the AP for a Building Registration Certificate, and as part of any Safety Case review that the capacity of the BSM (organisation) is interrogated in depth to ensure appropriate resources (in time, personnel and financial terms) are always made available to ensure that their obligations, and the requirements of any NI(BSM)'s in their employ, are executed suitably and sufficiently.

## **Named Individual Building Safety Manager [NI (BSM)]**

### **5.61.1 WG8 Recommendations are as follows:**

- a) **A competence framework for the named individual BSM covering the core knowledge, skills, expertise and behaviours required for the role to be adopted for HRRBs, and beyond. (this recommendation forms section 2)**
  - b) **This framework will be required to align with the overarching benchmark competence framework for HRRBs (when the latter is developed by BSI, although WG8 has aligned the existing work with the draft framework). WG8 will continue to work with government and the BSI to develop the BSI BSM Competence standard/PAS.**
  - c) **To be(come) a competent Named Individual BSM, a person must:**
    - i. **Demonstrate adequate and appropriate minimum relevant experience in managing building risk, (including pre-new regime experience and duration dependent on building classification) and demonstrate a relevant recognised professional qualification.**
    - ii. **Demonstrate the requirements of the competence framework are met through assessment of:**
      - **Knowledge:** an individual would be required to do an online assessment testing their knowledge, understanding, application and analysis of the relevant subject matter. The questions will be set to demonstrate achievement of the competence statements of the competence framework.
      - **Experience/skills:** this component would be assessed through the production of a professional paper and portfolio, with a professional interview allowing further verification of application of the required competences. A minimum of three to five years of relevant experience is expected for the role.
      - **Behaviour:** this component would be incorporated in the professional interview and would also be demonstrated by adherence to a code of conduct
    - iii. **Resubmission for certification of Named Individual BSM competence should occur every three years, evidencing participation in a refresher course, relevant CPD and adherence to the Code of Conduct.**
- 5.62 **Certification (third party accreditation) for the Named Individual BSM(s) must be relevant to the building classifications which the NI(BSM) is responsible for, or for all the buildings the AP may have appointed a NI(BSM) to be responsible for.**
- 5.63 **Anyone holding the Named Individual BSM role, must be certified against the competence requirements set out in the BSI BSM standard, PAS/framework. WG8 will continue to work with MHCLG to decide the most appropriate tool to achieve this essential outcome.**



- 5.64 No proposals are made about the volume of buildings that any one NI(BSM) is allowed to oversee. It is the responsibility of the BSM, the NI(BSM), and the AP and their integrity giving appropriate consideration to the composition, size and volume of the stock, to ensure the necessary number of NI(BSM)s required to deliver their duties effectively. It is assumed that the Safety Case would make appropriate comment where the NI(BSM) is deemed by the Regulator to be unable to fulfil their responsibilities as a consequence of overseeing multiple buildings.
- 5.65 As part of the competencies, WG8 have also researched, and sought to articulate, what the limits to the NI(BSM) competencies are. As part of this exercise, it will be important to understand the BSM's relationship with the Regulator. For example, at what point will it be acceptable that the BSM or NI(BSM) escalates matters to the Regulator, or at what point should they invoke a whistle blowing scheme? It should be considered whether the Regulator will have a separate whistle blowing scheme for NI(BSM)s or whether there will be one scheme for all interested parties?
- a. In addition to the above, it is worthwhile remembering that, depending on the definition of a "Whole Building" and changes made to the FSO responsibilities, there remains the possibility of multiple NI(BSM)'s and Responsible Persons being responsible for a single "Whole Building".
  - b. While currently, there will only be single minimum requirements benchmark, in future the scope of the legislation may be extended to other buildings. NI (BSM)s will only be allowed to operate classifications of building for which they hold the related, and specific, competences and as evidenced by their certification and registration details. Varying competence levels are due to be developed, meeting the needs of varying building classifications. This will enable delivery of experience and the potential for a progressive career for NI(BSM)s.
  - c. In the event that a BSM wishes to operate within a new building classification (i.e. not covered by their existing certification and 'reservoir' of competencies), they would be required to get their competence re-assessed against the competence criteria of the 'new' building.
- 5.66 ***WG8 would recommend for the sake of clarity, identification (and comfort of occupiers), all Named Individual Building Safety Managers should hold an Identification card (envisioned to be similar to a current UK driving licence or CSCS card) which will detail the building classification(s) they are deemed to be competent to operate in. Their registration, (i.e.: 'licence to operate'), is in essence the physical 'evidence' of their competence, to inspire confidence in occupiers.***
- 5.67 All those that deliver services as a NI(BSM), or work as an independent specialist consultant delivering the service, will need to be able to demonstrate that they have the required competence and credentials to support their level of work.

## Management and oversight of Competence

WG8 recommend:

- 5.68.1 ***All Individual, Registered, NI(BSM) Competence assessments would require periodic renewal, part of which would be an assessment that the required competencies are retained (e.g. renewal of qualifications where required) and that individuals participate in relevant life-long learning. WG8 recommends that the period between review of a BSM Registration is no greater than 3 years but may be less depending on building classifications for which they are responsible.***



- 5.68.2 ***During the interim period between registration renewal, the suitability of Registered NI(BSM) could be monitored as a consequence of whistleblowing (by way of investigation into a complaint by the Regulator, or the bringing forward of a safety case review), or as a consequence of the findings of a safety case review. As such it is recommended that the Regulator has statutory powers in relation to the suspension or removal of registration and authority. WG8 recommend that the following sanctions should be available to the Regulator in relation to consideration of approving a Building Registration Certificate:***
- 5.68.3 ***Issue of a formal caution which would then appear on the public register***
- 5.68.4 ***Suspending the Building(s) Certificate(s) of the Accountable Person and/or BSM, when defaulting on their obligations, requiring submission of a new registration application.***
- 5.68.5 ***Instigating a full Safety Case Review***
- 5.68.6 ***Fines for failure to adhere to Building Registration Certificate conditions / hold the correct personal Registration / execute the FEF.***
- 5.68.7 ***Placing the Building under the temporary control of an ‘approved’ AP/BSM following suspension or removal of a Building Registration Certificate (at the cost of the Accountable Person). Similar to the appointment of a Manager by the Tribunal under ss.21-24 Landlord and Tenant Act 1987 as amended.***
- 5.68.8 ***It is recommended, that any of the above or any associated enforcement action should appear on a public register.***
- 5.68.9 ***The Fire and Emergency File (FEF) is considered by WG8 to be a critical component of the Accountable Persons ‘Licence to operate’ and the Accountable Person must demonstrate this is in place as part of their Building Registration Certificate application.***
- 5.68.10 ***WG8 are also recommending that the FEF is recorded in a national database, held alongside other information supporting the Safety Case (and its Review). The Regulator and Fire and Emergency Services/Local Authority could then have access to this information remotely, for enforcement purposes and for fire and rescue. WG8 envisage that only appropriate competent persons will be authorised to upload information into the FEF.***
- 5.69 As has been noted above it is the intent of WG8 to offer to assist developing a suite of ‘official’ guidance documents which is being led by British Standards Institution (BSI). WG8 will put forward our competence framework as groundwork for the proposed BSM Competence Standard or PAS (Publicly Available Specification)
- 5.70 Professional bodies and other organisations concerned with certifying and professionalising people have a central role to play, including:
- 5.70.1 *The delivery of the NI(BSM) certified individual’s scheme*
- 5.70.2 *The assessment of people wanting to advance to formal assessment and certification (this will allow two effective routes into certification: Accreditation of Prior Experiential Learning<sup>7</sup> and formal learning in those areas where people may lack competence)*

---

<sup>7</sup> The identification, assessment and formal acknowledgement of prior learning and achievement. This may either be certificated learning (APCL) or accredited prior experiential

- 5.70.3 *The development of the questions and the assessment tools against the NI(BSM) competence statements and the requirements of the Corporate entity BSM.*
- 5.70.4 *Either holding, or overseeing the management of, registers of competent NI(BSM)s*
- 5.70.5 *The delivery of learning interventions and supporting activities, including CPD, that are mapped against the competencies so individuals can fill any gaps identified in knowledge or understanding.*

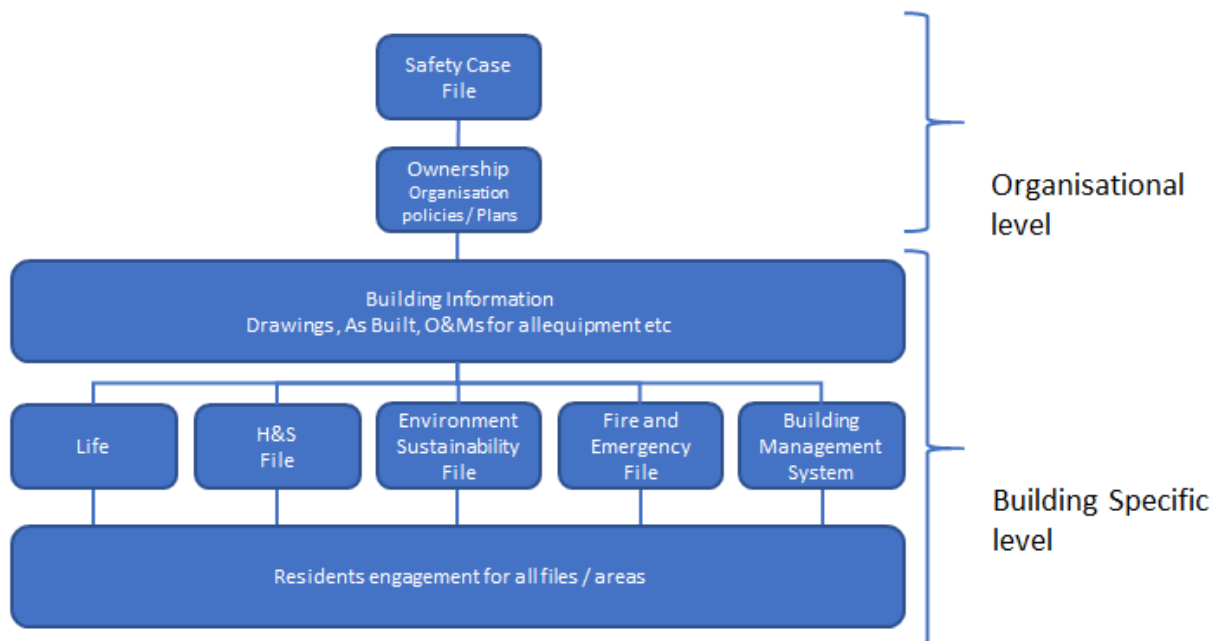
---

**learning (APEL), where learning achieved outside education or training systems is assessed and recognised for academic purposes.**

## 6.0 Fire and Emergency File (FEF)

### Overview

- 6.1 The availability of the right, correct, and up to date building information will be critical to enable the BSM to execute their function. This information should be maintained within a Safety Case File, with a structure mandated in law so there is uniformity across the country and everyone needing particular information, would know exactly where to find it. This mandated structure could then, as it continues to be developed, be verified at each Gateway point and form the basis of the Safety Case Review by the proposed building safety regulator.
- 6.2 The BSM would manage this Safety Case in occupation, which would include the Fire and Emergency File (FEF), as built plans, Health and Safety file, residency/occupier engagement strategy, etc. , each which in turn have their own regulatory mandated structure. While already a requirement, this information is currently often unavailable or absent. It is recommended that the information would be kept in digital format, so that relevant authorities, including the Regulator, could verify the information when necessary.
- 6.3 WG8 see the relationship between the Safety Case, ‘occupier’, and other fire and safety relevant information as illustrated in the figure below:



- 6.4 While the Safety Case, and its periodic review, certainly in the early stages, will relate to HRRBs and other defined building types only. It is unlikely to become, at least in the early stages of ‘Hackitt’ changes, a regulatory requirement for other types of residential properties. Nevertheless, **WG8 highly recommend that every building with residential accommodation should have a FEF prescribed, as suggested in 6.13 below.**

- 6.5 WG8 consider that HRRBs should be required to have in place a FEF within a short period subsequent to primary legislation being put in place. All new build properties with accommodation should be required to have a FEF, as recommended below, (and with further detail set out in Appendix C), on completion. All other (existing stock) properties with accommodation should be phased in over a defined period, in line with the Building Classifications and, therefore, the complexity/risk associated with the building.
- 6.6 As part of the WG8 deliberations it became very apparent that there are several widely used terms that are often misunderstood or referred to in error. (e.g. Fire Strategy, Fire Manual, Fire Logbook etc). To mitigate any future confusion WG8 have passed back to the Steering Group a list of definitions that require agreement and, WG8 recommends, once these are agreed these terms are defined and set down in secondary legislation.
- 6.7 Currently, some of these definitions are included in British Standards (BS) (BS9999, BS4422 Fire Vocabulary and BS13943 Fire Vocabulary). While BS9999 already covers some of the terminology, WG8 would suggest this BS is revisited and updated in light of forthcoming changes and updated best and current practice. Similarly, a BS or PAS could be developed for the wider content and structure of the FEF to assist owners in smaller properties to prepare their information in advance of Regulatory determination. If HMG would mandate such standards through statutory guidance perhaps, provisions should be made about accessibility to the information
- 6.8 WG8 is aware of and has fed into the development of BS8644, which aims to provide a code of practice for digital management of fire safety information. The expected guidance is likely to touch on both content and structure of what is deemed essential fire safety information.
- 6.9 While it is recognised and accepted that there already exist many legal requirements for the development and delivery of fire safety related documentation (i.e.: Building Regulations, CDM H&S File', statutory testing records etc.), one of the most significant matters for 'end users' (such as the BSM, Occupiers and Enforcement, let alone emergency response crews), is that the information is held in very diverse forms and in very diverse 'systems', or in some cases does not exist.
- 6.9.1 ***It is therefore WG8s recommendation that a single, national, repository be set up and all the documentation already required is, simply, now placed in a single repository – the Fire & Emergency File.***
- 6.10 It is also noted that the 'Golden Thread' considerations are likely to include allowance for Building information Modelling (BIM) and its future. WG8 consider that, while BIM is well understood in major construction projects it is less well understood or utilised in smaller projects, or indeed refurbishments. WG8 also suggest BIM is not fully embraced yet across the built environment, and that many of the major Computer Aided Facilities Management [CAFM] systems are as yet, not configured to pick-up a BIM delivered at Practical Completion and use it effectively to operate the building. While BIM undoubtedly can significantly improve operational building management, it may be many years yet before its widespread and consistent use.
- 6.11 WG8 recognise that almost all the information that is recommended to be included in a FEF should, and commonly is, already readily available. However, the information is not held centrally and is most often held in incomplete format. Current repositories may include central records, site records, the H&S File (as required by CDM) in hardcopy and digitally (see figure above).

- 6.11.1 **WG8 therefore recommends that the FEF is to be significantly prescribed in format and content and is to be held electronically on a single national database.**
- 6.12 Only appropriately competent personnel (as defined by the Buildings' Classification) should be able to sign-off and upload content to the FEF database, (thus relieving the 'owner' of the database of the need to quality control the content). The Database will require identification of all that uploading information and record this information by way of an audit trail.
- 6.13 WG8 understand that the FEF will form a constituent part of the Safety Case Review, existing H&S Files, and other legally required matters. The Safety Case File, and the requirement to review the Safety Case will require reference to the FEF, as will confirmation during preparation of the CDM H&S File that the FEF is present, correct and complete and cross reference to the database is to be included in the H&S File.
- 6.14 The FEF should contain the following prescribed sections. The [non-exhaustive] illustration of prescribed content thereof is expanded on within Appendix C -
- 6.14.1 Section 1 – Building Information, Ownership, Occupiers (including Key Data set from para 202 MHCLG consultation Building a Safer Future<sup>8</sup>– to be held in specified/mandated format)
- 6.14.2 Section 2 – Overview of Building Fire Safety Management Arrangements
- 6.14.3 Section 3 – Fire Risk Management Strategy – the totality of measures that will deliver fire safety in the building
- 6.14.3.1 Section 3.1 – Fire Risk Management Policy
- 6.14.3.2 Section 3.2 – Occupied Building Fire Safety Implementation Plan
- 6.14.3.3 Section 3.3 – Fire Risk Assessment records
- 6.14.3.4 Section 3.4 – Fire Risk Management and Fire Fighting Operational Arrangements
- 6.14.3.5 Section 3.5 – Fire Safety Manuals
- 6.14.3.6 Section 3.6 – Fire Safety Logbook
- 6.14.4 Section 4 – Resident Engagement Strategy
- 6.15 The FEF should be proportionate to the building and occupants for which it is developed, and is to include a description, in layman's terms (i.e. for consumption by occupier), of how the building's fire safety arrangements are designed and what is necessary to ensure they are maintained effective.
- 6.15.1 **WG8 recommends that the FEF should be a distinct and separate document repository, being a distinct section of the Safety Case and not subsumed in the H&S File. (preferably held in a national FEF database like the EPC [Energy Performance Certificate] database, already operational)**
- 6.16 WG8 suggest that consideration should be given to the Regulator (as part of their register of registers function) having 'ownership' of the National FEF/Safety Case

---

<sup>8</sup> MHCLG consultation, [Building a safer future: proposals for reform of the building safety regulatory system](#), June 2019, 192p.

Database, albeit other competent bodies may assist the Regulator by providing quality checks and audits.

6.17 Part of any fire risk assessment, or assessment review (annual), should include review and assurance that the FEF records on the national database are fit and proper and current.

6.17.1 ***WG8 recommend that the review / assurance that the FEF record on the national database is in place, and current, should be made be a requirement of building sale/ownership transfer and should become a function of conveyancing solicitors as part of sale/acquisition processes.***

6.18 ***Our Initial Report document provided a detailed recommended content for the FEF. We are pleased to report that this element of our previous recommendations has already been taken forward within the BSI and our recommendations have been part of the (ongoing) work of BS8644, which aims to provide a code of practice for digital management of fire safety information. We do not therefore repeat within this, our final report, our Fire & Emergency File recommendations made in our Initial Report***

## Appendix A

Saatchi M&C Saatchi – 17.10.18

### Overview

Building Safety requires not only that structures and roles are identified (in Building Safety Managers/ Coordinators) to ensure that building operation is fully understood, and information readily available, but that occupiers and occupiers within buildings are engaged.

If a true behavioural step change is to be achieved, reflecting and supporting new policies, that engagement must be real and positive – changing the way that individuals think, feel and act, rather than potentially disregarding information provided or available as bureaucratic or simply irrelevant.

It is both possible to develop and employ broad scale strategic behaviour change communication to support these objectives, and necessary if the full ambition of change in attitude and behaviour is to be achieved.

### Opportunity

The key question is how best to both get information to occupiers where they have a role to play in supporting building safety (within the context of new policies), and to ensure they not only 'receive' the information but also recognise the need to, and want to, adopt the behaviours and actions it points to.

This is challenging in the context of:

- Audience volume: across all forms of 'residential' buildings where people stay from high rises, through prisons to multiple occupier homes
- Audience diversity: leasehold homeowners to social housing, language, geography, ethnicity and culture
- Low audience engagement

While recognition of the need for Building Safety to be prioritised is heightened in the context of Grenfell, there is no existing social norm of (or recognition of the need for) participation at an individual level, and more broadly a rejection of bureaucratic 'interference' in 'your home'.

It is therefore likely that while information could be disseminated at broad scale (through, for example, information leaflets, information repositories/ hubs etc), this is unlikely to drive widespread adoption of a different set of behaviours and actions in itself.

Strategic Communication, however, offers a viable means through which to re-frame the issue, driving a new social norm through positive engagement in the need (and desire) to participate at an individual level – getting people to think, feel and act differently in line with objectives.

A parallel can be found in Public Health England's anti-obesity campaign, 'Change for Life'. From its inception this campaign succeeded in positively engaging a previously disengaged public through re-framing the issue of obesity in three key ways:



- As people misunderstood obesity as merely 'fat bodies'/ a body image issue, this was re-framed this as 'fat in the body' – a hidden danger that can cause nasty diseases like cancer.
- Parents felt blamed for their children's unhealthy weight. To engage them successfully the enemy was defined as modern life – unhealthy convenient foods, TVs and computers, easy transport, etc. As a consequence, everyone could all get behind the cause.

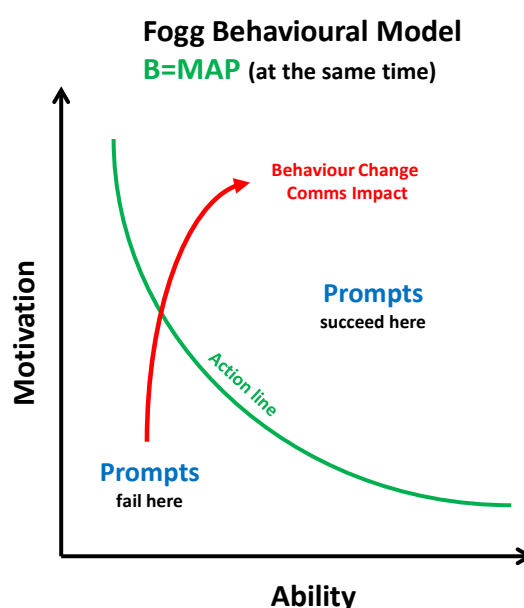
- To ensure participation, the brand established was fun and accessible. It suggests changes that are both 'obvious' and easy.

The coherent 'Change for Life' Masterbrand and message encapsulated this, and served as a positive, unifying, engaging and commonly owned umbrella 'movement' within which specifically targeted messages could be communicated over time.

Correspondingly, an opportunity lies driving a new norm in the way occupiers think about and engage with Building Safety. This in turn would ensure the effectiveness of complementary engagement and communication from Building Safety Officers operating at a building level, driving information to an engaged and receptive audience. And further ensure that the significant and real change desired in underlying norms and therefore behaviour is achieved.

BJ Fogg's Behaviour model provides a useful visual reference point for this. Driving the new social norm would require:

1. Identifying a common, (almost certainly) positive 'macro' message through which to engage and re-frame preconceptions, expectations and intent, and in doing so increasing motivation to act
2. Tailored messages addressing specific audiences and barriers, alongside information and communication at a local and building level would operate as prompts over time
3. Supported by legislation and building information/ understanding driving Ability



A parallel can again usefully be found in Change for Life, where macro messaging has been supported over time through specifically targeted to deliver the full impact and success of the campaign. These have included:

- Messages targeting specific audience segments and barriers, communicated both through campaigns but also programmes (drawing in local authority support, schools etc)
- 'Tips and tools' such as sugar swapper, meal planner etc, which act as useful prompts and easy means of adopting desirable behaviours
- Building a broad-based partner network: Identifying and recruiting on the ground supporters who can deliver the message where it matters most – in the communities, shopping centres and homes of the people at risk

Drawing on the Fogg model, and illustrated through parallel, highly effective examples such as Change for Life, the opportunity is therefore clear for Strategic Behaviour Change Communication to support and drive the underlying objectives at hand.

Approach



Key to success would be research: Formative research to generating audience insight informing strategy and messaging, creative development research to ensure messaging and execution are engaging and impactful, evaluation research both to evaluate but also to input and inform further iteration.

Leaning on this, development of successful Behaviour Change Campaign in support of objectives would follow a six-stage process:

1. Define: Precise definition of desired outcomes and objectives – what we require our audiences to think, feel and do differently over time (what success looks like)
2. Discover: Expert consultation, desk research and most importantly audience research to segment audiences, and identify existing attitudes, barriers and motivators
3. Distil: Development of core ‘master’ messaging through which to re-frame and engage at a macro level, and specific messages sitting underneath this to address specific audiences and barriers, over time)
4. Develop: Creative platform and implementational plan through which to reach and engage audiences in identified messaging over time
5. Disseminate: Activate Strategic Behaviour Change Communications programme
6. Diagnose: Evaluate impact to deliver responsive feedback to further campaign development and iteration

#### Considerations

1. Formative Research is a key first step through which to fully understand audience perspective, motivations, engagement and barriers. Only through doing this can the campaign remain audience-centric and evidence based
2. Broad Strategic Behaviour Change campaigns require considerable investment over time to be successful. We would suggest a benchmarking exercise be undertaken against other public sector campaigns, but would expect required budget to be in the £10-20m bracket over multiple years
3. Timing is an important factor: Grenfell, and its impact on the public consciousness means that there is a ‘window’ during which the impact and effectiveness of communication is likely to be higher.

## Appendix B

Table of lease types tenure types Contracts

### Types of contract to occupy a residential property

Occupier type	Agreement type	Length	Who has control?	Who has ultimate control?	Who holds the purse strings?	Additional Comments
Freeholder	Deeds registered at Land Registry	Indefinite	Freeholder	Freeholder	Freeholder	
Head leaseholder (superior leasehold interest)	Long lease	e.g. 50 – 999 years when granted	Most likely to be head leaseholder as property will be held under an FRI lease but could be freeholder	Freeholder	Head leaseholder but could ultimately be freeholder depending on terms of lease (FRI)	
Occupying leaseholder	Long lease	e.g. 50 – 999 years when granted	Freeholder/Head leaseholder	Freeholder	Freeholder/head leaseholder but occ l/h reimburses depending on terms of lease	
Occupying leaseholder under tri-partite lease	Long lease	e.g. 50 – 999 years when granted	Management company	Management Co but possibly freeholder upon default	Management Co but occ l/h reimburses depending on terms of lease	All l/h members of Co under lease. Often difficult to find l/h to become directors
Occupying leaseholder where Manager appointed by tribunal	Long lease	e.g. 50 – 999 years when granted	Manager in accordance with terms of Management Order	Manager in accordance with terms of Management Order – can be varied on application by Tribunal. Freeholder after expiry of Management Order	Manager in accordance with terms of Management Order but l/h reimburses. Freeholder after expiry of Management Order but l/h reimburses depending on terms of lease	

Occupier type	Agreement type	Length	Who has control?	Who has ultimate control?	Who holds the purse strings?	Additional Comments
Occupying leaseholder under Right to Manage Co	Long lease	e.g. 50 – 999 years when granted	Right to Manage Co	Right to Manage Company. Possibly freeholder upon default	Right to Manage Co but l/h reimburses depending on terms of lease	Occupying l/h likely to be a member of RtoM Co but not all. Often difficult to find l/h to become directors
Unit holder	Commonhold	Indefinite	Commonhold Community Association	Commonhold Community Association	Commonhold Community Association	All units are members of CCA
1954 Act tenants (commercial/mixed use)	Lease	e.g. 10 – 25 years when granted	Head leaseholder/freeholder	Freeholder	If FRI lease, tenant but could ultimately be landlord via dilaps or forfeiture	
Tenants (Assured, AST, etc)	Tenancy agreement	6 months – 3+ years	Landlord who could be any of the above occupier types	Ultimate landlord under relevant occupier types	Landlord who could be any of the above occupier types	Could include guardians
Social tenants	Tenancy agreement	6 months – 3+ years	Landlord who could be any of the above occupier types	Ultimate landlord under relevant occupier types	Landlord who could be any of the above occupier types	
Shared Ownership	Assured tenancy with option to purchase long leasehold interest	e.g. 99 – 125 years	Head leaseholder*/ management company/freeholder	Ultimate landlord under relevant occupier types	Head leaseholder*/ management company/freeholder	
Student Housing	Tenancy agreement	6 months – 3 + years	Landlord who could be any of the above occupier types	Ultimate landlord under relevant occupier types	Landlord who could be any of the above occupier types	

Serviced apartments including web- based accommodation providers	Licence to Occupy	e.g. nightly, weekly	Landlord who could be any of the above occupier types	Ultimate landlord under relevant occupier types	Landlord who could be any of the above occupier types	
------------------------------------------------------------------	-------------------	----------------------	-------------------------------------------------------	-------------------------------------------------	-------------------------------------------------------	--

- Where there is a head lease, it is likely to be very long on Full Repairing and Insuring Lease (FRI) terms so probably head lessee has control rather than freeholder

### **Other contracts likely to be in place in a residential building**

Type of contract	For what?	Who has control?	Additional Comments
Contract of employment	For employing on-site staff	Landlord including. Management Co (tripartite lease), Right to Manage Co, head leaseholder, Commonhold Community Association, etc or possibly managing agent	
Contract to Manage	For appointing managing agents	Landlord including. Management Co (tripartite lease), Right to Manage Co, head leaseholder, Commonhold Community Association, etc	If there are long leaseholders and if a long-term contract, s.20 consultation will apply
Maintenance Contract	Routine maintenance of plant and machinery within the building, structure, etc.	Landlord including. Management Co (tripartite lease), Right to Manage Co, head leaseholder, Commonhold Community Association, etc but probably overseen by managing agents	If there are long leaseholders and if a long-term contract, s.20 consultation will apply
Building contract	Major works including redecoration, replacement of plant, etc	Landlord including. Management Co (tripartite lease), Right to Manage Co, head leaseholder, Commonhold Community Association, etc but probably overseen by managing agents	s.20 consultation likely to apply if there are long leaseholders
Engagement contract	Engagement of surveyors, engineers, etc	Landlord including. Management Co (tripartite lease), Right to Manage Co, head leaseholder, Commonhold Community Association, etc but probably overseen by managing agents	Could be a contract for a specific job, e.g. building contract or on-going contract, e.g. lift engineer

Other parties who may have rights in a block of flats:

- Tenant/Resident Associations, either formally recognised or an informal group

# Appendix C

## Fire & Emergency File Content

- 1.1 This section provides a detailed recommended content for the FEF. It is recognised that this proposal will be subject to debate yet has been included to emphasise the breadth and complexity of the information required for HRRBs. WG8 strongly recommend that any decision to reduce this proposal is done so only after making assurances that the FEF will still deliver its intended purpose.
- 1.2 The information below which has been brought together by WG8 members, has also been fed into the development of BS8644, which aims to provide a code of practice for digital management of fire safety information.
- 1.3 Section one is meant to give key data on the building, including at organisational level and as built plans, plans also including a range fire safety information specifically targeted at the emergency services
- 1.4 Section two provides a layman’s overview of the building’s construction, how the fire safety arrangements are designed and what is necessary to ensure they are effective.
- 1.5 Section three contains the more detailed strategy of how the objectives of fire safety and safe homes are achieved. It contains the policy intentions, how they are implemented, how they are supported by the building and its fabric, including active and passive systems, how they are implemented for occupation, the management around it and operational plans, detailed records and wider information about the products/systems used and their maintenance and servicing requirements, a risk assessment programme and a log book detailing the testing/maintenance/inspections regimes in place.
- 1.6 Section four includes how the AP and BSM will engage with residents and occupiers to ensure they foster a culture of resident engagement and to ensure they empower residents to play a responsible role towards ensuring a safe home in a safe building.

### Section 1– Building Information, Ownership and Occupiers – including Key Data set

1.7 Building details, including Key Data set:

Building Details
All aspects of the building’s location:
Address and Postcode including <ul style="list-style-type: none"><li>• (Unique property reference number - UPRN = building registration plate or all different UPRNs especially where there are different resident engagement strategies)</li></ul>
Building Classification (building type- potentially planning classification, which would be linked to competences required to service the needs of the building, for example an hospital)/ Type identifier relating to complexity and risk. The aforementioned will also determine the additional specialist competences required of the BSM.
Brief description of the building <ul style="list-style-type: none"><li>• size:<ul style="list-style-type: none"><li>○ Height</li><li>○ Number of storeys (including below ground)</li><li>○ Footprint</li></ul></li></ul>

<ul style="list-style-type: none"> <li>○ Number of dwellings</li> <li>• sq. meters of various uses</li> <li>• building type/purpose</li> <li>• car parking</li> <li>• location</li> <li>• proximate neighbourhood</li> <li>• Minimal information (e.g. quantity and location) on safety-related features (e.g. fire doors, sprinkler systems). Identification of which products should be included in the dataset will be based on the individual physical layers of protection that each form part of an integrated safety strategy for the building; <ul style="list-style-type: none"> <li>○ Quantity and location Fire doors</li> <li>○ Quantity and location sprinkler systems</li> <li>○ Quantity and location fire escape stairs</li> <li>○ Quantity and location of firefighting or fire evacuation lifts</li> <li>○ Quantity and location of assembly points and brief description</li> </ul> </li> <li>• Years built and subsequently refurbished;</li> <li>• Façade and structure information;</li> <li>• Dates and outcomes of gateway points and safety case reviews;</li> <li>• Current and past duty holders, accountable persons, building safety managers, responsible persons</li> </ul>
Location shown on a local area map
Proximity to, and risk assessment of, any external fire risk (occupation/use of proximate properties)
Occupation and use of the building (residential, mixed use, ...) for which the strategy is being developed, including Data points to be confirmed in the future*
Activities undertaken (assumed [or perhaps] allowed) by the occupants (including products and services manufactured, delivered from, or consumed within), the whole building and consideration to be given to mixed use units too
Lease and other contact/contract/Duty Holding roles and arrangements with all occupiers, including: <ul style="list-style-type: none"> <li>• Current Accountable Person [Owner] (including address, and a nominated contact/responsible Person, licence number)</li> <li>• Where appropriate Accountable Person's UK Contact (including address and a nominated contact/responsible person, Licence Number) <ul style="list-style-type: none"> <li>• Where appropriate, current Residential Accommodation Operator Licence Holder [Managing/estate/letting Agent] (including address and a nominated contact/responsible person, Licence Number)</li> </ul> </li> <li>• Current Building Safety Manager (including address, Licence Number and a nominated deputy contact)</li> <li>• Current 'Responsible Person' as designated by Fire Risk Assessment</li> </ul>

Notes:

- 1.8 \* This is seen as a narrative response. Most of the blocks within scope (HRRBs) and indeed multi-residential buildings generally will have some parameters around use, for example they might be age-restricted (e.g. 55+) or a sheltered block for older/more infirm tenants. This overview in terms of what the parameters are, and therefore what sort of demographic is likely to be in occupation, will help the Emergency Services understand at high level what the issues might be in the block regarding the practicalities of communication and evacuation. Much of this applies to the general needs of mixed use. In addition, the profile of residents will change over time, information will need to be reviewed regularly.
- 1.9 This narrative is different to data points. There are 2 types of potential data points that could be generated within the scope of this section;
  - 1.9.1 Those relating to the building and structure
  - 1.9.2 Those relating to occupants.
- 1.10 The first would be quite straightforward with requirements being detailed elsewhere in the forthcoming BS8644 and would have the benefit of being a relatively stable dataset.
- 1.11 The second requires personal information about Residents, which may be more problematic in terms of GDPR, access to information and cyber security, even assuming that people are prepared to give personal information that could identify them as having specific requirements. Furthermore, personal/occupancy information is much less stable, and relying on it could actually create risk for the Emergency Services. They would be affected in the sense of diverting resources on the basis of inaccurate information, and also because occupants may devolve responsibility for their own safety, rather than own it, because they have passed on the relevant information to enable someone else to manage it for them.
- 1.12 Nonetheless it is important that the dividing line between asset/structure/building information and occupant information is adequately considered to ensure that the data points required to safely enable the Golden Thread are represented. It may be that this does require some personal or occupant information to be captured as data points.
- 1.13 Information origin: All this information needs to be available at gateway three.
- 1.14 Stakeholders:
  - 1.14.1 AP will be responsible for ensuring the information is available at this stage
  - 1.14.2 BSM will maintain information
  - 1.14.3 Appropriate and competent people will update information in case of any major changes
- 1.15 Records, site and floor plans should be included in section 1 with information relating to the following:

<b>Building Plans</b>
Description and site plan illustrating access for Fire and Emergency personnel in emergency including: <ul style="list-style-type: none"><li>• Water supply</li><li>• Gas supply</li><li>• Hydrants (including pressures)</li></ul>



<ul style="list-style-type: none"> <li>• Flood risks</li> <li>• Fire panel</li> <li>• Location/process to effect emergency shut-down of all the above</li> <li>• Location of information box (information box being a recommendation from Grenfell Inquiry Phase 1 report)</li> <li>• Location of Building Registration Certificate (as suggested by MHCLG consultation<sup>9</sup>)</li> <li>• Location of building emergency control room (if there is one)</li> </ul>
<p>Critical transportation routes for building services should be identified on the site plans and schematics. This would include services such as air/smoke duct routes, electrical cable runways and other fluid/gas pipelines utilised in the building associated with these service routes. Any inherent risk assessment information should be provided, complete with any fire protection provided.</p>
<p>Detailed, accurate, certified (by an appropriate competent person,) 'As Built' Plans and schematics of the building</p>
<p>Emergency evacuation arrangements with marked-up plans, including (golden thread elements):</p> <ul style="list-style-type: none"> <li>• step free routes,</li> <li>• identification of lifts which can be used in a fire situation,</li> <li>• step free/most suitable fire exits, supplementary or alternative assembly options for disabled people.</li> <li>• Assisted evacuation strategies including use of refuges, horizontal evacuation routes, relative places of safety, evacuation devices etc.</li> </ul>
<p>Record Copies of all the Base-Build/Design Stage Fire Safety Strategies</p> <ul style="list-style-type: none"> <li>- this should include all information which describes the fire safety issues within, (and if appropriate proximate to,) the building should be included in this section and how they have been designed to be addressed, including the basis of submissions to approving authorities i.e. Building Control Body and Fire Authority. It will include all identified standards or set performance criteria</li> </ul>

1.16 Site plans should illustrate fully the fire and rescue service access facilities, (including water supply and hydrants).

1.17 Critical transportation routes for building services should be identified on the site plans. This would include services such as air/smoke duct routes, electrical cable runways and other fluid/gas pipelines utilised in the building associated with these service routes. Any inherent risk assessment information should be provided, complete with any fire protection provided.

1.18 Record Copies of all the Base-Build/Design Stage Fire Safety Strategies and all information which describes the fire safety issues within, (and if appropriate proximate to,) the building should be included in this section and how they have been designed to be addressed, including the basis of submissions to approving authorities i.e. Building

---

<sup>9 9</sup> MHCLG consultation, [Building a safer future: proposals for reform of the building safety regulatory system](#), June 2019, 192p.

Control Body and Fire Authority. It will include all identified standards or set performance criteria.

## Section 2 – Overview of Building Fire Safety Management Arrangements

- 1.19 Overview of Building Fire Safety Management Arrangements is envisaged as a 'laymen's' guide to how the building is constructed and how the building's fire safety arrangements are designed and what is necessary to ensure they are maintained effective. This must include the golden thread areas.
- 1.20 We envisage this to be a PDF containing the narrative- ideally an extract by the competent fire risk assessor, using a template that is universally accepted – CSG WG4 and encourage link up with PAS 79.
- 1.21 Information origin: Fire risk assessment before Gateway 3/occupation.
- 1.22 Stakeholders: the AP is responsible and accountable for availability of information which has been developed with competent FRA and brought together by BSM.

## Section 3 – Fire Risk Management Strategy

### Section 3.1 – Fire Risk/Safety Management Policy

- 1.23 A fire policy is defined as the intentions and direction of those responsible for/affected by fire safety at the building. Cross reference to BS9999 should be made, in that the policy statement should include:
- general safety issues related to the use of the building;
  - possible fire scenarios;
  - aims and objectives of the proposed management system and its methodology.
- 1.24 Notes:
- 1.25 If the building is owned/managed by an Organisation the policy will set out the intentions and direction of the Organisation owning or managing the building and how the organisation manages Fire Safety across their whole portfolio.
- 1.26 The fire safety policy shall be reviewed by competent personnel at planned intervals and maintained as current and effective.
- 1.27 The current Fire Safety Policy should be issued to all occupiers. (Occupier definition to be clarified, this is very important to ensure the right type of information is provided to different stakeholders).
- 1.28 Information origin: Before handover so that a policy is in place at the beginning of occupation
- 1.29 Stakeholders:
- 1.29.1 Review of policy by competent personnel
  - 1.29.2 Set by AP and BSM
  - 1.29.3 Authorised and competent person shall sign off the fire safety policy
  - 1.29.4 To be endorsed by the highest level of management
  - 1.29.5 BSM to manage and ensure its effective implementation and maintenance on the ground
  - 1.29.6 Review by competent personnel at planned intervals and maintained as current and effective

**Section 3.2 – Occupied Building Fire Safety implementation plan (relates to building and its fabric)**

<b>Suggested Content of the Occupied Building Fire Safety implementation plan</b>
Assumed Occupancy (rates and occupation(s))
Smoke spread and control measures
Fire spread and control
Materials used in construction (including cladding)
Emergency Evacuation routes
Use of fire-fighting and firemen's lifts etc.
Access to fire-fighting water (i.e.: Hydrants, wet & dry risers etc.)
A full description of the levels of passive fire protection arrangements provided throughout the building, including provisions for structural protection, compartmentation, protected shafts, fire-fighting shafts, cavities/voids and their respective protective barriers, fire doors, etc.
Descriptions of fire compartments on each floor/area, with marked-up plans
Active Fire Safety Management Arrangements – sprinklers, extension hoses etc.
Assumed Fire Fighting Plan (including: Fire attack plan (informative))
Liaison and communication with the fire and rescue service
Emergency shut-down of equipment
Any identified fire risks, and particular hazards for fire-fighters (e.g. some types of sandwich panels and other insulation and cladding materials)
Construction of refuges and evacuation lift enclosures
Detection systems with marked-up plans
Protection systems with marked-up plans
Suppression/extinguishing systems with marked-up plans
The provision of a premises information box
<p>The above content will include, as appropriate:</p> <ul style="list-style-type: none"> <li>• a description of the design intent and the role of the systems/products within that</li> <li>• method of calculation, design and analysis software used</li> <li>• assumptions</li> <li>• records of the inputs and outputs</li> </ul>

1.30 Notes:

- 1.31 Section 3.2 will contain the Occupied Building Fire Safety implementation plan, which will relate to the building and its fabric.
- 1.32 It is based upon the Designed Fire Strategy, which in turn should set out how fire safety has been designed into a building and which will develop over the construction period. This will cumulate as a final document setting out in detail the design details, (including, where relevant, calculations) as the 'As Built'/Occupied Building Fire Safety Implementation Plan for the individual building.
- 1.33 It will include, as appropriate, a description of the philosophy, method of calculation, design and analysis software used, assumptions, records of the inputs and outputs;
- 1.34 It acts as a guide for future design team(s) and must be consulted as part of any planning process for future fit-outs/refurbishments.
- 1.35 For existing stock of properties with any accommodation a retrospective Occupied Building Fire Safety Implementation Plan will need to be developed which will include the requirement to review existing compartmentation and construction of the building and any components that could affect fire safety (e.g. windows, doors, compartmentation/fire stopping and cladding).
- 1.36 Any Fire Risk Assessment or assessment review, will be required to consult and confirm that the Occupied Building Fire Safety Implementation Plan remains current and operational.
- 1.37 Golden thread - In line with our recommendation for the adoption of the golden thread approach, the BSM should be required to establish procedures to identify households containing disabled and vulnerable people and inform them of the building's particular fire safety features to aid their protection and emergency egress. These procedures should be included into the building safety case.
- 1.38 Any significant refurbishment works would require consultation and consideration of the Occupied Building Fire Strategy, may require the Strategy (and Operational Fire Risk Management Strategy) being updated if the original assumptions are conflicted or compromised.
- 1.39 Information origin:
- 1.39.1 Information to be built upon the Design Stage Fire Strategy (meeting requirements of Building Regs and Gateway 1, developed through construction and reviewed at Gateway 2).
- 1.39.2 Will be delivered on Practical Completion and Gateway 3/RIBA6)
- 1.39.3 Finalised and signed off (by suitably competent named individual) once the building is occupied
- 1.39.4 If progressive occupation, review/sign off will be required at each stage

### **Section 3.3 – Fire Risk Assessment records**

- 1.40 The Accountable Person and BSM for the building shall establish, implement and maintain a formal documented fire risk assessment programme that systematically identifies fire hazards and persons especially at risk, analyses fire prevention and fire protection measures, evaluates fire risk and delivers a suitable and sufficient assessment of the risk of fire at the building. Details of this assessment programme, along with the records of all Fire Risk Assessments undertaken at this building will form Section 3.3 of the FEF. The wider management of the programme, determining how the programme will be scheduled and its role in the wider management of fire risk management and the operational arrangements will be included in section 3.4.

<b>Fire Risk Assessment records</b>
<b>A) Fire risk assessment programme</b>
<ul style="list-style-type: none"> <li>• a defined scope, including its limitations;</li> <li>• a procedure for the assessment of competence of the fire risk assessors;</li> </ul> <p>This is a record which will sit more comprehensively in section 3.4 as that section deals comprehensively with the wider management of identified risks and hazards - the key details bulleted above should be pulled through to evidence their consideration for the fire risk assessment</p>
<b>B) Contents for inclusion in Fire Risk Assessment (non-exclusive list!!)</b>
The demised area/common parts to which it refers
The Accountable Person as named on the building registration certificate
Where appointed, the BSM organisation
The BSM as named on the building registration certificate
Reference to the FEF and confirmation that it contains appropriate information and has been used in the assessment of fire safety risk
Any recommendations for improvement
The 'Rating' in accordance with the Building Classification
The Date it was undertaken, and the recommended date for review (with reasoning if less, or in rare specific situations where it may be more) than 12 calendar months)
<ul style="list-style-type: none"> <li>• Specific identified risks related to occupants, including where to find their PEEP (a personal emergency evacuation plan. It is a bespoke 'escape plan' for individuals who may not be able to reach a place of safety unaided, or within a satisfactory period of time, during any emergency)</li> <li>• and the GEEP (the generic emergency evacuation plan. These are designed to enable visitors to your sites and buildings with restricted mobility, or those who may not be able to evacuate unaided, to become familiar with the layout, evacuation procedures, available equipment and communication devices.)</li> </ul>

Notes:

1.41 Details from the building fire risk assessment programme included in this section will include:

1.41.1 a defined scope, including its limitations;

1.41.2 a procedure for the assessment of competence of the fire risk assessors;

- 1.41.3 a process for assuring co-ordination/co-operation where mixed-use employers/tenants and residents and occupants
- 1.42 It is expected that for any new and newly refurbished building the following fire risk assessments would be required across its lifespan:
- 1.42.1 **Construction Phase Fire Risk Assessment** – Records of each Construction Phase Fire Risk Assessment
- 1.42.2 **Pre-Occupation Fire Risk Assessment** – Records of each Pre-Occupation Fire Risk Assessment (This form of fire risk assessment will form part of the Gateway 3 process and the Safety Case Review)
- 1.42.3 **Annual Fire Risk Assessment Review(s)** – Records of each (no less than annual) Fire Risk Assessment (when the building/or specific demise) is occupied. This form of fire risk assessment will form part of the on-going safety case review process once the building is operational
- 1.43 Stakeholders:
- 1.43.1 BSM (and AP) are responsible for pulling this section together
- 1.43.2 Competent people should upload the Fire Risk Assessments
- 1.43.3 Fire risk assessments should take place annually
- 1.43.4 Record FRAs, including those undertaken during construction and during future refurbishments should be retained as record information and may form part of evidence required to assure fire safety management system working.

**Section 3.4 – Fire Risk Management and Fire Fighting Operational Arrangements**  
(relates to people and operational management)

Content of the Fire Risk Management and Fire Fighting Operational Arrangements
Responsibilities for ensuring the implementation of these arrangements and providing the resources as necessary to meet the requirements. This should include either named job roles or individuals. This should demonstrate an understanding of the measures in place for evacuation of vulnerable people or those who may need assistance.
The Fire Risk Assessment process/programme in place to identify fire hazards and evaluate the risk to people, building, assets and environment arising from them, taking into account the adequacy of existing fire precautions, and deciding whether or not the fire risk is acceptable without fire precautions. (referenced from section 3.3)
Detailed description of the management arrangements for the management of Fire Safety at this building including specific arrangements for disabled people, the availability of personal fire protection.
Description as to process and how management of any potential works (that may affect the integrity of Fire safety) are to be arranged including: <ul style="list-style-type: none"> <li>• Management of licences/Permissions to Alter</li> <li>• Management of any permissions to Isolate fire safety systems</li> <li>• Use of Permits to Work* links to item above and risk assessments prior to works.</li> </ul>
Description as to how Fire Safety Systems are to be monitored, maintained and tested (O&M manuals, guarantees, warranties and records setting out the effective PPM schedule [see below] requirements for fire safety equipment/system will be held in the Fire

Safety Manual and the records of completing the PPM schedules and the outcomes will be logged in the Fire Logbook)
Full PPM Schedules for all the Active (and where appropriate Passive) Fire equipment listed in the Fire Safety Manual (actual operational schedule as opposed to the suggested manual ones)
Maintenance and testing documentation as per SFG20 (or similar) or highly specific where appropriate (to include what, how and execution program)
Programme of selection process for Competent Contractors used to maintain/inspect Fire Safety Systems (record of selection process should be held in the logbook)
Scenario planning for variety of emergencies, including evacuation and/or Invacuation plans, PEEPs and GEEPs evaluation of stay put/phased or immediate evacuation
Safe system of work procedures for non-routine activities where these could increase the risk from fire
Occupancy familiarisation, rehearsals, drills and procedures including PEEPs

1.44 Notes:

- 1.45 The Fire Risk Management and Fire Fighting Operational Arrangements can only be developed once building occupation and use (including mixed use) is known. Both may need revision subject to change or occupation and / or use.
- 1.46 The information provided by the Occupied Building Fire Strategy will set out and define the building's current fire risk management system and should be used to prepare these arrangements.
- 1.47 The arrangements define the method by which the organisation fulfils the function of emergency planning as required under relevant legislation.
- 1.48 The arrangements must only be developed and signed-off by appropriately competent (in fire engineering) personnel in accordance to the buildings' classification
- 1.49 It is expected that arrangements may evolve from any changes made subsequent to the building (i.e. as part of any refurbishment works)
- 1.50 They should be reviewed at appropriate intervals, and prior to all works undertaken at the building. This should include risk assessments for vulnerable persons during or post-works. (links with use of permits to work below).

**Section 3.5 – Fire Safety Manuals**

- 1.51 The Fire Safety Manual will define the requirements/information of each component relating to each fire safety system; to ensure that they operate correctly in the event of fire, as part of the buildings Fire Safety Management System.
- 1.52 The following table lists the information to be included for each component:

<b>Requirements for fire safety components</b>
Relevant technical specifications
Relevant CE testing records if appropriate
Product data sheets



Operation and maintenance manuals (for safe operation, maintenance and testing)
Inspection and commissioning records
Required maintenance
Required servicing
Required testing (including whether or not itemised on engineering insurance)
Required Statutory testing (including whether or not itemised on engineering insurance)
Lifecycle replacement information
Guarantees and Certificates
Recommended spare parts
Acceptance tests and appropriate documentation
Should include any golden thread components

1.53 Notes:

- 1.54 The fire safety manual should contain Installation records, manufacturer's literature and technical specifications, product data sheets etc. for all 'active' fire safety systems installed within the building (ie fire detection, alarm and protection systems).
- 1.55 The Fire Safety Manual provides the crucial operational information necessary to maintain the execution of The Fire Risk Management and Fire Fighting Operational Arrangement.
- 1.56 The Accountable Person for the Building will arrange to plan, document, implement and control the process of gathering the Fire Safety Manual. This will include for during the construction phase of a new development or during work undertaken during refurbishment and smaller works (when the works could impact the integrity of the Fire Safety Strategy.)
- 1.57 The Fire Safety Manual should list and describe the function for each component part of the active fire safety systems installed at the building.
- 1.58 The Manual should record the name of the competent engineer, certifying the information submitted is appropriate and adequate. Accurately defining what has been installed in the building and how it is to be tested, serviced and maintained. Golden thread components should be included.
- 1.59 The Fire Safety Manual will include copies of each operations and maintenance manual necessary for the safe operation, maintenance and testing of components.
- 1.60 The Manual should be able to hold video images for example as illustration as to access and maintenance procedures.
- 1.61 Ideally the manual would also include a concise description with performance ratings of the active systems employed, specified and identified on appropriate drawings, to reflect the actual components, systems and sub-systems installed in the 'whole' building.



### Section 3.6 – Fire Safety Logbook

1.62 The following table details the information that should be contained in Fire Safety Logbook:

<b>Contents for inclusion in Fire Safety Logbook – (PPM and required reporting log) everything needs to be certified, tested and maintained</b>
A list of all Competent Persons undertaking Testing & Maintenance
Record of selection process for Competent Contractors used to maintain/inspect Fire Safety Systems
Planned Preventative Maintenance Schedule (for everything [every individual component i.e.: Fire doors] listed in Section 3.5 – Fire Safety Manuals), including Statutory Inspections
Genuine (ie: not ‘false’ )alarms (with location of trigger device and cause, if known)
False alarms (with location of trigger device and cause, if known) No of instances and duration of fire lifts being out of order or unavailable.
Records of Statutory mandatory reported incidents
Practices and drills Appropriate engagement to ensure familiarisation and safe levels of participation
Defects and faults, and related remedial work including where the golden thread may be compromised, such as: a) Identification of where accessible evacuation routes have been obstructed during a refurbishment or works. b) Provision of inaccurate or misleading information affecting vulnerable groups of people. c) Inappropriate use of facilities such as storage in a refuge d) Failure of the communications system or communication generally

1.63 Notes:

1.64 The Fire Safety Logbook is essential for the safety of the occupants of a building that fire safety equipment (including passive fire protection provisions) are inspected frequently. Records (or the fire logbook) should be established and maintained for the recommended testing, maintenance and inspection of all fire safety provision (as noted in the respective fire safety manual, see section 3.5).

1.65 The records of testing, maintenance and inspection of the fire safety measures, and each individual component thereof, will assist in providing evidence of suitable levels of fire safety management and as such should be adopted to more readily evidence legal compliance.

1.66 The Fire Logbook should also be used to record any alterations to systems and equipment, either temporary or permanent, (and, when permanent, update the relevant information of Plans or in the Fire Safety Manual). This would include temporary alterations to the fire detection and fire alarm system made to reduce the likelihood of

false alarms, for example, due to contractors' works which generate dust, fumes or smoke.

- 1.67 Intervals between inspections, tests or services should be determined by manufacture's recommendations and risk assessment, however the intervals should not exceed the frequencies listed.
- 1.68 The amount of information that should be recorded for each item will vary depending upon its purpose and complexity. WG8 recommends that the Guide to Recording Data as detailed in the Fire Industry Association 'Fire Safety Logbook' is an appropriate reference document.

#### Section 4 – Resident Engagement Strategy

- 1.69 The final section of the FEF, Section 4, should include the Resident Engagement Strategy.
- 1.70 The core elements of the resident engagement strategy and how this, and other documents that tenants should have access to are to be communicated should be detailed.

<b>Resident Engagement Strategy</b>
<b>A) Management summary</b>
This sets out how the accountable person will deliver resident involvement and participation in their buildings, and their approach to communication and to measuring the success of their resident engagement
<b>B) An engagement plan</b>
This sets out how the strategy will work in practice in their building, what residents can expect by way of communication and how they can get involved and raise concerns. Below is a non-exclusive list of information:
Name/contact information of BSM, Accountable Persons (Owner, Landlord, managing agent, letting agent etc.)
System/Process for logging complaints/defects in Fire Safety
Process/contacts to escalate a complaint
Rights and responsibilities of the occupier
Availability of the last FRA
Pictorial/symbol driven explanations of escape and fire risk obligations
Overview of firefighting/detection equipment (e.g. fire alarm, smoke detection, emergency lighting, AOVs, Personal Fire Protection/ extinguishers, dry risers, sprinklers, etc.) that are installed in the building and overview as to their function in the building.
Location of emergency escape and exit routes including accessible/step free routes and refuges (and their internal signage)

Fire Action Policy (Evacuate or Defend in place/Stay put) and related evacuation procedures
Contact details for local Fire Authority
Means/procedures for supporting the needs of vulnerable occupiers
Means/procedures for supporting residents and occupants where a barrier to communication could exist.
Incident response communication including addressing any sensory needs such as hearing or sight impairment by having visual and audible alerting systems.
Identification of vulnerable people, informing them what arrangements are in place including any PEEPs and GEEPs. (consideration about how this information can be accessed)

1.71 Notes:

1.72 The Information above could be provided to residents via electronic 'training' such as presentation slides, video presentation etc. at a level to provide, to residents, appropriate awareness of Fire Safety Management throughout the building. Such presentations are to enhance awareness of occupiers' responsibilities to each other and to fire safety of all occupants. This should consider and allow for modern methods of delivering 'blended education' (a combination of face to face and electronic learning materials) to inform occupiers, potentially in many languages, braille etc. (Golden Thread) and may be by cartoon videos and or audio etc.

1.73 If the above method is used a full copy is always to be retained (preferably on site) and made available and is to be updated in the event of change.

1.74 Stakeholders:

1.74.1 The AP is responsible for the delivery of the management summary (see objective above)

1.74.2 The building BSM is responsible for delivering the engagement plan on day-to-day basis, providing the engagement plan to all residents so that they can understand how to get involved in decision making and providing residents (and regulator) with updates to the plan.

**1.75 From the MHCLG June 2019 consultation:**

1.76 Core information that the AP/BSM will need to provide:

- Measures in place to mitigate potential fire and building safety risks to residents, e.g. fire precautions;
- How to reduce the risk of fire in individual dwellings e.g. by not storing flammable materials;
- Process for reporting a fire risk and/or raising any other safety concerns;
- Procedures to follow where a fire occurs in the building, including for evacuation;
- The different roles and responsibilities of the AP, BSM and residents;
- Key information from the Resident Engagement Strategy e.g. contact details of the accountable person and Building Safety Manager.

Guidance will become available on how best to do this.

1.77 Information that must be made available (digitally, unless hard copy requested) upon request may include:

- Full, current and historical fire risk assessments;
- Planned maintenance and repairs schedules;
- Outcome of building safety inspection checks;
- How assets in the building are managed, e.g. frequency of lift maintenance;
- Details of preventive measures, e.g. smoke alarms;
- Fire protection measures in place, e.g. sprinklers, fire extinguishers;
- Information on the maintenance of fire safety systems;
- The fire strategy for the building;
- Structural assessments; and
- Planned and historical changes to the building

# Appendix D

## Model Job Description

### Main purpose of the role

The post holder will undertake the Named Individual Building Safety Manager (NI(BSM)) duties to ensure the safety of the building, primarily for the safety of all occupants of Residential Buildings (initially this role is anticipated to refer to HRRBs and designated building types only).

Any person undertaking the role will be required to demonstrate evidence of being a registered NI(BSM), relevant to the building category/rating.

### General Duties

- To co-operate with the Building Safety Regulator, the BSM organisation (if applicable) and the 'Accountable Person' (the ultimate building owner)
- To be responsible for the day-to-day management of the building
- To act as the point of contact for building occupiers and residents
- To comply with role specific regulatory requirements. Including operating within the building registration regime confirmed by legislation
- To promote building safety and the safety of people in and about the buildings within their remit

### Prior to occupation the BSM or NI(BSM) will:

- Meet the requirements of the AP prior to occupation, at Gateway Point three including:
  - Submitting a resident engagement strategy
  - Submitting an initial building safety risk assessment
  - Signing a statement confirming that an appropriate handover has taken place with key personnel in the design and construction of the building (not required for existing buildings). This acceptance may be in association with the 'Principal Designer/Contractor' and/or Lead Engineer' (WG1 proposal) and/or the 'Independent Construction Assessor' (WG 9 proposal)
- Acquire, manage, review on an ongoing basis and update the relevant documentation/information (including the four key information products – digital record, FEF, Full plans and construction control plan) for the building

### Key responsibilities for the NI(BSM)in occupation:

The NI(BSM) role during occupation will include:

- Day-to-day management of the building, including
  - oversight of all post initial development construction, maintenance, repair or servicing work undertaken
  - Oversight of and coordination with duty holders and contractors on site, including planned maintenance contractors, repair contractors, mechanical and electrical contractors. The Principal Contractor retains responsibility for their works.
  - Intervention with contractors if not complying with safe practices on site. Paying particular attention to the requirements of the building fire strategy, fire safety management and upholding the integrity of fire compartmentation
  - Escalation of any contractual issues relating to building safety including liaison with relevant supervisors/managers to ensure remedial action is undertaken.

- Ability and confidence to accurately challenge contractors and/or designers in regard to on any proposed building, building or related works and for any challenge to be escalated until resolved
  - Monitoring of compliance servicing programme within buildings under their control especially in relation to fire safety assets or services such as FRAs, Dry Risers, AOVs, Smoke Detection systems, but to include other life safety and public health systems such as Water Hygiene and equipment subject to Thorough Examination or other safety testing regimes (e.g.: Gas Safe)
- Have a dotted reporting line into the Accountable Person, who you will assist to fulfil their duties
- Where appropriate, take on the role of the responsible person:
  - under the Regulatory Reform Fire Safety Order 2005
  - water hygiene management
  - asbestos management
- Be responsible for maintaining the safety case regime for the building(s) within your remit, this will include:
  - Ensuring the conditions in the Building registration Certificate are complied with to the satisfaction of the accountable person/Regulator
  - Proactively identifying the risks and mitigations throughout the lifecycle of the building
  - Putting in place procedures to mitigate the risks identified and communicate emergency procedures to relevant stakeholders including occupiers
  - Ensure fire risk assessments are undertaken and reviewed regularly and any recommendations are undertaken in a timely manner
  - Ensure H&S risks assessments are undertaken, reviewed and any recommendations followed up
  - Ensure regular compliance checks are undertaken on buildings under their control to check system data accurately reflects the asset
  - Ensure compliance with internal audit requirements
  - Ensure compliance with, and promotion of, the organisation's Health & Safety policy and legislation
- Establish or maintain information and update management systems to facilitate the on-going safe management of the building:
  - Owning and maintaining a complete Golden Thread of information
- Ensure those employed in the maintenance and management of the building have sufficient skills, knowledge and experience to meet appropriate competence tests.
- Take reasonable steps to assure that contractors and those with designer responsibilities are meeting core duties and are complying with duties set out in statute
- Act as the central point of contact for all building safety matters with a range of stakeholders, including occupiers and occupiers
- Engage occupiers in the safe management of their building through:
  - Delivering a resident engagement strategy

- Proactively sharing information with occupiers and residents regarding the layers of fire? protection in their building including regular updates on safety issues and or progress in both digital and non-digital formats
- Sharing other information on request (e.g. safety case documentation)
- Providing occupiers and residents with information on their obligations in relation to building safety
- Educating and influencing occupiers and residents and inspecting (reasonably and proportionately) occupied units to ensure they meet obligations in relation to building safety and in accord with existing best practice, and any future changes as guidance evolves.
- Ensuring an internal escalation route for resident concerns is in place and act on concerns in a timely manner
- Establish and Operate a Mandatory Occurrence Reporting regime
- Support access arrangements to both communal and individual dwellings for buildings under their control. This will include leading on implementation of any legal action

Key Tasks (as is relevant to the specific appointment of a BSM organisation and/or the NI(BSM)):

- Ensure the building(s) is (are) maintained in accordance with the building fire strategy, FEF and any conditions set out in the Building registration Certificate
- Ensure buildings and building systems are maintained in accordance with statutory obligations and the Health and Safety File
- Ensure that suitable and sufficient risk assessments (including fire risk assessments) are undertaken.
- Oversee maintenance activity to ensure building safety is not compromised including verifying the competence of contractors
- Monitor compliance against Regulatory, inspection, maintenance and testing regimes
- Maintain and effect appropriate emergency procedures in the event of serious or imminent danger to occupants, residents and the building
- Maintain, and transfer where appropriate, building safety information relevant to the construction, design, management and use of the building (Golden Thread)
- On behalf of the Appointed Person, prepare and maintain information for the building safety case
- Provide relevant building safety to contractors so that they may undertake their appointed duties without increasing the risk to people or premises (so far as is reasonably practicable)
- Take appropriate actions to control and where reasonably practicable reduce risks identified for life and building safety
- Actively engage with the Appointed Person and Organisation BSM (where appropriate) so that they may remain aware and fulfil their legal obligations
- Inform the Appointed Person of relevant hazards and evidence of legal compliance, so that they may satisfy their legal duties, and make informed decisions about costs and resources relating to building safety
- Implement and maintain the building resident engagement strategy

- Actively engage with occupiers and residents in regard to upkeep and maintenance of building safety measures in the building
- Remain up to date with current legislation to support agreed role responsibilities for example, regulatory changes, approved codes of practice and relevant guidance documents
- Maintain professional qualifications and undertake sufficient, relevant lifelong learning to retain NI(BSM) competence Certification for the relevant building classification(s) for which they are responsible.

Key Attributes:

- An understanding of the communities that live in HRRBs and how to communicate effectively on safety related issues, both digitally and non-digitally
- Ability to maintain and update data logging, numeric and photographic records in a digital environment, recognising the importance of accuracy and attention to detail
- Capable of building a good rapport, listening and effective communication to encourage the right outcomes
- The ability to build and maintain an effective network of stakeholders
- Flexible approach and adaptability to changing and demanding circumstances and commitment to achieving results
- A clear commitment to equal opportunities principles and practices in service provision and employment.
- Be able to attend evening or weekend meetings when and arrange for appropriate out-of hours and emergency responses
- Demonstrate integrity, respect and inclusivity
- Demonstrate leadership in managing a wide range of diverse stakeholders

Key Competences (refer to WG8 Competence Framework for Details): Having the confidence to be able to interrogate and understand information appertaining to the following matters:

- Ability to understand and apply relevant fire safety principles and practices in coordinating safety of high-risk buildings and their occupancy
- Suitable knowledge and understanding of relevant principles and technical standards for building safety and public health matters, with the ability to co-ordinate and integrate this knowledge and information holistically
- Knowing and demonstrating experience in maintaining and updating building information systems
- Suitable knowledge and understanding of current relevant legislation, regulations, statutory guidance, standards of performance and how these overlap in co-ordinating safety in high-risk buildings and how these could affect residents and occupants
- Whenever relevant to your role, demonstrate the ability to develop, manage, distribute and maintain information about the design, construction and maintenance of high-risk buildings.
- Providing a level of assurance that projects within the building are designed to be safe, built to be safe, operated safely and maintained to be safe throughout the project lifecycle



- Suitable knowledge of the relevant standards, testing, assessment and maintenance procedures for building materials, products, components, assemblies and systems and ability to apply these effectively in coordinating safety through the life cycle of the building
- Knowledge, understanding and ability to work within, or apply in practice, statutory process and procedures specific to higher risk residential buildings
- Suitable knowledge and understanding of specific risks relevant to coordinating safety in High risk residential Buildings and ability to use this knowledge as part of the development and application of risk management frameworks and safe systems of work
- Clear understanding of and ability to fulfil relevant roles, responsibilities and duties in relation to high risk residential buildings
- Awareness of responsibility to challenge unacceptable behaviours or practice and how to raise, escalate or flag risks to safety
- Ability to effectively manage or engage with contractors or project teams and co-ordinate administrative, technical and procedural compliance to ensure safe outcomes
- Understanding of duties to communicate with occupiers and the public, and ability to communicate clearly and effectively with others verbally and in writing
- Clear understanding of techniques for, and the importance of, identifying limits of competence for self, individuals or organisation involved in the coordination of safety of high-risk residential buildings and suitable mitigating actions to manage risk
- Understanding specific ethical considerations in the coordinating safety of high-risk residential buildings and ability to apply these principles in practice
- Obligation and demonstrable commitment to maintaining professional competence to work on HRRBs and need to ensure continuing competence

## Appendix E: Membership of WG8

Name	First Name	Organisation
Taylor (Chair)	Anthony	Avison Young, Independent
Hooper (Joint Secretary)	Sofie	Institute of Workplace and Facilities Management (IWFM)
O'Neill (Joint Secretary)	Jonathan	Fire Protection Association (FPA)
Briggs	John	FPA
Gilbert	Adam	Managing Agents Property Health and Safety Forum
Strange	Janie	Consultant
Cripps	Alan	Royal Institute of Chartered Surveyors (RICS)
Ross	Craig	RICS
Allwinkle	Sam	Chartered Institute of Architectural Technologists (CIAT)
Dillon	Melissa	Local Government Association
Scott	Keith	Consultant
Simmons	Amy	National Housing Federation (NHF)
Larner	Debbie	Chartered Institute of Housing (CIH)
Greenfield	Rob	IWFM
Bradford	Ben	BB7 & Steering Group
Davis	Jamie	BB7
Frankum	Andrew	National Social Housing Fire Strategy Group (NSHFSG)
Stevenson-Jones	Sarah	National Social Housing Fire Strategy Group (NSHFSG)
Green	Graham	Institute of Fire Safety Managers (IFSM)
Glen	Nigel	Association of Residential Managing Agents (ARMA)

Snelling	Mark	ARMA
Heneker	William	ARMA
Bulmer	Andrew	Institute of Residential Property Managers (IRPM)
Kenyon	Steven	National Fire Chiefs Council (NFCC)
Bradley	John	NFCC
Bradley	Robin	NFCC
Jaggs	Mike	Building Research Establishment (BRE Group)
Osbourne	Jenny	Tenant Participation Advisory Service (TPAS)
Ronksley	Ian	UK Accreditation Service (UKAS)
Fletcher	Ian	British Property Federation (BPF)