

Building Safety Act is “massive, but not new”

3 years ago



There is nothing in the Building Safety Act for building services contractors to fear, according to a senior spokesperson for the Health & Safety Executive (HSE).

Neil Hope-Collins urged delegates at [CIBSE's Build2Perform](#) conference and exhibition to embrace the new building safety laws that came into force in April and take advantage of the legal powers they give to specialist contractors.

He admitted that it was “absolutely shocking and hugely disappointing” that many firms had made no attempt to prepare for the new safety regime. Some still wrongly believe the Act only covers high risk buildings (HRBs), which has created complacency he said. Many are also afraid to study the details but, if they did, they would find that it largely ‘mirrors’ the CDM regulations which have been in place since 1995.

“It is old measures in a new package but the emphasis is on being able to properly demonstrate what you should already be doing,” said Hope-Collins, who has been an HM Inspector of Health & Safety for 22 years. “The duty holder roles are the same as in CDM, and the Golden Thread is not new information – it is what is ‘golden’ to you and what is needed to keep both the building and the people in it safe now and in the future”.

He said the implications were “massive” because the office of the new Building Safety Regulator created by the Act and managed by the HSE would eventually impose a new safety culture on the whole of the built environment, but he did not envisage “a cliff edge” where the requirements would be enforced uniformly on every project. There will be a gradual transition.

Stringent

The planning application process will be more stringent and more detailed design information will be required at an earlier stage, but Hope-Collins said this was designed to reduce problems later in the project by front-loading the investment of time and money, so it would ultimately make projects cheaper to deliver.

"There are some new things in the competence frameworks, but much of that is about being able to prove that people understand their role," said Hope-Collins. "It also reflects the fact that in most cases responsibility lies with organisations...corporate bodies, so it is not just about training for skills. You must be able to demonstrate organisational competence."

While there is a legal obligation on clients to ensure all works covered by the Building Regulations are properly planned, managed, and monitored, he also pointed out that contractors are required to refuse to start work until "they are satisfied the client is aware of its own duties".

The Build2Perform debate was chaired by CIBSE board member and trustee Vince Arnold who said the Act was designed to change the way people behave and engineers would be "legally mandated to put up their hands and call out problems they see...and not just in their own area of the project".

"It will no longer be possible to say, 'my bit works fine'...we are part of a team and will be legally obliged to report anything we find that doesn't look or seem right," he said. "We will have the legal backing to say 'no'."

Graeme Fox, technical director of the Building Engineering Services Association (BESA), said these measures "can't come fast enough" and would be welcomed by most building services contractors who had grown frustrated by the failure of people to act on their concerns.

"At Grenfell people working on the refurbishment chose not to flag up problems they saw, and which led to the disaster. That came out clearly during the public inquiry," said Fox, who was a member of the Build2Perform expert panel.

"We have come across this scenario repeatedly. It is particularly glaring around fire damper inspections where failures have been discovered but the information not passed on to avoid upsetting the client or incurring extra costs.

"The Act means contractors are legally bound to report problems and the client must be able to demonstrate how they acted on that information. This is long overdue," said Fox.

Ventilation contractor Nathan Wood told the session that enforcing this element of the legislation would be extremely important.

"It is very difficult sometimes in a commercial relationship to be critical of your client, but that conversation becomes easier if the legal position is clear and it is backed up by enforcement," said Wood who is chair of BESA's Health & Well-being in Buildings group.

Hope-Collins said secondary legislation was being prepared that would create the framework for Mandatory Occurrence Reports (MORs) that contractors can use to highlight issues that could lead to a serious incident in the future. Clients will have to demonstrate how they acted on the information in these

