

# Annual mini-conference on building safety

Day one

Wednesday 9 October 2024

# Keynote: Grenfell Inquiry Phase 2 findings

Peter Apps, Contributing Editor, Inside Housing

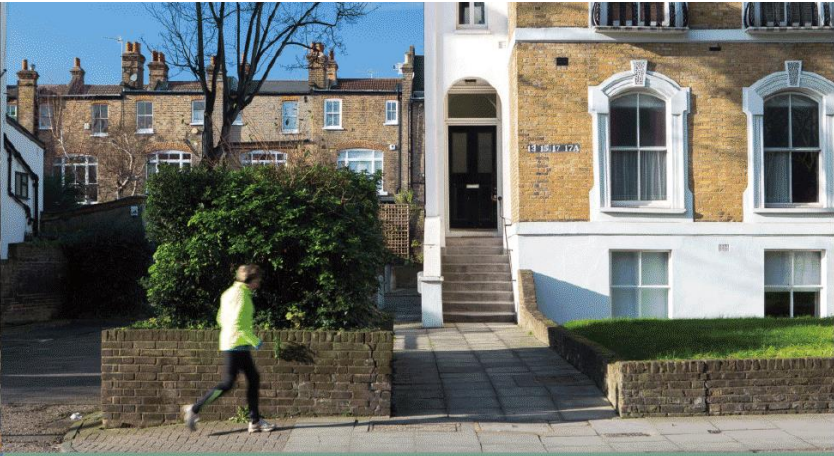
## Competency in building safety – what does it mean?

Rebecca Rees, Partner, Trowers & Hamlins LLP

Hanna Clarke, Hanna Clarke, Digital and Policy Manager, CPA and Chair of the Industry Competence Steering Group

Richard Harral, Chief Executive, Chartered Association of Building Engineers

# Introduction to the ICSG



Hanna Clarke  
ICSG Chair  
CPA



## Industry Competence Steering Group (ICSG)

- Originally the Competence Steering Group (CSG)
- Set up by the Industry Response Group (under MHCLG)
- Chaired and secretariat by the Construction Industry Council
- Direct response to the Hackitt Report = short term offering
  
- Now formal WG of the Industry Competence Committee (under Building Safety Regulator) as of 2024
- Secretariat Building Safety Regulator
- Chairs Hanna Clarke (CPA) and Gill Hancock (APM)
- Establishing a long-term programme
- Over 60 bodies and 1500 people contributing to the programme

### Building a Safer Future

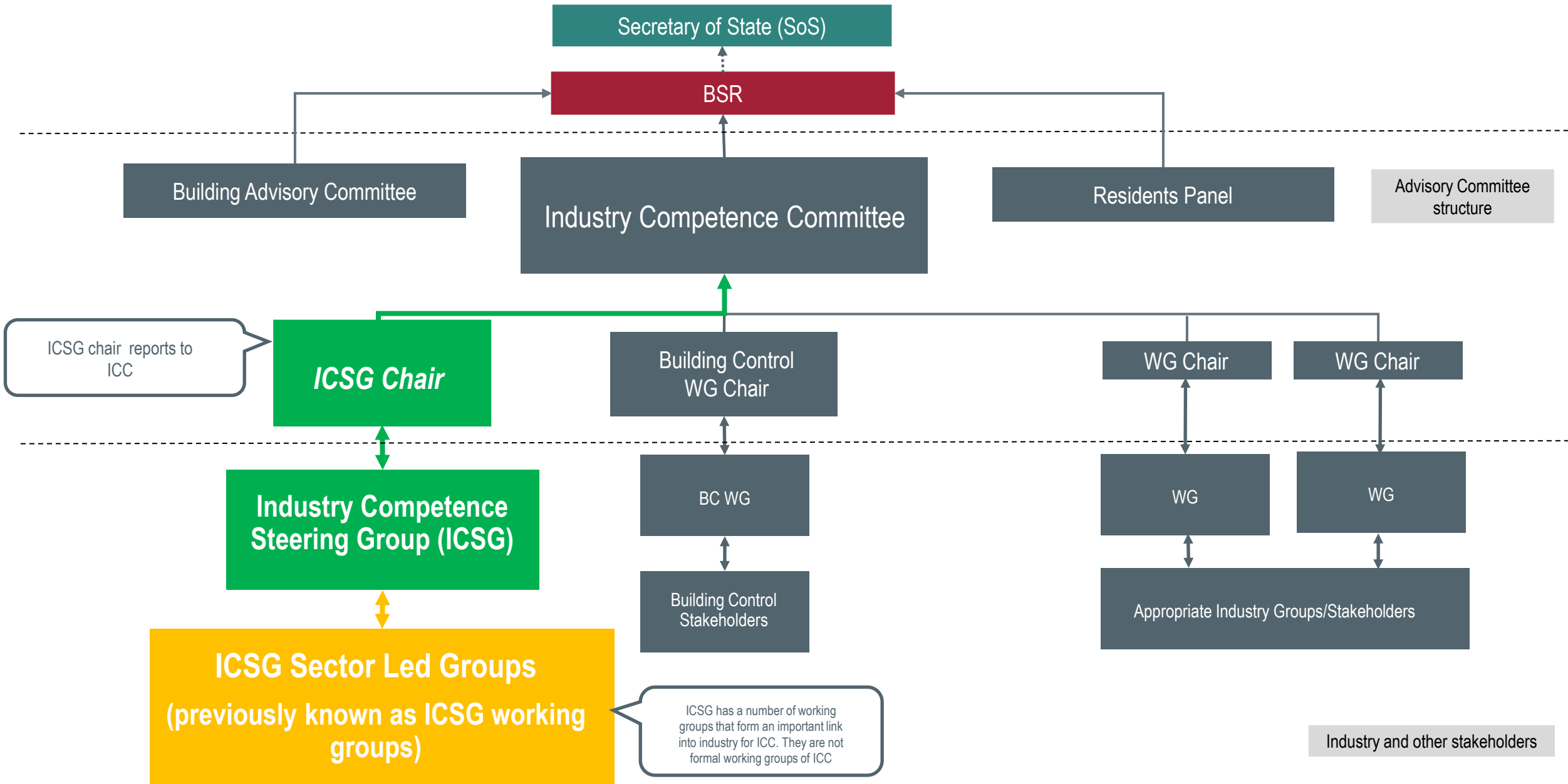
Independent Review of Building  
Regulations and Fire Safety:  
**Final Report**

May 2018

Dame Judith Hackitt DBE FREng

Cm 9607

# ICSG relationship to the Industry Competence Committee and the BSR



## Industry Competence Steering Group Purpose

To enable everyone in the UK in the built environment industry to access appropriate competences so they may safely contribute to the creation and use of built environments and can demonstrate their competence to others.

It is not limited to responding to legislation: it is about keeping people safe.



## Industry Competence Steering Group (CSG) up to 2018 and February 2024

WG0 – Overarching Competence Body

SVG 11 – Engineers

SVG 22 – Installers

WG3 – Fire Engineers

SVG 44 – Fire Risk Assessors

SVG 55 – Fire Safety Enforcement Officers

WG6 – Building Standards Professionals

SVG 77 – Building Designers

SVG 88 – Building Safety Management

SVG 99 – Site Supervisors

SVG 110 – Project Managers

SVG 111 – Procurement Professionals

SVG 112 – Construction Product Competence

Undergoing restructure



## Industry Competence Steering Group outputs summary (to date)

### General CSG reports

- [Raising the Bar](#)
- [Setting the Bar](#)
- [A Higher Bar](#)
- Inspired and contributed to the BS 8670 series

### WG1 – Engineers

- [UK Standard for Engineer Competence](#)

### WG2 – Installers

- [Super sector programme of competence frameworks](#)

### WG4 – Fire Risk Assessors

- [Fire Competency Framework](#)
- [Industry Benchmark Standards](#)
- [Approved Code of Practice](#)
- [Risk Appraisal](#)
- BS 8674 – out for public consultation

### WG5 – Fire Safety Enforcing Officers

- [Competence Framework for Fire Safety Regulators](#)

### WG8 – Building Safety Managers

- [PAS 8673:2022 Competence Requirements for Safety in Residential Buildings](#)

### WG9 – Site Supervisors

- [Framework for the competence of Site Supervisors](#)

### WG10 – Project Managers

- [Competence Framework for Project Managers in the Built Environment](#)

### WG12 – Construction Products

- [Built Environment – Proposed Construction Product Competence Standard – White Paper](#)
- BS 8670-2 – in progress



# Thank You

Hanna Clarke  
Industry Competence Steering Group Chair  
Digital and Policy Manager  
Construction Products Association

[www.constructionproducts.org.uk](http://www.constructionproducts.org.uk)

# What is building safety competence?

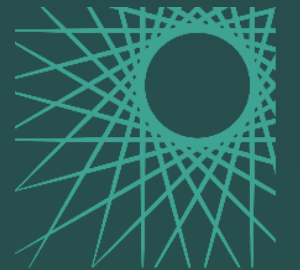
## The ICC and competence standards

Building a network for competence

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Presented by:

[Presenter Name] – [Job role, Organisation]



cabe

# Overview

- 01 The Industry Competence Committee (ICC)
- 02 Five pillars of competence
- 03 CPB-1 Competence in the Built Environment
- 04 BS8670-Part 1: Core criteria for building safety in competence frameworks
- 05 PAS 8671 / PAS 8672 and PAS 8673
- 06 New Standards in development



# ICC remit



One of three statutory committees within the **Building Safety Regulator**

Monitoring industry competence

Facilitating persons in built environment industry to improve competence

Advising regulator on industry competence

Providing guidance to the public on how to assess competence of persons in the built environment industry

Advising persons in built environment industry in relation to industry competence

Undertaking research and analysis to support these other functions



# There are two key concepts – individual competence and organisational capability

The Building Safety embeds requirements for competence **for all building work** through the new Dutyholding Regime for Clients, Principal Designers, Principal Contractors, Designers, Contractors and, in HRB, Accountable Persons. These are legally binding requirements set out in the Building Regulations.

## Key characteristics

### ORGANISATIONAL CAPABILITY

The ability to plan, manage, monitor and review design or building work to assure all reasonable steps are taken to comply with relevant requirements of the Building Regulations.

- Allocating sufficient time and resource
- Organisational competence
- Managing competence of employees and appointments
- Adequate management procedures and leadership

### INDIVIDUAL COMPETENCE

Possessing Skills, Knowledge, Experience and Behaviours to be able to undertake specified roles, tasks or activities consistently to the required standard.

- Technical competence and legal awareness
- Ability to collaborate and cooperate within a team
- Understanding limits of competence
- Ethical behaviour including responsibility for safety of others



# Five pillars of competence

## Building effective systems

### Standards

Relevant and measurable expectations for competence against which individuals can be assessed, and which can be used to inform development

### Assessment

Robust but proportionate competence assessment systems that test knowledge, understanding, evidence skills and test behaviours

### Ongoing-management

Competence management systems that support and ensure people manage, maintain and develop their competence over time

### Allocation of tasks

Management policies and procedures to ensure tasks, roles or functions are assigned to persons who are competent

### Oversight

All systems need independent oversight to maintain standards and avoid optimism bias

# BS 8670-1 Built Environment: Core criteria for Building Safety in competence frameworks



BS 8670-1 (previously Flex 8670) established a '**Framework of Framework**' approach to setting foundational expectations for core safety considerations. It is aimed at organisations or groups who manage or develop competence frameworks and promotes a 'comply or explain' approach to identifying gaps in competence.

## Scope

BS 8670 is intended to be relevant to all building work, and all functions, roles and activities in the Built Environment Industries.

Core criteria should be used to benchmark new or existing frameworks taking into account context of application

## Core content

- Key content of competence frameworks and systems
- Behavioral and ethical Competence
- Fire and safety
- Managing safety
- Knowledge management and communication
- Buildings as systems, construction products and materials

BS 8670 represents the first in a series of standards intended to drive convergence of good practice and understanding across sectors.



# MHCLG sponsored development of three follow on standards to Flex 8670



Competence standards were developed to set expectations for the key roles in the Dutyholding system set out in regulation. These are now coming up for their first two-year review.

## **PAS 8671**

### **Principal Designer**

The Principal Designers' primary duty is to co-ordinate the pre-construction phase of work to take all reasonable steps to comply with relevant requirements of the building regulations.

## **PAS 8672**

### **Principal Contractor**

The Principal Contractors primary duty is to co-ordinate the construction phase of work to ensure that the building work complies with the functional requirements of relevant building regulations

## **PAS 8673**

### **Building Safety Management**

Originally intended to set competence standards for Building Safety managers, PAS 8673 now sets expectations for competence of persons responsibility for maintain building safety in occupation.

# Standards in development



CPB-1 is the British Standards Committee responsible for managing development of Built Environment competence standards. These could be developed as PAS, Flex or full British Standards – a number of standards are in development or being considered.

## BS 8670\_2

- Built Environment:  
Core criteria for **construction product competence**  
Code of Practice
- Currently in development

## BS 8670\_3?

- Built Environment:  
Core criteria for **sustainability competence** – Code of Practice.
- EDGE / CIC standards **Currently out for public consultation**

## BS 8670\_4?

- Built Environment:  
**Organisational capability and competence** : tbc
- CPB-1 currently scoping and developing business case for standard

## BS 8674

- Built environment - Framework for **competence of individual fire risk assessors** - Code of practice.
- Currently in development



# CABE Building Inspector Competence Assessment Scheme (CBICAS)

CBICAS is approved as an independent provider scheme by the Building Safety Regulator. It provides you with the opportunity to gain the necessary certification to apply for registration on their register of Building Inspectors, and also the option to register as IEng with Engineering Council.

The scheme follows **three key stages**:

## Stage One

application and career  
portfolio submission

## Stage Two

submission of Technical Report  
and competence statements

## Stage Three

Professional  
Review Interview

Read the **guide** and **discover how you can apply** at:

**[cbuilde.com/cbicas](https://cbuilde.com/cbicas)**

# A joined up framework for development of competence



## Industry is working together

The work of the ICC, ICSG and CPB-1 are well connected and increasingly coordinated. Industry is working hard to avoid failures of the past resulting from fragmentation and siloed thinking.

## Momentum is building

Whilst there is still some way to go, industry is working through newly established structures to develop a shared understanding of expectations for competence and codifying these in consensus based standards.

## Competence will transform industry for the better

Legal compliance can only be achieved by ensuring a competent workforce – in doing so, industry will start to address issues of quality, productivity and efficiency as well as ensuring a safe built environment for everybody.



# Thank you

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Presented by:

Richard Harral– Chief Executive Chartered Association of Building Engineers



cabe

# Alliancing to ensure building safety and gateway approvals

Assad Maqbool, Trowers & Hamlins LLP

Professor David Mosey CBE, King's College London

***‘Guidance on Collaborative Procurement  
for Design and Construction to Support  
Building Safety’***

**Professor David Mosey CBE  
Centre of Construction Law and Dispute Resolution  
King’s College London  
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# Background to Collaborative Procurement Guidance

- *'Guidance on Collaborative Guidance for Design and Construction to Support Building Safety'* was published by the then DLUHC January 2022 at <https://www.gov.uk/government/publications/collaborative-procurement-guidance-for-design-and-construction-to-support-building-safety>
- Contributions to Guidance from a Procurement Advisory Group with representatives of public and private sector developers, plus Crown Commercial Service, Chartered Institute of Builders, Chartered Institute of Procurement and Supply, Constructing Excellence, Royal Institute of British Architects, Royal Institution of Chartered Surveyors and Association of Passive Fire Protection



# Guidance on procuring for building safety

- The Guidance implements Dame Judith Hackitt's findings in *'Building a Safer Future'* that *'Improving the procurement process will play a large part in setting the tone for any construction project...where the drive for quality and the required safety outcomes, rather than lowest costs, must start'*
- The Guidance reflects prioritisation of building safety in the 2022 *'Construction Playbook'*, which states that *'Projects need to be procured and contracts managed to make sure the right behaviours are embedded from the outset and that safety and quality is valued throughout. Meaningful and lasting change requires visible and collaborative leadership at each stage of the project. This is even more important at the handover between stages, with the seamless transfer of safety critical data and duty holder responsibility, together with a holistic view of risk and assurance.'*

# Structure of the Guidance

- What is different and why the Guidance is needed (S.1, S.2)
- Gateway questions and links to Guidance (S. 3)
- Key points on collaborative procurement (S. 4)
- Balanced evaluation to avoid a race to the bottom (S. 5)
- Early supply chain involvement to improve value and reduce risks (S. 6)
- Team integration, fair practices, resident involvement (S. 7)
- A digital golden thread to integrate design/ construction/ operation (S. 8)
- Sustaining and enhancing a collaborative culture (S. 9)
- Improved safety through strategic collaboration (S. 10)
- Combining safety with other improved value (S. 11)
- Collaborative techniques/lessons from other industries (S.12)

# How will the Guidance be applied by HSE?

Philip White has explained that the *'BSR will view the guidance (most notably questions A -M) as one benchmark for compliance with the law, particularly in relation to clients' duties regarding:*

*(a) the strategies, policies and procedures the client has adopted for planning, managing and monitoring the HRB work*

*(b) the strategies, policies and procedures the client has adopted to identify, assess and keep under review the competence of the persons (including PD and PC) carrying out the HRB work*

*(c) the strategies, policies and procedures the client has adopted to support co-operation between designers, contractors and any other persons involved in the HRB work'*

# Early supply chain involvement ('ESI')

- Dame Judith Hackitt's Review states that a client and its team should *'establish procurement processes that allow sufficient time, resources and prioritisation to deliver the core objectives'* and *'Identify how core building safety requirements will be met in the pre- construction phase'* (Table 2, page 34)
- *'Early supply chain involvement'* ('ESI') is a feature of collaborative procurement through which, by early conditional appointments in advance of start on site, the Principal Contractor and other contractors and supply chain members have the opportunity to contribute their skills, knowledge and experience in order to ensure agreement with the Client, the Principal Designer and other consultants of the optimum approaches to safety and quality

# Procurement, behaviour and residents

Dame Judith Hackitt's Review:

- *'It is incumbent on all dutyholders to ensure that the procurement process they use drives the correct behaviours throughout their supply chain'* (Section 9.8, page 109).
- *'Payment terms within contracts (for example, retentions) can drive poor behaviours, by putting financial strain into the supply chain. For example, non-payment of invoices and consequent cash flow issues can cause subcontractors to substitute materials purely on price rather than value for money or suitability for purpose.'* (Section 9.11, page 109)
- *'The voices of residents often go unheard, even when safety issues are identified'* (Executive Summary, page 11)

# Collaboration, behaviour and residents

- Ensure that the roles and relationships agreed between project team members are demonstrably clear, collaborative and integrated ( Guidance S. 7.1)
- Establish fair payment terms and cost models that eliminate late payment and support profitability (Guidance S. 7.2)
- Use transparent decision-making systems (Guidance S. 7.3)
- Use joint risk management by which appropriate team members agree the actions for dealing with each risk while accepting reasonable accountability (Guidance S. 7.4)
- Implement a consultation system to ensure that the views of resident representatives are notified, discussed and taken into account (Guidance S. 7.5)
- Make clear the contractual relationships and processes that support a collaborative culture (Guidance S. 7.6)

# Questions at Gateways 1, 2 and 3

- The Guidance describes specific questions that the Building Safety Regulator team can raise at Gateways 1, 2 and 3
- In view of the hard stops at Gateways 2 and 3, there are **10 recommended questions** that the BSR team can raise at Gateway 2, between Gateways 2 and 3 and at Gateway 3
- Raising these **10 questions** and examining the answers will help the BSR team understand and be satisfied that the Client, Principal Designer, Principal Contractor and other duty-holders satisfy the **BR Amendments 2023** and the **HRB Regulations 2023**
- The BSR team have received training on how to implement the Guidance by raising these **10 questions**

## Gateway two (building control stage, before construction can begin)

1. Has the Client's procurement of the Principal Designer, Principal Contractor and other professionals preparing the Gateway two building control application (including plans, construction control plan, fire and emergency file and other supporting documentation) demonstrated a balanced approach to value and evidence of suitable skills, knowledge, experience and behaviours? [Guidance Question D and S. 5]
2. Has the Client's procurement processes for the Principal Designer, Principal Contractor and other professionals used early supply chain involvement ('ESI') to optimize contributions to improved safety and quality within agreed periods of time in advance of Gateway two? [Guidance Question E and S.6 and S.10]

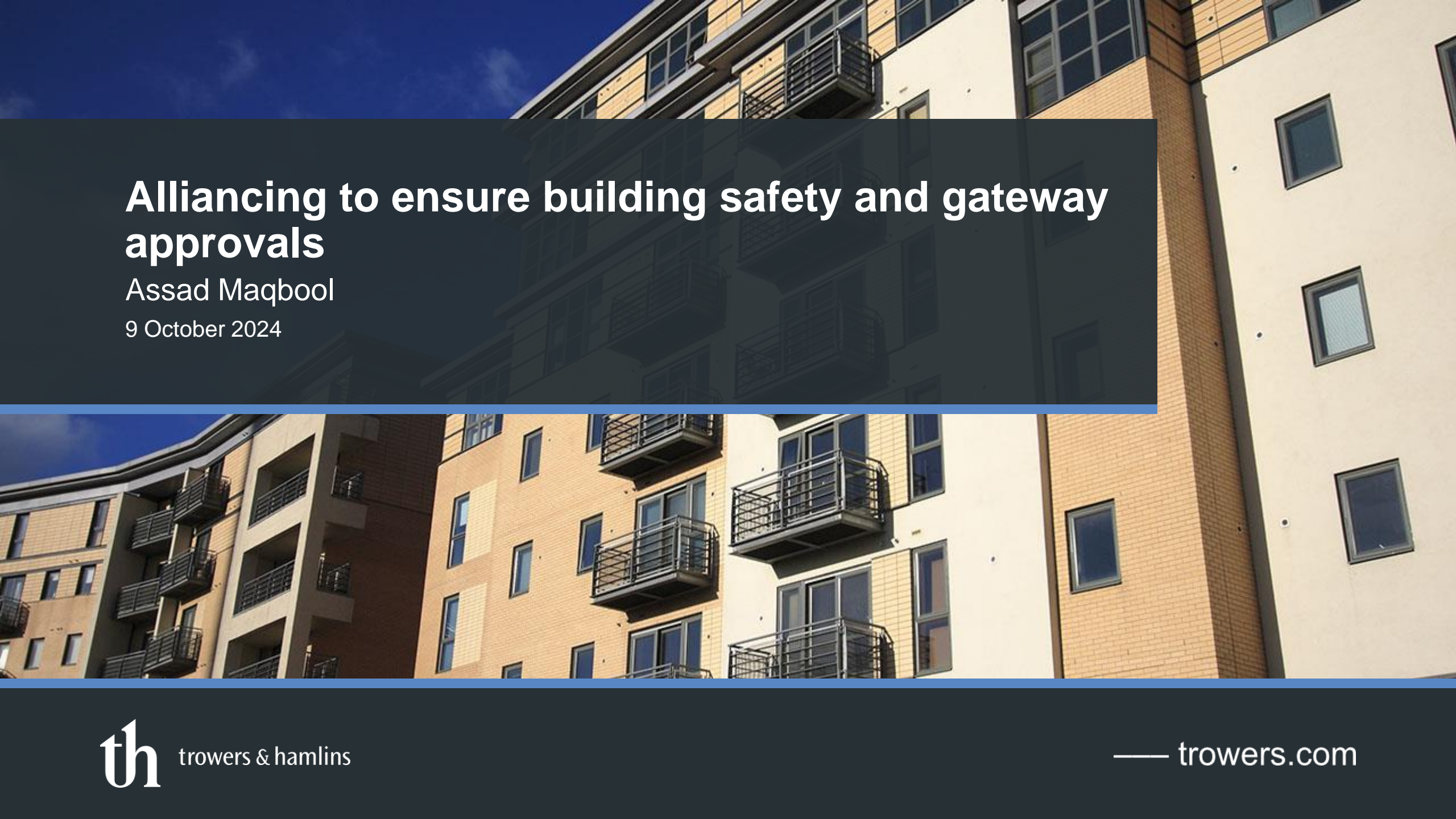


## Gateway two (building control stage, before construction can begin)

3. Have the Client's **contract terms** for the Principal Designer, Principal Contractor and other professionals preparing the Gateway two application **stated their legal obligations as dutyholders** (within their agreed roles and contributions) to safety and quality compliance? [Guidance Question **F** and S. 7, S.9 and S.10]
4. Have the Client's **procurement processes** for the Principal Designer, Principal Contractor and other professionals preparing the Gateway two application **made clear** their capabilities and commitments to use **suitable digital information management tools**? [Guidance Question **G** and S. 8]

## Gateway two (building control stage, before construction can begin)

5. Is there a collaborative system by which the Client, Principal Designer, Principal Contractor and other professionals have regularly consulted with each other and with residents (where applicable) in advance of Gateway two in relation to the safety and quality compliance of all designs, specifications and related information? [Guidance Question H and S.7 and S.9]
6. Is there a transparent decision-making process by which the Client, Principal Designer, Principal Contractor and other professionals have agreed the Gateway two application within their agreed roles and contributions as dutyholders to safety and quality compliance? [Guidance Question I and S.7 and S.9]



# Alliancing to ensure building safety and gateway approvals

Assad Maqbool

9 October 2024

**“ a casual approach to contractual relations is a recipe for disaster**

# Agenda

1. A solution: PPC25
2. Structure of PPC25
3. Specific features to address building safety

# 1. A solution: PPC25

# Genesis of PPC25

- PPC2000
- The ACA suite of contracts
- Recognition as best practice in construction contracting:
  - Cabinet Office guidance
  - Construction Leadership Council
- Wealth of exemplar projects over its 25 years of use

## 2. Structure of PPC25



**“ ...failure to produce designs for the refurbishment that complied with its contractual obligations reflected a failure properly to manage its own resources and a misunderstanding of its role in the refurbishment and the roles of other members of the design team...**

# Multi-party structure

- Client, Constructor, Alliance Manager
- Consultants, Specialists
- Timetables
- Core Group

**“ ...should have ensured that those it appointed as sub-contractors and consultants were sufficiently qualified to undertake the work and provide the services required of them effectively...**

# Pre-Construction Phase

- Pre-Construction Phase Timetable
- Early Consultant Appointments
- Pre-Construction Orders
- Design development process and design responsibility matrix
- Supply chain development
- Ends with Construction Phase Agreement

### **3. Specific features to address building safety**

# Specific building safety drafting in PPC25

- Mandatory Occurrence Reporting System
- Change Control Log
- Golden Thread
- Competency Requirements
- Principal Designer and Principal Contractor
- Gateway 3 as part of Project Completion

# Contact

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## Q&A – a view from the Building Safety Regulator

Douglas Rhodes, Partner, Trowers & Hamlins LLP

Tim Galloway, Deputy Director Building Safety Division, Health and Safety Executive