



# **Building safety competence information for Principal Contractors and Principal Designers**

Consultation report  
July 2023

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# Introduction

## Background

Section 6 of the Building Safety Act 2022 requires the Building Safety Regulator to facilitate an improvement in competence of industry by providing assistance and encouragement to persons in industry. Where appropriate, this will take the form of information and advice on new duties and legal requirements in the act or in secondary legislation.

Amendments to building regulations expected to come into force in October will create new duty-holder roles and associated competence requirements. These roles mirror those in Construction Design and Management regulations under the Health and Safety at Work Act and therefore include Principal Designer (PD), Principal Contractor (PC) and Client. The duties associated with these roles are about ensuring that building and design work is planned, managed and monitored so that buildings comply with building regulations. The duty-holders also have duties to cooperate, coordinate and communicate to ensure this happens.

The competence requirements for the PD and PC roles in the regulations state that individuals must have the right skills, knowledge, experience and behaviours to perform the role and that organisations must have the right organisational capability.

Working through the Competence Steering Group (CSG), Industry asked the British Standards Institute (BSI) to create Publicly Available Specifications (PAS) for these roles. These were published in July 2022 and give more detailed competence requirements for PCs and PDs.

Following the publication of the PAS, user feedback highlighted that long and technical PAS standards (40 pages+) were not easily understood and that they were required to be in a more basic and useable format.

To aid understanding of these new duty holder roles and the competence requirements set on in the PAS documents HSE has drafted information and advice documents. This report sets out the response from the public consultation conducted for these documents.

## Public consultation

The public consultation ran from 30 January 2023 to 16 June 2023 and was introduced as follows:

*BSR invites views on our information document that highlights the necessary competency for the new principal designer (PD) and principal contractor (PC) roles, including a summary of the recent British Standards, publicly available specifications (PAS).*

- PAS 8671:2022 Built environment – Framework for competence of individual Principal Designers – Specification
- PAS 8672 Built environment – Framework for competence of individual Principal Contractors – Specification

In consulting, HSE asked the following questions:

**Question 1a:** Do you agree this information is best presented as a focused key messages and a summary of the PAS standards?

**Question 1b:** Are there any areas missing from the PD / PC key messages and PAS summary?

**Question 2:** Do you agree that the information for PDs and PCs should set out the broad principles for acquiring competence?

**Question 3:** Do you agree that the information for PDs and PCs should signpost organisation to help them comply with their competency duties?

Respondents were encouraged to reply using the online questionnaire, but responses received separately were also included in the analysis. Not all respondents answered every question, and not all gave comments to support their response. A proportion of the consultation was left unanswered by some respondents. There were no postal responses.

This report includes a quantitative analysis of responses to several dichotomous questions as well as a thematic analysis of free text fields to identify key themes and sentiments.

The summary reflects the views offered, but it is not possible to describe all responses in detail. Every response has been read and considered as we further develop the information and advice needed for duty-holder roles.

This consultation response does not address responses related to the legislation and/or policy regarding the new regime. These matters were debated and discussed during the development of the Act, including during the Parliamentary process.

## Responses

31 consultation responses were received:

- 55% said they were responding on behalf of an organisation.
- 4 responses were submitted via email
- a mix of individuals, professional bodies, consultancies, local authorities, public bodies, private sector building control, trade associations and other categories (e.g., education, developers, architects)
- a mix of answers to specific survey questions, and free text detailed responses

## Analytical approach

Advice was taken from the Health and Safety Executive social researchers to help the lead policy team to systematically analyse and interpret the 31 consultation responses.

The Health and Safety Executive's social researchers apply principles and methods set out in central government guidance on evaluation, The Magenta Book<sup>1</sup>, and Social Research Association Ethics Guidelines<sup>2</sup>.

Written responses were included in the qualitative thematic analysis. Where written responses referred to specific survey questions, they were not included in quantitative analysis to ensure:

- data was analysed thematically, in full
- data was not lost or misrepresented if data processing errors were to occur if data were retrospectively input into Citizen Space – the survey platform

During the qualitative analysis, it was observed that free text responses were given by some respondents who did support an element of the summary document but wanted to offer suggestions for improvements.

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<sup>1</sup> The Magenta Book - GOV.UK ([www.gov.uk](http://www.gov.uk))=

<sup>2</sup> [Research Ethics Guidance \(the-sra.org.uk\)](http://the-sra.org.uk)

# Consultation responses

## Breakdown of online quantitative responses, key themes, and sentiment

### Question 1 introduction

*The PAS competency standards are detailed documents that serve many audiences (clients, those taking on PD and PC roles, training providers and scheme authors). As some users (particularly SMEs audiences) may find it difficult to navigate the PAS detail, the BSR has designed its document to be an easily accessible summary of the key PD and PC messages.*

### Question 1a: Do you agree this information is best presented as a focused key messages and a summary of the PAS standards?

There were 31 responses to this part of the question with **the majority supporting this:**

- 20 answered yes
- 5 answered partly
- 6 answered no

The supplementary question for expansion on answers “no” or “partly” was assessed qualitatively.

### Question 1b: Are there any areas missing from the PD / PC key messages and PAS summary?

There were 31 responses to this part of the question with **the majority affirming this:**

- 14 answered yes
- 6 answered partly
- 11 answered no

The supplementary question for expansion on answers “yes” or “partly” was assessed qualitatively.

### Question 2 introduction

*Competence can be achieved and acquired in lots of different ways. It is anticipated that professional bodies, trade associations and training providers will be providing different courses and means to verify existing competence in conjunction with awarding bodies and others. There are likely to be multiple routes to acquire and demonstrate competence depending upon competency gaps, requirements for a given project and choice in the marketplace. On this basis, the document does not seek to set out these multiple potential*

*pathways, but instead highlight the key elements that should be considered when increasing competence.*

**Question 2: Do you agree that the information for PDs and PCs should set out the broad principles for acquiring competence?**

There were 30 responses to this part of the question with **the majority supporting the description as it is:**

- 22 answered yes
- 4 answered partly
- 4 answered no

**Question 3 introduction**

*Although the PAS standards have been written for the competence of individuals, it is recognised that many (the majority) of those taking on the PC and PD role will be organisations. As well as individual competence (including the designated individual), the document also references existing HSE guidance to help organisations implement the necessary 'organisational capability'.*

**Question 3: Do you agree that the information for PDs and PCs should signpost organisation to help them comply with their competency duties?**

There were 31 responses to this part of the question with **the majority supporting this:**

- 27 answered yes
- 3 answered partly
- 1 answered no

**Overall themes and sentiment**

The summary document had overall support based on the response to all questions. Qualitative analysis presented the following themes and sentiments from those who did not support or only partly supported:

- respondents wanted more detail rather than the brief summary presented
- there was concern over ambiguity between the duty-holder roles in building regulations and those already in place in Construction Design and Management regulations
- respondents had issues with the PAS documents themselves and did not feel they should be signposted

## Health & Safety Executive response

Health and Safety Executive have considered the views of consultees. We respond to those views by making the following observations on the Principal Designer/ Principal Contractor PAS summary document. We will take all matters into consideration as we continue to develop the information and advice.

### Summary of respondent themes identified in the consultation and the Health and Safety Executive (HSE) response

#### Level of detail on competence requirements and routes to demonstrate competence

Response summary:

- summary document could go further in giving detail in competence requirements for roles
- more information on criteria for different categories such as those working in higher risk buildings
- more detail on how people should attain and demonstrate competence for these roles

#### HSE response:

- the summary document is intended to act as basic information to ensure industry and clients are aware of new roles and duties in secondary legislation
- HSE will continue to give further information and advice in this area and will also assist and encourage industry to develop its own standards and guidance

#### Use of role titles from Construction and Design Management regulations

Response summary:

- concerns over use of matching role titles from separate regulations but with different duties
- request for more clarity within summary document on the differences between different regulatory roles



**HSE response:**

- not within the scope of this consultation to change the title of roles within secondary legislation
- language will be reviewed to ensure there is clarity over the differences between roles

**Clearer references and direct links to PAS documents**

Response summary:

- requests for direct links to PAS documents

**HSE response:**

The British Standards Institute (BSI) host the PAS documents. There are currently no restrictions on who can access the documents only a request that an email address and name be provided.

**Design experience requirements for principal designers**

Response summary:

- uncertainty over the expectation the principal designers would need design experience
- concerns over Principal Contractors taking on the Principal Designer role

**HSE response:**

- HSE's view is that competent Principal Designers will need design experience to be able effectively carry out their duty to plan, manage and co-ordinate the design phase so that it complies with building regulations
- Principal Contractors who take on the Principal Designer role must demonstrate their competence for the Principal Designer role

## Next steps

The Building Safety Regulator acknowledges the support from all the stakeholder organisations who promoted this consultation and to all the consultees who took the time to respond.

All responses have been considered within the overall analysis.

The consultation findings will feed directly into the development of information and advice for those carrying out duties under the new building safety regime.