



Competence information for managing building safety on higher-risk buildings

Consultation report

July 2023

Contents

Introduction	3
Background	3
Public consultation	3
Responses	4
Analytical approach	4
Consultation responses	6
Breakdown of online quantitative responses, key themes and sentiments	6
Health & Safety Executive response	8
Summary of respondent themes identified in the consultation and the Health and Safety Executive (HSE) response	8
Next steps	9

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. This, where appropriate, will take the form of information and advice on new duties and legal requirements in the act or in secondary legislation.

In-occupation regulations state that any person responsible for or assisting with compliance with a duty in or under Part 4 of the 2022 Building Safety Act has the relevant competence. The relevant competence for individuals is someone who has the right skills, knowledge, experience and behaviours to perform the role.

Industry, working through the Competence Steering Group (CSG), asked British Standards Institute (BSI) to create a Publicly Available Specifications (PAS) for Building Safety Manage role that was originally in the Act. After the role was removed, the PAS was adapted to apply to individuals who would carry out duties in Part 4 of the Act. This was published in July 2022 and give more detailed competence requirements

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

To aid understanding of these new duties 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 carried out for these documents.

Public consultation

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

BSR invites views on our information document that highlights the necessary competency for those managing high-risk buildings (HRBs), including a summary of the recent British standard, publicly available specifications;

- PAS 8673:2022 Built environment – Competence requirements for the management of safety in residential buildings – 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 key messages and PAS summary?

Question 2: Do you agree that the information for managing HRBs should set out the broad principals for demonstrating competence?

Question 3: Do you agree that the guidance should highlight means to manage and monitor the competence of contractors?

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

11 consultation responses were received:

- 55% of responses said they were responding on behalf of an organisation.
- 2 responses were submitted via email.
- a mix of individuals, professional bodies, consultancies, local authorities, building control associations and other categories (e.g. education, fire safety, Gas Safe Register).
- 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 principals and methods set out in central government guidance on evaluation, The Magenta Book¹, and Social Research Association Ethics Guidelines².

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.

¹ The Magenta Book - GOV.UK (www.gov.uk)=

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

Consultation responses

Breakdown of online quantitative responses, key themes and sentiments

Question 1 introduction

The PAS competency standards are detailed documents that serve many audiences (building owners, managing agents, training providers and scheme authors etc). 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 management of HRB messages.

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

There were 11 responses to this part of the question with **the majority supporting this:**

- 6 answered yes
- 5 answered partly

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

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

There were 10 responses to this part of the question with **the majority denying this:**

- 2 answered yes
- 2 answered partly
- 6 answered no
- 1 did not answer

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

Question 2 introduction

There are likely to be multiple routes to acquire and demonstrate competence depending upon competency gaps, requirements for a given building 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 and demonstrating competence.

Question 2: Do you agree that the information for managing HRBs should set out the broad principles for demonstrating competence?

There were 11 responses to this part of the question with **the majority supporting the description as it is:**

- 9 answered yes
- 2 answered partly

Question 3 introduction

We anticipate that many principal accountable persons (PAPs) and accountable persons (APs) will bring in others (contractors, agents and experts) to help them manage their buildings. It is therefore important that PAPs / APs have arrangements in place to ensure third-parties are performing in a competent manner and providing a quality service.

Question 3: Do you agree that the guidance should highlight means to manage and monitor the competence of contractors?

There were 11 responses to this part of the question with **the majority supporting this:**

- 10 answered yes
- 1 answered partly

Key overall themes and sentiments raised

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

- respondents felt the summary document lacked clarity or the required detail

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 Managing Building Safety PAS summary document. We will take all matters into consideration as we continue to develop the guidance.

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 give more clarity go further in giving detail in competence requirements for roles
- More detail on how people should attain and demonstrate competence for these roles
- Needs further detail on minimum levels of validation and monitoring of competence.

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 review the summary document to give more clarity on definitions and duties before publication
- 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

Clarity on Higher-risk Building (HRB) definition

Response summary:

- the summary document does not contain a HRB definition and therefore readers may not be able to tell if duties apply to them

HSE response:

- a definition will be added before publication

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.