

Setting Expectations on Competence Management

Contents

- [Background](#)
- [Overarching Principles](#)
- [Competence Management Principles for Organisations](#)
 1. Purpose and scope
 2. Establish competence criteria
 3. Decide processes and methods
 4. Select and recruit staff
 5. Determine competence within the workforce
 6. Develop competence
 7. Assign responsibilities
 8. Monitor competence
 9. Deal with failure to perform competently
 10. Manage assessors' and managers' competence
 11. Manage sub-contractor competence
 12. Manage information
 13. Manage change
 14. Audit
 15. Review
- [Legislative Scope](#)

Background

This document is aimed at organisations who:

- Carry out any design or any building work (in all buildings)
- Manage buildings, and particularly those that manage Higher Risk Buildings (HRBs)

It sets out what organisations should do to meet the competence management aspects of requirements in Part 2A of the Building Regulations 2010 and The Higher-Risk Buildings (Management of Safety Risks etc.) (England) Regulations 2023.

The overall intent of duties and requirements in Part 2A of the building regulations and HRB management regulations is that organisations must plan, manage and monitor their work so it complies with building regulations, or regulations relating to the management of higher risk buildings.

These regulations require organisations to have the right organisational capability to carry out their work. This includes having in place systems and processes to support and contribute to the overall individual competence of those working under their control. The regulatory requirement for managing competence is as follows:

Organisations must have the appropriate management policies, procedures, systems, and resources to ensure:

That individuals under the control of the organisation who are carrying out any building, design work or manage building safety risks in occupation have:

- *The skills, knowledge, experience, and behaviours necessary to fulfil the duties of a contractor or designer under these Regulations in relation to the work.*
- *Appropriate supervision if they are in training to develop the necessary skills, knowledge, experience, and behaviours.*

Use of guidance

This guidance has been developed to explain the key principles of competence management within an organisation. It sets out what the appropriate principles are for an organisation to put in place policies and processes to effectively manage the competence of individuals under their control. This includes employees, self-employed individuals or third-party organisations.

It should help organisations understand the appropriate expectations for competence management activities and assess what they will need to do to update their current working practices to ensure they are meeting legal requirements.

The guidance has not been written to be a standalone document. The principles in it are a starting point for organisations to better understand what they need to do. The guidance will be built on with examples and case studies to demonstrate how they can practically be applied for different types and sizes of organisations. Additionally, further industry standards are being developed that follow these principles and may help organisations understand in detail how to put in place policies, procedures, and processes to meet them.

Throughout the document must, should or could are defined as they are in HSE guidance:

Must Implies a legal requirement

Should Indicates a recommendation or good practice to meet a legal requirement.

Could Suggests a possibility or potential course of action.

Scope

Types of work

This guidance relates to organisational requirements in building regulations and Higher Risk Building (HRB) management regulations. There is a more detailed breakdown of the scope of these regulatory requirements at the end of the document [here](#).

In brief, the requirements in Part 2A of the Building Regulations 2010 apply to all building work or design work on all buildings in England and the HRB regulations apply to those carrying out management duties in HRBs.

While the regulations about duties for those managing buildings only apply to HRBs the principles in this document also represent good practice for the management of all buildings.

Types of organisation

This guidance is designed to be of use to all sizes of organisation. It outlines principles all should follow.

It is intended that the principles will be met in a proportionate manner relating to the nature, size, and complexity of the organisation and the risks associated with its work. For smaller organisations, and in particular micro organisations, meeting the outcome of the principle will be less complex. For example, things like formal HR systems or complex documentation are less likely to be needed. Larger or more complex organisations are expected to demonstrate more formalised, systematic approaches.

The larger the organisation the more likely the need will be for more formal, complex management systems to meet the principles outlined.

Overarching Principles for Competence Management

Organisational capability and competence management

To meet regulatory requirements on organisational capability organisations will need to manage the competence of individuals working under their control. This will mean having the right management policies, procedures, systems, and resources to:

1. Ensure they have enough people with the necessary skills, knowledge, experience, and behaviours (SKEB) to meet all duties and obligations.
2. Ensure individuals:
 - Have the necessary SKEB for their roles.
 - Work within a framework that defines roles and responsibilities.
 - Do not perform tasks beyond their competence, unless under supervision.
 - Are regularly monitored in their work, as appropriate.
 - Are supported in undertaking the necessary training to maintain and develop their competence.
3. Confirm that all those you engage to do work for you can meet their duties and obligations.
4. Promote transparent communication and relationship management between clients, duty holders, and occupiers.
5. Demonstrate ethical behaviour and support a culture of building safety, wellbeing, and inclusion.
6. Measure and evaluate how well its competence management system is working

The goal of these activities is to ensure the organisation has the capability and collective competence to meet the organisations' objectives and legal requirements. The organisation needs to support these activities by fostering a suitable organisational culture.

Culture and ethical behaviour

A positive organisational culture creates an environment where competence can flourish by promoting trust, accountability, continuous learning, and ethical behaviour.

Without a supportive culture, even the best frameworks, systems, and processes for competence management may fail.

A **suitable organisational culture** is one that promotes safe and effective practices and is directed towards the aim of creating safe buildings for occupants. This aim should inform the values, beliefs, and behaviours that support the goals and mission of the organisation. It is about championing the right values from the top and individuals responding to that by reinforcing the right behaviours as

part of their competence. Such a culture will enhance employee satisfaction and drive overall organisational success.

It typically includes:

1. **Leadership** throughout management structures
2. **Integrity**: Promoting honesty and ethical behaviour.
3. **Openness and Trust**: Encouraging organisations and individuals to recognise their limits of capability and competence, ask for help, and speak up about concerns.
4. **Teamwork**: Encouraging collaboration and support among employees and stakeholders.
5. **Transparency**: Ensuring open communication and clear decision-making processes.
6. **Accountability**: Taking responsibility for actions at an organisational level and holding individuals responsible for their actions and performance.
7. **Inclusivity**: Fostering a diverse and inclusive environment where all employees feel valued and respected.
8. **Continuous Improvement**: Encouraging ongoing learning and development.

Ethical behaviour involves acting in ways that are consistent with what society and individuals typically think are good values. It includes:

1. **Honesty**: Being truthful and transparent in all dealings.
2. **Integrity**: Adhering to moral and ethical principles, even when it's difficult.
3. **Fairness**: Treating everyone equally and without bias.
4. **Respect**: Valuing others' rights, dignity, and opinions.
5. **Responsibility**: Being accountable for one's actions and their impact on others.

Ethical behaviour is crucial as it builds trust, promotes a positive environment, and ensures long-term success

Competence Management Principles for Organisations

Summary

The structure and headings for the phases and principles in this section are adapted from – “Managing competence for safety-related systems - The Principles” (Health and Safety Executive) [Managing competence for safety-related systems - Part 1: Key guidance](#). The content and wording have been adapted to be applicable to the requirements of Part 2A of the Building Regulations 2010 and The Higher-Risk Buildings (Management of Safety Risks etc) (England) Regulations 2023. They are split into four phases Plan, Develop, Operate, Audit and Review.

This guidance has been written to be read in conjunction with [ICC guidance](#) on individual competence principles. The principles from that guidance should be used when considering individual competence from an organisational perspective.

Principles

This section sets out the key principles of competence management within an organisation. It describes how to establish appropriate policies and processes to effectively manage the competence of individuals under the control of an organisation, including employees, workers, self-employed individuals or third-party organisations. These policies and processes will underpin the organisation’s competence management processes.

Plan

Principle 1 - Purpose and scope

Define the purpose and scope of policies and procedures. These should be based on objectives, legal requirements, and good practice, ensuring alignment with the organisation's goals for safe buildings and the work it does or intends to do. Include relevant geographic, divisional, or structural elements where appropriate.

Organisations should:

- Clearly define what services and/or products they deliver.
- Make sure that any instructions or contracts agreed to deliver or commission work are:
 - Clear in their scope
 - Within the remit of what the organisation is capable of delivering
 - Agreed by both sides
 - Take account of legal duties
- Clearly determine the extent across the organisation that the scope applies (geographically/whole organisation/ a division)
- Identify all legal and best practice obligations that may affect the delivery of its services.
- Demonstrate leadership and commitment to the improvement and management of the competence of all individuals and third parties under their control.

Develop

Principle 2 - Establish competence criteria

Establish simple and practical criteria for the skills, knowledge, experience, and behaviours (SKEB) required for the roles in the organisation. These criteria should reflect the actual and proposed work, activities carried out and the level of risk involved.

Organisations should:

- Have a clear understanding of the key roles in the organisation.
- For each role briefly describe and document what competence looks like. This could be written as a short statement of the key skills knowledge, experience, and behaviours needed.
- Include different levels of competence where relevant (e.g. trainee, experienced, supervisor) and ensure staff understand which level applies to their work.
- Use recognised frameworks if available and appropriate, such as BS 8670 (or BSI Flex 8670) and PAS 8671–8673. The Industry Competence Steering Group has developed competence frameworks using BS 8670 (or BSI Flex 8670) for a range of roles across industry and these should be looked to where they are in place. They are not mandatory but can help inform the approach needed.
- Be able to evidence how risk has been assessed in relation to the organisation's work activities and how this has been factored into identifying the appropriate competence criteria.
- Where they sub-contract or engage others to do work carry out appropriate checks to ensure those organisations are doing the above (see principle 11).

Principle 3 - Decide processes and methods

Establish efficient and consistently repeatable processes, procedures and methods that implement the requirements of the principles in this guidance.

Organisations should:

- Clearly determine processes appropriate for the organisation's purpose and objectives. Their complexity will be dependent on the size of the organisation.
- Allocate resource as appropriate to implement, maintain and continually improve processes in place.
- Put in place organisational policies that reflect the legal requirements for the functions the organisation performs e.g. in the role of a Designated Individual in relation to principal designer or contractor, or as a principal accountable person.

Operate

Principle 4 -Select and recruit staff

Select internally, and recruit externally, staff that have an appropriate and demonstrable competence for the activities they will undertake.

Organisations should:

- Recruit and select individuals using role requirements that set out the SKEB needed for individuals to perform the activities they will carry out.
- Provide suitable induction and training to ensure new recruits can competently complete the work they have been appointed to carry out.

Principle 5 – Determine competence within the workforce

Determine the extent to which staff currently meet the established competence criteria.

Organisations should:

- Periodically observe and evaluate staff against competence criteria.
- Periodically assess whether the organisation has access to the appropriate volume of competent people to carry out work safely and in compliance with legal duties.
- Review methods used for the above on a suitably periodic basis to ensure they remain proportionate to the level of risk associated with tasks.

Principle 6 - Develop competence

Extend and maintain the competence of staff so that they can meet relevant competence criteria

Organisations should:

- Have an effective approach to establish needs for training and development of staff and deliver the required development activity
- Provide suitable, formal supervision where necessary and support learning and offer opportunities to improve and gain new skills

Principle 7 - Assign responsibilities

Ensure that individuals under the control of organisation only undertake work for which they have been determined as competent.

Organisations should:

- Have effective procedures to allocate tasks to suitably competent individuals.
- Have processes to ensure that role or task allocation aligns with the specific skills and competence levels required for each role or activity.
- Consider risk when allocating tasks to individuals and place additional focus on the competence required for tasks considered high-risk.

Principle 8 - Monitor competence

Monitor whether or not staff determined as competent are continuing to perform competently and to initiate corrective action where appropriate.

Organisations should:

- Monitor ongoing staff competence and initiate corrective action where necessary
- Periodically check that individuals consistently perform tasks within the limits of their competence.
- Evaluate competence needs for each project/contract on which the organisation is engaged.

Principle 9 - Deal with failure to perform competently

Respond to any failures to perform competently so that the impact on safety is minimised. Where failures occur the root causes should be identified and actions taken to address. These failures could be about the competence of individuals or the processes in place to manage work.

Organisations should have a culture which encourages, and facilitates all employees to deliver on their legal obligations (i.e. recognising and refusing to undertake work they are not competent to undertake).

Organisations should:

- Identify and manage sub-standard performance
- Be able to evidence that they appropriately respond when incidents occur. This may include arrangements to:
 - Take action to identify the cause
 - Take action to control and correct
 - Deal with the consequences.
- Guide, support and monitor behaviours and enable confidential discussions of concern
- Enable, if possible, anonymous reporting non-conformities/failures/near misses
- Have a clear chain of responsibility for the management of individual and organisational competence through the full management structure.

Principle 10 - Manage assessors' and managers' competence

Ensure that all managers and assessors are, themselves, competent to support and fulfil the requirements of competence management policies, procedures and processes.

Organisations should:

- Ensure that those involved in setting competence levels and measuring individuals and organisations against the levels have, themselves, the necessary SKEB to do so.

Principle 11 - Manage sub-contractor competence

Ensure as far as reasonably practicable that all relevant work activities carried out by sub-contractors and anyone engaged to carry out work for the organisation are performed by competent staff.

Organisations should:

- Determine whether or not sub-contractors or others engaged to carry out work have the appropriate Organisational Capability, including their management of competence, to deliver on their obligations to the organisation contracting/engaging them.
- Effectively monitor and review performance and competence of third parties under their control.
- Put in place appropriate arrangements to plan, manage, monitor, and review the processes needed to oversee the work of third parties.
- Where subcontractors are specified by another party, assess the impact on their own ability to meet legal obligations and agree roles and responsibilities accordingly.

Principle 12 - Manage information

Maintain accurate information from the operation of the CMS, in sufficient detail to enable efficient operation and to demonstrate that its requirements are being met.

Principle 13 Manage change

Monitor changes in the external environment and the internal operation of the organisation, to determine implications for the CMS and to initiate changes to the CMS as appropriate.

Organisations should:

- Have an effective strategy defining its competence management processes and method of implementing overarching policy.

Audit and Review

Principle 14 - Audit

Provide assurance that the CMS is meeting its objectives and operating as intended by carrying out periodic checks. Initiate improvement action where appropriate.

Organisations should:

- Carry out checks at planned intervals to provide information on whether management policies, procedures, systems in place:
 - conform to the organisation's own requirements; and
 - are effectively implemented and maintained
- Put in place QA processes to assess competence management
- Outline what activities are undertaken to evaluate the effectiveness of competence management practices
- Establish, implement, maintain, and continually improve the CMS

Principle 15 - Review

Review identified changes and the combined evidence on the operation of the CMS generated from dealing with competence failures and from audits, and to initiate improvement action where appropriate.

Organisations should:

- Have periodic reviews to assess if adopted standards continue to meet the needs of the organisation's scope of work
- Regularly review and update records of employees' skills, knowledge, experience, and behaviours required for their roles
- Carry out post-project reviews to establish if appropriate competence was applied to the project at all times, and learn lessons /make changes to the processes if necessary.

Legislative Scope

Types of work

The organisational requirements in Part 2A of the Building Regulations 2010 applies to all building work or design work on all buildings in England and apply to anyone carrying out that work.

Building work is defined in Part 2 of The Building Regulations 2010 as:

- a) the erection or extension of a building.*
- b) the provision or extension of a controlled service or fitting in or in connection with a building.*
- c) the material alteration of a building, or a controlled service or fitting, as mentioned in paragraph (2).*
- d) work required by regulation 6 (requirements relating to material change of use).*
- e) the insertion of insulating material into the cavity wall of a building.*
- f) work involving the underpinning of a building.*
- g) work required by regulation 22 (requirements relating to a change of energy status).*
- h) work required by regulation 23 (requirements relating to thermal elements).*
- i) work required by regulation 28 (consequential improvements to energy performance).*

An alteration is material for the purposes of these Regulations if the work, or any part of it, would at any stage result—

- a) in a building or controlled service or fitting not complying with a relevant requirement where previously it did; or*
- b) in a building or controlled service or fitting which before the work commenced did not comply with a relevant requirement, being more unsatisfactory in relation to such a requirement.*

Design work is any work on designs that relates to building work as defined above. It includes drawings, design details, specifications, and bills of quantities (including specification of articles or substances) relating to a building, and calculations prepared for the purpose of a design. It also includes any decisions to change the design during the construction process.

The Higher-Risk Buildings (Management of Safety Risks etc) (England) Regulations 2023 apply to the management of occupied higher risk buildings and duties here fall on Principle Accountable Persons and/or Accountable persons. Higher risk buildings are defined as:

A building in England that—

- a) is at least 18 metres in height or has at least 7 storeys, and*
- b) contains at least 2 residential units.*

Full guidance on understanding whether a building is a higher-risk building in-occupation including any exclusions can be found here [Criteria for determining whether a building is a higher-risk building during the occupation phase of the new higher-risk regime - GOV.UK](#)