

Identifying Competence in Higher Risk Buildings

The Grenfell Tragedy in June 2017 resulted in Dame Judith Hackitt's Independent Review of Building Regulations and Fire Safety published in May 2018, which led to a wholesale review of building safety and regulations in the UK.

Draft Building Safety Bill

The Draft Building Safety Bill, published in July 2020, sets out how the Government intends to deliver the principles and recommendations of Dame Judith Hackitt's Review and outlines a new approach for managing risks across the design, construction, inspection and occupation of Higher Risk Buildings (HRB) during construction and on an ongoing basis thereafter.

It underwent pre-legislative scrutiny by the Housing Communities and Local Government Select Committee which made a number of pertinent recommendations for consideration, including:

108: We strongly recommend that the Government include provisions in the Bill itself for establishing a national system of third-party accreditation and registration for all professionals working on the design and construction of higher risk buildings.

The Bill is currently being redrafted following the scrutiny provided by the Select Committee and is expected to start making its passage through the parliamentary process to become law during 2021.



Proposed Changes to Accountability in Higher Risk Buildings

Under the current Building Safety System, Local Authority Building Control or an Approved Inspector is responsible for ensuring a building is built in compliance with the Building Regulations.

The Draft Building Safety Bill proposes a number of changes to enhance accountability:



A new Building Safety Regulator, which has already been appointed as the Health and Safety Executive (HSE), will be responsible for the compliance and safety of all buildings



All HRBs must be registered with the new Building Safety Regulator and have a Building Assurance Certificate



All HRBs must have an 'Accountable Person' who is the dutyholder during occupation. Their role is to assess the risks associated with the building they manage and take all reasonable steps to prevent the occurrence of a major incident in the building as a result of these risks



A 'Building Safety Manager' must be appointed before the building becomes occupied to support the Accountable Person in managing fire and structural safety risks in the building day-to-day

Focus on Competence

The Draft Building Safety Bill requires the Building Safety Regulator to:

- Establish a new industry-led committee to advise on competence
- Oversee the longer-term development of the competence frameworks
- Drive improvements in levels of competence

The Draft Building Safety Bill allows for the introduction of Secondary Legislation to be prescriptive about the competence requirements of anyone undertaking work in HRBs which is covered by the Building Regulations.

Industry initiatives to determine Competence

Defining the competence of those working in HRBs across all sectors is a challenging and complex task. There are numerous working groups looking to answer this question:

MHCLG Minimum Technical Competence (MTC) Review

- Co-ordinated by MHCLG to update and align all MTC documents for Competent Person Schemes which will consider including a scope for those working on or in HRBs where appropriate.

Setting the Bar - A New Competence Regime for Building a Safer Future

- The Final Report of the Competence Steering Group for Building a Safer Future which makes key recommendations about the competence of installers.

MHCLG Sponsored Overarching Competence Framework for Competence of Individuals - Specification

- Intended to support the development of an overarching framework for oversight of building safety and the competence of individuals including encouraging the development and application of core building safety competences in practice.

Proposal

Work is ongoing in this area, and will no doubt continue to evolve and advance over time. There are several reoccurring principles throughout the work being done which must form the basis of any decision made about verifying competence.

Core principles for identifying and monitoring competence of those working on or in HRBs:



The sector specific competence requirements for those working on or in HRBs must be universally agreed and adopted



The competence of those working alone or un-supervised on or in HRBs must be technically assessed and routinely re-assessed by a UKAS Accredited Certification Body



Regular Continued Professional Development must be required for certification and be monitored and recorded



All those working on or in a HRB must have core knowledge of fire safety in buildings training



A digital register should be created, and independently owned, which lists organisations and individuals who are deemed competent to work on or in HRBs

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