

WHITEPAPER

Building. Better.

SEMINAR

13 OCTOBER 2023

The Building Safety Act

Preparing for the October 2023 deadline

Focusing on the behavioural and cultural changes that are required in order to comply and embrace the Building Safety Act (BSA) within our businesses.

Over the last 2 to 3 years, the industry has gone over huge changes and is continuing to do so at a great rate. And change usually brings its grey areas and confusion. As an industry, we rely on subject matter experts to help us, and it's essential for everyone in the industry to collaborate so we can all learn about the changes and get it right.

As the BSA comes into play, contractors and designers will be relying on manufacturers and the supply chain to provide them with detailed, compliant information early on in the design process.

This whitepaper focuses on the key points taken from the seminar in relation to the Building Safety Act and the changes and affects it will bring.

Key Takeaways

1

Compliance

2

Collaboration

3

Competence



Building Safety Act Summary

Neil Badley | Sweco



The 5 Priorities for BSA Compliance

1 Checking your Obligations

- Know your competency and what you are criminally liable for.
- Client or Principal Contractor (PC) bringing designers on board, need to ensure the Principal Designer (PD) is satisfied they are competent.

2 Managing Information

- The role of the PD is a much bigger role than just understanding the regulatory requirements.

3 Checking the Scope

- High Risk Building scope include;
 - above 18m and/or 7+ storeys,
 - contain 2+ residences,
 - or hospitals and care homes meeting height criteria during construction

4 Understanding the Gateways

- Understand what the prescribed documents are that are essential to getting approval at Gateway 2 and a Completion Certificate at Gateway 3.
- Major changes will require stopped work on that element. If no approval after 6 weeks, it is deemed an automatic 'no' and works cannot commence until approval has been granted.
- Every change that's put in will increase your costs.

5 Ensuring Duty Holder Compliance

- The client & duty holders, during the construction phase, to get your completion certificate, have to make a statement, with building certification, that the building complies.

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- The biggest part of the Golden Thread is when the building is occupied.
 - If you fail in your duty, its criminal.
 - An entity can get an unlimited fine and an individual can get a custodial sentence.



Panel 1

Nyasa Beale, Tom Gilbert, Tim Carey, Douglas Masterson

The Gateway Process - What this is fundamentally changing to the flow of a project through from concept to PC

- One of the main changes following the 1st October BSA deadline is that the new Building Safety Regulator (BSR) will replace the HSE and take over the building control for all high-risk buildings.
- The current process for getting building control sign-off will be completely changed.
- Nyasa Beale states the change between then and now for architects & designers is very significant, as, from October 2023, they will need to submit the specification information for all high-risk buildings at Gateway Two, making sure that all the information is correctly submitted up front.
- It will be challenging but crucial for architects to find the optimum time to bring all the contractors and specialists together at the earliest stage.

“ Because the book says do that, I’ll do it. Rather than, is that appropriate for the building I’m designing. Let me think about it in a holistic risk approach. ”
Tom Gilbert

- The BSR won’t accept a material change because of cost, even if the performance stays the same.

- The BSA highlights the importance of designing and specifying fire-rated products within the system that they have been tested. For example, fire-rated doorsets will have to be designed, specified, and installed within a wall system that complies with the manufacturer’s primary test evidence.

“

If we’re getting the right competent people in place to design and specify these buildings and lay them out then ultimately we should trust in their competency as long as it can be proved.

Tim Carey ”

- Tim Carey rightly underlined how crucial it is now to get manufacturers and suppliers involved at the earliest stage possible.
- It’s clear from the panel discussion that architects will have to change, to focus the majority of their priorities before Gateway Two, and include manufacturers and the supply chain earlier in the project.
- As Douglas summarises; It’s not enough now to say that your competent, there has to be proof.



Design & Procurement Requirements

Paul McSoley | Mace & Douglas Masterson | GAI



- As presented by Paul and echoed by Douglas, there is an extensive amount of information required by the Building Safety Regulator in order to specify some of the products, and it's impossible for the principal designers and architects to know everything.
- The PC & PD will need to work in collaboration with the manufacturers, contractors, and supply chain.
- As Douglas rightly said, "it's complicated!" and some of these standards are very complex, emphasising the need for competency framework.
- It's thought that the product manufacturers need to test to the scenario, but there's some scenarios which are impossible to test to.
- There's a lot of in-depth information that needs to be included in the specification.
- It might sound complicated to specify accurately for the residential buildings to be safe, but with correct information and involving manufacturers at early stages, it's possible to get it right.
- The emphasis is on everybody collaborating to be able to create a safe building right from design, through to completed construction.

When is a door not just a door, but a LIFE SAVER?

- For a door to become a life saver there are a lot of details to consider, such as
 - Understanding all the components of a door and how they work together as a system.
 - Fire test evidence to prove the door is actually a fire door
 - To understand British and European testing of fire smoke doors and be aware of the various door and ironmongery configurations

“ Fire doors, dampers, smoke control products etc are highly engineered parts of a building's passive fire protection system so always ensure they are correctly specified, designed, installed, maintained and inspected throughout their lifecycle.

Because if you look after them, they will look after you!

If in doubt just ask the experts!

Douglas Masterson ”



Recommendations for Manufacturers

Harry Purdom | Selo

See [here](#) for the full recommendations from the *Building A Safer Future* document. (Page 94)

• Recommendation A

- Clearer, more effective specification & testing.
- Construction products designed (and tested) as a system.
- These requirements will need greater reliance of design/specification workshops and reviews.
- Specifications need to be detailed - can't just be a performance spec. Detail the terms of the product, how they work and how they interact with each other.

• Recommendation B

- This is where the Code of Construction Products Information (CCPI) comes in.
- Requires clarity on where the product can and cannot be used.
- Products need to be deemed safe in use and foreseeable misuse.

• Recommendation C

- Needs clarity on what products have been tested in what system.
- No baffling with science. Testing and application of products must be clearly communicated in non-technical language.
- Should be presented in Field Of Application reports and no fire certificates, because these are created based on primary test evidence and the rules based EN testing standard.

- Field Of Application is the document to look at as it gives details in which all different tests have been carried out, how it can and can't be used, and how you should be designing it.
- Project specific assessments may still be needed.
- If we engage earlier, and get the design right there shouldn't be a need for these 'other' assessments and we can avoid them as much as possible.
- Architects & contractors should be supported by manufacturers.
- Manufacturers are here to support you with the vast amount of information that needs to be taken in.
- Selo offer one - one workshops to help the specification. [contact keelan@selo-uk.com](mailto:keelan@selo-uk.com)
- Manufacturers should detail how products can and cannot be used.

“

If the manufacturer can't give you the correct information or tell you where to look or help you understand it properly...

You're talking to the wrong manufacturer!

”



An Architects Perspective

Nyasa Beale | Scott Brownrigg



- There is a big change from an architect's point of view.

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Design is an iterative process and best delivered sequentially as one package interfaces and informs the next package, but now for Gateway 2 we have to make the submission as a complete pack.

So this is where we need to understand all the design elements and systems really early on to make sure that we can submit a complete package of information.

It really is about early collaboration between all the different parts.

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- Gateway One is carried out under the planning legislation and is of no interest to the BSR.
- It will now be imperative to present a fire statement with the full planning application.

- Gateway Two is the submission of drawings to prove compliance with regulations which are then sent to the BSR for a minimum 12 week review period.
- The review period is likely to be longer than 12 weeks.
- Architects will need to understand the systems and all the design elements early to present a full package of information at Gateway Two.
- Architects will need specialist help from manufacturers, to complete the package.
- Discussions with manufacturers will be needed at RIBA stage three, so it can be programmed at RIBA stage four.
- PD will want to review your Gateway Two submission before it goes to the BSR.
- The responsibility for compliance rests with the person carrying out the work, not the BSR.
- The designers will be liable even if the BSR has signed off the drawings.
- We need to collaborate together to ensure there will be no required changes or delays down the line.
- Competency is key.



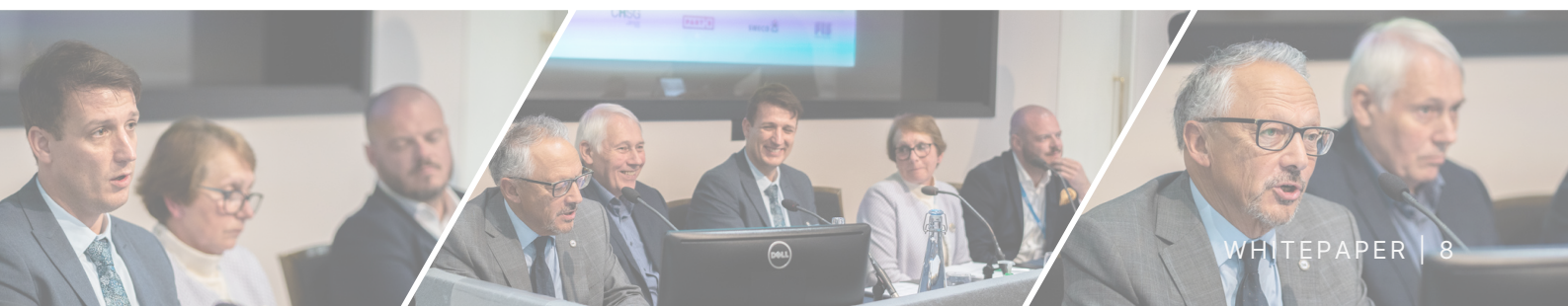
Panel 2

Tom Gilbert, Debbie Clarkson, Paul McClelland, Peter Wise, Joe Cilia

What are the opportunities and threats of the BSA?

| Opportunities | Threats |
|---|---|
| <p style="text-align: center;">Certainty</p> <p>Tim Carey - The acceleration of the design and specification process of critical elements, from a fire safety perspective, means project designs should be more complete before works commence on site.</p> <p>Tom Gilbert - Increased certainty in design is welcomed by contractors.</p> | <p style="text-align: center;">Commercial Viability</p> <p>Tim Carey - From a program perspective, increased pre-construction periods and gateway three approval, could lead to commercial viability issues due to delays.</p> <p>Tom Gilbert - There might be increased risk to finances.</p> <p>Debbie Clarkson - The cost and complexity involved with the contract at all phases and for all involved.</p> |
| <p style="text-align: center;">Early Engagement & Collaboration</p> <p>Debbie Clarkson - To engage earlier in the project and therefore work together in design and construction phases, will enhance the working relationship between PD and PC. This should provide a greater understanding of the design by PC and the PC can raise concerns about the design before the construction phase.</p> <p>Paul McClelland - A change in culture is needed to design and build, rather than build and design.</p> <p>Tom Gilbert - "Early engagement is absolutely critical"</p> <p>Joe Cilia - The design fully then build approach, will lead to reduced wastage costs and compliant installations first time.</p> | <p style="text-align: center;">Lack of Understanding & Knowledge</p> <p>Paul McClelland - A lack of understanding on the role of the PD under the building regulations, and awareness of the legal responsibilities being placed on these named operatives.</p> <p>Debbie Clarkson - The level of construction understanding required by the architects and designers.</p> <p>Peter Wise - Issue of capacity in the industry, particularly in fire engineering.</p> <p>Joe Cilia - Don't let the subcontractor become the unintended designer.</p> |

| Opportunities | Threats |
|---|--|
| <p style="text-align: center;">Competency</p> <p>Debbie Clarkson – To raise competency and to ensure fire awareness and life safety training are included in a range of jobs and task roles, both design and construction phases and beyond.</p> <p>Pete Wise – The BSR should set in train the much-needed improvements in competency across the industry, both from the client side and in the construction process. The new structure and requirements for the building control function and requirements for registration and competence are welcome.</p> <p>Joe Cilia - There is an opportunity to assess and identify gaps for further training and gain experience to develop skills. This helps in mitigating risks as individuals and organizations should be aware of their competence.</p> | <p style="text-align: center;">Outward reduction</p> <p>Tom Gilbert - Reduction in number of residential units constructed over the transition period. Certain developers exiting from residential construction.</p> |
| <p style="text-align: center;">Accountability</p> <p>Paul McClelland - Under the building regulations, all projects must now name the PC and PD, including small residential projects.</p> | |
| <p style="text-align: center;">Improvement in build quality & user experience</p> <p>Tom Gilbert - Perceived improvement to safety of design, and end product, particularly at customer and end user level.</p> | |



Summary

The seminar was very positive from all parties, even though there are still unanswered questions. It will be a learning curve to understand all the changes and the many challenges that everyone will have to face from the Building Safety Act. This is why it will be increasingly important for early collaboration from the whole industry to work things out together. However, despite the challenges that face us, it is clear there is a positive cultural change towards building a safer future.

Key Takeaways

1 Compliance

The Act alters the approach to the design, specification, and construction of a project; **not just fire safety.**

2 Collaboration

Early engagement and collaboration throughout the **complete supply chain** is essential.

3 Competence

It is critical that every stakeholder understands and actively **challenges their own competence.**

Contact Selo for further [project assistance](#)



**WITH THANKS TO OUR
SPEAKERS & PANELLISTS**

Nyasa Beale | Director

Neil Badley | Director

Paul McSoley | Design Leader

Douglas Masterson | Technical Manager

Tim Carey | Technical Director

Debbie Clarkson | Chief Executive Officer

Joe Cilia | Technical Director

Tom Gilbert | CEO

Peter Wise | Director of Excellence

Paul McClelland | Director

**AND TO OUR
SEMINAR PARTNERS**

