



The Building Safety Act Your checklist

September 2023



Introduction

The Building Safety Act 2022 came into force on 28 June 2022. The Ligas Building Safety Act checklist has been designed to help property owners, landlords and key people to be aware of what is needed and to prepare for the health and safety changes contained in the Building Safety Act.

The Act covers the implications for new construction and existing buildings. If you are responsible for maintaining a building that falls within scope, you will be aware of the need to address certain actions now, and that other actions will require careful planning and resource allocation.



You can't keep people safe by simply ticking a box



THE BUILDING SAFETY ACT

BACKGROUND

The Act will bring into law regulatory changes to:

- Building regulation
- Control for higher-risk buildings in England
- Changes to building control affecting all buildings,
- Accountability and legal duties
- Competency standards
- Construction products regulations

This document will be regularly updated as a myriad of secondary legislation is still required to set some timelines, provide clarification and guidance and ultimately bring all aspects of the Act into force.

[Check out our legislation update here](#)

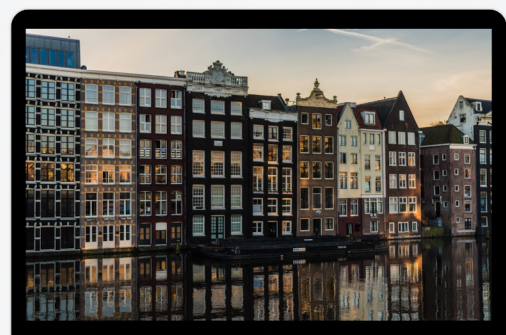
BUILDING SAFETY REGULATOR

In England, The Building Safety Act identifies the HSE as the new Building Safety Regulator. BSR has 3 main functions:

- Overseeing the safety and standards of all buildings
- Helping and encouraging the built environment industry and building control professionals to improve their competence
- Leading implementation of the new regulatory framework for high-rise buildings

They will also maintain registers for:

- Occupied high-rise buildings
- Building inspectors and building control approvers





THE BUILDING SAFETY ACT

UPDATES

The following regulations will come into force on 1 October 2023:

- [The Building \(Higher-Risk Buildings Procedures\) \(England\) Regulations 2023](#)
- [The Building Regulations etc. \(Amendment\) \(England\) Regulations 2023](#)
- [The Building \(Approved Inspectors etc. and Review of Decisions\) \(England\) Regulations 2023](#)

From 1st October 2023, new secondary legislation affects you if you:

- Plan to build a new higher-risk building (HRB);
- Create one through change of use or, alteration/extension, or
- Plan to undertake building work to an existing HRB, you will need to follow the new building control regime.

See the definition of an HRB on the next page.

This means that:

- **Before** you can start any building work, you must submit a building control approval application to the Building Safety Regulator (BSR) to obtain approval
- When you make major changes to the proposed work, you obtain approval
- You construct the work in accordance with those approvals
- At the end of the project, you provide evidence (see the section on the Golden Thread)
- Through a completion certificate application, you demonstrate that you built what you said you would or were given approval for

The work is suitably completed to meet the functional requirements of the building regulations.

This checklist has been updated to reflect the changes.



THE BUILDING SAFETY ACT

HIGHER RISK BUILDINGS OVERVIEW

Buildings meet the height criteria to be higher-risk buildings if they:

- Are at least 18 metres in height
- Have at least 7 storeys

And either:

- Have at least 2 residential units
- Are hospitals or care homes (during design and construction)

Source: HSE <https://www.hse.gov.uk/>

WHAT DOES THE BUILDING SAFETY ACT 2022 MEAN FOR YOU?

The main aim is to dramatically improve building safety, with particular emphasis on 'higher risk buildings' over a specified height (see above).

This means the aim is to reduce safety risks related to structural failure and fire spread. Scrutiny will start at the beginning of the construction cycle, move through a building's entire lifecycle, and cover older buildings, looking at what needs to be retrospectively implemented.

What this means is that you need to not only be aware of the legislation but also implement the required changes and be fully cognisant of the implications of not doing what is required to keep your buildings safe for their occupants.

Ligtas support our clients by ensuring they fully understand what it means to be safe and supporting them in identifying gaps and implementing the right measures.



THE BUILDING SAFETY ACT

ACCOUNTABLE PERSONS

The Act attempts to reduce the risk of residents playing 'piggy-in-the-middle' whilst landlords, building management companies, contractors and developers argue about which party is responsible for resolving any building safety risk.

This has resulted in the creation of two new, crucial roles that must be filled for each higher-risk building that has been occupied:

- Accountable person(s). The AP will usually be an organisation or business but could also be an individual.
- Principal accountable person

It's important to identify at an early stage who is likely to assume these roles.

What this means is that you need to not only be aware of the legislation but also implement the required changes and be fully cognisant of the implications of not doing what is required to keep your buildings safe for their occupants.

You must also ensure that you stay up to date with any changes to legislation and implement these changes.

Failure to comply with the duties of an accountable person could lead to criminal prosecution and a custodial sentence. The stakes are high, and it's important to be prepared to identify whether you hold one of these roles and, if so, understand the duties and obligations you will be required to discharge.



THE BUILDING SAFETY ACT

ACCOUNTABLE PERSONS (CONT'D)

You will need to:

- Register all new buildings before the occupation
- Prepare a Safety Case for the building (see Safety Case Report)
- Regularly assess all building safety risks and take reasonable steps to control them
- Have a clear communication method and plan to keep all stakeholders up to date
- Have a major incident prevention plan
- Duty holders will be required to cooperate with other duty holders, coordinate their work, and communicate and provide information to other duty-holders
- Work with other accountable persons to assist in undertaking and monitoring preventive fire safety measures
- Prepare a Resident's Engagement Strategy and keep under review
- Ensure routes to emergency exits and the exits are kept clear at all times
- Ensure fire equipment is maintained to the highest quality and is compliant with regulations

During design and construction (October 1st, 2023)

Under the Construction (Design and Management) Regulations 2015, duty holders (clients, designers, principal designers, contractors and principal contractors) must:

- plan
- manage
- monitor

their activities (design and building work) in relation to building regulations to ensure compliance.

[Read about the accountable persons here](#)

[WEBINAR - The New Role of the Building Safety Manager](#)

Ligtas support our clients by ensuring they fully understand what it means to be safe and supporting them in identifying gaps and implementing the right measures. We will also review the legislation and share with you what you need to do to remain compliant.



THE BUILDING SAFETY ACT

THE FIRE SAFETY ACT

The new Fire Safety (England) Regulations 2022 come into force on 23 January 2023 and affect, to a varying degree, all premises containing two or more dwellings.

RECOMMENDED READING

[Regulation changes can be found here](#)

Our early [fire regulations update can be found here](#)

WEBINAR

You can also watch our [Fire Safety Legislation Update Webinar here](#)

THE GOLDEN THREAD

The Act introduces the concept of a 'Golden Thread' of record keeping (creation and storage of accurate and up-to-date building information) which will be available to relevant parties – residents, emergency services and potential purchasers.

It aims to centralise building information and provide transparency about decision-making throughout a building's lifetime. This will include:

- Who constructed it
- How it was constructed
- What materials were used
- Who manufactured the materials
- Amendments to the building as additional work is completed



THE BUILDING SAFETY ACT

THE GOLDEN THREAD (CONT'D)

This information must be stored digitally in a central system where all stakeholders can access and view it. The information needs to be accurate, up-to-date, easily understandable and accessible by those who need it.

The ultimate goal and benefit of constructing Golden Thread would be greater safety in residential buildings.

The digitisation of records will require time, resources and budget investment, all of which are under increasing pressure.

It is recognised that this is an ongoing process, and systems such as PropertyPlus and AuditApp from Ligtas are available to support this.

SOFTWARE FROM LIGTAS

[PropertyPlus](#)

[AuditApp](#)



THE BUILDING SAFETY ACT

THE SAFETY CASE

In order to make your building's safety case, you will need to follow a number of steps that will culminate with a safety case report being prepared.

STEP 1 GATHER BUILDING INFORMATION

This will include the following:

- Basic building information
- Your building's construction
- Resident profile
- Refurbishment
- Fire prevention and protective measures
- Structural safety
- Services and utilities
- Maintenance and inspection

STEP 2 IDENTIFY BUILDING FIRE AND STRUCTURAL SAFETY RISKS

In high-rise residential buildings, multiple factors affect safety risks and their potential impact. Therefore, you need to review your building systematically to consider what can go wrong and the effects that it could have.

You may need the skills and knowledge of more than one person. Therefore, your assessment method should have the flexibility to engage other team members and external experts.

Consider and challenge existing control measures. Then consider whether you have taken all reasonable steps to prevent a building safety incident from happening or limit its severity if it did.



THE BUILDING SAFETY ACT

THE SAFETY CASE (CONT'D)

STEP 3 RISK PREVENTION AND PROTECTION

If you are responsible for a high-rise residential building, the Building Safety Act will require you to produce a building safety risk assessment.

Your risk assessment should clearly demonstrate the following:

- The types of measures you have taken
- The reasons you have taken these measures
- How they work, and how you delivered them

You'll need to show awareness of the preventative and protective measures you have taken:

- Prevention measures reduce the likelihood of an incident happening. Where reasonable, they should be taken in preference to protective measures
- Protective measures, sometimes called mitigation, reduce the severity of any incidents that occur

You'll need to collect information on the following:

- The design and installation of your prevention and protective measures
- Their current condition
- How they are managed and maintained
- Any changes to them during building alterations or refurbishments

You will need to demonstrate that you have taken all reasonable steps to manage building safety risks. This refers to the spread of fire and structural failure.



THE BUILDING SAFETY ACT

THE SAFETY CASE (CONT'D)

STEP 4 SAFETY MANAGEMENT SYSTEMS

If you are responsible for an occupied high-rise residential building, a safety management system (SMS) is a formal framework that can help you manage building safety risks. For this purpose, we define a building safety risk as the spread of fire or structural failure.

Your SMS should be proportionate to the hazards of your building, based on an in-occupation risk assessment. How complex your SMS is will depend on the size of your organisation and the number of buildings it manages.

Review your SMS regularly. Buildings change through age and refurbishment. This can change the safety risks you manage through your SMS.

STEP 5 SAFETY CASE REPORT

If you are the principal accountable person (PAP) for an occupied, high-rise residential building, you will be required to produce a safety case report.

This should demonstrate that you have identified and assessed the safety risks in your building, defined in legislation as the spread of fire and structural failure.

Your report should show you have taken all reasonable steps to prevent any building safety incidents. It should also show the measures taken to reduce the severity of any incidents if they occur.

If your building has additional accountable persons (APs), it is your responsibility as the PAP to produce the report in collaboration with any other APs.



THE BUILDING SAFETY ACT

GETTING PREPARED

STEP 5 SAFETY CASE REPORT (CONT'D)

The following steps will support you in being ready and prepared.

- Research and understand the legislation. Where you are unclear, work with Ligtas, who can support you in understanding your roles and responsibilities
- Register with the Building Safety Regulator and read their bulletins
- Risk assess and undertake a gap analysis of all of your buildings
- Create a plan of changes and ensure that they comply with the Act
- Get trained
- Connect with all stakeholders and let them know what your plans are and seek any relevant support
- Design a safety management system
- Stay up to date with webinars and news



THE BUILDING SAFETY ACT

INFORMATION YOU MIGHT NEED

Every building is different, so you may need other items of information that aren't on this list. Some information will be obvious or easy to find, but you may have to investigate your building, or ask other people or organisations for help.

Some examples of things you'll need to know about your building are:

- The profile of its residents
- When it was built, and the relevant standards at time of construction
- Your building's height, number of storeys, number and type of flats
- Details of common parts and any underground levels
- Details of any shared facilities such as utilities, car parking or access if it's part of a wider development
- Plans of the building as built (if available)
- Details of the building's construction including facade and insulation materials
- Details of any refurbishment or changes to the building since it was built
- Your fire prevention and protection measures
- Information about its structural condition
- Information about services and utilities
- Maintenance and inspection details
- Arrangements for managing and monitoring your building



SUGGESTED TRAINING PLAN

GENERAL AWARENESS TRAINING

- Fire Safety Awareness
- Lightas First Aid Awareness
- Fire Marshall Awareness
- How To Carry Out A Risk Assessment
- Carry Out a Fire Risk Assessment
- Electrical Safety Awareness

NEBOSH COURSES

- NEBOSH National Diploma in Occupational Health and Safety
- NEBOSH International General Certificate in Occupational Health and Safety
- NEBOSH National General Certificate in Occupational Health and Safety
- NEBOSH Certificate in Fire Safety

WEBINARS

- Fire Safety Legislation Update Webinar
- Fire Doors Webinar
- The Fire Safety Act 2021. Impact on Risk Assessments for Residential Properties

CONTACT LIGTAS

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