

Written evidence submitted by the Chartered Institute of Building (CIOB) [BSB 335]

1. Introduction

- 1.1. The Chartered Institute of Building (CIOB) is at the heart of a management career in construction. We are the world's largest and most influential professional body for construction management and leadership. We have a Royal Charter to promote the science and practice of building and construction for the benefit of society, which we have been doing since 1834.
- 1.2. Our members work worldwide in the development, conservation and improvement of the built environment. We accredit university degrees, educational courses and training. Our professional and vocational qualifications are a mark of the highest levels of competence and professionalism, providing assurance to clients and authorities who procure built assets.
- 1.3. The CIOB is one of three organisations, along with the Royal Institution of Chartered Surveyors (RICS) and Chartered Association of Building Engineers (CABE), which is recognised by public and private sector building control as a professional body to which they expect their surveyors to have membership, and which they rely upon to provide appropriate training and skills development.
- 1.4. We are pleased to be able to provide evidence to the Committee for its pre-legislative scrutiny of the Draft Building Safety Bill and would welcome the opportunity to be further involved in this process. We have chosen to limit our response to the questions where we feel our expertise is most relevant.

2. Background

- 2.1. We welcomed Dame Judith Hackitt's *Building a Safer Future* report¹ and were supportive of its 53 recommendations to establish a new regulatory framework and achieve a culture change to create and maintain safe buildings. We have been active in driving building safety reform, participating in the Industry Safety Steering Group (ISSG) and the Competency Steering Group (CSG) through our involvement with several working groups, including:

- Working Group 9, Site Supervisors – Chaired by Peter Dawber FCIOB.

¹Dame Judith Hackitt DBE FREng, [Building a Safer Future: Independent Review of Building Regulations and Fire Safety Final Report](#), May 2018

- Working Group 10, Project Managers – Chaired by Professor Charles Egbu FCIOB.
- CIOB members and staff also participated on Working Group 0, Overarching System for Overseeing Competence (Paul Nash FCIOB), Working Group 11, Procurement Professionals (Mike Foy OBE FCIOB) and Working Group 6, Building Standards (Lyndsey Montgomery, Qualifications Development Manager at the CIOB).

2.2. Separately, the CIOB formed a Construction Quality Commission in response to the Independent Inquiry into the Construction of Edinburgh Schools and several other high-profile failures in the industry. Some of the work to-date includes:

- The launch of a course in Construction Quality Management by the CIOB Academy in September 2018.
- The publication of a Code of Quality Management in July 2019. This will be further amended to meet new guidance and regulations.
- The introduction of a free massive open online course (MOOC) on quality in construction which went live in October 2019.

2.3. In addition to this work, the CIOB has collaborated with the Royal Institute of British Architects (RIBA) and the Royal Institution of Chartered Surveyors (RICS) to launch the 'Building in Quality' initiative. This is a free-to-download digital tool to improve the quality of outcomes in the construction industry.

2.4. The CIOB is an active participant on the Future of Building Control Working Group which has recently developed 11 key recommendations for the future oversight and regulation of the profession and building control bodies. Reform of the building control sector is an important part of the Building Safety Programme and the full report can be found at: <https://www.rics.org/globalassets/rics-website/media/upholding-professional-standards/sector-standards/building-surveying/future-of-building-control.pdf>

2.5. A lack of complete, accurate and up to date building information was one of the issues identified by the Independent Review of Building Regulations and Fire Safety in the wake of the Grenfell Tower Fire. The review highlighted the need for robust

record keeping, with a digital 'golden thread' of key building information running through all phases of design, construction and occupation.

2.6. The CIOB, in partnership with i3PT Certification, is currently hosting a survey to investigate the construction industry's understanding of the golden thread, what it is, why it is needed and how it will be delivered in practice. It is also seeking to identify the industry's current level of preparation to meet the requirements set out in the Government's Implementation Plan and provide recommendations of what the industry needs to do to meet these requirements.

2.7. The survey is currently being hosted at www.goldenthread.co.uk and an interim report of the findings is set to be made available in late October 2020. We would be happy to share this report with the Committee.

2.8. The CIOB is also developing a series of training modules in building safety to provide professionals with the knowledge and skills they will require to perform the dutyholder roles under the Bill.

3. How well does the Bill, as drafted, meet the Government's own policy intentions?

3.1. We are satisfied that the Bill follows through on the key recommendations made in the Building a Safer Future report, particularly those calling for a new and more rigorous regulatory framework and a series of robust gateway points to strengthen regulatory oversight.

3.2. While the wording of the Bill does not explicitly refer to the 'golden thread' identified in the review, the intention to include this thread of good quality information throughout the lifecycle of buildings is inherent within the legislation, as made clear in the explanatory notes.

3.3. We believe that the Bill sets out a compelling vision for the future of the industry. However, the devil will be in the detail and the success of the new regime is heavily dependent on how the new Building Safety Regulator is constituted and how it operates. The Regulatory Reform (Fire Safety) Order 2005 is not included in the list of legislation that is referenced or amended by the Building Safety Bill, but we note that the Fire Safety Bill, currently before Parliament, seeks to introduce measures that align closely with the Bill in certain respects and we note that this is an opportunity to clarify responsibilities for fire safety.

- 3.4. The Construction Industry Council (CIC), of which the CIOB is a member, rightly notes that the dutyholder roles in the new regulatory regime are the same as those identified in CDM 2015, however the responsibilities identified for each role are significantly different. The requirements for the proposed principal designer and principal contractor roles under the draft Building Safety Bill require different competences and skills to those required under CDM and the doubling-up of these dutyholder responsibilities will require careful consideration.
- 3.5. While there has been much discussion on the new Building Safety Management role, Principal Designers will also be required to seek additional competency resources on fire safety under the Bill. Currently, many clients are appointing specialist Fire Safety Engineers for high rise residential buildings, or alternatively outsourcing this role via the appointed Structural Engineer. It is crucial that key roles, including Architect, Structural Engineer and Fire Safety Engineer, are appointed based upon capability rather than supply chain considerations.
- 3.6. We would like to draw the Committee's attention to several aspects of the legislation which may throw up real-world challenges for industry, including project managers, site supervisors and those who work in private and public sector building control. Questions such as whether there are going to be enough people to perform new roles, how they are going to be recruited and trained, and how industry will be insured will be crucial to the practical implementation of the Bill.
- 3.7. **Accreditation scheme** – In order for both clients and the regulator to have assurance of the safety of buildings, they will need to be confident that newly trained Building Safety Managers have the necessary qualifications and competencies, and thought must be given to whether the current educational infrastructure is adequate. A key challenge will be the availability of experts to deliver building safety management training, and the cost of implementing and delivering an accreditation scheme taught by highly qualified professionals. SMEs may find it particularly financially challenging to put their employees through accreditation at a time of heightened financial uncertainty due to Covid-19 – a potential further strain on the supply of Building Safety Managers.
- 3.8. **Supply of Building Safety Managers** – The industry must have clarity on the proposed process and timescales for accreditation as soon as possible, so that it can begin to apply and ensure a sufficient supply of Building Safety Managers to meet demand. Without adequate numbers of qualified individuals, or a lack of supply

in the right place at the right time, the availability of Building Safety Managers will be unevenly distributed and lead to further problems. Timing must also be considered. It will be challenging for a brand-new role to be created and fully operational in the time that it takes for the Bill to pass into law, with the training of prospective Building Safety Managers alone likely to take at least three to four years to complete. There is also a risk that other built environment professionals such as construction managers will move over to building safety management, creating a shortage of professionals in existing roles and thus just moving the chronic problem of skills shortages from one area to another.

3.9. **Qualifications** – Historically, there have been shortcomings in the wider building education landscape around quality, and there are difficulties especially in helping people to differentiate between qualifications and competency. It will be necessary to continue to push the industry to understand that it is more difficult, time consuming and expensive to achieve competency, and that qualifications alone will not be enough to improve building safety. Currently, there are gaps in the curriculum which will make a combination of qualifications and certification schemes necessary for accreditation, for example the current lack of fire safety modules available in construction courses. Clients will need to better understand the educational process in order to be assured that the builders they employ are properly qualified in accordance with the provisions of the Bill, especially if they are to be legally responsible for providing evidence of this. Ultimately, it is vital that all qualifications have true meaning and equate to real competency if assurances are to be legitimate, and clients will have to work with industry to put a system in place that allows them to satisfactorily comply with regulations.

3.10. **Insurance** – While the extensive programme of regulatory change set out in the Bill is welcome, we are concerned about the implications of this change for the availability and affordability of insurance products, and particularly professional indemnity insurance for dutyholders who will hold increased levels of responsibility under the proposed legislation. Many of our members have voiced concerns that insurance will become prohibitively expensive or impossible to buy as a result of the Bill. This is especially true in light of the impact of the Covid-19 pandemic on the insurance industry, which may accordingly become more risk averse in future. Construction work will be unable to go ahead unless contractors are able to obtain affordable cover, and thought must be given to how the insurance industry can adapt to changes set out in the Bill.

3.11. **Timescales and resourcing** – Ultimately, while the Bill is a welcome and necessary response to recent tragic failings in building safety and quality, the solution going forward must be robust. Key questions around timescales and cost must be considered, including the length of time it will take for developers to get approval from the new regulator at the proposed gateways and the impact this will have, as well as the cost of applications to the regulator and who will pay them. From a building control perspective, resourcing and how it will be impacted by the Bill is a core concern.

4. Does the draft Bill establish an appropriate scope for the new regulatory system?

4.1. We accept that the rate of fire risk is considerably higher in buildings over 18m/six storeys than in high-rise residential blocks of any height (respectively, 43 fires/9 fires per 1,000 buildings) and that evacuation plans are inevitably more challenging the higher the building. However, we believe that the Bill in its current form is too limited in scope, and does not cover buildings that accommodate vulnerable people, including care homes and schools. We acknowledge the practical difficulties of implementation of the new regime, and therefore reiterate the CIC's support for a proposal that starts at the narrower definitions currently indicated in the draft bill but which is capable of being extended regularly through revisions to secondary legislation, after suitable reviews, to bring a much wider range of buildings into scope of the enhanced regulatory regime.

4.2. It is important to remember that the Bill applies to existing buildings as well, and the new regulatory building must equally robust for this category. We would like to see provisions included in the Bill to give power to the regulator to require changes to be made to existing buildings.

5. Does the Bill improve the product testing regime in a way that will command the full confidence of the sector?

5.1. The CIOB is supportive of the incorporation of construction products into the regulatory framework, to ensure greater testing and oversight of these products – especially those that are safety-critical.

5.2. Several parts of the Bill, including *Part 5: Construction products* are intentionally designed to be carried through via secondary legislation at a later date. The industry will, at some stage, need much greater detail about the exact nature of construction

products regulations, however we believe that the enabling power of the Bill mitigates this in the short term.

5.3. However, it is important to note that the Bill's reliance on secondary legislation means that it will take time to implement. This will be exacerbated by the fact that many within the industry are currently hesitating to take action until they have clarification about the final form that the legislation will take, thus causing further potential delays.

6. Is it right that the new Building Safety Regulator be established under the Health and Safety Executive, and how should it be funded?

6.1. Our primary concern with the Bill is that the Health and Safety Executive (HSE) is adequately resourced to undertake the functions of the new Building Safety Regulator. It is important that the HSE is organised and resourced to ensure proper enforcement.

6.2. We urge the Government to clarify the exact resources that will be allocated to the HSE to perform this role, and the expected timescale for the new system to become fully operational, to provide assurance to the building control profession and wider industry.

6.3. We are also seeking further clarity from Government about how the new system will relate to existing regulators, particularly local authorities and private sector building control, to ensure that it functions effectively once established.

7. Does the Bill present an opportunity to address other building safety issues, such as requirements for sprinkler systems?

7.1. We support calls from the Royal Institute of British Architects, made in their submission to the to the Call for Evidence by the Independent Review of Building Regulations and Fire Safety,² for the consideration of the provision of alternative vertical means of escape, or escape safe havens/refuges, for residential buildings over 18m in height when there is currently only one staircase.

7.2. Additionally, we support the inclusion of a requirement in the Bill for the retrofit of sprinkler systems in existing buildings. There is already, for example, compelling evidence about the need for sprinkler systems in schools, with recent analysis

² Royal Institute of British Architects, [Submission from the Royal Institute of British Architects to the Call for Evidence by the Independent Review of Building Regulations and Fire Safety](#), 2017

from Zurich Municipal finding that the average school posed a fire risk 1.7 times greater than non-residential buildings, and that schools were three times more likely to fall into the “high” fire risk category.³ The study also found that many schools lack the equipment needed to prevent small fires becoming major disasters. Of more than 1,000 school inspections carried out by Zurich, 66% were rated as having ‘poor’ fixed fire protection systems, such as sprinklers, which are proven to significantly reduce the damage caused by fire.

7.3. We welcomed the Government’s announcement in February of its intention to progress with plans for a New Home Ombudsman and are pleased to see the establishment of an independent body to facilitate this. The CIOB has been active in its calls for the creation of a New Homes Ombudsman. Our former Chief Executive, Chris Blythe OBE, sat on the inquiry conducted by the APPG for Excellence in the Built Environment, which delivered the *Better redress for homebuyers* report.⁴ We hope that a New Homes Ombudsman will prompt housebuilders to improve theirs and the industry image by adopting a more stringent approach to their current compromise on quality verses profit, in the knowledge that consumers will have recourse to complain through an independent adjudicator and seek redress.

September 2020

³ Construction Manager, [Fires in schools twice as likely as in other buildings](#), 7 September 2020

⁴ All Party Parliamentary Group for Excellence in the Built Environment, [Better redress for homebuyers: How a New Homes Ombudsman could help drive up standards in housebuilding and improve consumer rights](#), June 2018