



## Working in line with the Building Safety Act as a contractor

**The Building Safety Act 2022 (BSA) essentially expands upon the existing responsibilities and obligations imposed by the Construction (Design and Management) Regulations 2015 (CDM Regulations). The titles Client, Principal Designer (PD), Principal Contractor (PC) and Contractor will be familiar to those involved in the built environment sector from the CDM Regulations.**

The BSA imposes new obligations and responsibilities on any individual or organisation that assumes the role of Client, PD and/or PC in relation to a construction project. The intention of these new obligations is to ensure that building safety becomes a central focus of the procurement process.

It is important to note that anyone involved in design or building work must be competent to do their job properly and comply with building regulations to ensure safe, quality buildings. Therefore, contractors still have responsibilities and obligations to ensure that the requirements of this Act are achieved. Some of the main points to consider are:

### Competence

The duty holder(s) will have a responsibility to ensure that they only appoint contractors/sub-contractors that can provide competency (*or proof of working towards*) for the works that are being procured.

Competence can be demonstrated in numerous documented ways including:

- Qualifications
- Formal training
- Evidence of Continuous Professional Development (CPD)

If evidence of competency cannot be proved by a documented approach, it is also possible to demonstrate experience and knowledge of a subject by:

- Providing evidence of previous projects undertaken.
- Witness testimonies from the Client/PC of the role performed on site undertaking previous projects.
- Job description and role from the employer identifying your title of employment, including the roles and responsibilities of employment.
- Current CV.
- Photographic or videographic evidence of previous projects that are similar in nature to the works that are going to be undertaken.
- Transferable skills from other formal qualifications that have similarities to the works that are going to be undertaken.
- Specific manufacturer's training for the product/system that is to be installed.



### Note

*The Building Safety Regulator (BSR) has appointed an Industry Competence Committee (ICC). The committee will support the work of the BSR by providing insights and guidance to facilitate an improvement of competence across industry. Whilst this work is undertaken, it would be prudent to commence compiling a portfolio of evidence for all operatives and office staff that undertake work on Higher-Risk Residential Buildings (HRRB) so that you can demonstrate the knowledge and experience of an individual.*

### Change Control

Under the BSA, the PD will have a duty to plan, manage and monitor design work associated with the building work. They will need to collaborate with the PC to ensure any design work done during the construction phase is captured in the golden thread. To ensure that this happens, the works will be monitored in line with the Construction Control Plan (CCP).

Before any controlled change can be carried out, the client must ensure that a record is made of the controlled change. A major change is one that would undermine the basis by which building control approval was granted. If the controlled change is a major change, the client must make a change control application to BSR. A major change must not be commenced until the change control application is granted.

A notifiable change is one that potentially has an impact on compliance. If the change is notifiable, the client must notify the regulator. A notifiable change can be started once BSR has been notified.

It will be the responsibility of the client, along with the PD and PC, to decide if a controlled change is major, notifiable, or just requires recording.

**Consequently, if a contractor assists their client or the design team with a change, then as a minimum the following information should be provided/recorded:**

- The name of the individual recording the change.
- A description of the proposed change.
- An explanation of the reason why the change has been proposed.
- A list of the name and occupation of each person, if any, whose advice was sought in relation to the proposed change and a brief summary of any advice provided.
- An assessment of which agreed document is affected by the proposed change and confirmation that a revised version has been produced.
- An explanation, in relation to the proposed change, of how the HRB work or work to existing HRB will, after the proposed change is carried out, comply with all applicable building regulations.

It will be the responsibility of the client, along with the PD and PC, to decide if a controlled change is major, notifiable, or just requires recording.

Please note that the exact information required will be contained within the Construction Control Plan (CCP).

### Notifiable changes under the BSA can include:

- A change to the construction control plan.
- A change to the change control plan.
- A change to the layout of a flat or a residential room in a proposed higher-risk building or in a higher-risk building.
- A change to the number or dimensions of any openings in any wall, ceiling or other building element for any pipe, duct, or cable.
- A change to the wall tie, wall restraint fixing or support system in any wall or proposed wall (*excluding an external wall*).
- Subject to paragraph (2), a change of any construction product or building element to be used in or on a proposed higher-risk building (*or to be used as part of works to a higher-risk building*) where its replacement is of the same or higher classification under the reaction to fire classification (*within the meaning in regulation 2(6) of the 2010 Regulations*).
- Any other change to the fire and emergency file or the fire safety compliance information.
- A change specified by the regulator as a notifiable change by notice given in accordance with regulation 25 (*change control: regulator power to specify notifiable changes and major changes*).
- A change to the partial completion strategy.
- A change to a staged work statement or a subsequent stages statement (*as defined in regulation 4(3)*).

### Inspection and Test Plan (ITP)

An 'Inspection and Test Plan' (ITP) might also be called a 'Quality Inspection Plan'.

Inspection and Test Plans set out critical control points or 'hold points' at various stages within a process. Each control point is a scheduled inspection or verification activity where you will make sure that things are progressing as they should be, and get things back on track if they're not.

An Inspection and Test Plan is not the same as an Inspection Checklist. An ITP tells you when in the process to perform an inspection. The details of the inspection are contained in the checklist and are typically recorded there.

An ITP might refer to different checklists for each inspection point or could refer to a specification or design drawing that sets out or shows the requirements for what and how the check must be performed.

**When formulating an ITP, it is crucial to identify the verifying document to which you are checking the process against, examples of this could be:**

- The specification
- Design drawings
- Wind load calculations
- Material schedules
- Manufacturers' information.

Once these have been identified to determine the items which need to be listed within the ITP, it would be beneficial to review the criteria of the verifying documents for the works, and to pick out which points are critical to demonstrate a quality installation. Considerations for inclusion within an ITP could be as follows:

#### **Prior to works commencing:**

- Design drawings and/or specification for the works being at 'approved' or 'construction' status.
- Demonstration of competence for the operatives installing the works.
- Handover documents (*signed*) for any preceding works that interact with your works.
- Deliveries/delivery tickets checked to ensure compliance with the design drawings and/or specification.

#### **During the installation process:**

- Datums or setting out of the works.
- AVCLs fully sealed prior to insulation being installed.
- Attachment of the insulation number, type, and location of fasteners.
- Support system set out, bracket type and location.
- Fastener type, location, and frequency for the different brackets.

#### **Post Installation process:**

- Snagging.
- Handover (*signed*) of the finished works.
- Manufacturer's inspection reports (*if applicable*).
- Production of Operations and Maintenance (O&M) manuals.

In addition to the content within an ITP, it is also important to ensure that it documents any hold points that may be required. These hold points are critical part of the quality assurance process of the installation, as it prevents the contractor proceeding with the works until the operation being undertaken is checked and inspected in accordance with the verifying document prior to proceeding with the next task.

Often it is not necessary or practicable for all interested parties to witness or inspect all the work activities as they proceed and as such it is normally the responsibility of the specialist contractor to verify compliance of the works, however at certain stages of the operation it may be required that the client or PC review and inspect the works at a pre-arranged hold point prior to proceeding. The individual that undertakes these inspections should be identified on the ITP and could be:

- A representative of the principal designer.
- A representative of the principal contractor.
- An engineer.
- A client representative.
- A visiting supervisor of the specialist contractor.
- The foreman of the works for the trade contractor.
- A manufacturer's representative.

A final consideration for an ITP is to have a robust and documented defects procedure to ensure that if any installation defect is found during an inspection, then it is rectified and recorded to ensure compliance.

Ideally any inspection and test plan, including all the recording of information produced during the inspection and the verifying documents, should be available in electronic format so that they can be issued to the client upon completion which will then form part of the 'Golden Thread' of information required under the Building Safety Act 2022.

**This guide compliments NFRC guidance note GN41 outlining the role and scope of the Building Safety Regulator.**

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