

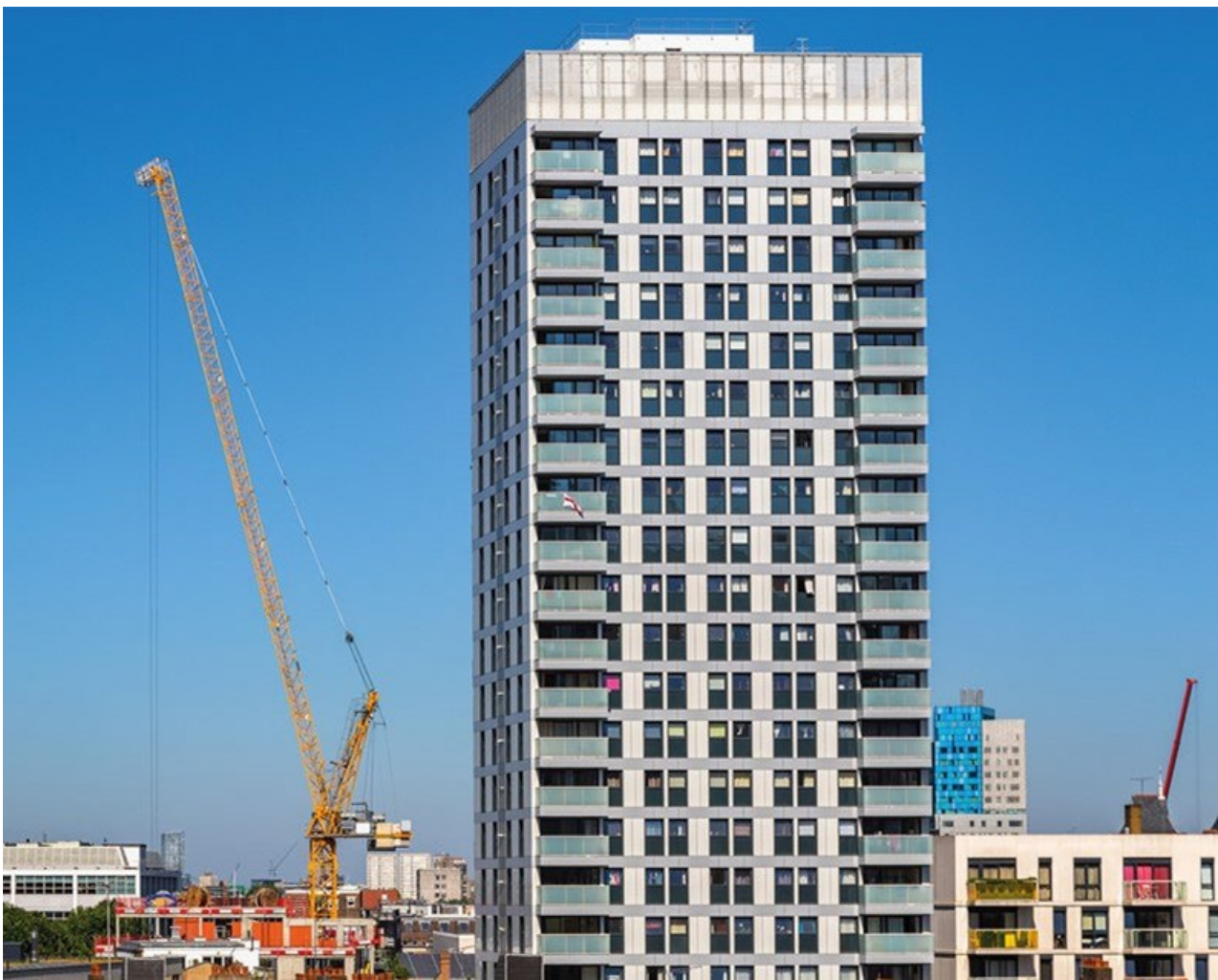
Research summary

Building Safety Regulator: Research into industry's ways of working within the new building control regime

Insight and Service Design Team, Health and Safety Executive

Research conducted by Verian

February 2024



Contents

Commissioning	2
Background and objectives	3
Business context	3
Research objectives	3
Research methodology	4
Main findings	5
Attitudes to BSR and the building control process	5
Confidence in Gateway 2 submissions	5
Organisational progress on adapting to the new regime	6

Commissioning

This report is a summary of the findings of a qualitative research study conducted by Verian during November and December 2023. The research was commissioned by the Insight and Service Design Team in the Health and Safety Executive (HSE).

The contents of the report, including any opinions or conclusions expressed, are the views of the agency alone and do not necessarily represent the views of HSE.

Background and objectives

Business context

The Building Safety Regulator (BSR), which is part of the Health and Safety Executive (HSE), aims to ensure that residents of higher-risk buildings (HRBs) are safe and feel safe in their homes by leading the implementation of a new regulatory framework.

In addition to its functions in overseeing the safety and standards of all buildings, BSR aims to encourage a cultural shift towards greater consideration of safety in the built environment industry and building control professions.

A new building control process (BCP) was introduced in October 2023 that changes existing practices around the construction phase of HRB development projects. BSR is now the building control body for HRBs.

Applicants must submit information explaining their design, process and evidence considerations to pass through 'Gateway 2' and begin construction work. Any major changes made to building design during the construction phase need to be approved by BSR.

Applicants must then apply for a building completion certificate at the end of the construction phase ('Gateway 3') before their building can be legally occupied.

Research objectives

HSE commissioned qualitative research to generate insight into how BSR can best encourage, motivate and reassure other organisations within the HRB built environment to comply with the new regulations.

Research was conducted among 9 organisations who had started or made some progress in aligning their practices with the new regime.

Key objectives for this qualitative research were to:

- understand how duty holders were responding to the new BCP
- gain insight into the changes organisations were making
- obtain feedback on reactions to the new process and confidence levels in submitting a successful application at Gateway 2

Research methodology

Fieldwork took place between November 2023 and January 2024 to get early-stage feedback about how organisations had been preparing for the new regime (launched in October 2023).

Organisations were selected for this research based on their responses to a questionnaire, publicised in the BSR monthly e-bulletin, in which organisations reported on their perceived levels of preparedness for the new regime and the practices they had in place to align with it.

From these responses, 9 case studies were chosen, aiming to represent a range of different duty holder roles, organisation sizes and adaptation of new ways of working.

These organisations were briefed to identify appropriate individuals within their organisation to participate. Some organisations also identified external partners with whom they had close working relationships, such as building control consultants or contractors.

The research involved 9 online (case study) research sessions, each lasting 90 minutes, and included an individual or a small group working for organisations that were designing, or designing and building, HRBs.

In total, 17 individuals participated across 12 organisations. Organisations mainly operated in England only and were medium-sized (with between 50 and 250 employees). Most held 1 or 2 duty holder roles including client, designer, principal designer and accountable person, although 2 organisations had responsibility for the full range of duties.

None of the organisations had been through the full building control application process, although one reported having submitted several applications.

It is important to emphasise that the sample was chosen to identify organisations who had introduced new ways of working in response to the new regime, and aimed to gain insight into these new practices. As such, the findings may not reflect broader industry practice.

Main findings

Attitudes to BSR and the building control process

Participant attitudes to the intent of the new regulator and BCP were positive overall and organisations recognised the need for industry to improve its practices.

Participants felt that the BCP would lead to more rigorous systems and process management across industry, which would ultimately encourage greater accountability in organisations. In particular, they believed that it would support risk management, improve oversight of contractors and create more systematic and efficient internal processes.

Larger organisations tended to be more positive, often having proactively aligned their processes from an earlier stage and having engaged with BSR.

While organisations felt that the regime had already brought about positive changes in record keeping and quality assurance, some expressed concern about the shift away from minimum compliance standards. Although these organisations believed that their own practices were in alignment with the new regime, they also believed that to drive change, other organisations in the supply chain would need to understand minimum requirements.

While, in general, participants were using the HSE website and its workshops as sources of information on the BCP, some organisations wanted BSR to be more visible, engaged and collaborative during this period of transition for industry.

Most organisations also reported concern about architects' and building control consultants' ability to access professional indemnity insurance. This includes the possible impact this might have on the availability of professionals able to assume duty holder roles or offer professional advice within the BCP. In this context, organisations suggested that BSR could have a role to play to increase the insurance sector's understanding of the new regime.

Confidence in Gateway 2 submissions

While organisations were confident that their applications would fulfil functional requirements, they were unclear about what form applications should take and how they would be assessed. This lack of clarity meant that participants sometimes felt anxious about the prospect of the process as a whole, and about their application in particular.

A key question raised by organisations was how fully developed design submissions would need to be to demonstrate compliance and avoid later design changes and the need for re-approvals. There were different interpretations of this: while some organisations believed that applications would need to expand building safety design elements

(compared with current practice) and better evidence feasibility, others anticipated that full RIBA stage 5 designs would be required and were adapting their processes on this basis.

Participants had other questions they hoped BCP information or guidance would answer, such as:

- what will submissions need to look like and what level of detail will be required?
- who should submit the application?
- how will the approvals process work and what are the likely timelines for receiving feedback?
- what are classified as 'major' and 'minor' changes?
- what will BSR feedback be like?
- what relationship will BSR have with applicants and how collaborative will this be?

All organisations were keen for greater engagement with BSR prior to submission, which would give them an opportunity to discuss their approach and reassure them about the process and their application.

Organisational progress on adapting to the new regime

Organisations interviewed as part of this research fell across a spectrum of maturity in adapting to and aligning with the new regime.

The most mature organisations were fully aware of the fundamental change that the regime signifies, had already implemented changes, and were confident about their ability to pass through the Gateways. Others were at different stages in their change journeys.

Organisations demonstrating the highest levels of maturity were often larger in size and had been proactive in aligning to the new regime, rather than waiting for the publication of secondary legislation. They had understood the need for wide-ranging organisational change and had developed and implemented their submission strategy for Gateway 2 applications.

Having benefited from early engagement with BSR, key enablers for these organisations included: having the internal capacity, resources and expertise to research, interpret, and respond to the new regime, and agreeing at an organisational level that full design work would be needed to submit at Gateway 2. One organisation had specifically set itself up in response to the new regime.

These organisations tended to have assigned individuals or working groups to be responsible for tasks such as monitoring regime requirements, and reviewing policies and processes to identify the changes required, they were also implementing and socialising these changes internally and externally across their supply chains.

High maturity organisations had adapted and reviewed a comprehensive range of processes, systems and requirements linked to:

- building design protocol, including developing comprehensive RIBA stage 5 designs
- project/change management, including updating change management processes and specifying when to bring contractors and designers into the design and build process
- digital information management, including modifying or introducing systems to ensure a detailed, transparent and accessible documentation of processes and the golden thread of information
- competence, including increased oversight and validation of employee competence, and updating Continuous Professional Development (CPD) programmes
- procurement, involving updating procurement and contract requirements, and stipulating contractor duties, responsibilities and necessary competence standards and checks
- cultural values, including fostering a culture of accountability, proactivity, collaboration and transparency

Medium maturity organisations were in the process of reviewing and developing their current practices. These organisations varied in size and profile. They generally had a good understanding of the scope of changes required, had made progress in several areas and had further plans for the future. Examples they gave included reviewing and updating project and information management processes, and taking steps to foster an internal culture to support the new regime. However, their adaptations tended to be relatively internally focused and were currently in their early stages.

The least mature organisations tended to be smaller and relied on outsourced services. These organisations had taken limited action, or this had been more isolated so that it focused on one area of change. For example, one organisation had focused on improving the golden thread of information, as they considered this to be critical for ensuring rigorous quality assurance and supply chain oversight. Another organisation had assumed that their partner organisations and contractors would implement any necessary changes.



Further information

For information about health and safety, or to report inconsistencies or inaccuracies in this guidance, visit [the HSE website](#).

You can order HSE priced publications at [the HSE books website](#).

HSE priced publications are also available from bookshops.

© Crown copyright If you wish to reuse this information visit [the HSE website](#) for details.

First published [02/24]. Published by the Health and Safety Executive [01/25].