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The Building Safety Act 2022: Implications for Quality Management

The Building Safety Act 2022 (the 'Act') and The Building Regulations 2010 as amended by The Building Regulations etc. (Amendment) (England) Regulations 2023 introduced significant reforms for managing quality and accountability in the design, construction, and management of buildings in England.

This guidance note focuses on some of the key implications for quality management and some practical steps to ensure compliance with the Act and associated Regulations.

The dutyholder regime

The Act aims to improve the safety of buildings by establishing a framework for the management and oversight of building safety, and assigning specific duties to parties, known as "dutyholders", who are responsible for the procuring, designing, managing and undertaking building works, as well as those responsible for the managing of a building project to which the Act applies.

The dutyholder regime applies to all buildings, although higher-risk buildings (i.e. specified buildings of at least 18 metres or 7 storeys in height and which have at least 2 residential units, or which is a care home or hospital) are subject to a more stringent regulatory regime.

Dutyholder obligations – all buildings

The dutyholders under the Act reflect the roles set out under The Construction (Design and Management) Regulations 2015, and include:

- The client
- The principal contractor
- The principal designer
- Any other contractors or designers

In addition, the Act imposes post-construction duties on the Accountable Person to manage building safety risks, including a duty to explore alternative funding routes before passing costs to leaseholders.

The general duty imposed on each dutyholder is included in Regulation 11J, which is to ensure any building work is in compliance with all relevant requirements. This duty is supplemented by additional duties specific to designers (Regulation 11K), contractors (Regulation 11L), principal designers (Regulation 11M) and principal contractors (Regulation 11N). Parties should consider collaborating in the performance of these duties.

Generally speaking, dutyholders must have the necessary skills, knowledge, experience, and behaviours to fulfil their roles effectively. To assist in determining competence, the British Standards Institute has issued frameworks outlining the expected skills, knowledge, experience and behaviours expected from the principal contractor and principal designer roles:

- [PAS 8671:2022 Built environment – Framework for competence of individual Principal Designers – Specification](#)
- [PAS 8672:2022: Built environment – Framework for competence of individual Principal Contractors – Specification.](#)

Dutyholders must also ensure that all individuals under their control meet the required competence threshold. This extends to both internal employees and external consultants or subcontractors.

Quality management systems must include mechanisms to verify and document the competence of staff and contractors. Training programs and continuous professional development (CPD) must be integrated into quality management systems.

A failure to assess or document competence could result in enforcement action by the Building Safety Regulator ('BSR') and/or civil liability for negligence.

Dutyholder obligations - higher-risk buildings ('HRBs')

Dutyholders involved in building work to HRBs must adhere to enhanced competence standards and maintain detailed records, ensuring all work aligns with the new 'Gateway' process.

At the planning stage (Gateway 1), dutyholders must demonstrate that fire safety matters have been taken into account.

Before construction begins (Gateway 2), dutyholders must obtain permission from the BSR in order for the works to proceed.

Before occupation (Gateway 3), dutyholders must provide the 'as-built' safety case and gain BSR approval.

Dutyholders must maintain an accurate digital record of the building's design, construction, and ongoing maintenance (the 'Golden Thread'). This information must remain up to date and accessible throughout the building's lifecycle.

Mandatory reporting and quality assurance

The Act introduces mandatory occurrence reporting for safety concerns and requires strict adherence to building control approval.

A Building Assurance Certificate must be obtained from the BSR before the building can be occupied so it is paramount that quality assurance processes align with the BSR's expectations

Duty holders must prepare and maintain a "safety case" for HRBs, detailing identified risks, safety measures, and how risks will be managed during occupation. It is important that quality management systems include reporting mechanisms to ensure early identification and mitigation of defects or risks.

Liability and enforcement

The BSA imposes stricter penalties for breaches of safety obligations, some of which allow for imprisonment.

The Act also changes the Building Act 1984 to extend the time period for issuing notices to remove or modify work that breaches Building Regulations from 12 months to 10 years. Contractors should ensure their quality management systems include thorough inspections and audits to avoid breaches.

If a company commits an offence with the consent, support, or neglect of a director, manager, secretary, or similar officer, then that individual as well as the company can be prosecuted. These provisions are expected to take effect within the next 18 months. Clients and contractors should consider adopting non-conformance management processes to ensure prompt corrective actions in order to prevent liability.

Practical steps for quality management under the Act:

- 1)** Review and update quality management systems
 - Conduct a gap analysis to identify where current processes fall short of compliance and take corrective action where necessary.
 - Update procedures to address the Act's requirements, particularly around the 'Golden Thread', mandatory reporting, and the Gateway process.
- 2)** Competence verification
 - Implement pre-appointment vetting processes, including reviews of qualifications, certifications, and experience to assess competence for all contractors and consultants.
 - Obtain and retain evidence such as CVs, certifications, training records, and references.
- 3)** Strengthen risk assessment and reporting processes
 - Integrate risk assessments into every project phase, from design to handover.
 - Develop a mandatory occurrence reporting system to escalate safety and include risk mitigation strategies as part of the safety case report to the BSR.
- 4)** Build a culture of safety and accountability
 - Develop tailored competence frameworks based on project roles and responsibilities, in line with industry standards.
 - Mandate continuous professional development for key personnel, ensuring compliance with the latest safety practices and legal requirements.
 - Communicate the importance of compliance with the Act to all staff and stakeholders and encourage proactive reporting of issues to identify risks early.

By embedding these considerations, both clients and contractors can better manage compliance and improve building safety outcomes.