



DLUHC

Consultation on implementing the new building control regime for higher-risk buildings and wider changes to the building regulations for all buildings

Submission from the Chartered Institution of Building Services Engineers (CIBSE)

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About the Chartered Institution of Building Services Engineers (CIBSE)

The Chartered Institution of Building Services Engineers, CIBSE, is the professional engineering institution that exists to 'support the Science, Art and Practice of building services engineering, by providing our members and the public with first class information'. With its main office in London, CIBSE has over 20,000 members, with around 75% operating in the UK and many of the remainder in the Gulf, Hong Kong and Australasia. CIBSE accredits building services engineering courses in the UK and overseas. Some two thirds to three quarters of our members work under the jurisdiction of the Act, and many of the companies who employ them also work in England.

CIBSE is the sixth largest professional engineering Institution, and along with the Institution of Structural Engineers is the largest dedicated to engineering in the built environment. Our members have international experience and knowledge of life safety requirements in many other jurisdictions and work extensively on the systems that control the various engineering systems that keep buildings safe, comfortable and healthy.

CIBSE members design, install, operate, maintain and refurbish life safety and energy using systems installed in buildings. They include specialists in digital engineering, the Society of Digital Engineering, a Division of CIBSE, who specialise in digital information management.

CIBSE publishes Guidance and Codes providing best practice advice and internationally recognised as authoritative. These include the Digital Engineering Series of guidance and templates has been produced to assist the full built environment supply chain in tackling the practical challenges, specifically of the BIM processes, of digital engineering more widely.

The CIBSE Knowledge Portal makes our Guidance available online, where CIBSE members can access the guidance as a benefit of membership. The knowledge portal is the leading systematic engineering resource for the building services sector, used regularly by members to access the latest guidance material for the profession. Currently we have users in over 170 countries, demonstrating the world leading position of UK engineering expertise in this field.

CIBSE accredits a range of Continuing Professional Development modules which are offered by a variety of organisations in the sector to provide ongoing training and development to the sector. CIBSE is currently the only Professional Engineering Institution (PEIs) offering specific training on the Building Safety Act through a one day course, which is available to both members and non-members.

CIBSE has worked with several other PEIs and the Engineering Council to develop the contextualised register for those wishing to be accredited for their competence to work on higher risk buildings.

CONSULTATION RESPONSE

Executive summary

This is the Institution's formal response to the consultation¹ on implementation of Part 3 of the Building Safety Act issued by the Department of Levelling Up, Housing and Communities.

The Institution is absolutely committed to support the sector through the introduction and implementation of the Building Safety Act and to working with government to support the transition to the new regime

We broadly welcome the proposals set out in the consultation document. We have worked closely with the other members of Actuate UK, which is the alliance of trade bodies, CIBSE and BSRIA, the Research and Technology Organisation for the sector, in developing a joint response which has been submitted separately.

CIBSE fully supports and endorses the Actuate UK response, and it is attached with this response to emphasise our complete agreement with the response. We have not submitted a separate detailed response as we do not consider it necessary or helpful to duplicate, but we do ask that the Department recognise our full support in analysing the responses.

There are areas where we emphasise our wish for further engagement with the Department and potentially the Regulator to clarify questions or concerns about the proposals, including:

Competence

There is an urgent need for clarity about how the new dutyholder and competence regime will work and what is to be expected of individuals and employers. This is a new regime and whilst the industry has worked hard to define competence for those working as engineers on higher risk buildings there is considerable market uncertainty around the new regime. Whilst we are working hard to engage the sector on this issue, there is an unwillingness amongst many to commit to taking actions that cost time and money without greater clarity. They accept that there has to be change, but do not yet consider that they know enough to start to put new processes and procedures in place to implement change. Those leading the industry need further support in this area, industry cannot introduce a new competence regime alone.

Enforcement

Unless there is a very clear commitment to enforcement then it is hard to see change penetrating beyond the leading edge of the industry. And robust enforcement will need clarity about what is required to comply with specific new regulations.

Dame Judith Hackitt's independent review of building regulations and fire safety noted the lack of compliance with Regulation 38 of the Building regulations, which was acknowledged to be due to the lack of clarity over what constitutes compliance, and therefore the impossibility

¹ <https://www.gov.uk/government/consultations/consultation-on-implementing-the-new-building-control-regime-for-higher-risk-buildings-and-wider-changes-to-the-building-regulations-for-all-buildings>

of prosecuting non-compliance, since it cannot be demonstrated to the burden of criminal evidence, beyond reasonable doubt.

CIBSE is concerned that without clarity over what the new regime requires and what compliance involves then enforcement will be difficult. This then removes the incentive to be compliant and makes compliance an overhead or “tax” on those who are responsible and seek to do the right thing. It is essential that the Department and Regulator are clear about how they will enforce in a proportionate but effective way.

Defintion of “designers”

There are significant concerns amongst responsible manufacturers that the definition of the term “designer” may make manufacturers designers. They do not believe that the full implications and consequences of this have been considered and are very keen to explore them in greater detail with the Department and Regulator, as there are likely to be potentially significant unintended outcomes and consequences that could have the opposite effect to that desired by the proposed policy.

Communication

These are the biggest changes to the industry since World War II – in the working lives of anyone in the industry. It is essential that the Regulator and government communicate openly and effectively and seek to support industry bodies in the extensive work that they are already doing to spread the message of the reform programme. Again, industry is willing to work with the Department and Regulator and would welcome further discussions on this point.

END

Please do not hesitate to contact us for more information on this response.