

Building Safely Policy

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Revision Table

Revised on	Version #	Description	Approved by
01/05/2024	1.0	HP17-New Policy (Gary Anderson)	Ashley Barber
22/10/2024	1.0	Reissued to run in line with all other policies	Ashley Barber
02/06/2025	2.0	Link to clients duties added	Gary Anderson
07/10/2025	3.0	Statement regarding our role as Principal Contractors	Gary Anderson

Policy brief & purpose

Note: It is unlikely that we will ever be the principal contractor on a High Risk Building new build, but we will definitely be involved in works relating standard building projects so policy is being put in place to meet this potential criteria and ensure we have a level of understanding our responsibilities within and are compliant with the The Building Safety Act 2022

Scope & Important Definitions

This policy sets out the key principles that Holmes Building Contractors Ltd (HBCL) will implement to ensure compliance with all relevant legal and regulatory requirements.



The Act:

The Building Safety Act 2022, which became law in April 2022. The act was developed following Dame Judith Hackitt's independent review of building regulations and fire safety, commissioned after the Grenfell Tower tragedy in 2017.

It introduces wide scale reforms to support building safety across the industry through design, construction, and management of residential blocks classed as higher risk buildings.

Accountable person (AP) or Principal accountable person (PAP):

The duty holder legally responsible for a higher risk building's compliance with the Act, or the part of the building that they are responsible for. The PAP's key duty is to prevent and reduce the severity of building safety incidents relating to fire or structural failure in such buildings.

Building assessment certificate:

The key document required by the principal accountable person (PAP) when a higher risk building (HRB) is occupied. After an HRB has been registered with the Building Safety Regulator, the regulator will request the PAP to submit several prescribed documents. These will include a safety case report, an HRB-specific engagement strategy, a mandatory occurrence reporting strategy for reporting significant risks to the regulator, and a signed agreement between the PAP and any other relevant accountable persons in the building that appropriate processes for the identification, management and resolution of building safety risks are in place. Once the regulator is satisfied, they will provide a building assessment certificate to the PAP which will need to be displayed in the building and renewed every five years.

Building safety case (BSC):

The body of evidence to demonstrate that fire and structural risks within a higher risk building are being identified, escalated, and resolved, or managed and monitored adequately on an ongoing basis. Management and review of a building's safety case is formally overseen by an appointed building safety manager (BSM) on behalf of the principal accountable person.

A summary of the BSC in the form of a safety case report will be submitted to the Building Safety Regulator under specific conditions.

Building safety fund:

A government-led fund that aims to protect leaseholders from the cost of addressing fire-safety risks caused by unsafe non-ACM cladding system on high-rise residential buildings. The fund is supported by the building safety levy.

Building safety levy:

A levy put in place by government on developers of higher risk buildings in England designed to raise revenue for the replacement of defective cladding, in addition to remediating any other historical building safety defects.

Building safety manager (BSM):

Building safety managers are not a specific requirement of the Act, but they are an important introduction to support the requirements of the principal accountable person, the development of building safety cases and the introduction of specific engagement strategies for individual higher risk buildings. The role is designed to support



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the identification and management of building safety risks and to provide oversight of relevant processes involved in the management of higher risk buildings

Building Safety Regulator (BSR):

The regulatory arm of the Health and Safety Executive (HSE) for building safety across design, construction and occupation introduced in the Building Safety Act 2022.

The Building Safety Regulator will monitor industry performance to inform priorities, set direction, facilitate improvement in competence of both industry and the building control profession, and influence their operational standards.

Duty holders:

An appointed person responsible to maintain standards and quality that is conducive to good health and safety and quality of work in relation to a higher risk building.

Fire Safety Act:

The Fire Safety Act 2021 clarifies the scope of building safety measures set out in the Fire Safety Order 2005. It highlights how the order applies to the structure, external walls (including cladding and balconies), and individual flat entrance doors of multi-occupied residential buildings. The requirements of the Building Safety Act 2022 are in addition to those of the Fire Safety Act 2021 and subsequent Fire Safety (England) Regulation 2022. An example of an area which as a level of crossover between the Fire Safety Act and Building Safety Act is the roles of the 'responsible person' and 'dutyholders', which broadly correlate to the principal accountable person and relevant accountable person.

Gateways:

A set of three submission and approval gateways overseen by the new Building Safety Regulator required for the design and construction of higher risk buildings.

Gateway 1 (planning approval)

Gateway 2 (handover from planning to construction)

gateway 3 (completion of construction)

The Golden Thread:

A principle for storing, managing, and sharing building information and documents over a building's lifecycle, from design and construction through to occupation and disposal. The Golden Thread ties directly into the body of evidence needed to create and maintain building safety cases.

Higher risk building (HRB):

Defined in the Act as a residential building that is at least 18 metres or seven storeys high and contains two or more residential units.

All HRBs will need to be registered with the Building Safety Regulator (BSR) by the principal accountable person, have a dedicated engagement strategy and building safety case, and adhere to the principles of the Golden Thread.



Regularisation:

Building work regularisation refers to the process of certifying building works that have been conducted without building regulation approval. The process enables the submission of a retrospective application relating to previously unauthorised works through the submission and review of prescribed documents.

The government intends to apply the current regularisation procedure to higher risk buildings, with the Building Safety Regulator as the building control authority, rather than the local authority.

Policy Elements / Key Principles

Higher risk buildings (HRBs)

We are not designers but where applicable under the Act, we will taking reasonable measures to ensure that the relevant requirements are met with regards to competencies , construction, using the correct construction products /materials and conforming to the Golden Thread requirements for managing and sharing building information through the gateways of design, construction, and occupation.

This will include

- Having a valid completion certificate or partial completion certificate before handover into occupation
- Having an identified principal accountable person at handover and through occupation
- Registering the HRBs with the Building Safety Regulator before occupation
- Having a dedicated building safety case through occupation
- Submitting safety case reports to the Building Safety Regulator when required through occupation

The Building Safety Regulator

The Act provides regulators with stronger enforcement powers and has increased the penalty for a breach of building regulations under section 35 of the Building Act 1984 to a maximum penalty of an unlimited fine and/or two years in prison.

We will ensure all requirements set out under the Act are met and that we respond to requests from the Building Safety Regulator when required.

Approved Construction Products

We will put in place appropriate governance to ensure our subcontractors use approved products as set out by the National Regulator of Construction Products. This regulator has been set up to provide information and oversight of product standards applied through design, construction, refurbishment, and remediation.

The Golden Thread

We will take reasonable measures to implement the requirements and principles of the Golden Thread for storing, managing, and sharing building information and documents over a higher risk building's lifecycle. The Golden Thread will apply from design and construction, through to occupation and disposal.

Enforcement

We will act swiftly in response to enforcement measures imposed by the Building Safety Regulator through design, construction, and occupation

Design and Construction:

The following enforcement changes apply to the design and construction of all buildings, including higher risk buildings:

An increased penalty for a breach of building regulations to a maximum penalty of an unlimited fine and/or two years in prison.

The Building Safety Regulator and local authorities can issue compliance and stop notices against non-compliant work.

- Failure to comply with either notice will be a criminal offence, with a maximum penalty of up to two years in prison and an unlimited fine.
- The Building Safety Regulator will be able to issue compliance notices against an HRB's principal accountable person or any relevant accountable person
- Notices will require identified issues to be rectified within a set date
- Where non-compliance has or will lead to imminent danger to people in and around the building, the Building Safety Regulator can issue them with an 'urgent action notice'
- Failure to comply with notices, without reasonable excuse, will carry a maximum penalty of an unlimited fine and/or two years in prison.

Duty holders are to.

- Take reasonable measures to ensure that updates relating to the role and competency of duty holders through design and construction introduced in the Act are met.
- The key duty holders through design and construction set out in the Act are modelled on the duty holder roles under the Construction Design and Management regulations 2015 (CDM). CDM and Building Safety Act duty holders may be individuals or organisations.

The key duty holders through design and construction set out in the Act are,

- the client
- the principal designer
- Designers
- the principal contractor
- Contractors

The main changes introduced in the Act relate to the role of the principal designer, principal contractor, and requirements for the client to ensure the competence of relevant duty holders.

Use link for information and to forward on to clients so they are made clear of their duties under the act

<https://www.gov.uk/guidance/design-and-building-work-meeting-building-requirements#:~:text=As%20the%20client%2C%20you%20must,to%20comply%20with%20building%20regulations>

Within our role as the Principal Contractor, we must play our part to ensure that our personnel are aware of their duties, trained / qualified and the works are supervised and controlled correctly.

This must also extend to ensuring that subcontractors and supply chains have the necessary competencies in relation to the works being undertaken and in particular when the work is fire safety or fire structural critical

Gateways

We will take reasonable measures to ensure we meet requirements for the 'submission and approval' gateway regime related to the design and construction of higher risk buildings

The gateways process is overseen by the Building Safety Regulator with additional requirements for the submission of prescribed documents at each stage.

We will take reasonable measures for control planning to be managed and communicated with the Building Safety Regulator throughout the gateways process

The Principal Accountable Person (PAP)

The principal accountable person is the dutyholder legally responsible for a higher risk building's compliance with the Act, primarily based on who is the named freeholder of the building or who holds responsibility for communal and external wall repairs.

Other relevant accountable persons may also be identified, dependent on their individual obligations to manage and repair common parts of the building. The principal accountable person will need to liaise with all relevant accountable persons, share information, acquire an approved building assessment certificate through occupation on a five-year basis, and take reasonable measures for compliance with the Act in all other ways.

The accountable person could be a named entity or a company

Building Safety Manager (BSM)

The building safety manager role fulfils an assurance function, satisfying the Building Safety Regulator that a higher risk building's existing safety management system is effective via a series of audits, checks and reviews.

Building Safety Case (BSC)

Management of building safety cases are formally overseen by an appointed building safety manager on behalf of the principal accountable person. The building safety case is one of the many elements to be managed within the principles of the Golden Thread and will rely on it to remain up-to-date and effective. A detailed summary of the building safety case in the form of a safety case report will be submitted to the Building Safety Regulator under specific conditions or on request. Safety case reports could potentially also be used when sharing information between the principal accountable person and relevant accountable persons, or third-party stakeholders such as fire and rescue services as part of information sharing requirements and requests.

Certification

All registered higher risk buildings will have a valid building assessment certificate provided after review by the Building Safety Regulator that will be clearly displayed in the building and will provide the principal accountable person's details, the current building assessment certificate and copies of any compliance notices relating to the building which are still in force.

If the Building Safety Regulator has put a special measures order in force for the building at any point, the building assessment certificate will be removed.

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Note

This policy forms part of our Safety Management System
This policy should be read in conjunction with:

- HBLC Health and Safety Policy
- Building Safety Act 2022
- Construction Design & Management Regulations 2015
- The Regulatory Reform (Fire Safety) Order 2005
- Fire Safety Act 2021
- Fire Safety (England) Regulations 2022
- Health and Safety at Work etc. Act 1974

Signed..... Garry Holmes (Director) Date 07/10/2025

Signed..... Neil Holmes (Director) Date 07/10/2025

Signed..... John Devany (Director) Date 07/10/2025

