

HACKITT REVIEW

Are you a dutyholder?

In her foreword to the Review, Dame Judith Hackitt stated her belief that the failure of delivery systems as regards building safety was due to ignorance, inadequate regulatory oversight and a clear lack of clarity in roles and

responsibilities that had allowed the industry to game the system.

The Review went on to say that the *"current system does not identify who are the key dutyholders in the procurement, design and construction process and the key*

accountabilities that flow from these roles". The Review itself considers that dutyholders should be both obliged and incentivised at the same time to focus on building safety upfront.



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The Review has therefore recommended a new framework to "create a more simple and effective mechanism for driving building safety" and provide stronger oversight of "dutyholders" so that greater clarity around the key roles involved in procurement, design and construction, and the key responsibilities attached to those roles, is provided.

So how does the Review intend to identify these "dutyholders"? The Review strongly recommends the approach taken by the CDM Regulations on the basis that these Regulations define the key dutyholders and their responsibilities, provides for enforcement by the HSE, requires provision of health and safety information to future building owners and has helped to drive culture change as these dutyholders have come to understand and manage site safety risks. In the Government's response to the Hackitt Review, "Building a safer future", it accepts in principle the

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recommendation to create dutyholders and will consult in spring 2019 on proposals to create responsibilities that will set in law who is responsible and accountable for building safety risks at specific points in the construction process.

An expansion of the CDM Regulations is possible but as the HSE is the enforcement body under CDM, then more likely that a complementary new set of regulations will be proposed identifying key dutyholders as the “Client”, “Principal Designer”, “Principal Contractor”, “contractors” and “designers” so that these key roles are consistent across both sets of regulations.

So what might this mean in practical terms? The Review sets out the need for clients to appoint designers and contractors who have the necessary skills, knowledge and competence to deliver. Therefore when procuring contractors, clients currently evaluate the bidder’s health and safety record and policies, it seems that in the future they will need to, as a minimum, assess the bidder’s record and policies on building safety as well.

To assist, the Review identifies proposed responsibilities for each of these dutyholders:

“Client”

- Making suitable arrangements for managing the building work so as to deliver against the core objectives on building safety (and other Building Regulations priorities)
- Establish procurement processes that allow sufficient time, resources and prioritisation to deliver the core objectives
- Appoint key dutyholders who’ll prioritise building safety and have the required skills, knowledge and experience
- Establish the necessary information management systems to facilitate successful completion and handover of the work (e.g. the Fire and Emergency File and digital record); and
- Co-sign at completion that the work, to the best of their knowledge, meets building safety requirements.

“Principal Designer”

- Identify how core building safety requirements will be met in the pre-construction phase,

controlling foreseeable risks and ensuring that the contractual relationships they enter into are appropriately funded to support core objectives

- Ensure that all those involved in supporting the Principal Designer have suitable skills, knowledge and experience
- Compile Full Plans documentation for the Joint Competent Authority demonstrating that they have considered and managed the key risks to building safety of the proposed construction so far as is reasonably practicable
- Ensure that information management systems are properly updated and change control mechanisms are utilised (for as long as they remain involved)
- Co-sign at completion of works stage (if still involved) that the work meets the Building Regulations requirements.

“Principal Contractor”

- Make suitable arrangements for the planning, management and realisation of the core objectives in the construction phase of a project. This includes ensuring that the contractual relationships are appropriately funded to support core objectives. In addition it includes:
 - preparing a construction control plan
 - organising cooperation between contractors with suitable skills, knowledge and experience and coordinating their work
 - updating information management systems and ensuring change control mechanisms are properly utilised
 - leading on demonstration at the completion of works stage that the work meets the requirements of the Building Regulations and ensure the handover of the Fire and Emergency File and the digital record to the future building owner.

“Full Plans”, “Construction Control Plan” and “Fire and Emergency File” are identified as “core information products” in the Review. We will look at these in a separate bulletin.