



Building maintenance compliance: do you understand your responsibility? Your Questions Answered

Questions relating to the Building Safety Act 2022:

Q. Are there extensions to the Building Safety Act 2022 re office blocks, warehouses, transport logistics hubs, data centres?

A. The Building Safety Act applies to all buildings and all regulated building work undertaken in England. It includes additional requirements for Higher-Risk Buildings (HRBs).

<https://www.gov.uk/guidance/the-building-safety-act>

Q. What about ageing buildings? 1950's?

A. Ageing buildings still need to be compliant, but it can be challenging with older buildings. It's all about identifying and managing the risk. This is why a facilities management role is important because we rely on it to identify and manage risk and implement safety measures that are required.

Q. When you say all buildings do you include commercial property?

A. Yes, because under the Building Safety Act, you have a duty of compliance under the building regulations, and that includes commercial properties and the additional requirements under the act for higher risk buildings.

Q. What if the building history of maintenance doesn't exist or is lost, or on an old system that's no longer accessible?

A. This is going to be common because of holes in records. You should go back and do the building safety case report to do a gap analysis and identify the risk and implement measures to mitigate the risk in those gaps.

Q. How do we cater for different rules in Scotland, are there any particular areas we need to be concerned with?

A. Although the Building Safety Act may not have full jurisdiction in Scotland, there are still a few elements to be aware of. For instance, it is important to consider any amendments to the Health and Safety at Work Act 1974 and the regulations applying to construction products. Additionally, the new architect's registration board and the implementation of the New Homes Ombudsman Scheme should be considered. Our schedules include regional differences in legislation and regulations. Where this is needed, schedules have been formed to accommodate the differences.



Q. Who is the Duty Holder? The Facilities Manager or CEO (Chief Executive)?

A. The Building Safety Act 2022 introduces new duties on individuals and organisations that commission, design, construct or refurbish buildings to ensure that they comply with Building Regulations. Those involved in constructing and maintaining buildings have a role to play and everyone should be competent for the role they undertake.

Key roles:

- **Client** – Commissions the building works
- **Principal Designer** – In control of the design work
- **Designers** – Carries out design work
- **Principal Contractor** – In control of the construction and refurbishment work
- **Contractors** – Carries out construction, refurbishment, or maintenance work
- **Accountable Person** – individual or organisation that owns or has responsibility for a higher-risk building during occupation, as well as any individual or organisation that is responsible for the repair or maintenance of common parts of that building.

Q. Would you take different approaches to Residential buildings vs Commercial buildings (i.e., different laws governing each?)

A. The Building Safety Act and Secondary Legislation, including the Building Regulations, covers all buildings. It's common for building regulations to differentiate between residential and commercial buildings due to their distinct purposes, occupancy loads, and potential risks.

There will always be a need for specific considerations and requirements tailored to each type of building to ensure safety, functionality, and compliance with regulations and standards.

SFG20 supports Residential and Commercial buildings. For example, Fire Alarm systems are tested differently in domestic/residential and commercial buildings (in line with BS 5839), so different regulations apply. To accommodate this, individual schedules have been formed.

Q. We have many clients coming forward to complete service and maintenance on buildings which have no history for years at all. As the appointed service contractor, I imagine we take the responsibility of making sure the building is compliant and giving the information to the client of what's needed if they wish to not rectify giving the responsibility back to them?

A. In occupation, the client should have an accurate and up to date electronic record of the building as it is managed, maintained, repaired, refurbished and altered. Should such a record be lacking or incomplete for an existing building, the client must initiate a thorough assessment to identify gaps, assess associated risks, and recommend measures to mitigate the risks. Upon completion of this information gathering process and its documentation, it becomes the client's ongoing responsibility to ensure their building is safe and fully compliant with Regulations.



Q. Does this act apply to Jersey Channel Islands?

A. No, it doesn't directly apply to the Channel Islands, including Jersey. However, as Jersey is self-governing, they may have their own regulations and standards regarding building safety.

Q. As a tenant in a Commercial building within a limited demise, how do you decide on the extent of the evidence of compliance documentation that you should have visibility of?

A. HASAWA 1974 covers all buildings. A building must be safe for all occupants, and this is traced to Secondary legislation such as the Fire Safety (England) regulations or EAWR. The building owner must ensure that documentation is retained to align with legislation. Even if the demise is limited, maintenance of all assets within the building should be undertaken which will be covered under the retained information, these assets will more than likely pass through the demise (electrical, ventilation, plumbing and heating, etc.) and be captured.

Q. Reference to a Building Safety Case report was made with reference to "legacy buildings", is there a template and/or checklist for this?

A. It is the responsibility of the principal accountable person to prepare a higher-risk building's safety case report. Guidance on when to prepare the report, what it must contain and updating can be found here - <https://www.gov.uk/guidance/preparing-a-safety-case-report>

Questions relating to the SFG20 standard and SFG20 software:

Q. As a Data Analyst, I would be interested to learn more about reporting tools and any potential updates to be made to CAFM systems to accommodate these requirements.

A. We would love to show you the capabilities of the new software from SFG20. It's called Facilities-iQ and can provide you with lots of insight into the number of statutory and non-statutory tasks that are associated with your assets. We also have a freely available API that integrates with all FM systems, such as CMMS, CAFM, IWFM etc. This allows SFG20 data to flow into your other FM systems for operational activity. Our API comes at no charge, and we provide support with the integration process. Interested to find out more? Register your interest [here](#).

Q. With an old building do you have to meet current regulations or regulations at the time of the build if there aren't any changes?

A. Buildings must always be maintained to current legislation.



Q. Could you clarify "Building Owner", does this for example apply to the scenario where a building is leased on a long lease, say 125 years? Is the building owner the owner of the freehold, and has duties associated with relation to the building and lease?

A. In this scenario, it's the Building Owner's responsibility to make sure that the building is maintained in compliance with the current legislation, and that the contractors they employ are competent and qualified to carry out the set tasks. Sometimes, the building owner can be an Investment Owner such as a pension fund. Even in this case, the buck stops with the building owner.

Q. As a Mechanical Services Design Engineer, where can I find up to date minimum maintenance space allowance data to ensure compliance? I used to refer to the MOD Space Requirements for Maintenance document DMG.08. However, this document is discontinued, so it would be helpful to know if there is a modern day equivalent?

A. Please see - BSRIA Space and Weight Allowances (BG 84/2024)

Q. For all Statutory works, are related certificates required every time?

A. 'Statutory' is required by Primary and Secondary legislation, if we take HASAWA which in turn leads to EAWR, both require installations to be designed, installed and maintained in-line with the legislation. You can only ensure these remain that way by verification and regular maintenance. This in turn will lead to certification being issued to accompany any initial verification documentation as required by the particular asset. Certification will also be based on the type of maintenance being carried (for example an EICR will require certification) not all statutory tasks require certification, only 'proof' that the asset is being maintained. Another example would be weekly Fire Alarm checks, these are Statutory (Red) tasks, but only proof of them being carried out is needed (filling in logbooks and system data).

Q. Can you give an example of how SFG20 have traced back to legislation please.

A. Sure! We provide an example in our e-guide relating to the Inspection of secure information boxes. The answer spans two pages, so there's too much content to include in this document. You can access the e-guide here: <https://www.sfg20.co.uk/e-guides/staying-compliant-statutory-tasks>

Q. What does this new statutory definition mean for our PFI contracts, will PFI estates service providers have to categorise more tasks as statutory?

A. The new definition has been agreed over the industry to create an industry recognised definition of Statutory, to ensure that all maintenance providers follow a set way of denoting tasks within documents. The Statutory definition has always followed Legislation (Primary and Secondary) but has also been open to interpretation. This definition removes that interpretation as we now have a traceable reference to follow. Primary and Secondary



legislation should always be followed when designing, installing, verifying, and maintaining installations, because in doing so you are ensuring your installations remain compliant with the current regulations.

Q. I am the Site Manager of the building; however, the contractors and test organise for a different manager in the main office. Who will be liable in case something goes wrong, e.g., if the electrical 5 years test is not done, for example, for more than 5 years?

A. The Building Owner is responsible for ensuring the building is safe and maintenance is carried out in line with Primary and Secondary Legislation. This is where an adequate monitoring system comes in and the need for a traceable link to documentation. Looking at your above analogy of electrical inspection and testing (EICR) the frequency is determined by the following factors: type of installation and equipment in use, how often it is used, the frequency and quality of site maintenance, external influences, and previous test results (or initial verification certification). This is noted in BS7671 and requires the electrical contractor to advise.

Keeping previous results on a centralised system (adequate monitoring) is mentioned in Legislation and will be the most effective way in ensuring works/duties are carried out and all parties can access accordingly.

Q. Please provide the examples which refer to PFI compliance.

A. The buildings must be safe, compliant and the condition of assets must be monitored using an effective maintenance regime and system, even under PFI. You can only do this by an effective maintenance regime that covers the assets in the buildings you monitor (schools, hospitals, etc.)

While the buildings are under PFI these must be maintained in-line with Primary and Secondary legislation, using asset data and site-specific information. On transfer back to the 'public sector' you can then show traceable maintenance data proving they have been maintained in compliance to current regulations.

Your installations will be site-specific, but as an example - maintenance of an electrical low voltage panel board within SFG20 has Statutory (red) tasks. This schedule would cover numerous aspects such as 'non-intrusive inspections or fitness for purpose assessments. These are both in BS 6423:2014 which in turn can be traced to EAWAR and HASAWA, so the tasks are red.

Q. How do mandatory and statutory differ (the RAG graphic). Aren't they the same?

A. Mandatory may be sector specific for example Healthcare HTMs or Quality Care Commission etc.

Statutory (red) tasks relate to Primary and Secondary legislation and must have a traceable reference. Mandatory is sector specific such as Healthcare HTMs, SHTMs, etc. but these may also be denoted as Statutory (RED) due to the requirements of that site. It is also worth noting



that HTM/SHTMs often refer to Primary and Secondary legislation within their documents, such as HTM 06-01 as an example which refers to EAWR and BS7671, etc.

Q. On the car analogy what would pink Mandatory tasks be?

A. Pink tasks are business critical, so for example if the vehicle was critical to your business (a van for example) and it wouldn't start, then it affects your business. So, in this situation all the amber tasks on the car analogy would be pink due to how critical the vehicle is.

Q. Would you be able to do an Audience Poll on how many Minor Works Certificates are issued within the Industry? I feel this is an underused document.

Just taking my industry as an example - I have been an electrical contractor for 27 years, regulations state that a Minor Works Certificate is issued for "additions and alterations to an installation that do not extend to the provision of a new circuit" (this would fall under an Electrical Installation Certificate).

To ensure the additional socket or light point complies with BS 7671, the circuit must be tested and inspected; these results then need to be included on a 'Minor Works Certificate' which is issued to the owner. This certificate is then retained and is used for any future testing. The importance of issuing such certification cannot be underestimated, this is a traceable reference document to the works carried out, and the test results verify installation safety. Without this, there is no proof that the additional point was - designed, installed, and verified in-line with current regulations.

Q. What if we are highlighting non-compliant items but client ignores? Is there a body or company we report to, or do we leave the responsibility to them?

A. You should (as a first instance) refer the client to the Primary and Secondary legislation that the non-compliance falls under, and the consequences of not undertaking the works. Especially if this relates to remedial works. For example, on electrical items (if found during an EICR), we have codes such as, (C1, C2, C3, etc.). Code C1 would require immediate action. The building owner is then responsible for ensuring the works are carried out in compliance to legislation, you have given them the relevant information and data. If you are registered with a relevant governing body (NICEIC, etc.) you can also follow this up with them, so you have a traceable reference.

Q. How do I ensure compliance with documentation with a mobile maintenance delivery team...can all the client records be held centrally and what, if any, documentation needs to be held on site?

A. Using Facilities-iQ, the latest software from SFG20, it is possible to hold a central record of works completed and measure your level of compliance against your maintenance regime.



Q. What's the best CAFM system to migrate SFG20 on to?

A. We have a freely available API that integrates with all FM systems, not just CAFMs but also CMMS and IWFM's too. Choose the provider that works for you and then ask them to link to us! The API comes without charge, and we support with the integration process.

Q. Please can you provide a recording link so I can share with my colleagues?

A. You can access the recording of the video here: <https://www.sfg20.co.uk/webinar/building-maintenance-compliance-do-you-understand-your-responsibility>

Q. Can you include a link to the e-guide?

A. Certainly! Here you go: <https://www.sfg20.co.uk/e-guides/staying-compliant-statutory-tasks>

Q. What is the event that you are going to be at the Birmingham NEC?

A. We'll be exhibiting at The Workplace Event, 30th April - 2nd May. Come and say hi, and don't miss our speaker slot on day 3 at midday on the Knowledge Hub stage:

<https://www.theworkplaceevent.com/the-workplace-event-agenda-2024/sfg20-helps-achieve-building-maintenance-compliance>

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