

# Limitations of Competence, Responsibilities and Accountability, Reporting Issues, Duty to Act.



# Agenda

BSEFSD – Standards

What is Competence

Competence v Compliance

Acts of Law

Building Regulation

Understanding Judgements of Competence

NOS

Reporting – Duties – Obligations

Behavioral Competence

Reporting – Compartmentation – Access

Cross – Reporting

Competence – People

Questions



# BSEFSD – Fire Damper and Smoke Control Damper National Occupational Standard



## Knowledge and understanding

*You need to know and understand:*

*“the scope and limitations of your own competence, responsibilities and accountability as it applies to your job role”*

*“specific procedures for reporting issues which are beyond your competence, responsibilities and accountability”*

*“the duty to report any acts or omissions that could be unsafe/detrimental to you or others”*

*You need to know and understand:*

*“the scope and limitations of your own competence, responsibilities and accountability as it applies to your job role”*

## What is Competence ?

Building Safety Act 2022 (item 35) -

*“the skills, knowledge, experience and behaviors of an individual”*

Building Regulations 2023 - 6- 11F (a) –

*“where the person is an individual, the skills, knowledge, experience and behaviours necessary”*

HSE – *“Competence can be described as the combination of training, skills, experience and knowledge that a person has and their ability to apply them to perform a task safely. Other factors, such as attitude and physical ability, can also affect someone's competence”.*

HSE L153 – CDM- Regulation 15 - (7) *“A contractor must not employ or appoint a person to work on a construction site unless that person has, or is in the process of obtaining, the necessary skills, knowledge, training and experience to carry out the tasks allocated to that person in a manner that secures the health and safety of any person working on the construction site”.*

# Competence v Compliance

BSEFSD – standards, *“know and understand the scope and limitations of your own competence, responsibilities and accountability as it applies to your job role”* (K2)

The process is about Judgements – Authority – Accountability – Traceability –

If you drive a car, you might well be competent, although if you hold no licence you're not legally compliant, and if you don't wear a seatbelt you're breaking the law. Many will be unconsciously breaking the HSE's Statutory Instruments often referred to as regulations, the Building Safety Act 2022, and the Building Regulations.

## Competence

Competence refers to an individual's capacity to perform job responsibilities.



## Compliance

Compliance means conforming to a rule, such as a regulation, policy, standard or law.





# Acts of Law

Building Safety Act 2022

**Item 35 Industry competence**

*“Competence requirements”*

Skills, knowledge, experience behaviours



# Statutory Instruments

## Regulations



# National Occupational Standards

## Standards



Defined “Skills and Knowledge”  
developed by government approved  
Sector Skills Councils



technical specifications  
Product, Testing

Not competence, an MOT doesn't tell you of a  
drivers skills and knowledge



## Codes of practice, guidelines

A written document



## Organisational Procedures

Policies, processes, safe systems of work, documentation

# Building Safety Act 2022

The Act is Primary Legislation

This is significant as it's a Law



There are two items we'll look at here, and it's important to remember these are not recommendations, these are specific acts of legislation.

## ***Item 35 Industry Competence***

5C

(2) A “competence requirement” is a requirement relating to—

(a) **the skills, knowledge, experience and behaviors of an individual;**

So, what are the **Skills, Knowledge** and Behaviours for an Individual?

## ***Item 33 Building Regulations***

- Building regulations may make provision for and in connection with—
- Certificates: approved schemes
- (a) by a member of a scheme that is approved
- (b) in accordance with the scheme
- Inspection, testing, 1G (1)
- (a) **the inspection and testing of** work;
- (b) the inspection and testing of buildings;
- (c) **the inspection and testing of services, fittings and equipment** provided in connection with buildings;
- (d) the taking of samples.

# The Building Regulations etc. (Amendment) (England) Regulations 2023

**Competence**: general requirement

## 11F

(1) Any person carrying out any building work or any design work must have—

(a) where the person is an individual, the **skills, knowledge, experience and behaviours** necessary,

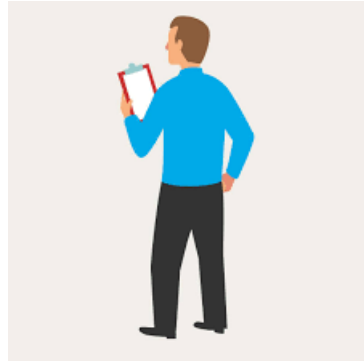
(2) Any person carrying out any building work as a contractor or any design work as a designer must have—

(a) where the person is an individual, the skills, knowledge, experience and behaviours necessary,

(b) where the person is not an individual, the organisational capability, to fulfil the duties of a contractor or designer, as the case may be, under these Regulations in relation to the work.



# Understanding Judgements of Competence



A component or a system can't be competent, an individual is judged for competency

Building Safety Act 2022  
The Act is Primary Legislation  
**Item 35 Industry Competence**

5C

(2) A “competence requirement” is a requirement relating to—

(a) **the skills, knowledge, experience and behaviors of an individual;**



# Understanding Judgements of Competence



Making a judgement on the condition of a car (MOT) does not inform you of the drivers' skills and knowledge in using that car. (Licence)



No one should be issued a swimming certificate because they watch a power point presentation



# Understanding Judgements of Competence

*Understand the limitations of your own competence*



Having a license to operate this, does not mean we have legal permission to operate these, know your limitations



Attending an awareness course, doesn't mean I'm competent to oversee the safety and wellbeing of others

Know Your Competence Limitations



# Who Has The Authority to Judge NOS?



- NOS - Sector Skills Council, Assessment strategies.
- NOS for making judgements L&D
  
- The following may be involved in the assessment (judgement) and verification process with NOS: (BSE)
  - Assessors (Standard 9)
  - Expert Witnesses (A qualified Assessor must assess the evidence provided by an Expert Witness)
  - Internal Verifiers (IQA) (Standard 11)
  - External Verifiers (EQA) (Standard 12)



*“This consolidated assessment strategy provides the overarching principles as systems may vary from one awarding organisation to another. Awarding organisations must consistently put these principles into practice”. (CS)*

*“assessment decisions are made against specified criteria and are valid”*

*“The Occupational Competence must be assessed in accordance with industry requirements as prescribed in National Occupational Standards”*

4.1.3 *only assess in their acknowledged area of occupational competence*

*“evidence produced through normal performance in the workplace is the primary source for meeting the requirements”.*



# What are National Occupational Standards

*“...also known as professional standards, specify UK standards of performance that people are expected to achieve in their work, and the knowledge and skills they need to perform effectively”.*



***National Occupational Standards(NOS)*** are developed by *Standard Setting Organisations (SSO)* who consult with *employers and other stakeholders across each of the UK nations, (Scotland, Wales, Northern Ireland and England)*. This *consultation process allows any specific requirements to be considered by each nation and the result is a set of NOS that are suitable for use across the UK.* ***The NOS, which are set out in a common format, are approved on a four-nation basis and content is scrutinised by SQA Accreditation.*** Each NOS has a *published date stating when it was approved, and the most current NOS are listed in this database. There is also an anticipated review date and this will be used as a guide to when they require reviewing and feedback from stakeholders is taken to influence when this is commissioned.*

NOS can be used for developing skills and knowledge and these include; direct transfer into vocational and other qualifications, framework for training programmes, measures of workplace competence and influencing job descriptions.

## **NOTE:**

The Government appoint/licence, the Sector Skills Council to develop National Occupational Standards, which contain the “Skills and Knowledge” for that standard.

BSEBSE01 - J4FC 04

Apply health and safety and environmental legislation in the building services engineering sector



## Performance criteria

*You must be able to:*

### Overview

This standard is about establishing and maintaining working practices and procedures across a specified range of building services engineering sector installation and/or maintenance activities that give consideration to health and safety, the natural environment and the working environment. This would include identifying hazards and risks, applying appropriate procedures and working practices to protect yourself and others.

This work may be carried out in the context of plumbing, electrotechnical, refrigeration and air conditioning, heating and ventilation, or consumer electrical and electronic products.

## Knowledge and understanding

*You need to know and understand:*

## Scope/range related to performance criteria

### ***What does the law say?***

#### ***35 Industry Competence***

*5C*

*(2) A “competence requirement” is a requirement relating to—  
(a) the skills, knowledge, experience and behaviors of an individual;*

NOTE:

So, if now by law individuals must have the skills and knowledge, and the government write the skills and knowledge, in the standards, then to be legally compliant we should achieve those standards.

### Performance criteria

#### *You must be able to:*

1. identify the appropriate industry standards and regulations
2. apply relevant organisational procedures
3. identify hazards and risks
4. complete documentation in accordance with the requirements of the organisational procedures
5. review the organisational procedures to ensure that they will not cause potential hazards and risks
6. implement organisational procedures, suppliers' and manufacturers' instructions appropriate to the safe use, maintenance, handling, transport and storage of:
  - tools, plant and access equipment
  - equipment and components
  - materials and substances
7. report to the relevant people in accordance with organisational procedures:
  - potential hazards and risks
  - potentially harmful materials and substances
8. confirm that the conduct of people when undertaking the installation and/or maintenance activity does not cause potential hazards and risks
9. comply with organisational procedures in the event of:
  - injuries to self and/or others
  - emergencies
  - evacuation procedures
10. implement organisational procedures for the safe transport and/or disposal of waste material, substances and liquids in accordance with suppliers' and manufacturers' instructions

Building Safety Act  
2022- by law you must  
have  
“the **skills, knowledge,**  
*experience and*  
*behaviors of an*  
*“individual”*”

### Knowledge and understanding

#### *You need to know and understand:*

1. appropriate industry standards and regulations
2. your responsibilities in accordance with organisational procedures
3. the application, advantages and limitations of different working practices
4. how to recognise materials and substances that can potentially be harmful
5. the documentation associated with the organisational procedures' requirements
6. the organisational procedures for dealing with the presence of harmful materials and substances
7. where and how to locate relevant health and safety information needed to complete the installation and/or maintenance activity in accordance with organisational procedures
8. what constitutes a hazard or risk
9. the methods for handling of hazardous materials and substances in accordance with organisational procedures
10. the organisational procedures, suppliers' and manufacturers' instructions for safe use, maintenance, handling, transport and storage of:
  - tools, plant and access equipment
  - equipment and components
  - materials and substances
11. the warning signs for hazardous materials and substances
12. the methods for the safe transport and/or disposal of waste material, substances and liquids in accordance with:
  - organisational procedures
  - suppliers' and manufacturers' instructions
13. the organisational procedures relevant to reporting issues relating to:
  - health and safety
  - harmful substances and material
  - emergencies on site

# BSEFSD – Fire Damper and Smoke Control Damper National Occupational Standard



## Knowledge and understanding

*You need to know and understand:*

*“specific procedures for reporting issues which are beyond your competence, responsibilities and accountability”*

*“the duty to report any acts or omissions that could be unsafe/detrimental to you or others”*





# You Have Legal Obligations, and Duties to Report Issues



No Hesitation



Ethics- moral principles that govern a person's behaviour or the conducting of an activity.



Integrity - the quality of being honest and having strong moral principles.



## BSi 8670- Table 1 – Behavioural competence - Reporting

BSEFSD01- K22. behavioural competence, the ethical principles to promote safe outcomes, with respect for life, the law, environment and public good.

(a) 4) Application of sound judgement including anticipating, identifying, analysing and solving problems to support safe and effective outcomes.

d) Demonstrate personal responsibility and accountability:

- understand personal role and responsibilities with particular reference to safety;
- accept and manage accountability for individual actions; and
- understand responsibility and accountability for collective actions

3) Anticipating, identifying and challenging unsafe or inappropriate behaviours and escalating concerns through reporting or whistleblowing mechanisms.

4) Identifying and providing feedback on unsafe process, equipment, procedures, construction products, building systems, standards or quality.

e) 1) Duties and obligations to act in protecting safety of self, colleagues and the public whilst undertaking work.

Built environment – Core criteria  
for building safety in competence  
frameworks – Code of practice

April 2021 Version 3



BSI Flex 8670: v3.0 2021-04

# What are your organisational procedures for reporting – What would you do?

if a risk is present

any variations to the planned programme of work

In addressing issues and problems identified

Issues relating to firestopping and penetration seals

disposal of any waste material

Issues relating to job information and documentation



# Reporting issues with compartmentation, access, faults, hazards

What are the breaches of fire compartmentation?

A compartment can be compromised by: removing or damaging compartment materials without realising their importance. not using appropriate materials to ensure the compartment's integrity. poor workmanship that compromises a compartment's integrity.

## **Some signs to look out for are:**

- Poor workmanship.
- Holes for services which haven't been filled.
- Holes or cracks in building elements.
- The use of inappropriate fillers around services.
- None fire resisting wall cladding.
- Extensive voids without cavity barriers.
- Proprietary fire stopping inadequately fitted.



# Reporting issues with compartmentation, access, faults, hazards



Restricted Access  
Above a Ceiling



# Future Maintenance Requirements

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- Checking and changing the seals
- Removal of dirt and corrosion damage (inside and outside)
- Relubrication of bearings
- Manual control of the mechanical closing mechanism
- Replacement of the fusible link (if necessary)
- Checking the actuating, control and signaling elements of fire dampers with electric closing function
- Checking the actuating elements of fire dampers with pneumatic closing function
- Verification of the measures by means of a function test





# CROSS

COLLABORATIVE REPORTING  
FOR SAFER STRUCTURES

CROSS is a confidential reporting system which allows professionals working in the built environment to report on fire and structural safety issues. These are then published anonymously to share lessons learned, create positive change, and improve safety.



# Recap – Remember what the law requires for Competence

Building Safety Act 2022 (item 35) -  
*“the skills, knowledge, experience and behaviors of an individual”*

Building Regulations 2023 - 6- 11F (a) –  
*“where the person is an individual, the skills, knowledge, experience and behaviours necessary”*



## A Component Can't Be Competent



## A System Can't Be Competent





# People Can Be Competent



Judgements Must Be Made On  
Your Skills, Knowledge, Experience,  
And Behaviors





# Question Paper