

Organisational response – Welsh Government

Report title: 'Cracks in the foundations' - Building Safety in Wales

Completion date: [date]

Ref	Recommendation	Organisational response Please set out here relevant commentary on the planned actions in response to the recommendations	Completion date Please set out by when the planned actions will be complete	Responsible officer (title)
R1	<p>The Welsh Government should provide greater clarity on the implementation and expectations of the Building Safety Act to ensure local authorities are able to deliver their new responsibilities and duties. This should include:</p> <ul style="list-style-type: none"> • Clarifying the detailed requirements for competency and registration to enable local authorities to plan for these changes. • A specific timetable for development and adoption of Welsh guidance to ensure local authorities are others can deliver their duties. • The Welsh Government should work with key stakeholders, such as LABC Cymru, to support understanding and implementation when guidance is issued. 	<ul style="list-style-type: none"> • Welsh Government have developed a phased timetable for implementation of those parts of the Building Safety Act which apply to Wales. This has been communicated widely to the industry through presentations at conferences, Ministerial written statements and stakeholder meetings. • The first Phase will commence in January 24 when subordinate legislation covering the regulation of the Building Control profession are laid with a coming into force in April 24. • Details of the emerging legislation has been shared with relevant groups including CABE, LABC Cymru and CIOB. • WG are working closely with the HSE/BSR to put in a place a delegation agreement for the registration processes. Once this is formalised it will be shared with the industry. • The BSR are looking to launch their communication campaign in early Autumn and WG communications will be aligned with their communications. • Phase 2 of the plan which will include consideration of dutyholders, Gateways and the golden thread is at a much earlier stage of development and is planned to come into force by April 2025. As the policy is developed further information will be 	<p>Phase 1 – clarity will be published by January 24</p> <p>Phase 2 - clarity will be provided before April 25</p>	Neil Hemington

		<p>shared with interested parties. All changes will be subject to public consultation which will include engaging with key stakeholders.</p> <ul style="list-style-type: none"> As legislation is introduced guidance will be published which will include engagement with all key stakeholders. 		
R2	<p>The Welsh Government should ensure that it has sufficient resources to deliver the legislative and policy changes for Building Safety to reduce implementation risks.</p>	<p>Recruitment activity continues to ensure the team to deliver the legislative and policy changes is a full strength and within the constraints we currently face we are fully committed to ensuring we have sufficient resources in this area. We are pleased to report that the specialist posts within Building Regulations team are being filled.</p>	By November 23	Neil Hemington
R3	<p>The Welsh Government should review the mixed market approach to building control and conclude whether it continues to be appropriate and effective in keeping buildings in Wales safe. This should:</p> <ul style="list-style-type: none"> Assess the status quo against potential changes, such as the model of delivery in Scotland. Be framed around a SWOT analysis of costs, benefits, threats, and risks. Draw on existing research to identify good practice. Be published and agree a way forward’. 	<ul style="list-style-type: none"> The mixed market approach to Building Control was reviewed during the consideration of the responses to the Hackitt report. The historical context of a common approach regulatory system across Wales and England and the benefits this gives to the industry in terms of trade opportunities is very different to the Scottish delivery model. The model being adopted introduces a new regulatory regime for RBIs and RBCAs which will create a level playing field across the industry. Both public and private sector building inspectors and building control bodies will be subject to the same level of regulation and oversight. We made the decision to introduce regulations that would allow only Local Authorities to be able to undertake the Building Control Function for buildings classed as Higher Risk Buildings. This 	April 25	Neil Hemington

		<p>approach is in line with the Hackitt recommendations to remove the ability for developers to choose their own Building Control inspectors.</p> <ul style="list-style-type: none"> England are currently undertaking comprehensive research and analysis on the risks posed by buildings of all types and have agreed to share the findings with us when it is complete. This research will enable us to have a better understanding of the risks posed and we will be able to consider this in the context of Wales. At this point we will undertake a further review of the appropriateness and effectiveness of our mixed market approach to Building Control. 		
R4	<p>The Welsh Government should increase its oversight and management of the building control sector to ensure there is a robust assurance system in place for building control and safety by:</p> <ul style="list-style-type: none"> Creating a national performance framework with clear service standards to promote consistency of service. This should also include outcome measures to monitor performance and an evaluation and reporting framework for scrutiny. Developing a national building safety workforce plan to address the most significant risks facing the sector. This should include regular data collection and publishing, as well as ensuring priorities, such as: <ul style="list-style-type: none"> A greater focus on trainees to mitigate succession risks. 	<p>As part of the Phase 1 plan WG will be introducing a robust regime of oversight and management of the building control sector.</p> <ol style="list-style-type: none"> A national performance framework will be published. WG consulted on a draft in September 22. Collection of data on workforce across LAs will form part of the oversight of LAs. This has yet to be developed but will be in place in line with the introduction of phase 2 of the plan. WG is aware of the succession risks and the lack of diversity in the sector. WG will work with the WLGA to consider the most appropriate way to deliver local authority Building Control services’. 	<ol style="list-style-type: none"> January 24 April 25 Ongoing Ongoing 	Neil Hemington

- Establishing aligned, national job roles matched to competency levels.
- Increasing the diversity of the sector to ensure it reflects modern Wales.
- Specific funding to enable surveyors to obtain and maintain competence should also be considered.
- The Welsh Government should explore with the further education sector how best to provide building control training in Wales to support succession planning, skills development, and competency.

4. WG apprenticeship teams have been working with delivery partners to put in place appropriate qualifications for the building control profession. We will continue to engage with Education colleagues to progress this. Although more work is required from the industry to attract people into it.
5. The new framework being introduced for the registration of Building Inspectors will ensure that all roles will be nationally aligned to the competency framework for registration.
6. Specific funding needs to be further considered in line with the other points raised on attraction to the industry and the how Building Control can be most effectively delivered via local authorities in Wales.

5. January 24

6. April 25



Adrian Crompton
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Audit Wales
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31 August 2023

Audit Wales Report – ‘Cracks in the Foundations’ – Building Safety in Wales

Thank you for sharing a copy of your report into how the Welsh Government, local authorities and their key partners are implementing the requirements of the Building Safety Act 2022.

The Welsh Government recognises the importance of Building Control in Wales and actively sought your assistance in this area, to consider the preparedness of Local Authorities to take on their new and enhanced responsibilities and also the resilience of existing services.

The Minister has been very clear that Building Safety is a priority for her. Her June 23 statement outlined that all partners need to ensure that our building control regime is fit for purpose and this Audit review is a key part of fully understanding the situation and will allow everyone to address the identified concerns.

We appreciate this review and the recommendations you have made for the Welsh Government and for Local Authorities. I set out our response to the four recommendations for the Welsh Government in turn.

Recommendation 1: For Welsh Government

The Welsh Government should provide greater clarity on the implementation and expectations of the Building Safety Act to ensure local authorities are able to deliver their new responsibilities and duties.

This should include:

- Clarifying the detailed requirements for competency and registration to enable local authorities to plan for these changes.
- A specific timetable for development and adoption of Welsh guidance to ensure local authorities and others can deliver their duties.
- The Welsh Government should work with key stakeholders, such as LABC Cymru, to support understanding and implementation when guidance is issued.

Accept

Response:

Welsh Government have developed a phased timetable for implementation of those parts of the Building Safety Act which apply to Wales. This has been communicated widely to the industry through presentations at conferences, Ministerial written statements and stakeholder meetings.

- The first Phase will commence in January 24 when subordinate legislation covering the regulation of the Building Control profession are laid with a coming into force in April 24.
- Details of the emerging legislation has been shared with relevant groups including CABE, LABC Cymru and CIOB.
- WG are working closely with the HSE/BSR to put in a place a delegation agreement for the registration processes. Once this is formalised it will be shared with the industry.
- The BSR are looking to launch their communication campaign in early Autumn and WG communications will be aligned with their communications.
- Phase 2 of the plan which will include consideration of dutyholders, Gateways and the golden thread is at a much earlier stage of development and is planned to come into force by April 2025. As the policy is developed further information will be shared with interested parties. All changes will be subject to public consultation which will include engaging with key stakeholders.
- As legislation is introduced guidance will be published which will include engagement with all key stakeholders.

Phase 1 – clarity will be published by January 24

Phase 2 - clarity will be provided before April 25

Recommendation 2: For Welsh Government

The Welsh Government should ensure that it has sufficient resources to deliver the legislative and policy changes for Building Safety to reduce implementation risks.

Accept

Response:

Recruitment activity continues to ensure the team to deliver the legislative and policy changes is at full strength and within the constraints we currently face we are fully committed to ensuring we have sufficient resources in this area. We are pleased to report that the specialist posts within Building Regulations team are being filled.

By November 23

Recommendation 3: For Welsh Government

The Welsh Government should review the mixed market approach to building control and conclude whether it continues to be appropriate and effective in keeping buildings in Wales safe. This should:

- Assess the status quo against potential changes, such as the model of delivery in Scotland.
- Be framed around a SWOT analysis of costs, benefits, threats, and risks.
- Draw on existing research to identify good practice.
- Be published and agree a way forward'.

Accept

Response:

- The mixed market approach to Building Control was reviewed during the consideration of the responses to the Hackitt report.
- The historical context of a common approach regulatory system across Wales and England and the benefits this gives to the industry in terms of trade opportunities is very different to the Scottish delivery model.
- The model being adopted introduces a new regulatory regime for RBIs and RBCAs which will create a level playing field across the industry. Both public and private sector building inspectors and building control bodies will be subject to the same level of regulation and oversight.
- We made the decision to introduce regulations that would allow only Local Authorities to be able to undertake the Building Control Function for buildings classed as Higher Risk Buildings. This approach is in line with the Hackitt recommendations to remove the ability for developers to choose their own Building Control inspectors.

Neil Hemington

Y Gyfarwyddiaeth Gynllunio | Planning Directorate
Llywodraeth Cymru | Welsh Government

- The UK Government are currently undertaking comprehensive research and analysis on the risks posed by buildings of all types and have agreed to share the findings with us when it is complete. This research will enable us to have a better understanding of the risks posed and we will be able to consider this in the context of Wales. At this point we will undertake a further review of the appropriateness and effectiveness of our mixed market approach to Building Control.

April 25

Recommendation 4: For Welsh Government

The Welsh Government should increase its oversight and management of the building control sector to ensure there is a robust assurance system in place for building control and safety by:

- Creating a national performance framework with clear service standards to promote consistency of service. This should also include outcome measures to monitor performance and an evaluation and reporting framework for scrutiny.
- Developing a national building safety workforce plan to address the most significant risks facing the sector. This should include regular data collection and publishing, as well as ensuring priorities, such as:
 - A greater focus on trainees to mitigate succession risks.
 - Establishing aligned, national job roles matched to competency levels.
 - Increasing the diversity of the sector to ensure it reflects modern Wales.
 - Specific funding to enable surveyors to obtain and maintain competence should also be considered.
- The Welsh Government should explore with the further education sector how best to provide building control training in Wales to support succession planning, skills development, and competency.

Accept (Partially in conjunction with others)

Response:

As part of the Phase 1 plan WG will be introducing a robust regime of oversight and management of the building control sector.

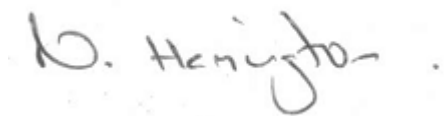
- 1. A national performance framework will be published. WG consulted on a draft in September 22. - January 24**
- 2. Collection of data on workforce across LAs will form part of the oversight of LAs. This has yet to be developed but will be in place in line with the introduction of phase 2 of the plan. - April 25**
3. WG is aware of the succession risks and the lack of diversity in the sector. WG will work with the WLGA to consider the most appropriate way to deliver local authority Building Control services - **Ongoing**

Neil Hemington

Y Gyfarwyddiaeth Gynllunio | Planning Directorate
Llywodraeth Cymru | Welsh Government

4. WG apprenticeship teams have been working with delivery partners to put in place appropriate qualifications for the building control profession. We will continue to engage with Education colleagues to progress this. Although more work is required from the industry to attract people into it. – **Ongoing**
5. The new framework being introduced for the registration of **Building Inspectors** will ensure that all roles will be nationally aligned to the competency framework for registration. - **January 24**
6. Specific funding needs to be further considered in line with the other points raised on attraction to the industry and the how **Building Control** can be most effectively delivered via local authorities in Wales. - **April 25**

Yours sincerely



Neil Hemington

Cc:

- Cabinet mailbox
- Chair, PAPAC
- CGU mailbox