

Written evidence from The Chartered Institution of Building Services Engineers (CIBSE) (BSR161)

About CIBSE

1. The Chartered Institution of Building Services Engineers (CIBSE) is a professional institution that advances the science, art and practice of building services engineering. We collaborate across the industry, with governments and other stakeholders to provide our members and the wider sector with authoritative knowledge, training and technical guidance spanning the built environment.
2. CIBSE has over 24,000 members worldwide, with the majority based in the UK and many directly working under the remit of the Building Safety Act (BSA). Our members design, install, operate, maintain and refurbish the life safety and energy systems that support safe, sustainable and healthy buildings and homes.
3. CIBSE is a leading source of best-practice guidance for the built environment, publishing internationally recognised guides, technical memoranda and codes. We host the CIBSE Knowledge Portal, accessed by engineers in over 170 countries¹. We also provide accreditation, training and Continuing Professional Development (CPD), including a dedicated course on the BSA and related regulatory requirements².
4. We have engaged extensively with the Government over a number of years on the design and implementation of the BSA. Additionally, CIBSE has helped establish the contextualised register of engineers and has been approved to provide assessment against the requirements for the High-Risk Building (HRB) UK-SPEC annexe. Through this and our technical expertise, we play a key role across the industry in raising competence standards and supporting delivery of the BSA in practice.
5. In responding to this inquiry, we have called upon distinguished and expert CIBSE members, including dedicated specialist groups such as the Building Safety Working Group, Fire Safety Group and the Homes for the Future Group.

¹ <https://www.cibse.org/knowledge-research/knowledge-portal/>

² <https://www.cibse.org/training/search-courses/?topic=18438>

Executive summary

6. CIBSE welcomes the creation of the Building Safety Regulator (BSR) as a critical step in promoting life safety, raising building standards and restoring confidence in the built environment following the Grenfell tragedy.
7. While the BSR has a key role to play, CIBSE recognises the industry needs to move further and faster in adapting to the new regulatory environment, ensuring it plays its part in taking an uncompromising safety-first approach to all buildings.
8. Changes to the BSR leadership and the forthcoming review into Building Regulations guidance provide a timely opportunity for improvements to the current system, ensuring the regulatory framework operates effectively, is consistently applied and is well-understood by practitioners. In particular, CIBSE sees the following issues that need to be addressed:
 - **Clearer guidance, particularly on the building control regime, is required.** Delays to BSR approvals through the Gateway process are a concern, though CIBSE notes this is not primarily an issue with the BSR or the regulatory regime itself. There remains a gap in practitioners understanding what is expected of them. The development of clearer guidance, FAQs or a checklist is needed to set clearer (minimum) expectations, avoid misinterpretations and upskill applicants.
 - **More regular engagement with industry and feedback from the BSR will help build understanding and capability.** The sector is undergoing a radical and much-needed regulatory overhaul. To ease 'growing pains' the industry and the BSR would benefit from more structured communication channels, enabling consistent and real-time feedback. This could take the form of issue-specific roundtables (e.g. on the Gateway process) supported by regular feedback meetings led by the BSR. CIBSE and other institutions are well-placed to facilitate this.
 - **The BSR needs to address resourcing and skills gaps.** BSR teams are intended to work across disciplines and engage throughout the design and build process. However, concerns remain about whether they have the skills and capacity to meet demand. Additional resources, access to training and industry collaboration will help build capacity and knowledge.

Response to call for evidence questions

Q1: What is your experience of the Building Safety Regulator's (BSR) regulatory framework? Has the introduction of the BSR improved the safety of the buildings it is responsible for, and can any examples be given to illustrate this?

5. CIBSE has over 24,000 members worldwide, with the majority based in the UK and many working directly under the remit of the Building Safety Act (BSA). Our members design, install, operate, maintain and refurbish the life safety and energy systems that support safe, sustainable and healthy buildings. We have engaged extensively over a number of years with the Ministry of Housing, Communities & Local Government (MHCLG) on the design and implementation of the BSA. CIBSE has also helped establish the contextualised register of engineers and has been approved to provide assessment against the requirements for the High-Risk Building (HRB) UK-SPEC annexe.

10. CIBSE welcomes the creation of the BSR as a necessary step to ensure a primary focus on life safety, raising building standards and restore confidence across the built environment following the Grenfell tragedy. Undoubtedly, the introduction of the BSR has and will improve the safety of HRBs as well as raising standards, accountability and competence of practitioners across the sector.

Q2: How has the BSR's regulatory framework impacted the delivery of new homes and the maintenance and improvement of existing high-rise buildings?

11. The new regulatory framework – while welcome – has introduced delays to the delivery of new homes and the maintenance of existing buildings. Figures obtained from an FOI request show that since the introduction of the building control regime in October 2023, just 10.7% of applications for new HRBs have been approved by the BSR. Only 19% of applications for works on existing buildings have been approved³. On average, approval times for Gateway 2 sign-off are currently at nine months – three times longer than the intended 12-week target⁴.

12. While these delays add cost and frustrate delivery, CIBSE does not see this primarily as a problem with the BSR or the

³ <https://www.building.co.uk/news/barely-10-of-building-safety-gateway-2-submissions-for-new-builds-have-been-approved-latest-figures-say/5136662.article>

⁴ <https://insights.devonshires.com/post/102kv5l/clc-issues-new-guidance-to-tackle-gateway-2-delays>

regulatory framework. The building safety sector is undergoing a necessary regulatory overhaul, and there is acknowledgment that the industry needs to move much further and faster in responding to the requirements of the new regime. This includes how clients and project teams prepare submissions to the BSR as part of the Gateway process.

Q3. What impacts could the BSR's regulatory framework have on the delivery of the Government's housing targets? How significant are high-rise buildings to meeting these housing targets? As an obstacle to meeting these targets, how does building safety regulation compare with other potential obstacles such as skills, supply chains and the planning system?

13. HRBs are a significant factor when it comes to housing supply, particularly in urban areas where population growth is increasingly placing a strain on demand. Therefore, it follows that the delays we are seeing through the building control process risk slowing progress towards the Government's 1.5 million housing target. We are already seeing evidence of this in places like London, which for the first three months of this year saw housebuilding fall to its lowest level since 2009⁵.
14. But delays in the building control process are by no means the only issue – many new homes in more rural areas will not be subject to the BSR's remit i.e. that a building is at least seven storeys or 18 metres high and contains two or more residential units (or is a hospital or care home). Supply chain constraints and planning delays are also factors. On the latter, the Government's New Homes Accelerator initiative appears to be reducing delays in the current planning system – while further reforms are coming as a result of the Planning and Infrastructure Bill, which is due to complete its passage through Parliament this autumn⁶.
15. A lack of available skills across the sector is also a concern. A recent report by Places for People (PFP) noted there are currently 140,000 vacancies across the construction sector, and demand will rise to 1 million by 2032. There is also a shortage of new, younger workers coming into the industry – the PFP report states that only 20% of the current workforce is under 30, and half of all construction-related apprentices are not completing training⁷.

⁵ <https://www.standard.co.uk/business/housebuilding-london-housing-crisis-molior-property-homes-b1224633.html>

⁶ <https://www.gov.uk/government/news/turning-the-tide-government-clears-path-for-almost-100000-homes>

⁷ <https://www.placesforpeople.co.uk/pfp-thrive/insights-tools/the-uk-construction-skills-shortage/>

16. CIBSE welcomes recent investment from the Government in training for additional construction workers and building engineers – but more needs to be done to attract young people into the sector. CIBSE is proud to play its part in growing the talent pipeline and attracting young people to a career in building services engineering. We have a dedicated Young Engineers Network across 16 of our regions both nationally and internationally, providing a community for young engineers to learn, collaborate, share knowledge and build a successful career in the sector⁸.
17. The skills shortage in the industry will inevitably impact the BSR's ability to ensure it has the expertise it needs to fulfil its functions. Feedback through CIBSE membership suggests skills and resourcing within the BSR is an issue – both in terms of capacity and capability.

Q4. Does the BSR's regulatory framework strike the right balance between providing a holistic, outcomes-based view of safety and ensuring that developers and building owners understand what they are required to do?

18. CIBSE welcomes the BSR and the regulatory framework's primary focus on life safety. The BSA was introduced to ensure that all practitioners involved across the design and development of HRBs have safety as a principal consideration.
19. However, feedback suggests practitioners – specifically those involved in the building control process – require further support interpreting requirements so that they are clear what is expected of them. As an example, the Construction Leadership Council recently developed guidance on the Gateway 2 application process, which has been widely welcomed by the industry⁹. This shows there is a gap in what the regulations set out and how developers and building owners understand what they are required to do.
20. The BSR should consider how to bridge this gap and set clearer expectations to avoid misinterpretation. The review of Building Regulations guidance and Approved Documents provides an ideal opportunity for the BSR to work with industry to develop guidance that clearly sets out requirements and expectations. In some cases, Approved Documents already have an FAQs section to help users navigate areas of potential confusion. Something like

⁸ <https://www.cibse.org/get-involved/young-engineers-network>

⁹ <https://www.constructionleadershipcouncil.co.uk/hrb-gw2/>

this, or a simple checklist, could be included in building control guidance to aid practitioners¹⁰.

21. In relation to providing a 'holistic, outcomes-based view of safety', while the BSR's primary focus on life safety is right, CIBSE would encourage regulatory teams not to lose sight of other important building performance indicators, such as ventilation and overheating risks, which contribute to occupant health and wellbeing outcomes.

Q5. To what extent are delays in approvals for high-rise buildings down to the regulatory processes used by the BSR? Could these processes be made more proportionate, particularly for smaller works, without impacting the safety of high-rise buildings? If so, how?

22. As mentioned, there are several factors currently impeding the delivery of HRBs. In part, this also comes down to an industry adapting to a new regulatory regime and the regulator 'bedding in'. So the delays we are seeing through the BSR's building control requirements should not come as a complete surprise, and we would expect things to improve over time through constructive dialogue, learning and updated guidance (both in terms of the BSR and industry practitioners).

23. CIBSE would not want to see shortcuts to the building control regime implemented that undermine building safety and risk human life – this would jeopardise the whole purpose of the new regulatory framework. We note that as part of the reforms announced by the Government on 30 June, a new 'fast-track' process will be introduced to unblock delays in Gateway approvals, so we need to see what effect this has¹¹.

Q6. Are the BSR's approval processes sufficiently clear and understandable to developers? What level of guidance or feedback is necessary for those making applications to the BSR to understand its requirements? Could this situation be improved through the BSR's review of Approved Documents?

24. See response to Q4 which reflect CIBSE's view on the need for clearer guidance to support those making Gateway applications to the BSR – and the role the review into Building Regulations guidance can play in addressing this.

¹⁰ <https://www.gov.uk/guidance/approved-document-b-fire-safety-frequently-asked-questions>

¹¹ <https://www.gov.uk/government/news/reforms-to-building-safety-regulator-to-accelerate-housebuilding>

25. We would encourage meaningful industry consultation through this review, whereby institutions like CIBSE and others can help co-design any new guidance with the BSR and MHCLG. We think this could be achieved through industry roundtables on specific aspects of the review, supported by a regular cadence of meetings with the BSR to encourage feedback and continuous learning, particularly through the building control process.

Q7. To what extent are delays caused by a poor understanding of building safety on the part of developers, leading to unsuitable applications? Should the solution to delays be a greater awareness of how to take a holistic approach to safety on the part of developers, rather than more prescriptive guidance on regulatory requirements?

26. There is certainly a need for developers and other practitioners to ensure they are fully aware and compliant with the regulatory requirements. However, overly prescriptive guidance risks creating tension with other aspects of building safety regulation. CIBSE's view is a collaborative dialogue is needed between industry institutions, the BSR and the Government to set clear expectations through guidance and regular two-way feedback.

Q8. The BSR has suggested that it would like to carry out its work on an organisation-by-organisation basis, rather than the current system of looking at things building-by-building. Would you support a move to the BSR focusing on organisations, or would this lessen their focus on the safety of individual buildings?

27. Without further details on what an 'organisation-by-organisation' approach means in practice, it is difficult to form a definitive view. However, buildings are unique – whilst a client may bring forward several HRBs to the BSR, it is unlikely they will all involve the same team of companies and individuals. So you cannot assume that a compliant application from a developer using one team will translate into a compliant application from another team. Such an approach would also require sufficient BSR resources, which as referenced is an area of concern for the industry.

Q9. To what extent are delays in approvals caused by the resources available to the regulator? Is there a need to give the BSR more funding, and if so, would developers accept an increase in regulatory fees to allow for this? Would more funding allow the BSR to deal with applications more

swiftly, or is there a need to consider alternative financial models for delivering building safety approvals?

28. Feedback through CIBSE members suggest that BSR resources and related funding are issues that need to be addressed, particularly to help manage the building control process more quickly. However, delays could also be addressed – as outlined in other responses – through more effective feedback channels between BSR staff and applicants, consistency of approach (including through training) and clearer guidance. Another option could be industry and BSR secondments, ensuring regulator staff have direct access to industry expertise across all building safety disciplines.

29. It is our view that developers would be reluctant to accept an increase in regulatory fees, not least owing to the wider economic challenges currently impacting businesses across the sector.

Q10. Does the BSR have access to the skilled staff necessary to carry out multidisciplinary assessments of safety? If the BSR is struggling to access the skills it needs, what changes could resolve this issue? For instance, is there a need for higher pay for those carrying out assessments, or for further changes to enable secondments?

30. See previous responses on BSR skills. Institutions like CIBSE can support the BSR to ensure its staff have access to the training and expertise it needs. Cross-industry and regulator secondments could be another option (notwithstanding previous points made on sector skill shortages).

Q11. How is the BSR progressing in improving the safety of all buildings, including low-rise buildings? Is the relationship between the BSR and building control authorities and inspectors working well?

31. Practitioners engaging with the building control regime are still in the process of adapting to it. It is acknowledged that the industry still has a way to go. In our view the suggestions outlined in this submission (summarised in the next response) capture how we think the relationship between the BSR and building control practitioners can be improved.

32. Overall, CIBSE's view is that the introduction of the regulator has and will have a positive effect on improving the safety of buildings. However, there needs to be continued emphasis on ensuring that any project (not just a HRB) is delivered in line with the design brief and all relevant regulations. While the BSR has

oversight of HRBs, the wider issue of inspection of all building works remains a key consideration.

Q12. To what extent are delays a result of growing pains that will ease over time, or a structural problem that requires more significant changes? What improvements to the BSR's regulatory framework are needed?

32. Growing pains are almost certainly a factor, as described in our response to Q5. CIBSE's view is that there is a need for the BSR and the Government to work with industry to co-design solutions that address the issues we are currently seeing. Our recommendations include:

- **Clearer guidance:** Setting clear minimum expectations (i.e. through FAQs or a checklist) on building control requirements will help address current misinterpretations and knowledge gaps.
- **Structured engagement:** A more regular and open dialogue between the BSR and industry that enables consistent and real-time feedback will help build understanding and capability.
- **Resourcing and skills:** Steps should be taken to address BSR access to training and expertise.

Q13. How does the BSR's work relate to the regulation of construction products? How does the BSR cooperate with the Office for Product and Safety Standards, and how might this relationship change with the introduction of a single construction regulator?

33. It is for the Office for Product and Safety Standards to comment on how it works with the BSR. Clearly the regulators and overall regime is paramount in ensuring products are safe. The introduction of a single construction regulator must not lose specialist expertise or create fragmentation.

Q14. How does the BSR's regulatory framework compare to how building safety is assured in other countries and jurisdictions? Are there good examples of how to ensure building safety elsewhere, and what lessons can the BSR learn from them?

34. CIBSE members working internationally note that some jurisdictions (e.g. Europe, Australasia, Hong Kong) have robust and well-understood regulations, and in many cases have a stronger enforcement regime including of post-occupancy performance. Others (e.g. UAE and US States) offer more prescriptive guidance particularly on fire safety and evacuation protocols. CIBSE would be

happy to draw upon its international membership to provide more detailed case studies if useful.

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