

# There is nowhere to hide

Staying compliant with statutory  
tasks



**SFG20**

DRIVING FACILITIES EXCELLENCE



The expectations in facilities management have never been higher, in a time where there is significant new legislation to understand and comply with.

This includes the Fire Safety Act 2021, The Building Safety Act 2022, The Fire Safety (England) Regulations 2022 and Part B of Building Regulations. However, the ability to absorb and make the necessary updates to your maintenance plan to always remain compliant is a real concern.

Compliance is a hot topic right now in maintenance, not just because it's important to comply, but because of high profile incidents that have driven public attention to maintenance of buildings. Non-compliance is not just a legal piece, but a reputational issue that has to stand up in the court of public opinion. There is nowhere to hide – it has never been more important to understand your responsibility for building maintenance.

Building maintenance is no longer a backseat issue for organisations, but the cornerstone of health and safety, and efficient running costs. A 'fix on fail' approach might work for non-statutory maintenance, but the approach can mean statutory tasks are not completed, creating significant risk to both building owners and occupants. Maintenance backlogs are significant in some sectors (for example, the National Audit Office reported a £6.7 billion maintenance backlog in education), and the time spent staying up to date with the latest legislation is a drain on your time. At a bare minimum you need to be completing all statutory tasks.





# Who is responsible?

Who is responsible?	Responsibilities
Building Owner	<ul style="list-style-type: none"> <li>Ensuring buildings are safe, including fixing historical safety defects</li> <li>Ensuring maintenance is carried out</li> <li>Staying up to date with legislation and compliance regulations</li> </ul>
Property Manager	<ul style="list-style-type: none"> <li>Coordinating and scheduling regular maintenance tasks</li> <li>Handling emergency repairs and maintenance issues</li> <li>Managing contracts relating to maintenance</li> <li>Staying up to date with legislation and compliance regulations</li> </ul>
Service Provider / Contractor	<ul style="list-style-type: none"> <li>Hold up health and safety regulations when carrying out maintenance</li> <li>Ensure all workers have the required skills, knowledge, training, and experience to carry out the maintenance</li> </ul>

The Building Safety Act 2022 outlines that the responsibility for building maintenance compliance in a high rise residential building is the 'accountable person(s)' (AP). But what does that actually mean?

The accountable person can be the building owner or the person responsible for organising repairs for both the inside and outside of a building.

In some cases, there can be more than one accountable person. In this situation a Principal Accountable Person must be appointed to ensure clear allocation of where responsibility sits, and a point of contact for the Building Safety Regulator.

# 9 responsibilities of the accountable person:

The responsibility of an accountable person is to manage the fire and structural safety risks of a high-rise residential building, and ensure reasonable steps are in place to mitigate any safety risks.



# What is a statutory task?

The term Statutory denotes anything required by primary legislation such as Acts of Parliament and secondary legislation such as Statutory Instruments (including Regulations).

When working to achieve statutory compliance, primary and secondary legislation often focuses on general outcomes rather than prescribing specific activities. The specific activities required to meet statutory compliance may, therefore, be included in government guidance and Approved Codes of Practice (ACoPs) published by agencies such as the Health and Safety Executive (HSE), or other industry standards and/or guidance (BSI standards, publications by trade associations and professional bodies, etc).

In the absence of a traceable reference to legislation, following industry standards and/or guidance may assist in discharging duties under the statutory requirements.

For example: for electrical installations, The Health and Safety at Work etc. Act 1974 led to the Electricity at Work Regulations 1989.

This is supported by the HSE issued guidance note HSR25 which also references British Standard 7671, which is supported by an on-site guide.

- Primary Legislation – e.g. Health and Safety at Work etc. Act 1974
- Secondary Legislation – e.g. Electricity at Work Regulations 1989
- Approved Code of Practice – e.g. HSE Guidance HSR25 The Electricity at Work Regulations 1989
- Industry Standard – e.g. BS 7671:2018 Requirements for Electrical Installations, IET Wiring Regulations 18th Edition.
- Industry guidance – On-site guide to BS 7671

There may be more than one way of discharging duties. To achieve statutory compliance, remedial actions may need to be identified and completed. Applying a documented process will greatly assist in evidencing these decisions.

# How does SFG20 distinguish between statutory and non-statutory tasks?

Non-statutory tasks differ from statutory tasks in that they have no traceable reference to primary or secondary legislation. This doesn't mean they are any less necessary or vital to an organisation's operation. Some non-statutory tasks may be treated in the same way as statutory ones due to the consequences of not carrying them out. For example, if the equipment causes severe health and safety concerns upon failure despite not being referenced in primary or secondary legislation.

SFG20's task lists are colour coded so you can easily differentiate between statutory, mandatory, optimal and discretionary tasks. This way you always have a 'summary' view of what maintenance work needs to be completed to keep your building or site safe for employees, ensuring optimal performance.

**Red tasks = statutory**  
(ensuring legal compliance)

This includes tasks referred to in supporting documents such as approved codes of practice, British Standards or equivalent.

**Pink tasks = mandatory**  
(ensuring sector/organisation compliance)

This includes tasks which are business critical, contractual, or operational. These tasks are applied by organisations using the SFG20 customisation feature. Pink tasks may not be considered mandatory across all sectors.

**Amber tasks = optimal**  
(function critical and industry best practice)

This includes tasks that impact operational performance and service delivery if they fail.

**Green tasks = discretionary**  
(non-critical maintenance)

This includes tasks that have limited impact on the business operation. If green tasks are not carried out it would have limited (or acceptable) business impact if they were to fail.

# How can you achieve statutory compliance?

Primary and secondary legislation focuses on general outcomes rather than specific activities. If you are doing this research yourself, you have a lot of work to do! Outsourcing this to SFG20 saves you significant time and cost – figure out just how much by using the [SFG20 savings calculator](#).

Specific maintenance activities required to meet statutory compliance may be included in government guidance, approved codes of practice or other industry standards. There may be more than one way to achieve compliance, and that could be dependent on the specific requirements of an asset. Codes of practice and industry standards are often generic, requiring expertise to add the important final layer of how this can be achieved. The SFG20 technical authoring team review legislation and regulations, then research supporting documentation to create a list of actionable tasks for those responsible for maintenance and completed on site by maintenance personnel.

The successful completion of statutory tasks enables building owners and managers to achieve compliance with the primary and secondary legislation. A significant focus in recent years has been on fire safety but there are equally strict laws covering such things as air quality, water quality, electrical safety, sanitation, and environmental control. These laws all have an impact on the day-to-day management and operation of building services.



# The flow of legislation to SFG20 maintenance task



# How do SFG20 turn legislation into a maintenance schedule?

Here's an example:

## Example: Inspection of secure information boxes

SFG20 schedule 23-35 Secure Information Boxes covers wall mounted enclosures that contain building plans and documents for use by the fire and rescue service during a fire. It contains the following tasks:

- 1M **amber** task 'Monthly inspection'
- 12M **red** task 'Annual inspection'
- OU (unspecified frequency) **amber** task 'Post-incident inspection'

SFG20 determined these frequencies and criticalities by reviewing and interpreting the primary and secondary legislation, the government guidance, the building regulations and a code of practice:

### Primary legislation: Building Safety Act 2022

This Act specifies in general terms what you must do to ensure the safety of people in higher-risk buildings. It states that an 'accountable person' is responsible for managing building safety risks.

### Government guidance: Building safety guides for accountable persons

This guidance explains in more detail how accountable persons should manage the safety risks in high-rise residential buildings under the Building Safety Act 2022. It discusses building services maintenance in general and it references The Fire Safety (England) Regulations 2022.

### Secondary legislation: The Fire Safety (England) Regulations 2022

These provides more detail on the inspection and maintenance of building services and fire safety equipment. For example, they list a 'secure information box' which must be inspected annually.

### Government guidance: Fact sheet: Secure information box (regulation 4)

This states that the Fire Safety (England) Regulations 2022 made it a legal requirement for existing high-rise residential buildings in England to have a secure information box installed on the premises. The Fact Sheet does not contain any maintenance recommendations for secure information boxes, other than an annual inspection. However, it references a document titled Code of Practice for the Provision of Premises Information Boxes in Residential Buildings, which was jointly produced by the Fire Industry Association and the National Fire Chiefs Council.

### Secondary legislation: Building Regulations Approved Document B - Fire Safety

Building Regulations Approved Document B was amended in 2022 to include a new recommendation for secure information boxes to be installed in blocks of flats with storeys over 11 metres.

### Code of Practice: The Provision of Premises Information Boxes in Residential Buildings

This was produced by the Fire Industry Association and the National Fire Chiefs Council. It explains in detail where premises information boxes should be installed, what types of locking devices they should have, what sort of information should be kept inside them, and how they should be checked and maintained. The code of practice lists a monthly check, an annual check, and a post-incident check.

## Conclusion

In schedule 23-35 the task frequencies and criticalities were determined as follows:

- The 1M **amber** task 'Monthly inspection' is a recommendation of the FIA/NFCC code of practice. This is neither primary nor secondary legislation, therefore in SFG20 the task criticality is amber.
- The 12M **red** task 'Annual inspection' is a requirement of The Fire Safety (England) Regulations 2022 which is secondary legislation, therefore in SFG20 the task criticality is red.
- The OU (unspecified frequency) **amber** task 'Post-incident inspection' is a recommendation of the FIA/NFCC code of practice. This is neither primary nor secondary legislation, therefore in SFG20 the task criticality is amber.



# What are the consequences of non-compliance?

Non-compliance means you are carrying a series of risks that can compromise both your business and building users. No harm is required to commit a criminal offence – non-compliance with health and safety rules means you become accountable and can receive sanctions as a result.

A single non-compliance can result in written advice, a prohibition notice, or prosecution, depending on the severity of risk carried. This can be costly for an organisation with heightened expenses as a result, including:

- Reputational damage causing loss of sales
- Increased insurance premiums
- Legal penalties (including fines and the potential for prison sentences)

The Building Safety Regulator (part of the Health and Safety Executive) has been clear that they are committed to enforcement. It is their first step, not a last resort. The regulator will be using industry standards as the benchmark for compliance.

The risks are very real, and numerous examples of the consequences of inappropriate and insufficient maintenance can be found via the HSE website. Health and safety fines are proportional to the size and turnover of the business that is non-compliant, however the average fine is £150,000.



## FACILITIES



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