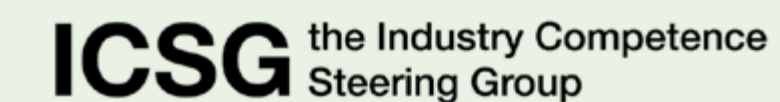


THE CLIENT'S GUIDE TO THE BUILDING SAFETY ACT

Mitigating risk, protecting your
reputation and safeguarding
your investment.

In partnership with



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* This guide has been produced for non-domestic clients.

Your Guide to the Building Safety Act

BUILDING BETTER SAFETY STANDARDS



Why this guide matters and how it will help you.

As a client, you're in a powerful position – you shape the culture, competence, and compliance of any building project you commission. The Building Safety Act now recognises this formally, placing legal duties on clients to lead from the front.

This guide has been developed by BESA (the Building Engineering Services Association) with support from strategic partners and is designed to help you:

Understand your legal responsibilities under the Act.

Make confident, informed decisions from the earliest project stages.

Protect your investment, your reputation, and the people using your buildings.

Leadership matters. The culture you set from day one, your expectations, priorities and behaviour have a direct influence on whether safe, compliant outcomes are achieved. Clients who lead with integrity, clarity and accountability create the conditions for their teams to succeed.

Whether you're delivering housing, healthcare, commercial space or infrastructure, the message is the same: **you can't outsource compliance.**

But with the right approach, support and understanding, you can lead safe, successful projects that stand the test of time. This guide won't drown you in jargon or red tape. It's a clear, practical tool you can use to meet your obligations – and raise the bar across the built environment.

WHO IS THE CLIENT?

IF YOU ARE A BUILDING OWNER, A DEVELOPER OR COMMISSIONING BUILDING WORK, YOU'RE 'THE CLIENT' UNDER THE BUILDING SAFETY ACT.

Under the Act, being 'the Client' comes with serious legal duties – you can't pass them on.

Why it matters:

Clients now hold more responsibility than ever before. Knowing your role is critical to keeping people safe, staying compliant, and protecting your investment.



THE CLIENT: DEFINED

The Client is the person or organisation who commissions building work – whether it's design, construction, refurbishment or ongoing maintenance.

You are a **Dutyholder** under the [Building Safety Act](#). That means you have clear legal responsibilities for building safety throughout the lifecycle of your project.

Building work includes erecting or extending a building, providing or extending a controlled service or fitting in connection with a building, and the material alteration of a building or a controlled service or fitting. [See Building Regulations Definition](#)

Controlled services or fittings include a service or fitting subject to Schedule 1 (of the Building Regulations) requirements in respect of sanitation, hot water safety, water efficiency, drainage and waste disposal, combustion appliances and fuel storage, conservation of fuel or power, and electrical safety. [See Controlled Services in Schedule 1](#)

WHAT KIND OF CLIENTS ARE WE TALKING TO?

The role of the Client applies to many different people and organisations.



**DEVELOPERS
(PUBLIC AND PRIVATE)**



**BUILDING
OWNERS**



HOUSEBUILDERS



**DEVELOPER
CONTRACTORS**

The role of your service providers:

- Client Advisors.
- Architects.
- Contractors.
- FM and Estate Managers.

The above are not classed as a 'Client Dutyholder' under the Act. They may take the role of Dutyholder in the capacity of:

- Principal Contractor.
- Contractor.
- Principal Designer.
- Designer.
- Principal Accountable Person.

WHAT ARE THE CLIENT'S MAIN DUTIES?

As a Client under the Building Safety Act, you're responsible for creating the right conditions for safe, compliant delivery – from concept through to completion. Here's what your main duties include:

Set up the project for success from the start

You must make suitable arrangements for **planning, managing, and monitoring** the project – including allocating enough **time and resource** to meet safety and regulatory requirements.

This involves:

- Choosing **competent teams** (with the right skills, knowledge, experience and behaviours).
- Ensuring those you appoint have **systems in place** to meet building regulation duties.

* The Principal Designer and Principal Contractor roles differ under the CDM Regulations compared with their duties under the Building Safety Act.



Appoint key Dutyholders for design and construction

For projects involving more than one contractor, including where a main contractor engages sub-contractors, the client must formally appoint:

- A **Principal Designer*** to oversee design compliance and coordination.
- A **Principal Contractor*** to ensure Building Regulations compliance for the construction phase.

Share relevant information with your team

Provide all necessary building and safety information to designers and contractors – especially where **existing or proposed higher-risk building work** is involved. You must also ensure they understand and act on the information.

Access the right expertise

Clients should ensure they have, or can access, the right expertise to make **informed decisions**. Where specialist knowledge is needed, seek competent professional advice and make decisions based on evidence, risk and regulatory requirements – not commercial pressure alone.

Collaborate with other Dutyholders

You have a legal obligation to **cooperate and share information** with other Dutyholders involved in the project to support joined-up decision-making and regulatory compliance.

Your legal responsibilities – for all buildings

Whether you're working on a house, hospital or high-rise, if you're the Client, you have specific, non-transferable responsibilities under the Building Safety Act.

Here's what you need to know and **do** at each stage of the project.

YOUR LEGAL RESPONSIBILITIES FOR ALL* BUILDINGS

Whether you're working on a commercial building, public facility, or high-rise development, if you're the Client, you have specific, non-transferable responsibilities under the Building Safety Act.

*Not Just Higher-Risk Buildings

From small-scale projects to the tallest buildings, **ANY** building work requiring Building Regulations approval is covered.



HERE'S WHAT YOU NEED TO KNOW AND DO AT EACH STAGE OF THE PROJECT.

1 Legal Duties & Compliance Responsibilities

- **You're a Dutyholder under the Act** – and that means you're legally accountable for compliance with building regulations.
- **You must appoint competent professionals** – including the Principal Designer and Principal Contractor – who meet the required regulatory competence criteria.
- **You're responsible for ensuring that all building work is delivered to the required safety and building standards.**
- **You must keep accurate records and documentation to demonstrate compliance.**
- **Your level of oversight should be proportionate to the risk and complexity of the project.** Understand when extra checks, independent review or specialist advice is appropriate, and when competent professionals should be given autonomy within agreed parameters.

2 Planning & Design Stage Responsibilities

- **Appoint the right people:** Appoint a Principal Designer and Principal Contractor to oversee Building Regulation compliance.
- **Follow Building Regulations:** Ensure designs comply and secure necessary approval from the Local Authority Building Control.
- **Manage design risks:** Identify potential hazards early and plan how to reduce them.
- **Provide clear information:** Give designers and contractors a clear project brief, including expectations around meeting standards.
- **Keep records:** Document decisions, risk assessments, and approvals.
- **Check compliance:** Monitor that work meets relevant requirements.
- **Coordinate teams:** Make sure everyone communicates and works together to avoid conflicts or safety issues.

3 Procurement & Contractor Selection

- Don't just go with the lowest bidder – contractors must be selected based on competence and organisational capability, not lowest cost.
- The Principal Designer, Principal Contractor and specialist supply chain members must all have the required Skills, Knowledge, Experience and Behaviours (SKEB).
- Your procurement process must align with building safety compliance standards – it's not just about price, it's about safety and quality before cost.
- Keep a clear record of why you selected each 'dutyholder'. You may be asked in the future to explain your decision-making process.
- Check that your main contractor has assessed the competence of their subcontractors and that they meet compliance standards.



4 Questions you should be asking your contractors

- How does your organisation demonstrate capability to deliver works in line with relevant requirements including professional recognition such as BESA membership?
- How do you measure and assess the competence (SKEB) of your employed and sub-contracted workforce? (e.g. qualifications, training records, relevant experience).
- What systems do you have in place to monitor building safety risks during delivery?
- How do you co-operate and share information with other relevant dutyholders?
- Have you successfully delivered similar projects and can you provide references?
- How do you record and evidence safety and compliance decisions made during procurement and delivery?

Successful projects rely on constructive relationships. Clients should promote open dialogue, encourage challenge, and establish shared goals across the design and construction team. A culture of collaboration reduces conflict, improves decision-making, and supports compliance.



5 Construction & On-Site Responsibilities

- **Oversee safe construction:** Ensure work is carried out safely, to specification, and in line with Building Regulations.
- **Appoint and manage competent teams:** Make sure the Principal Contractor and supply chain are competent for the tasked work.
- **Monitor progress and risks:** Keep track of site activities, address hazards promptly, and maintain records of inspections and decisions.
- **Embed quality assurance from day one:** Quality assurance is not only about meeting regulatory standards; it underpins the long-term performance and value of your building. Ensure verification, testing and inspection processes are in place from the outset.

**COMPLIANCE ISN'T
OPTIONAL, AND THE
STAKES ARE HIGH.**

6 Post-Construction & Occupation Responsibilities

- **Keep the building safe:** Use the industry standard, SFG20, to ensure that the building fabric and its assets are appropriately maintained and continue to meet all statutory requirements.
- **Use competent teams:** Appoint qualified facilities managers to maintain and inspect the building.
- **Keep records:** Keep maintenance logs and safety information up to date.
- **Act on risks:** Deal promptly with hazards or defects that could affect occupants.

By understanding and fulfilling these duties, you'll:

- Protect the people using your buildings.
- Stay on the right side of the law.
- Improve build quality.
- Safeguard your investment.

**YOU'RE NOT JUST
FUNDING THE BUILD –
YOU'RE RESPONSIBLE
FOR ITS SAFETY.**



HRB-SPECIFIC DUTIES FOR CLIENTS



HRB Definition:

- At least 18 metres in height or at least seven storeys, and
- Contains at least two residential units or is a hospital or care home.

➤ [Guidance here](#)

If your project involves a Higher-Risk Building (HRB), you have additional legal duties beyond the standard requirements. You must:

- **Follow the Gateway process:** Submit required information to the Regulator at Planning (Gateway 1), Design (Gateway 2), and Completion (Gateway 3) stages. These are stop/go stages, you cannot proceed to the next stage without approval.
- **Engage competent dutyholders:** Only use Principal Designers, Principal Contractors, and supply chain with the right skills, knowledge and experience for HRBs.
- **Maintain the Golden Thread:** Keep accurate, up-to-date digital records of building safety information throughout the building's lifecycle.
- **Develop the Construction Control Plan:** Clients are required to outline in the Construction Control Plan the approach they will take to plan, manage, and oversee HRB work, including processes for assessing and verifying the competence of all personnel involved.
- **Report safety occurrences:** Notify the Regulator of serious incidents, defects, or hazards affecting occupants.
- **Change control:** Clients must have a clear process for managing any changes to work. This should cover assessing the impact on safety and compliance, involving the right dutyholders, updating plans and records, and making sure only competent personnel carry out the revised work.
- **Register the building:** Notify the Building Safety Regulator before construction begins.
- **Prepare a safety case:** Demonstrate how risks will be managed throughout design, construction, and occupation.
- **Ongoing monitoring and maintenance:** Ensure safety systems and procedures remain effective post-occupation, unless the building is sold and responsibility transfers to the new owner.

➤ [Guidance here on Client Duties for HRBs](#)

WHAT HAPPENS IF YOU GET IT WRONG?

Non-compliance has serious consequences:

- Regulatory action from the Building Safety Regulator.
- Financial penalties.
- Criminal prosecution.



**THIS ISN'T JUST A
BOX-TICKING EXERCISE.
THESE RULES EXIST TO
SAVE LIVES AND PROTECT
EVERYONE WHO LIVES
IN, WORKS IN, OR
VISITS YOUR BUILDING.**

**CLIENT COMPLIANCE
IS NON-NEGOTIABLE.**

It's not just a legal duty – it's the key to:

- Safer buildings.
- Better quality outcomes.
- Long-term value and reputation.

WHAT MAKES A CLIENT COMPLIANT?

One of the biggest challenges in embedding the new building safety regime has been at the **planning and design stage for HRBs**.

Clients often hear frustration from contractors about delays at the **gateway process** – with projects slowed by months, sometimes more than a year, leading to additional costs and even job losses.

But the **Building Safety Regulator (BSR)** has been clear:

- The system is tighter for a reason – it has already prevented buildings considered to be unsafe from being built.
- Too many applications still lack the necessary rigour, detail, or competence.

The message is simple: the regulator must do its part, but so must the industry. Poor-quality submissions hold everyone back.



The Reality of Poor Applications

The BSR continues to see the same fundamental flaws in planning submissions, such as:

- Missing details on how key structural components connect.
- Inadequate fire resistance information on cladding, walls or barriers.
- Corridors that fail to meet evacuation width requirements.
- Poorly designed smoke extraction systems.
- Gaps in sprinkler layouts or water supply capacity.
- Weaknesses in structural design, including collapse prevention and load-bearing foundations.
- Missing or unproven fire barriers in cladding systems.

As the Regulator has said: “These are fundamental flaws.” Approvals will be delayed rather than risk unsafe buildings moving forward.

What Clients Need to Know

Compliant clients avoid these pitfalls by making sure their applications are complete, competent, and supported by evidence. You need to understand the two stages of the Gateway 2 process for Higher-Risk Buildings (HRBs):

Step 1: Validation Check

- The BSR reviews every application to confirm all required documentation is included.
- Incomplete applications are returned immediately, saving time for everyone involved.

Step 2: Determination Assessment

- A multi-disciplinary team of experts assess the submission for compliance with building regulations.
- The BSR checks that the client has appointed competent Dutyholders and has the right systems in place to manage the project.

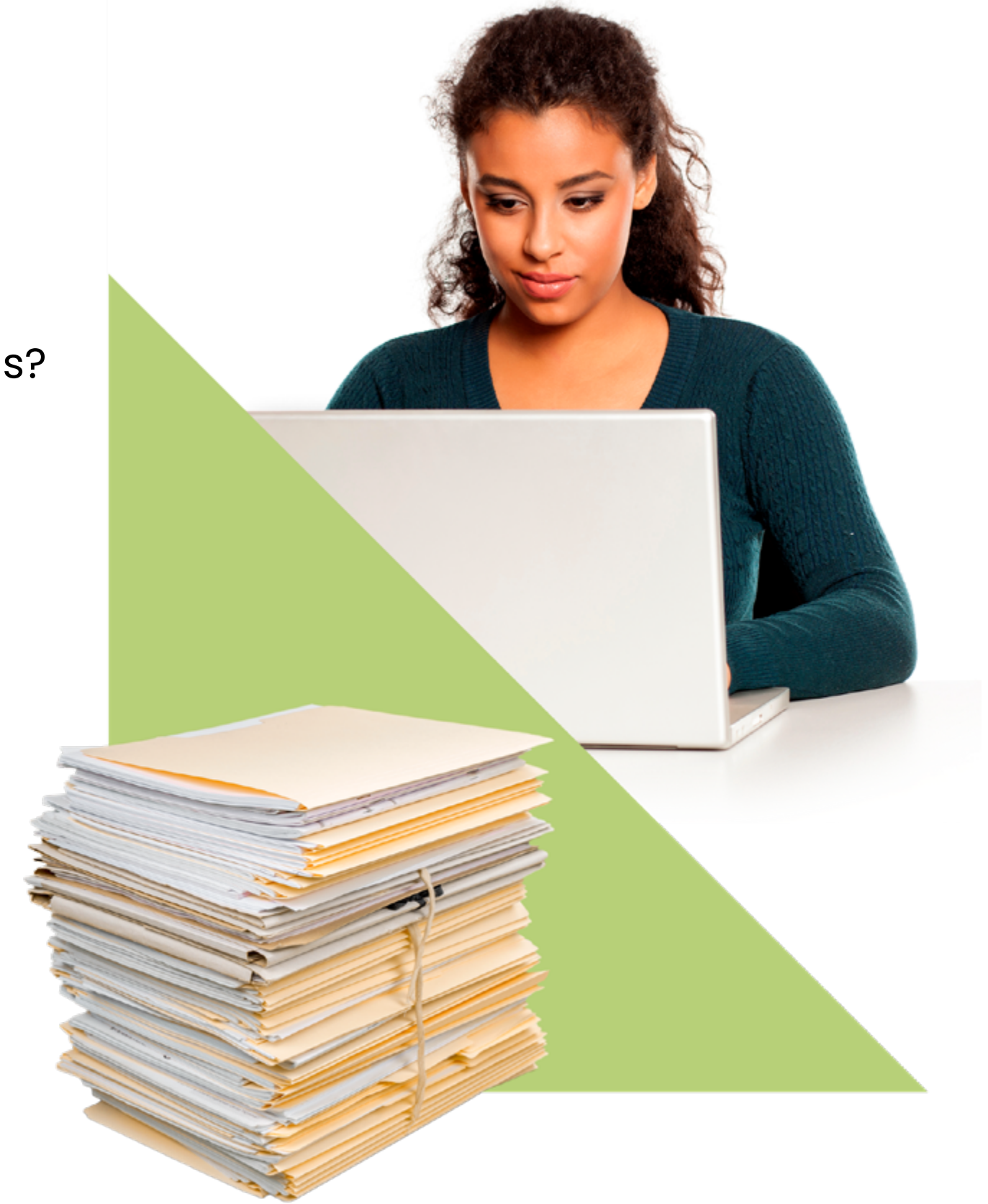
Remember: Even if you nominate someone else to make the application, **legal responsibility always remains with you as the client.**

What Clients Need to Know

Ask yourself:

- 1 Which projects require Gateway 2 approval or standard building control consent?
- 2 Have I appointed my two key Dutyholders – Principal Designer and Principal Contractor?
- 3 Have I checked that every proposed element of my project complies with the Building Regulations?
- 4 Have I appointed competent contractors and verified their supply chains?
- 5 Can I evidence competence through qualifications, accreditations, or registers?
- 6 Is my design and construction (as built) information complete, supported by valid test certification, and fully coordinated?
- 7 Have I put robust project management processes in place – remembering that legal responsibility sits with me as the client?
- 8 How am I sharing project information with my Dutyholders and wider supply chain?

If you can answer these confidently, you're well on the way to being a **Compliant Client**. If not, it's time to address the gaps before you hit the gateway.



WHY THIS GUIDE MATTERS TO BESA AND OUR MEMBERS

BESA (the Building Engineering Services Association) represents the UK's leading MEP contractors and specialists – the people responsible for the systems that keep buildings safe, healthy, functional and compliant.

Our members work hard to meet high standards of competence, compliance and performance – but too often, that expertise is lost in a process that hasn't been set up to succeed from the top down.

That's why we created the **The Client's Guide to the Building Safety Act**.



We believe that informed, proactive clients are essential to improving outcomes across the entire built environment. When clients understand what good looks like, they can:

- Set clear expectations from day one.
- Appoint the right people with the right competence.
- Support a culture of quality, safety and accountability.

Continuous improvement strengthens safety culture. Clients are encouraged to capture lessons learned from each project and apply them to future schemes. Sharing insights openly with project teams and supply chain partners helps raise standards across the industry.

And when that happens, it means our members – and the wider supply chain – can do what they do best: deliver safe, efficient, high-performing buildings that stand the test of time.

We're encouraging BESA members to share this guide with their clients – not just because it's helpful, but because it's essential.

BETTER-INFORMED CLIENTS LEAD TO BETTER-BUILT BUILDINGS. AND THAT BENEFITS EVERYONE.

USEFUL RESOURCES

Government Guidance:

- [Building Safety Act](#)
- [The Building Regulations \(England\)](#)
- [Design and building work: meeting building requirements](#)
- [Making Buildings Safer](#)
- [HSE – CDM Guidance for Clients](#)
- [Guidance on the criteria for being a higher-risk building](#)

Industry and Professional Bodies:

- [BESA BSA Hub](#)
- [BESA Academy](#)
- [Build UK – Building Safety](#)
- [CIOB Client Guide](#)
- [CIOB Academy](#)
- [Construction Leadership Council – Building Safety](#)

Additional Resources:

- [SFG20 – BSA Checklist](#)

thebesa.com

