Recommendations on the future regulation of the Building Control Sector and Profession in England

Developed in collaboration by the Future of Building Control Working Group

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on behalf of the Future of Building Control Working Group (see Foreword for list of organisations).

I. Contents

II. Glossary

Approved Inspector – A person or body corporate approved under Section 49 of the Building Act 1984 to carry out building control functions as an alternative to Local Authority building control in England.

Building Control – A statutory process involving an independent third party assessment to ensure that building work complies with the building regulations through the process of checking plans and site inspections.

Building Control Body – A Local Authority or an Approved Inspector who assesses compliance with Building Regulations' requirements.

Building Control Professional – A person working for a Building Control Body carrying out building control functions.

Building Safety Regulator (**BSR**) – The new regulator established in the Health and Safety Executive (HSE) that will be responsible for implementing a more stringent regulatory regime for buildings in scope; overseeing the safety and performance of all buildings; and oversight of the competence and organisational capability of professionals, tradespeople and building control professionals working on all buildings.

Competency Steering Group (**CSG**) – Established in May 2018 to respond to the recommendations in Dame Judith Hackitt's report 'Building a Safer Future', a cross industry stakeholder group looking at and recommending improvements in competency for all involved in HRRBs. Its aimed broadly to demonstrate effective leadership, learn and translate best practice and develop continuous improvements to competence and more specifically on building standards competence

Designated Body – A body designated by the Ministry of Housing Communities and Local Government or the Building Safety Regulator to undertake regulated functions in relation to building control.

Grandfathering – The process by which Building Control Professionals practising under the current regulatory regime are automatically transferred and accepted onto a register.

Buildings in scope – Multi-occupancy higher risk residential buildings over 18m high or as defined by the BSR.

Professional body – The professional bodies who already operate in this sector.

Regulated/Regulatory functions – The regulatory functions that have been designated to a body by either the Ministry of Housing Communities and Local Government or the Building Safety Regulator.

Working Group 06 – Building Standards Professionals (**WG6**) - Established by the Competency Steering Group (CSG). This recommended developing a new common approach and competence framework (which should apply to all Building Standards Inspectors whether they are LABS Inspectors or AIs) which meets the requirements of the new regulatory framework and to consider whether these requirements should extend to those working on other multi-occupancy and institutional residential buildings.

III. Foreword

All of the organisations involved in the development of this report are committed to better outcomes from the Building Control System. We are grateful to MHCLG and the Building Safety Regulator for the opportunity to set out our thinking on the best way to reform existing governance to support the re-emergence of a recognised and valued Building Control Profession, and to put in place new robust governance for Building Control Bodies to ensure that they work first and foremost in the public interest.

The recommendations set out below should be reviewed together as a cohesive response and not individually. They are made with the collective support of all of the bodies involved in producing this report. We believe that they should be implemented in full, and in doing so ensure a Building Control Sector fit for the 21st Century.

Association of Consultant Approved Inspectors (ACAI)

Chartered Association of Building Engineers (CABE)

Construction Industry Council (CIC)

Construction Industry Council Approved Inspectors Register (CICAIR)

Chartered Institute of Building (CIOB)

Local Authority Building Control (LABC)

National House Building Council (NHBC)

Royal Institution of Chartered Surveyors (RICS)

IV. Executive summary

Regulating the enforcers

The role of building control is fundamental to building safety and becoming more so. Systemic failures in building safety, a global climate crisis and the need to build new homes at a faster pace than for over 50 years emphasises the need for effective regulation of the built environment and construction industry.

The need for effective regulation also applies to the Building Control sector itself. In order to protect the health, safety, welfare and amenity of people in and around buildings, Building Control Bodies and the Building Control Professionals who work for them, must also be governed by a robust, independent and trustworthy system of regulation based on organisational and individual competence. That system of Regulation is the subject of this report.

This report sets out a cohesive set of initial recommendations for reform of the governance system for the Building Control Sector to ensure that Building Control Bodies and Building Control Professionals are competent and ethical in fulfilling their building control duties. It also sets out measures to re-establish the Building Control Profession as a recognised, valued and respected career path serving the public good.

This work was commissioned by MHCLG in February 2020 and submitted in June 2020. Recommendations will be considered by MHCLG and the HSE as the new Building Safety Regulator.

Independence and Impartiality in the new Regulatory framework

Good governance and oversight are key for any sector to work effectively. The Building Control Sector is no different.

This will need to be delivered by a body undertaking suitable regulatory functions which MHCLG have indicated could be retained entirely within the Building Safety Regulator or delegated to a 'Designated Body'. However, we believe that there is a potential conflict of interest where the BSR is in effect responsible for oversight of its own performance as a Building Control Body on in scope buildings.

On that basis and taking into account the other findings of this report, we recommend that delegating regulatory functions to a suitable Designated Body is critical to ensuring the probity of the regulatory framework overall.

Challenges and opportunities

To date the focus of regulatory reform has, quite rightly, been on key areas identified as deficient. A number of more detailed sector specific issues remain to be addressed and which can materially affect the quality of the building control service. Wider legislative reform provides an opportunity to address these issues and any findings from the ongoing Grenfell Public inquiry must also be addressed.

Recommendation 1

Government should work with the Building Control Sector to identify in detail systemic and operational issues which need to be addressed to optimise the performance of the Building Control Sector in the execution of its duties.

Regulation by a Designated Body for the Building Control Sector

The Designated body will take its remit of the sector it oversees from legislation and statutory guidance issued by Government and /or the Building Safety Regulator. The body delivering regulatory functions should be focused on registration, audit, sanctions and setting rules focused on professional behaviour and competence. To avoid 'mission creep' and overlap with functions of the BSR and ensure a clear focus on its purpose the remit of the Designated Body must be clearly defined and understood.

Recommendation 2

The main objective of day to day oversight of the Building control Sector should be clearly and tightly defined in terms of ensuring that Building Control Professionals and Building Control Bodies are competent and diligent in undertaking their Building Control Functions.

The functions of the Designated Body should be focused where they deliver greatest value and public protection.

The Designated Body will need significant legal authority to undertake its duties effectively and to command respect and confidence from the public. The groups consensus is that only a body backed by statute will have the appropriate powers to investigate, audit and enforce in a manner which is consistent with the robust regulation required in the sector. These powers must be balanced with suitable accountability whilst still ensuring independence of outcome and we are keen to commence more detailed dialogue with Government and the Building Safety Regulator as to how this can be best achieved.

Recommendation 3

The regulatory functions should be focused primarily on new and ongoing registration of Building Control Bodies and Building Control Professionals; auditing Building Control Bodies against robust administrative performance standards and technical decision making and compliance with the Building Regulations; addressing concerns and complaints against those Professionals and Bodies who are registered and sanctioning where necessary.

Recommendation 4

Oversight should be delegated to a separate, independent body with appropriate statutory powers to deliver its remit effectively but on a par with other registration bodies where health and safety are a prime concern.

Where regulatory functions are undertaken outside of the Building Safety Regulator it must be delegated to a body which is trusted by both the public and the sector it regulates to act robustly, fairly and for the public good, without conflict of interest and with sufficient autonomy to act independently of both the construction industry and Government.

Recommendation 5

The governance and operation of the Designated Body must be to the highest standards of probity in order to ensure it is trusted by the public and the sector it regulates. It should take into account all of the considerations set out in this report relating to proportionality, accountability, consistency, targeting, independence, financial impartiality and propriety and conflict of interest.

A Unified Competence Framework

The Building Control Profession lacks a common or recognised structure for career assessment or development and there are no consistent metrics or processes to enable robust assessment of individual competence.

Recommendation 6

Building Control Professionals should work to a single unified Competence Framework developed by industry.

a) In the first instance the current draft for development should be developed into an interim framework by a working group combining membership from the FBC and CSG Working Group 6 (Building Control).

b) This should be approved by the BSR for use as an interim framework.

c) The Competence Framework should then be developed into a PAS with a view to becoming a formal British Standard and potentially an ISO standard.

d) This Competence Framework should be used for validation and revalidation of all Building Control Professionals.

e) The Competence Framework should be supported by detailed assessment criteria drawn up by the BSR and the Designated Body in consultation with industry.

IV Executive summary

A Common Code of Conduct

The public protection nature of building control must be clearly understood and emphasised through application of a strong ethical framework for the conduct of Building Control Bodies and Building Control Professionals.

Recommendation 7

The Building Safety Regulator and Designated Body should adopt and maintain a single Code of Conduct applicable to all Building Control Bodies and Building Control Professionals based on the Code of Conduct developed by this working group.

A defined Professional Structure and Development Framework

To support the deployment of the proposed competence assessment framework for Building Control Professionals this working group has developed a standard Role and Work Type Matrix. This provides a commonly applicable structure for assessment and career development purposes and should also be used to define requirements for registration.

Recommendation 8

Subject to wider consultation:

a) the proposed Roles and Work Type Matrix should be adopted by Government, the Building Safety Regulator and industry as the standard descriptor for levels of competence of Building Control Professionals.

b) the matrix should be integrated into the proposed Building Control Competence Standard.

c) the matrix should also be used by the Regulator to reference which persons are expected to be registered within the new regulatory regime.

A simplified legislative and operational environment

There is a general view that the differences in procedural and legislative requirements between public and private sector bodies and the legislation of the building control sector as a whole are overly complex, inflexible (creating a barrier to progressive reform) and in need of review.

Recommendation 9

MHCLG should review the Building Act 1984 with a view to using the Building Safety Bill to transfer legislation relating to the operation of Building Control Bodies from Primary Legislation into Secondary Legislation.

Recommendation 10

Operational and legislative requirements and procedures for all Building Control Bodies should be reviewed as part of wider reform of the Building Act 1984 and Building Regulations 2010 to deliver a simpler, unified process encapsulated in a single set of regulations.

Transitional Arrangements

While we fully endorse tougher and more demanding regulation of the Building Control Sector, the transition to implement these new requirements must be done in a way which sustains and improves both the capacity and the delivery of building control services. There are significant risks and challenges in taking a skilled workforce through such a process of change and the transition must be done in a measured and positive way which maintains and builds capacity and competence and does not result in significant numbers of Building Control Professionals choosing to leave the profession.

Recommendation 11

Once regulatory provisions are agreed, Government and the Building Safety Regulator should convene a working group to manage communications and develop a deliverable strategy to support the sectors transition. This strategy should include:

- **a)** A "grandfathering" approach to bring Building Control Bodies and professionals within the system at the earliest opportunity to bring them within the remit of the Designated Body.
- **b)** A realistic timescale for audit and validation based on analysis of capacity
- **c)** A risk-based approach to validating and auditing those on the register with those inspecting higher risk and more complex buildings given priority.

Models for Regulation of the Building Control Sector

There are many ways in which the governance and status of a body exercising the necessary regulatory functions can be developed and there are a number of existing models for Designated Bodies undertaking similar delegated functions.

This report does not go into detail as to the precise structure that should be followed.

There is however strong support from the majority within the group for a model in general terms akin to that of the General Medical Council with clearly stated public interest objectives, a charitable status, majority lay membership of its governing board and genuine independence to act in the public interest.

There is also strong support within the group for the Designated Body to be called the Building Control Registration Board to reflect the key nature of its remit and to clearly distinguish it from the many other regulators in this sector.

IV Executive summary

Whatever the model adopted it must:

- Meet all of the standards for probity set out in this report
- Promote high standards of ethical behaviour and professional practice
- Have sufficient authority to independently undertake its delegated functions
- Command the respect and trust of the general public and the profession it regulates.

Part I

Introduction

1 Part 1 – Introduction

Setting out the background to the development of this strategy, its objectives and recommendations.

1.1 Background

On 19 February 2020 MHCLG convened a meeting of key leadership organisations from within the Building Control Sector. The group comprised:

- Association of Consultant Approved Inspectors (ACAI)
- Chartered Association of Building Engineers (CABE)
- Construction Industry Council (CIC)
- Construction Industry Council Approved Inspectors Register (CICAIR)
- Chartered Institute of Building (CIOB)
- Local Authority Building Control (LABC)
- National House Building Council (NHBC)
- Royal Institution of Chartered Surveyors (RICS)

The objective of the meeting was to commence discussion on the future regulation of the Building Control sector. This included consideration of proposals for a revised unified regulatory framework for Building Control Bodies and for Building Control Professionals.

The meeting was chaired by Chandru Dissanayeke, Director of the Building Safety Programme within MHCLG who set out the key issues that were to be addressed.

Challenges and Opportunities

The Building Control Sector was seen as having high standards overall but split across public and private sectors, and lacking recognition as a cohesive professional group.

The Independent Review of Building Regulations and Fire Safety also identified the lack of a level playing field, conflicts of interest and different processes for public and private sector building control as being problematic.

Proposals for reform of building control profession

To address these points MHCLG indicated that they wanted to create a single professional structure for building control involving formal registration of Building Control Bodies and Building Control Professionals; a unified set of competence and performance standards for entities and individuals and a process to set standards including accreditation of training.

MHCLG stated that consideration was being given to establishing a single body, reporting to the Building Safety Regulator with the following primary functions:

- Maintaining a register of Building Control Bodies and Building Control Professionals
- Setting and maintaining organisational and professional standards
- Accrediting/approving education and training

Given that its function would be effectively delegated from the Building Safety Regulator this body would be referred to as the 'Designated Body.' Similar systems of Designated Body regulation already operate in financial services, legal services and accountancy. The proposed structure and function of the Designated Body as discussed at this initial meeting is set out in Fig 1 below.

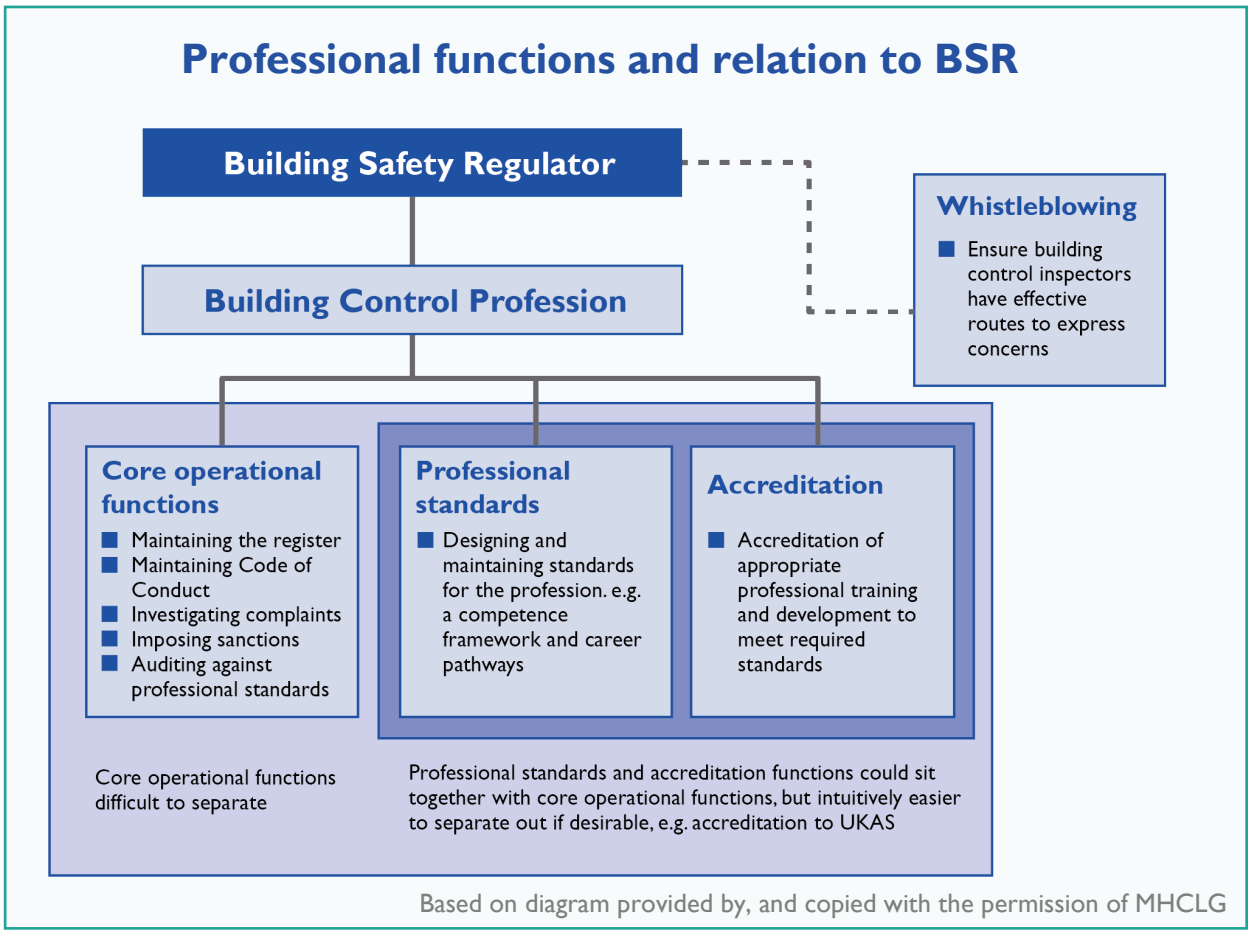


Figure 1 – MHCLG outline proposals for the Building Control procession

The key questions that MHCLG asked the group to consider were:

- Did the group agree that there is potential for improvement to the Building Control Profession?
- Did the group agree that the main challenge is achieving consistency and high standards across both local authority building control and approved inspectors?
- Did the group agree that having a single professional structure is the way to achieve this consistency?
- Did the group agree that the main functions in a professional structure are:
  - Controlling a register
  - Setting professional standards
  - Accrediting education and training?

- Were there any other functions in establishing a professional structure that need to be considered?
- Should both individuals and organisations be required to meet certain professional standards and be registered?
- If so, what transitional arrangement should there be from where we are now to the envisaged formal professional structure?

Future of Building Control Working group response

Subsequent to the initial discussion the organisations represented agreed to establish a Future of Building Control Working Group to develop a response to the questions raised by MHCLG and proposals to reform regulation of the Building Control Sector.

The group agreed at this early stage:

- That the output from the groups works should be a strategy document making recommendations on the future regulatory framework for the Building Control Sector in England.
- That all members of the group would work openly and collaboratively to develop achievable proposals.
- That the proposals and recommendations must be focused on the regulatory and governance framework that best served public interest outcomes.
- That all recommendations would need to be subject to much wider sectoral and industry consultation and discussion.
- That the overarching objective was to recommend a system of oversight that would ensure building control bodies and building control professionals are competent in protecting public safety.

An initial deadline for delivery of the draft Strategic Report was agreed as 8 May 2020 but this was later extended due to impacts on development work of the COVID-19 pandemic.

The group also agreed four primary areas of work for development to underpin a wider strategy for the Building Control Sector:

- **Challenges and Opportunities** – work to analyse in more detail issues relating to the existing governance, procedural and professional frameworks within which building control bodies and professionals currently operate and use this as the basis to design a system which ensures these issues are addressed.
- **Regulation and Governance** of a single body to oversee the Building Control Sector – recommendations on the function of the proposed Designated Body, and governance requirements to ensure its probity.
- **A single Code of Conduct** – development of a draft Code of Conduct with the intention of this being applicable across the Building Control Sector and profession.
- **A unified Competence Framework** – building on work previously undertaken in relation to competence of building control, the group agreed to explore and make recommendation on the development of a single competence framework for all Building Control Professionals.

- **Transitional considerations** – recommendation on the way in which a new unified regulatory framework can be implemented taking into account the need to ensure continued delivery of effective building control services.

The remainder of this report sets out the findings from these core workstreams in more detail and makes specific recommendations for consideration by MHCLG officials and Ministers.

1.2 Objectives and outcomes

The purpose of this strategy is to makes recommendations for a revised governance framework which will ensure that the public has long term confidence in Building Control Bodies and Building Control Professionals working effectively in the public interest.

This includes ensuring that building work is undertaken in such a way as to ensure the health, safety, welfare and amenity of persons in and around buildings as well as making buildings inclusive, accessible and sustainable.

To do this the Future of Building Control Working Group agreed that the strategy should focus on a regulatory framework for the building control sector which supports the following more detailed outcomes:

Buildings which are:

- Safe, and where people can have confidence in their safety
- Sustainable and able to contribute to climate mitigation and change targets
- Inclusive and accessible to all.

A profession which is:

- Respected and understood for the value it delivers to society
- Competent throughout their professional lives to undertake their duties
- Seen as a sustainable and attractive career attracting a diverse range of people
- Adequately safeguarded by legislation and governance to ensure agency in exercising professional judgement
- Operating effectively in protecting the public interest including ensuring building safety.

A Building Control Sector which is:

- Unconflicted and professional
- Inclusive
- Properly resourced
- Collaborative in the public interest.

Building Control Bodies which are:

- Ethical in their operations
- Competent to undertake their duties
- Accountable within a robust regulatory framework

- Competing on the basis of the quality of their service
- Free from conflict of interest
- Consistently focused on delivering public interest outcomes.

1.3 Scope

This report has been commissioned in direct response to a request from MHCLG for industry recommendations. It takes into account the findings of the Independent Review of Building Regulations and Fire Safety and is intended to align with other reforms proposed as part of the Governments Building Safety Programme.

The report looks specifically at how Building Control Bodies and Building Control Professionals are regulated – it does not seek to consider the technical and procedural requirements of the Building Control System as a whole other than where they touch on or are relevant to these two specific areas.

The primary focus is the Building Control System in England given that the commission for this work comes from the English government. Building Control systems in Wales and to a degree Northern Ireland are similar to that in England although they are under devolved administration. The Building Standards system in Scotland is more fundamentally different and is controlled by the Scottish Devolved Administration.

Differences in legal frameworks and procedural detail aside, there is commonality of purpose across all of the regimes in the UK and much to be gained by sharing good practice and better regulation. We recommend that MHCLG consider how this work can be shared and utilised across the building control communities throughout the UK and we would welcome the involvement of representatives of the building control systems from Wales, Scotland and Northern Ireland in any subsequent work.

Competent persons schemes are excluded from the considerations of this report.

1.4 Recommendations and next steps

The recommendations and supporting detail in this strategy have been prepared in a short period of time. The Future of Building Control Working Group recognise that further development is needed to bring this work to fruition including wider consultation with the Building Control Sector, Building Control Professionals, the Construction Industry and consumers.

It is also recognised that the precise distribution of roles and responsibilities between MHCLG and HSE (acting as the Building Safety Regulator) are at an early stage; and that all of the proposed reforms to governance of the Building Control Sector remain subject to final decisions by MHCLG Ministers.

However, the contributors to this strategy stress that we consider all of the recommendations made within this report as critical to establishing a robust and durable framework to govern Building Control in the future. We consider these changes to be long overdue and critical to restore public and investor confidence in the construction industry. The Recommendations should be taken forward in full.

Part 2

Understanding Challenges and Opportunities

2 Part 2 – Understanding Challenges and Opportunities

This section sets out a more detailed analysis of challenges facing the building control sector in delivering effective enforcement of the building regulations and identifies more broadly areas where opportunities exist to improve outcomes for society and the public.

2.1 The existing building control system and building control profession

The current Building Control System in England is the latest in a long evolution of regulatory and legal interventions intended to ensure that building work – typically the act of constructing, extending or altering the fabric or services of a building – delivers an environment which protects the health, safety, welfare and amenity of people as well as achieving broader outcomes relating to accessibility, inclusion and sustainability.

Compliance with the Building Regulations does not cover a wide range of issues which are frequently of concern to the public such as quality of construction and finishes (other than where this touches on specific requirements within the Regulations). The primary responsibility for compliance continues to rest with the persons undertaking the Building Work.

A more detailed history of the evolution of Building Control System and the Building Control Profession is provided at **Annex A**.

The current system is subject to a programme of significant reform, particularly in relation to High Risk Residential Buildings, but remains predominantly founded in the Building Act 1984 which represents the last significant change in the building control system in England.

The system as it stands permits the majority of building control work to be inspected by either a Local Authority Building Control Body or an Approved Inspector who compete for work. Some work can be undertaken without involvement of a building control body by what are known as competent person schemes. Some buildings are also wholly or partially exempt from the building regulations approval process. In the future building work on Higher Risk Residential Buildings will be controlled by the newly established Building Safety Regulator (BSR) working with Building Control Bodies as it deems necessary.

Current oversight of Building Control Bodies

Anyone planning to carry out building work (as defined in regulation 3 of the Building Regulations) must comply with the Building Regulations.

The role of checking that the Building Regulations are, as far as can reasonably be determined, being complied with falls to a building control body – either an Approved Inspector or a Local Authority. The person carrying out the work, usually the building owner, must make an application to one of these bodies in order to engage the building control service.

The duty of building control is to provide an independent third party assessment of Building Regulations compliance through the checking of plans and site inspections as necessary.

Building control bodies must take such steps as are reasonable to be satisfied, within the limits of professional skill and care, that the applicable requirements of the Building Regulations are achieved.

Oversight of Local Authority Building Control Bodies

Primary legislation places a duty on each local authority to execute the functions described which includes enforcing building regulations in their individual areas. As publicly accountable, not for profit, public sector bodies the execution of these individual duties is overseen by democratically elected local councillors within the reporting structure and individual constitutional arrangements of each local authority. If the Secretary of State is satisfied that a local authority has failed to discharge their functions, he may ultimately transfer such functions to himself (using what are referred to as 'step in powers' elsewhere in this document).

Following the introduction of competition into building control and with the support of the Local Government Association (LGA), Local Authority Building Control (LABC) was established to support local authorities in the delivery of the building control service. All local authorities are members of LABC and are required to work within the LABC ISO 9001 Quality Management System to ensure team competency, performance and standards. The LABC Quality Management System is independently audited by a UKAS accredited body.

Each individual local authority has a detailed staged complaints process which culminates with the independent local government ombudsman

Oversight of Approved Inspectors – CICAIR

The Construction Industry Council Approved Inspectors Register (CICAIR Limited) is the body designated by the Secretary of State in England and Welsh Ministers in Wales to maintain and operate the Approved Inspectors Register. Approved Inspectors that are registered with CICAIR are qualified to undertake any building control work in accordance with Part II of the Building Act 1984 and the Building (Approved Inspectors etc.) Regulations 2010. CICAIR is responsible for managing the approval and termination of approval of Approved Inspectors in accordance with section 49 of the Building Act 1984 and regulations 3 and 5 of the Building (Approved Inspectors etc.) Regulations 2010 and it oversees the continuous improvement in the quality and standards of Approved Inspectors operations through proportionate, targeted and effective building control regulation.

To ensure that professional standards are maintained, all Approved Inspector applicants must undergo a robust application process and Approved Inspectors are required to seek re-approval from CICAIR every five years to maintain their Approved Inspector approval. In order to maintain their registration, Approved Inspectors are subject to annual monitoring surveillance by CICAIR where they must demonstrate that they are meeting defined levels of service standards, quality management and operational systems and retained competences. Approved Inspectors must also complete and pass an increasingly rigorous mid-term audit and re-licensing process every five years to maintain their registration.

CICAIR also operates a mechanism whereby complaints can be raised about Approved Inspectors with the objective of ensuring that professional standards are maintained and the

Code of Conduct for Approved Inspectors is adhered to. Approved Inspectors can be disciplined and sanctioned for failing to adhere to these standards.

Building Control Performance Standards

The Building Control Performance Standards Advisory Group (BCPSAG) has, for the last five years been a sub-committee of the Building Regulations Advisory Committee (BRAC) for England and the Building Regulations Advisory Committee (BRAC) for Wales. BCPSAG publishes the Building Control Performance Standards and advises BRAC for England and BRAC for Wales on the performance of all building control bodies to help ensure that the competition between local authorities and approved inspectors does not drive down operating standards and also to encourage the consistent application of functions and duties between building control functions between building control bodies.

BCPSAG publishes an annual report on a set of performance indicator returns against the standards. Currently these reporting standards are not mandatory for all Building Control Bodies, are not published and are due for review.

The Building Control Profession

There are currently around 7500 professionals involved in undertaking building control work in England. As a professional cohort they have very distinct skills in assessing and auditing building work to ensure that the person carrying out the work achieves building regulations compliance. These professionals are derived from diverse backgrounds, sometimes with trade and construction sector experience allied with formal training and academic qualifications.

The vast majority of Building Control Professionals are highly knowledgeable and highly committed to the work they do in ensuring that building work is compliant.

Until the early 2000s Building Control was still recognised as a specific career pathway and was supported by a range of academic degrees, HND and HNC level courses specifically targeting the skill set needed to effectively undertake building control activities.

However, the profession has faced many challenges over the last 20 years, some common to the construction sector as a whole, some more specific to the building control industry. The challenges of recruitment, retention, demographics, profile, status and recognition amongst others are set out in more detail in section 2.2 of this report.

By 2016 building control courses had almost entirely disappeared, with most building control professions relying on general building surveying training as a basis for the development of their professional skills. This reflects a progressive reduction in available funding for training and development within Local Authorities and Approved Inspectors as competition intensified, exacerbated by the impact of the financial crash in 2008 and the long recession in the construction sector that followed.

It is also recognised that a wider culture of de-regulation (preceded by a policy of better regulation) has marginalised the value and authority of regulatory regimes across all sectors. Certainly, the Building Control Profession has suffered as a result of the disappearance of a recognisable career pathway and a lack of robust and comprehensive cross-sectoral governance.

Despite these challenges much good work has been done in recent years to address these difficulties through the development of new apprenticeship degrees for Building Control, through improvements in competence assessment and through stronger leadership.

While the professional sector remains relatively small in numbers, its work continues to have huge impacts on outcomes for society, individuals and for our environment with more than 500,000 building projects inspected across the system every year.

2.2 Analysis of the existing building control model

This report focuses on the specifics of how to better regulate Building Control Bodies and Building Control Professionals. It is important to place these considerations in the wider context of recent events and ongoing regulatory reform.

The tragedy at Grenfell Tower on the 14th June 2017 has led to detailed analysis of the strengths and weaknesses of the Building Control System in England alongside more widespread interrogation of construction industry competence, custom and practice. The key finding from Dame Judith Hackitt's Independent Review of Building Regulations and Fire Safety concluded that:

> *"As the review has progressed, it has become clear that the whole system of regulation, covering what is written down and the way in which it is enacted in practice, is not fit for purpose, leaving room for those who want to take shortcuts to do so".*

Subsequent testing and analysis of a wide range of other residential buildings have substantiated concerns that, whilst the catastrophic events at Grenfell Tower appear to have been unique, failures in fire and structural safety are more widespread and have impacted on the lives of many hundreds of thousands of residents.

The final report 'Building a Safer Future' set out a wide-ranging series of recommendations for reform and the Government has committed to implementing these in full. Details of the latest proposals for reform were published by MHCLG in February 2020 but are largely beyond the scope of this report.

Specific recommendations were however made in relation to the competence of Building Control, namely:

> **Part 3 – The Competence of the regulator and duty-holder**
>
> Recommendation 5.3
>
> Relevant parties, along with the relevant professional bodies, should:
>
> **a)** Continue to work together to develop a new common approach and competence framework which meets the requirements of the new regulatory framework and the new skills required of Building Standards Inspectors when working on HRRBs, and those offering consultancy and verification services to duty-holders.
>
> **b)** This framework should apply to all Building Standards Inspectors whether they are LABS Inspectors and part of the JCA or AIs offering their services to Building Standards or to duty-holders.
>
> **c)** Consider whether these competence requirements for Building Standards Inspectors working on HRRBs, and AIs, should also be extended to cover

those working on other multi-occupancy residential buildings and institutional residential buildings.

Issues relating to competence have already been subject to extensive work and are discussed in more detail in section 3.3.

Setting this aside it is clear that inadequate time to date has been spent looking at the more detailed issues in the Building Control sector that have contributed to this systemic weakness. All of those who have contributed to this report recognise and fully support the need to identify and address the root causes which have contributed to these outcomes, including any areas for improvement within the building control sector itself.

Systemic weakness in the context of this report encompass all aspects of the performance of the Building Control sector, including at a Central Governmental, Local Government, regulatory, corporate and individual level. Whilst many of the following issues may appear minor, the cumulative impact of many smaller deficiencies is to weaken the effectiveness of the system as a whole and to allow outcomes to be degraded over time.

2.3 Key Challenges and Opportunities

The following sections set out further detail on areas where weaknesses and opportunities to strengthen the effectiveness of Building Control Bodies are perceived to exist in the delivery of building control services. By implication, many of these issues also relate to the activities of the Building Control Professionals working within Building Control Bodies.

A stronger and more consistent audit process for Building Control Bodies

There is general agreement that the current Building Control Performance Standards and audit / regulatory oversight arrangements for both Approved Inspectors and Local Authorities should be strengthened. Current arrangements are not consistent, and reporting requirements are not enforceable to the degree that is necessary to provide regulatory oversight and confidence in the performance of all Building Control Bodies. Specifically:

- Regulatory oversight should be undertaken by a single body applying consistent standards.
- Performance standards and reporting must be mandatory for all building control bodies.
- Requirements for impartiality and to avoid conflict of interest must be strengthened for all building control bodies.
- There are concerns that current arrangements do not ensure adequate resources are allocated to plan examination or inspection work leading to a race to the bottom. Audit requirements should identify and address inadequate resourcing to prevent a race to the bottom in Building Control standards.
- Concerns that work is being won by permitting lower levels of compliance rather than on the basis of competition in quality of service must be addressed through a robust process of technical audit and benchmarking.

Competence of professionals

There are no accepted common standards of competence that are applicable across the Building Control Profession with approaches, requirements and standards varying between public and private sectors and Building Control Bodies. This makes it difficult for business and clients to be assured that the inspectors they are employing are competent to undertake the work they are appointed to carry out.

The lack of consistent standards also makes it difficult for government, regulators and employers to know where improvement in competence is required, particularly where failures or problems are identified through market intelligence and surveillance.

Whilst there has been much work to improve matters in recent years, the profession as a whole needs greater consistency and a unified structure. There is an opportunity to build on work already undertaken as part of the Industry Response Group Steering Group on Competence for Building a Safer Future ***Working Group 6 – Building Control*** with a view to:

- Developing a comprehensive competence framework for all building control professionals regardless of sector or the type of work they undertake.
- Establishing a stronger grade and role structure recognised by the sector as a whole.
- Allowing differentiation of individual competence reflecting complexity and risk to improve public protection, including for Higher Risk Residential Buildings.
- Establishing a strong competence culture that maintains and develops professional standards throughout the sector.
- Improving public confidence in a system that demonstrates competence as an ongoing requirement though accreditation and validation.

Enforcement

We are aware of existing work by MHCLG to improve enforcement in terms of strengthened sanctions. There is an appetite to further review detailed arrangements and requirements for enforcement at an operational level to create a more structured and more easily applicable approach to escalation of informal and formal enforcement.

In addition, consideration should be given to introducing a duty on Building Control Bodies and Professionals to identify and report uncontrolled building work (where building work is taking place which should be subject to control by a Building Control Body but this is effectively being evaded) in order to better ensure public protection.

Consumer protection

Building Control Bodies can make errors in the competent execution of their work and potentially could be negligent in some circumstances. Natural justice suggests that the public should have reasonable access to redress where they suffer loss specifically due to the action or inaction of a Building Control Body (but not for losses arising where it was the responsibility of others to comply with the Building Regulations). Currently, local authorities are immune from civil claims under case law, and there are well documented issues in the

insurance market for private sector building control bodies which also have the potential to leave clients exposed.

There is an opportunity as part of the wider sector reform and on the setting of conditions for the operation of all Building Control Bodies to evaluate how best to ensure effective protection and redress for consumers of Building Control Services on a fair and equal basis.

Complaints process

Currently the complaints process for Public Sector and Private Sector Building Control Bodies are inconsistent. Consideration should be given to developing a unified complaints handling process for all Building Control Bodies as part of new operating, audit or performance reporting requirements linked to a common Code of Conduct for Building Control Bodies and Professionals.

Information requirements

Requirements for lodging of certificates, notices and recording information are disjointed and inconsistent. There are concerns that this means that some decisions, including fire safety decisions can be left unresolved. Wider reform provides an opportunity to:

- Evaluate and put in place a central repository of information held by the Building Safety Regulator
- Digitise notification procedures including for initial and other notices
- Integrate golden thread procedures into these new systems
- Introduce quality assurance procedures to ensure life safety decisions are actioned and resolved.

Knowledge and skills

The Building Control Sector has seen the availability and prevalence of high-quality technical training reduce significantly over the last twenty years. This reflects wider de-skilling in the construction industry as a whole but given the niche requirements of Building Control the impact has been much greater in terms of an absence of formal education and training for Building Control functions. Whilst some important steps have been taken to address this over recent years, more needs to be done

Wider reform and restructuring in the Building Control Sector provides opportunities to address the following:

- Raising the profile of Building Control to attract more people into re-training or education specific to Building Control
- Re-building academic and other training pathways specific to Building Control skills
- Creating a clear career pathway for the Building Control Profession
- Putting in place structural requirements including for validation and revalidation of competence to ensure a sustainable market for skills and training specific to Building Control

- The introduction of a graduated skills and competence framework for different types and levels of risk leading to graduated licensing and competence.

Recognition and perceived value of Building Control

Building Control has often been referred to as the Cinderella service – often forgotten and overlooked. Work is needed to re-establish the critical importance of the Building Control Sector to help sustain morale and address recruitment and retention issues more widely. Proposals for regulation and registration should be seen as an opportunity to re-position the Building Control Profession in a positive light and to reward committed professionals with an enhanced status.

Recruitment and retention

The skills needed to undertake Building Control services make Building Control Professionals valuable in other parts of the construction sector. Whilst Local Authorities often find competition on salaries difficult because of inflexible wage structures, all parts of the Building Control Sector struggle to compete with more financially advantageous but similar roles elsewhere in construction.

As part of wider reform, consideration needs to be given to how the sector can be structured to support better recruitment and retention of skilled and committed professionals.

Inflexible and over complex legislation

The primary and secondary legislation governing the Building Control System in England has evolved over a long period of time to reflect changing requirements. The Building Act 1984 itself is a consolidation of previous Building Regulations, laws and bylaws many of which date back decades and in some parts, centuries.

The introduction of competition into the building control system in 1985 was facilitated by levering new requirements for the operation of Approved Inspectors into a wider process of consolidation of the previous public sector only system. The net result is in effect two parallel routes to obtaining building control oversight with similar but differing governing sets of legislation and procedures, whilst being intended to deliver the same outcomes (in terms of compliance).

Over time Government has not allocated time to the necessary Primary Legislation needed to resolve these procedural differences. This is because the structure of the legislation does not reflect current good practice whereby detailed operational requirements should be contained in secondary legislation (regulations) which are easier to amend rather than primary legislation (acts). This higher level ‘defect’ in the system needs to be resolved to enable short term and longer terms flexibility in the management of the building control system.

2 Part 2 – Understanding Challenges and Opportunities

There is also general agreement that there are significant opportunities at a more detailed level to simplify legislation, align operating procedures and reform operational requirements to support consistency in the delivery of building control services across all sectors. Aiming to create a single unified procedure wherever possible should be the overarching objective of legislative reform.

Recommendation 1

Government should work with the Building Control Sector to identify in detail systemic and operational issues which need to be addressed to optimise the performance of the Building Control Sector in the execution of its duties.

Part 3

Proposals and Recommendations

3 Part 3 – Proposals and Recommendations

The following proposals for reform of the regulation of Building Control Bodies and Building Control Professionals are a starting point for further engagement with the people and businesses within the Building Control Sector, Government, HSE, the Building Safety Regulator and consumers.

3.1 A new Regulatory Framework for the Building Control Sector

Good governance and regulatory oversight are key for any sector to work effectively. The Building Control Sector is no different, and all of the organisations involved in the development of this report are fully supportive of reform to ensure cohesive, consistent, robust and effective governance of Building Control Bodies and Building Control Professionals.

This will need to be delivered by a body undertaking regulatory functions which MHCLG have indicated could be retained entirely within the Building Safety Regulator, fully delegated to an external delivery partner in the form of a Designated Body, or with functions split between the BSR and a Designated Body.

Independence and impartiality in the new Regulatory Framework

Good governance and oversight are key for any sector to work effectively. The Building Control Sector is no different, and all of the organisations involved in the development of this report are fully supportive of reform to ensure cohesive, consistent, robust and effective governance of Building Control Bodies and Building Control Professionals.

This will need to be delivered by a body undertaking suitable regulatory functions which MHCLG have indicated could be retained entirely within the Building Safety Regulator, fully delegated to an external delivery partner in the form of a Designated Body, or with functions split between the BSR and a Designated Body.

In preparing this report, we have identified a potentially serious conflict of interest within the Building Safety Regulator where the BSR is itself acting as the Building Control Body for in scope buildings as proposed. We do not believe that public confidence can be maintained where the BSR is in effect responsible for oversight of its own performance as a Building Control Body.

On that basis and taking into account the other findings of this report this group believes that the regulatory functions providing oversight of the performance and competence of Building Control Professionals and Building Control Bodies must be designated to a separate, suitably independent body outside of the Building Safety Regulator itself. Consideration may need to be given to sponsorship of this Designated Body being managed directly by MHCLG for the same reasons i.e. to avoid any perception of conflicted interest between the BSR and Designated Body.

The Remit for a reformed regulatory regime

The remit of the regulatory oversight function must be very clearly described so as to ensure that there is no overlap with functions or authority being exercised elsewhere in the hierarchy of regulators and enforcers which are proposed as part of the reformed building

safety system. It is also important to ensure that there is no ambiguity in their role to avoid 'mission creep' which can otherwise distract organisations from their core functions.

In our view the objective of this new regulatory regime can be simply summarised as ensuring that:

- Building Control Professionals are and continue to be competent to undertake their functions ethically in ensuring compliance with the Building Regulations and in the interest of consumers.
- Building Control Bodies are competent, ethical and diligent in undertaking their functions in the delivery of Building Control services.

Recommendation 2

The main objective of day to day oversight of the Building Control Sector should be clearly and tightly defined in terms of ensuring that Building Control Professionals and Building Control Bodies are competent and diligent in undertaking their Building Control Functions.

Looking at the statutory basis for the role of this function it is clear that MHCLG will retain primary authority over Primary Legislation, Secondary Legislation (regulations) and some of the statutory guidance which determine the functions and operations of Building Control Bodies. The Building Safety Regulator will hold and control the balance of statutory guidance and determine the remit of any Designated Body, including the extent to which functions are delegated.

Whilst the Designated Body will have a critical role to play in the overall regulatory framework, it is important that it does not duplicate or compete with the role of MHCLG and the BSR in their roles as regulators.

There is a critical difference between those bodies setting the legislative framework and the Designated Body undertaking specific regulatory functions. The main regulatory functions proposed to be undertaken by the Designated Body are more akin to those of a registration and audit body. So whilst it may be technically accurate to describe the Designated Body as a regulator, it may be helpful to refer to it by another title (avoiding the word regulator) in defining and re-enforcing its remit, and avoiding confusion with all of the other regulators and regulations. It has been suggested that the name 'Building Control Registration Board' accurately reflects the purpose and remit of the Designated Body.

Regulatory functions

In order to assess the role of the body undertaking regulatory oversight functions in more detail, the Future of Building Control Working Group has developed the initial model proposed by MHCLG. The outputs are summarised in Annex B which shows where this group recommend that responsibility and agency lie in relation to the key functions for regulation and management of the Building Control Sector.

3 Part 3 – Proposals and Recommendations

MHCLG / Central Government

MHCLG / Central Government will:

- Remain responsible for setting primary and secondary legislation and any related policy development and implementation. This will include legislation establishing the remit and powers of the Designated Body.

The Building Safety Regulator

The BSR will:

- work with MHCLG to manage the remit of the Designated Body including issuing guidance where appropriate on matters such as assessment criteria, sanctions, performance requirements and audit requirements
- be accountable to MHCLG and parliament for performance of the building control profession and system
- maintain reserve powers to act on the advice of the Designated Body if it is necessary to step in to take control of a seriously under-performing Building Control Body
- set and approve registration and audit requirements for the Designated Body to apply
- approve validation and revalidation requirements in consultation with the Designated Body.

The Designated Body

The Designated Body will:

- have a duty to recommend the BSR exercise 'step in powers'[1] where necessary e.g. where sanctions available to the Designated Body prove inadequate or where risks necessitate more rapid intervention
- undertake day to day regulatory functions covering Building Control Bodies and Building Control Professionals on behalf of the Building Safety Regulator
- provide secretariat to its governance board and any consumer or liaison panels.

Registration

- produce registration, ongoing registration (including maintenance of competence) and audit requirements for approval by the BSR
- maintain a register of approved professionals

[1] 'Step in powers' in this context refer to current powers available to the MHCLG Secretary of State to take over the running of an under performing Building Control Body if this were to prove necessary. It is thought unlikely that the exercise of these powers will be delegated to a Designated Body but this remains to be clarified.

- maintain a register of both approved public and private Building Control Bodies
- manage admission, re-registration and re-admission of individuals and entities
- engage in the development and improvement of industry led competence frameworks.

Education and training provision

- be able to raise concerns in relation to training, validation or academic courses and where necessary act on these concerns in considering registration
- Professional standards
- sets and maintain the overarching Code of Conduct in consultation with the sector, BSR and MHCLG
- issue formal and informal advisory guidance to the profession and entities.

Audit

- undertake professional and technical audit of individual where concerns are raised
- undertake periodic administrative and technical audit of Building Control Bodies
- investigate concerns and complaints and impose sanctions where appropriate.

Third parties including professional bodies, training providers etc

Professional bodies, education providers, accredited assessment and training providers will (where relevant to their function):

- undertake validation and re-validation of individuals in accordance with industry standard competence assessment processes with third party oversight / accreditation and in line with the requirements of the BSR / Designated Body
- undertake day to day CPD monitoring in line with requirements of the BSR / Designated Body
- set education and standards framework in line with the requirements of the BSR / Designated Body
- approve or accredit qualifications meeting the competence framework
- provide training
- provide access to academic or educational qualifications.

Where the Designated Body will focus it activities

Taking into account the above, the main activities of the Designated Body will be registration of Building Control Bodies and professionals, auditing of these entities and dealing with concerns and complaints and engagement in setting competence, assessment and validation criteria. Taking these in turn:

Registration

A cross industry approach is being developed for validation, revalidation and competence assessment. Whilst the Designated Body will need to set its own rules for registration, it

should take these into account and should align as far as possible with this common approach which is rooted in oversight of competence standards by the BSR's Overarching Competence Committee. It is anticipated that the Designated Body will set additional registration requirements such as fit and proper person and other evidential requirements as part of the overall registration process for individuals.

The Designated Body should also be engaged in developing and approving assessment criteria which will be approved by the BSR. These will provide sufficient detail to ensure consistent assessment by third parties against the Building Control Competence Framework. Building Control Bodies and Building Control Professionals will be registered on a publicly accessible register held and maintained by the Designated Body.

Audit

Audit of individuals should be undertaken where concerns or complaints are raised. Re-validation by appropriate third-party bodies and CPD returns should be the main mechanism for assurance of ongoing competence and fitness to practice for Building Control Professionals.

Audit of Building Control Bodies is seen as vital to ensure consistent standards of technical and administrative performance are maintained throughout the Building Control System. This must be a robust and testing process which delivers recommendations for improvement, identifies non-conformities and ultimately results in sanctions where performance cannot be remedied through other means. Where sanctions are not effective, the Designated Body should hand back to the Building Safety Regulator to exercise any step-in powers to intervene directly in the running of Building Control Bodies.

Ongoing monitoring to identify and understand risks and issues will be an important part of the Designated Body's remit alongside undertaking periodic audits of all Building Control Bodies.

The audit function must also undertake sampling and benchmarking of technical compliance standards on real projects i.e. it must measure and flag concerns about any areas where a Building Control Body is diverging unreasonably from accepted good practice in complying with the Building Regulations. The FBC Working Group regard this as fundamental to ensuring effective competition in the Building Control Sector. In order to have the adequate range and competence to undertake technical audits this function may need to be contracted out with an 'intelligent client' function retained within the Designated Body itself.

Concerns and complaints

The ability to investigate concerns and complaints made against either Building Control Bodies or Professionals is critical to protecting the public interest and maintaining credibility of the sector as a whole. Scope of complaints remain to be defined but in principle should relate solely to Professional or organisational Conduct and Competence and not extend to adjudicating technical or procedural compliance or other matters. This needs to be defined in a robust Code of Conduct.

Further consideration needs to be given as to how alternative dispute resolution including adjudication is undertaken where a Building Control Body is involved particularly in relation to matters technical dispute.

This is likely to be a major area of work for the Designated Body as it is for all registration bodies. The implications of de-registration for professionals or removal of an effective 'license to practice' for entities are potentially severe including loss of employment or inability to function as a business. A wider range of sanctions should be available to the Designated Body.

Serious consideration therefore needs to be given to ensuring that the disciplinary and investigation functions of the Designated Body are robust, independent, fair, transparent and proportionate. Sanctions must be enforceable, but the primary aim must be rehabilitation rather than erasure or suspension of registration. A graduated and incrementally tougher range of sanctions is needed to respond effectively on a case by case basis.

Investigating concerns and complaints requires significant resource and may also require independent legal advice. Budgets within the Designated Body need to be allocated accordingly.

The need for investigations and sanctions to be unconflicted and trusted as being independent of undue influence also needs to be considered when deciding on the governance and status of the Designated Body. Further detailed consideration will also need to be given to rights of appeal including escalation through the BSR and ultimately to the Secretary of State of the sponsoring Central Government Department.

Recommendation 3

The regulatory functions should be focused primarily on new and ongoing registration of Building Control Bodies and Building Control Professionals; auditing Building Control Bodies against robust administrative performance standards and technical decision making and compliance with the Building Regulations; addressing concerns and complaints against those Professionals and Bodies who are registered and sanctioning where necessary.

A Designated Body

The Future of Building Control Working Group has looked closely at the arguments for and against regulatory functions being delegated from the Building Safety Regulator to a 'Designated Body'. Whilst we recognise that MHCLG Ministers in consultation with HSE have not as yet decided whether these functions should be delegated, we have come to the following conclusions:

- To be effective, regulatory functions must be delivered through a single body covering all sectors and activities so that expectations and outcomes are demonstrably uniform. The regulatory functions outlined in Table 2 are considered mutually dependent and we recommend that they are not split between organisations.
- The exercise of these regulatory functions would therefore benefit significantly from being at distance from Government and the Building Safety Regulator in terms of transparency and avoiding conflict of interest. An independent body will be more likely to sustain public trust and confidence, particularly where its objectives are firmly rooted in serving the public good.

- The Designated Body needs sufficient independent authority to exercise governance in a proportionate, fair and transparent manner and with adequate power to sanction where necessary. This may be constrained by operating within a higher tier regulatory body.
- In order to be effective in undertaking organisational and technical audit activities, the body exercising regulatory functions will need to have powers of access and the ability to force disclosure of documentation. This means that it will need extensive powers over both Approved Inspectors and Local Authorities.
- The body exercising regulatory functions will obtain, hold and manage sensitive and commercially sensitive information on a regular basis. This implies the need for distinct and robust separation of regulatory functions from any other organisation where commercial or sectoral interests could be abused.
- In order to ensure transparency and trust in data management and the probity of its actions the body exercising regulatory functions should be subject to the Freedom of Information Act.

All of the above strongly suggest that if it is decided that regulatory functions should in any way be delegated outside of the Building Safety Regulator, it should be delegated in a cohesive manner to a separate, independent, body with statutory powers and a clear but well defined remit to act in the public interest. We recognise that further discussion is needed to establish the best model for delivery of this function to ensure independence of outcomes and we recommend early and continued dialogue on this issue with the Government and Building Safety Regulator.

Recommendation 4

Oversight should be delegated to a separate, independent body with appropriate statutory powers to deliver its remit effectively but on a par with other registration bodies where health and safety are a prime concern.

Probity

The public have suffered tremendous loss and harm as a result of failures in policy, regulation and Construction Industry practices and behaviour. Dame Judith Hackitt's finding that the Building Control system is not fit for purpose is a damming indictment that has lodged in the public consciousness.

There is little point in establishing new requirements for regulation of the Building Control Sector if the public are not reassured that reform means the system is working to protect their safety and interests.

Probity is therefore a critical issue in deciding on the governance, nature and form that any designated body should take. We have reviewed the following and produced a summary table (below) of the key considerations and the expectations in each respect from the point of view of the Profession (including entities) that will be regulated; what we believe government should expect; and what we believe the public should expect from a Designated Body.

Table 1: Probity / Governance Principles

Designated Body Objective: To undertake functions conferred on it by the Building Safety Regulator and/or Secretary of State

Principle of Good Regulation	What would this mean for a DPB	Expectations from:		
		Profession	Government	Public
Proportionality	Any burden or restriction imposed on an individual or regulated entity is proportionate to the benefits expected as a result of the regulatory intervention	Regulations not overly onerous, restricting ability of building control professionals and entities to practice. Considering the need of a well functioning market and economic growth.	That regulations do not inhibit significantly the ability for building control functions to operate and that no unintended consequences on wider industry.	That the designated body is effective in setting the standards for and regulating the building control profession
Accountability	Accountability for the designated body to include: - Independent Board - Building Safety Regulator Oversight and reporting requirements - Clear Governance Framework setting out functions of Committee and Secretariat - Majority lay representation in governing board	That there is clear oversight of the designated body and that the Board and Executive are accountable	That there is clear oversight of the designated body and that the Board and Executive are accountable	That there is clear oversight of the designated body and that the Board and Executive are accountable
Consistency	- the body needs to ensure that it is consistent in its approach to enforcing and applying its standards - the designated body would need to ensure that its rules and standards align with those of the Building Safety Regulator and the broader regulatory environment. - the designated body needs to be predictable and avoid knee jerk reactions to give stability and certainty to those that it is regulating	That the designated body is fair and consistent in its enforcement of standards	That the designated body is fair and consistent in its enforcement of standards	That the designated body is fair and consistent in its enforcement of standards

Principle of Good Regulation	What would this mean for a DPB	Expectations from:		
		Profession	Government	Public
Targeting	The designated body should be targeted in its approach, focusing on the problem and minimizing unintended side effects	That the profession feels the designated body is improving standards by focusing on issues affecting the profession. Publishes targeted guidance That it focuses resource on activities / professionals / entities posing the highest risk	That the designated body takes a risk based approach, focuses on activities, professionals, entities posing the most risk	Consumers feel they are afforded reasonable protection against the risks to health, safety and welfare.
Independence	The designated body needs to have suitable independence from government, the Regulator and industry to come to decisions relating to registration, undertake audit functions and investigate concerns without being subject to or being perceived as being subject to undue influence.	The profession and registered entities can be confident that the designated body will treat them in line with its mandate having made independent decisions based on the facts even if this is inconvenient for Government / the BSR	That there is clear separation between the responsibilities of the various actors (including industry and government) such that there is no perceived collusion in the execution of duties based on the public good.	That thee public have absolute confidence that the designated body will act with integrity in protecting the public interest without favour to industry or government.
Financial impartiality and propriety	The designated body should be financially entirely separate from any other commercial interest and the funds raised through registration should be used for that purpose alone and managed in line with expectations for any money raised under statute.	Registration should not be a profit-making activity and the money raised through registration and other fees should be used solely for the public good objectives of the designated body. There should be no financial transfer or benefit to another body.	Money should be managed responsibly and, in a manner, according to a role undertaken under statute (even if the designated body is not a statutory body).	The designated body should be driven by its public good objectives and not by any financial interest or gain.
Conflict of interest	The designated body should not be conflicted in any way or at risk of being perceived as conflicted in any way in the execution of its duties.	That there is no perceived or actual bias towards any professional accreditation due to conflict of interest in registration or disciplinary procedures.	That the designated body is not at risk of being discredited, brought into disrepute or subject to loss of confidence as a result of real or perceived conflict of interest.	That there is no question that the designated body is or can be perceived to be working in any interest other than the public good.

Recommendation 5

The governance and operation of the Designated Body must be to the highest standards of probity in order to ensure it is trusted by the public and the sector it regulates. It should take into account all of the considerations set out in this report relating to proportionality, accountability, consistency, targeting, independence, financial impartiality and propriety and conflict of interest.

3.2 A Common Competence Framework

The importance of competence

The Independent Review of Building Regulations and Fire Safety identified serious shortfalls in the way in which competence in the construction sector is assessed and maintained. Ensuring competence of persons and entities is now recognised as critical in construction work where the implication for safety of building residents and users are high.

A Common Framework for all Building Control Professionals

The Future of Building Control Working Group has undertaken rapid work to review progress to date and establish a clear direction of travel to underpin competence assessment of Building Control Professionals.

There is consensus that a single competence framework for Building Control Professionals should be developed and agreement that the framework should:

- be capable of encapsulating all of the various roles who are active in the delivery of Building Control functions including administrative roles.
- Incorporate, align and build upon the HRRB competence framework developed by Working Group 6
- be the competence standard against which registration requirements are set by the regulator / Designated Body including to differentiate for persons working on HRRBs.
- be proposed for development into a British Standard in the same way as has been proposed for the roles of Principal Designer, Principal Contractor and Building Safety Manager.
- include a four-level assessment matrix to enable core competencies to be assessed against different role specifications
- be developed in such a way as to allow mapping against its criteria to demonstrate compliance rather than requiring adoption of the framework document itself.
- be applicable to all Building Control Professional regardless of which sector they work in.

Previous work on Building Control Competence

In response to the findings of the Independent Review, competence in the Construction and Built Environment industry has been the subject of extensive and ongoing work by a wide

range of industry groups. The main output to date has been publication of the interim 'Raising the Bar' report which sets out proposals for extensive reform of the way in which competence is tested for all persons involved in the development of Higher Risk Residential Buildings.

Working Group 6 – Building Control, brought together a wide range of representatives from across the Building Control and associated sectors to develop a Competence Framework for Higher Risk Residential Buildings. The group also developed an initial competence framework for all Building Control Professionals but set this aside having committed to return to develop that framework at a later date.

The work of the Future of Building Control Working Group builds on the work already undertaken by Working Group 6. In order to take this work forward, we recommend that a Building Control Sector working group be convened combining persons and organisations from Working Group 6 with this group in order to develop a full Draft for Development.

The Draft for Development should either be consulted on and published as a sectoral framework / sector owned competence framework or should be handed over to BSI for development into a full Publicly Available Specification (PAS) or British Standard.

Learning from other sectors

The working group has also looked at frameworks in other sectors where a matrix based approach is deemed to work well and has identified the Institute of Chemical Engineers ISC Process Safety Competency Guide as a useful precedent for the building control sector. The ISC framework reflects a similar range of roles and models of competence mapped against core competencies.

This was considered a useful precedent and has been used in further developing the language and structure of the proposed Building Control competency framework. We also consider that this provides sound proof of principle that a similar approach will be workable and effective. A copy is provided at Annex C for information.

Draft for Development

As part of the work in developing this strategy we have produced a Draft Building Control Competence Standard for further development. This is at an early but relatively detailed level of development and attached at Annex D.

The competence standard is drafted in a similar format to a Publicly Available Specification (PAS) in order to allow easy translation into a formal standard. There is agreement within this group that development of the standard into a full British Standard is highly desirable as it will ensure a full process of industry consensus building; will be regularly reviewed and updated to take into account of changes in the sector or expectation of building control professionals and will be capable of development into an ISO standard.

We have written to BSI and have received their agreement in principle that this competence framework would be suitable for development into a PAS and then a full British Standard. This remains subject to agreement by MHCLG.

The BSR and the Designated Body should be represented on the drafting committee overseeing this Competence Standard to ensure they can influence and contribute to its development over time.

Assessment Criteria

We are also proposing that the Competence Standard be supported by detailed assessment criteria published by the Building Safety Regulator. There are several benefits to this approach:

- It is recognised that more detail is required than would normally be contained within a competence framework to ensure consistency across all assessment of competence for Building Control Professionals. Assessment criteria can be pitched at the right level to ensure that this is the case.
- Assessment criteria held by the BSR / Designated Body can be amended more rapidly to reflect changes in requirements or market intelligence.
- Separating the competence framework from assessment criteria enables the framework to work generically across all of the UK Devolved Administrations, with each administration publishing assessment criteria reflecting the detail of their own regulatory systems and requirements.

We have not developed assessment criteria, but we are starting a process of evidence gathering to support further work in the period after this report is submitted.

Recommendation 6

Building Control Professionals should work to a single unified Competence Framework developed by industry.

a) In the first instance the current draft for development should be developed into an interim framework by a working group combining membership from the FBC and CSG Working Group 6 (Building Control).

b) This should be approved by the BSR for use as an interim framework.

c) The Competence Framework should then be developed into a PAS with a view to becoming a formal British Standard and potentially an ISO standard.

d) This Competence Frameworks should be used for validation and revalidation of all Building Control Professionals.

e) The Competence Framework should be supported by detailed assessment criteria drawn up by the BSR and the Designated Body in consultation with industry.

3 Part 3 – Proposals and Recommendations

3.3 A Common code of conduct and ethical framework

The need for cultural and behavioural change

Alongside the harder technical and procedural competence included in the proposed Building Control Competence Standard are a number of important softer competencies relating to professional commitment. This includes recognition of and adherence to applicable Codes of Conduct.

Codes of Conduct are essential starting points for ethical education and setting expected standards of behaviour. In turn, the active application of ethical considerations in the work of construction professionals is recognised as a vital part of cross sectoral culture change.

A common Code of Conduct applicable to all Building Control Bodies and Building Control Professionals is also fundamental to enable the Designated Body to investigate complaints and concerns, and to impose sanctions if appropriate.

There is consensus in the group that a single Code of Conduct for adoption across all Building Control Bodies and Professionals should be developed and made mandatory to support this function

A draft Code of Conduct

We have produced a draft Code of Conduct for Building Control Bodies and Professionals which is attached at Annex E1 and E2.

The Code of Conduct is in two parts:

Part 1 - Sets out expected conduct and principle-based standard to which Building Control Bodies and Building Control Professionals should comply. These are based on the shared ethical standards adopted by the Competence Steering Group.

Part 2 - Guidance on ethical conduct setting out key considerations for Building Control Bodies and Building Control Professionals in their day to day work. This is based on shared experience of common areas where Building Control Bodies and Professionals may cause a breach of the Code of Conduct.

Recommendation 7

The Building Safety Regulator and Designated Body should adopt and maintain a single Code of Conduct applicable to all Building Control Bodies and Building Control Professionals based on the Code of Conduct developed by this working group.

3.4 A defined Professional Structure and Development Framework

Creating a unified professional structure

In order to support a more cohesive Building Control Sector it is agreed that the development of a core career structure or pathway is of benefit. This is also a vital part of the proposed competence framework where there is a need to reflect a range of roles and competence for assessment purposes. The proposed structure for key roles and related criteria / characteristics is set out in Table 2 below.

The Future of Building Control Working Group has worked to bring together experience from both the Local Authority and Approved Inspectors to create a generic role structure for building control professionals. This is intended to span all of the roles within Building Control Bodies from administrative grades to senior managers and heads of service delivery. It is intended that this will support the development of a professional culture at all levels as well as facilitating career progression.

Application of the Role and Work Types matrix

These roles are intended to be generic and help create consistent 'benchmarks' at typical grades of responsibility and in distinct (but common) areas of competence i.e. commercial or residential projects of varying scale and complexity.

Individual Building Control Bodies will need to build upon these generic role descriptions to reflect their own business models and the specific requirements for the work they undertake. It is however anticipated that these descriptors will become a recognised 'norm' within the Building Control Sector, particularly for recruitment and job assessment purposes.

Links to registration

It is also anticipated that these role descriptors will be utilised as the basis for competence assessment in line with section 3.3, and that the Building Safety Regulator (and any Designated Body) will make reference to these roles in deciding which professionals should be registered.

Equivalence and competence

The Building Control Sector derives great benefit from the diverse and varied background and experience of its professionals. Often this includes a range of site and trade experience as well as academic or formal training.

Section 3.3 recommends the adoption of competence-based testing which means that candidates should be assessed taking into account the full range of their skills, knowledge, experience and behaviours. The competence assessment process is based on a principle of equivalence which uses Qualifications and Experience as 'benchmarks' against which the ability of a candidate can be measured.

In practice this means that the qualifications and experience set out as part of the Role and Work Types matrix are to be taken as 'indicative' – it will remain for the relevant assessment process to determine overall the competence of the candidate.

The Role and Work Types Matrix

The table is split into columns:

- **Role level**

  A generic descriptor to differentiate different levels of responsibility and competence ranging from 1 to 8. The higher the number, the higher the required level of competence.

- **Role titles**

  The main role description.

- **Work covered**

  A description of the typical type and complexity of work taken – this is not intended as a comprehensive description but is the minimum scope of competence that needs to be demonstrated.

- **Alternative titles**

  Some of the alternative job role titles commonly used in the Building Control Sector.

- **Qualifications**

  A benchmark reference point for the baseline levels of knowledge and understanding expected for a person in this role referring to academic learning levels. Refer to equivalence above.

- **Experience**

  The typical period regarded as necessary to develop suitable understanding of the construction industry to undertake the specified role in a competent manner. Refer to equivalence above.

Recommendations relating to a more clearly defined professional structure

The Future of Building Control Working Group has already undertaken limited consultation on the Roles and Work Types matrix. We want to expand that consultation process before finalising the matrix.

This will need to include discussions with MHCLG and the Building Safety Regulator to ensure it is fit for purpose and aligned with other reforms relating to competence and the structure of the Building Control Sector.

Recommendation 8

Subject to wider consultation:

a) the proposed Roles and Work Type Matrix should be adopted by government, the Building Safety Regulator and industry as the standard descriptor for levels of competence of Building Control Professionals.

b) the matrix should be integrated into the proposed Building Control Competence Standard.

c) the matrix should also be used by the regulator to reference which persons are expected to be registered within the new regulatory regime.

Table 2: Proposed Roles and Work Type Matrix

Role level	Role titles	Work covered	Alternative titles	Qualifications	Experience	Registration
1	**Administrator**	Preparation of quotes from set fee scales Registration of new projects Serving of Initial Notices and other statutory notices (consultations) Recording of Initial Notices and other statutory notices from AIs	Customer Support	NVQ 2 level or equivalent	No prior experience required	N
2	**Technical Support**	Technical administrative work Technical administrative enquiries	Technical Assessor / Technical Administrator	NVQ 3 level in Building Control or equivalent	No prior experience required	N
3	**Trainee Surveyor (Residential)**	Work under supervision comprising: Extensions Internal alterations Loft conversions, Underpinning works, Installation of controlled service / fitting New housing up to 3 storey housing OR Specific assessment or inspection tasks on more complex buildings delegated and checked by supervisor	Apprentice Building Control Surveyor Trainee Building Inspector (Residential) - This may include inspection work only	NVQ 3 level or equivalent Technician/ student membership of appropriate body + Relevant training where working on more complex building types where necessary	No prior experience required	Y
3	**Trainee Surveyor (Commercial)**	Work under supervision comprising: Internal alterations Fit outs Small extensions to non residential buildings OR Specific assessment or inspection tasks on more complex buildings delegated and checked by supervisor	Apprentice Building Control Surveyor Trainee Building Inspector (Commercial) - This may include inspection work only	NVQ 3 level or equivalent Technician/ student membership of appropriate body + Relevant training where working on more complex building types where necessary	No prior experience required	Y
4	**Assistant Surveyor (Residential)**	Work without supervision comprising: Extensions Internal alterations Loft conversions, Underpinning works, Installation of controlled	Assistant Building Inspector (Residential) - This may include	HND / NVQ level 4 or equivalent Associate membership of appropriate	2 years building control experience	Y

Role level	Role titles	Work covered	Alternative titles	Qualifications	Experience	Registration
		service / fitting New housing up to 3 storey housing OR Specific assessment or inspection tasks on more complex buildings delegated and checked by supervisor	inspection work only	body + Relevant training where working on more complex building types where necessary		
4	**Assistant Surveyor (Commercial)**	Work without supervision comprising: Internal alterations Fit outs Small extensions to non residential buildings OR Specific assessment or inspection tasks on more complex buildings delegated and checked by supervisor	Assistant Building Inspector (Commercial) - This may include inspection work only	HND / NVQ level 4 or equivalent Associate membership of appropriate body + Relevant training where working on more complex building types where necessary	2 years building control experience	Y
5	**Surveyor (Residential)**	Residential developments up to 11m high; (typically 4 storey) including basements and / or associated non-residential uses House type approvals OR Specific assessment or inspection tasks on more complex buildings delegated and checked by supervisor	Building Control Consultant Building Inspector (Residential) - Inspection work only	Degree / NVQ level 6 or equivalent Full membership of appropriate body + Relevant training where working on more complex building types where necessary	5 years building control experience	Y
5	**Surveyor (Commercial)**	Non residential developments up to 7.5m high including: Offices, Shops and Commercial Assembly and recreation Industrial Storage and other non residential OR Specific assessment or inspection tasks on more complex buildings delegated and checked by supervisor	Building Control Consultant Building Inspector (Commercial) - This may include Inspection work only	Degree / NVQ level 6 or equivalent Full membership of appropriate body + Relevant training where working on more complex building types where necessary	5 years building control experience	Y

Role level	Role titles	Work covered	Alternative titles	Qualifications	Experience	Registration
6	**Senior Surveyor (Residential)**	Residential developments over 11m up to 18m high, (up to maximum of 6 stories),including basements and / or associated non-residential uses Creation of new dwelling(s) by change of use of building (conversions) OR Specific assessment or inspection tasks on more complex buildings delegated and checked by supervisor	Senior Building Control Consultant Project Building Inspector (Residential) - Inspection work only	Degree / NVQ level 6 or equivalent Full membership of appropriate body + Relevant training where working on more complex building types where necessary	With 2 years experience as a level 5 surveyor	Y
6	**Senior Surveyor (Commercial)**	Non residential developments up to 18m high including: Offices, Shops and Commercial Assembly and recreation Industrial Storage and other non residential OR Specific assessment or inspection tasks on more complex buildings delegated and checked by supervisor	Senior Building Control Consultant Project Building Inspector (Commercial) - Inspection work only	Degree / NVQ level 6 or equivalent Full membership of appropriate body + Relevant training where working on more complex building types where necessary	With 2 years experience as a level 5 surveyor	Y
7	**Principal Surveyor (Residential)**	Residential developments over 18m high (7 storey and above), including basements and / or associated non-residential uses (HRRBs) Contraventions Reversions Dangerous Structures Demolition Notices Workload management Bespoke fee quotes	Major Projects Surveyor Managing Surveyor Principal Officer Principal Building Control Consultant Special Project Building Inspector (Residential) - Inspection work only Major Projects Inspector	Degree / NVQ level 6 or equivalent Full membership of appropriate body Registered to work on HRRBs	With 2 years experience as a level 6 surveyor	Y
7	**Principal Surveyor (Commercial)**	Institutional and other residential buildings Non residential developments over 18m high including:	Major Projects Surveyor Principal Officer	Degree / NVQ level 6 or equivalent Full membership of	With 2 years experience as a level 6 surveyor	Y

Role level	Role titles	Work covered	Alternative titles	Qualifications	Experience	Registration
		Offices, Shops and Commercial Assembly and recreation Industrial Storage and other non residential Workload management Bespoke fee quotes	Principal Building Control Consultant Special Project Building Inspector (Commercial) - Inspection work only Major Projects Inspector	appropriate body Registered to work on HRRBs		
7a	**Specialist Surveyor**	Fire safety / engineering Safety @ Sports Grounds Licensing M&E installations		Degree / NVQ level 6 or equivalent Full membership of appropriate body Registered to work on Complex or High Risk	With 2 years experience as a level 6 surveyor	Y
7b	**Specialist**	Working within a Building Control Body but not providing the Building Control function	Fire Engineer Structural Engineer	Degree / NVQ level 6 or equivalent Full membership of appropriate body		No unless actively working in a building control capacity
8a	**Manager**	People performance. Handling of complaints.		Full membership of appropriate body	5 years relevant experience	If actively working on building control projects
8b	**Senior Manager**	Overseeing several managers / offices	Regional Manager Regional Director Associate Director	Degree / NVQ level 6 or equivalent Full membership of appropriate body	7 years relevant experience	If actively working on building control projects
8c	**Head of Service**	Responsible for the running of the business	Director Managing Director Head of Function Senior Leader	Degree / NVQ level 6 or equivalent Full membership of appropriate body	10 years relevant experience	If actively working on building control projects

3 Part 3 – Proposals and Recommendations

3.5 A simplified Legislative and Operational environment

The importance of clear and effective legislative structures

Building Control Bodies and the Building Control Professionals who work within them are constrained by the legislative framework within which they must work. They need to understand clearly what is expected of them, and they need to be able to explain regulations and requirements clearly to their clients and the public.

Clear and effective legislative structures aid in both of these tasks. They are also an important factor in ensuring better levels of compliance by avoiding ambiguity, clearly allocating responsibility and setting reasonable expectations which are achievable.

There is a widely shared view that the current legislation governing the roles, responsibilities and procedures applicable to Building Control Bodies and the Professionals who work in them are unnecessarily complex; in some cases impose unnecessary or unproductive requirements and are subject to imbalances across the public and private sector for no positive gain.

This section of the report sets out initial thoughts and recommendations for work to ensure that the legislation governing Building Control is reviewed and reformed to ensure it is fit for purpose in the longer term.

Recommendations for reform of Legislation relating to the operation of Building Control Bodies

The Primary legislation governing Building Control is the Building Act 1984 as amended. The Building Act is itself a consolidation of the Building Act 1965 and a range of local acts and bylaws, which in themselves were the result of long-term consolidation of both local and national legislation. As a result, whilst the Act has remained broadly functional it is in places archaic and inflexible.

This has particular relevance to operation of the Building Control Sector because many aspects of the operation of Local Authority Building Control Bodies and Approved Inspectors are specified in detail in the Act itself.

The Act is supported by two main sets of Regulations – the Building Regulations 2010 (as amended) and the Building (Approved Inspectors etc.) Regulations 2010 (as amended).

There are many specific areas of complaint about current operating requirements (set out in more detail below) and general agreement that the system is unnecessarily complex. However, government has previously been reluctant to allocate primary legislative time to look at changes to these operating requirements.

Given the competition for primary legislation between and within central Government Departments, there has been a lack of priority given to progressive or incremental reform of the Building Act meaning that long standing tension, dispute and imbalances in a competitive sector have in effect become 'locked in'.

We are aware that MHCLG are looking at necessary changes to the Building Act as part of the Building Safety Bill. This should include measures to transfer operational requirements from Primary to Secondary legislation so that they can be amended more easily in the future.

Further analysis is required to identify sections within the Building Act 1984 that fetter the ability of government to progressively modify operating requirements for both Local Authorities and Approved Inspectors. In the first instance particular attention should be paid to Local Authority functions in Section 16-20 and Sections 47-53 'Supervision of plans and work by Approved Inspectors' as part of a wider review to identify how longer-term flexibility can be achieved.

Recommendation 9

MHCLG should review the Building Act 1984 with a view to using the Building Safety Bill to transfer legislation relating to the operation of Building Control Bodies from Primary Legislation into Secondary Legislation.

A simplified and unified procedure for Building Control

Transferring operational requirements into secondary legislation seems a sensible first step in enabling wider reform of operating requirements. This will require further analysis, consultation and collaboration between the Building Control Sector, MHCLG, the BSR and wider industry to ensure an improved operational system that is durable and fit for purpose.

The aim should be to ensure that the procedural requirements for Local Authority Building Control and Approved Inspectors are the same to the maximum extent possible.

Recommendation 10

Operational and legislative requirements and procedures for all Building Control Bodies should be reviewed as part of wider reform of the Building Act 1984 and Building Regulations 2010 to deliver a simpler, unified process encapsulated in a single set of regulations.

Part 4

Transition for the Building Control Profession and Building Control bodies

4 Part 4 – Transition for the Building Control Profession and Building Control bodies

Overview of transitional considerations

The purpose of introducing new requirements for registration of Building Control Bodies and Building Control Professionals is to strengthen public protection and further improve the benefits derived from Building Control activities.

For this to happen the Building Control Sector needs to emerge from the reform process with greater capacity and a more competent workforce.

Whilst it is accepted that the public interest in being assured of the competence and performance of those operating and working in the Building Control Profession must take priority, serious consideration needs to be given to how a transition from the current regulatory regime to the new regulated framework can be successfully achieved.

The challenge for Government, HSE, Industry and Professional Bodies will be to lead people and business through this period without weakening capacity and capability. In particular, the transitional and change management process must not risk weakening public safety protections by inducing experienced professionals and organisations with valuable skills to leave the profession.

Risks arising

This is a critical moment in relation to building safety. The potential extension of Building Control activities to include assessment of safety cases for existing building is likely to increase the need for Building Control Professionals both within the regulatory framework and in advising clients / providing advice on building safety.

At the same time, introducing requirements for registration of Building Control Professionals where similar jobs in parallel sectors are unregulated (or at least less stringently regulated) introduces a strong incentive to leave the profession. It also introduces potentially strong disincentives for new entrants to choose Building Control over other sectors.

Other factors to be taken into consideration:

- High demand for people with building control skill sets in other parts of the construction industry – particularly as building safety reform is implemented.
- An ageing demographic where a high proportion of existing workers may choose to retire rather than undertake the necessary investment in validation and potential re-training
- A reluctance to undertake validation / competence testing due to unfamiliarity with this form of assessment,
- Wounded pride where it is inferred that experienced professionals are not competent.

4 Part 4 – Transition for the Building Control Profession and Building Control bodies

The process must be presented and perceived as affirmative of the value of the Building Control Profession rather than seen as being hostile or as inferring unmerited criticism of what are in the large part hard working and committed people.

Key considerations

We recognise that transition planning will be a matter for MHCLG and the BSR. We would be happy to be part of and work with both organisations to establish a successful transition strategy once structural decisions, roles and responsibilities are confirmed.

What is involved in the transition process?

The transition process should aim to capture the benefits of registration for Building Control Bodies and Professionals at the earliest opportunity. It must balance the urgency of assurance for the public with the realpolitik of managing a scarce workforce who are already dealing with extensive reform and cultural change.

In the interim we make the following suggestions and recommendations:

Messaging and Support

It is vital that the intent, nature and potential demands of the new regulatory regime are communicated in a way which sends positive signals about the value of the building control community. This must not be seen as a penal regime imposed because of failure which would result in serious damage to moral and retention.

It is also important that Building Control Bodies and Professionals have access to support and training early on in the transitional process. Consideration should be given in the transitional period to:

- Funding for academic training
- Funding for at work training or dedicated training courses

Timing and timescales

Careful analysis of timescales is required to understand how quickly the existing cohort of professionals and entities can be competence assessed or audited. It is not realistic to expect this to happen immediately, and there are still a number of actions that need to be completed before these processes start.

For professionals:

- Competence framework to be finalised
- Assessment criteria to be developed and approved
- Third Party schemes to be established and approved
- Registration requirements to be established and published
- Registration functions to be established within the Designated Body.

For Building Control Bodies

- Audit requirements to be developed and agreed with BSR
- Audit functions to be set up and resourced within Designated Body.

Part 4 – Transition for the Building Control Profession and Building Control bodies

All of the above are dependent on establishing the regulatory functions / Designated Body and having resources available to undertake registration / audit functions. There will then need to be a sustainable work plan to process approximately 7500 professional registrations and around 440 registrations of Building Control Bodies.

It is agreed that public expectations will be to see registration brought into effect quickly, particularly given the time elapsed since the Grenfell Tower fire. We are also keen that new requirements for competence and audit are in place as soon as possible – but recognise this needs to be done in line with capacity to deliver these functions at a meaningful and effective level of quality and consistency. We therefore suggest a risk-based approach in line with the following timescales from establishment / operational status of the Designated Body:

Validation for **professionals** and **bodies** working on **HRRBs**	**Within 12 months**
Validation for **all other regulated professionals** and **bodies**	**Within 36 months**

Process

The critical question in procedural terms is whether a Building Control Professional or Building Control Body should be validated / audited prior to initial registration, or whether a "Grandfathering" process should be considered. The need to provide continuity of Building Control services is the primary consideration in this context and there are two ways that this could be achieved.

Option 1

A lengthy period prior to mandating registration for Building Control Professionals and Building Control Bodies sufficient for 95% to be pre-qualified for entry on the register at the point that registration becomes mandatory.

Option 2

A "grandfathering" approach where all Building Control Professionals and Building Control Bodies are brought into registration without being required to undertake assessment or audit and are then progressively tested.

In theory both approaches will require the same amount of time to assess all of the professionals and audit all of the bodies.

Option 1 sets clear expectations for competence before accepting registration but before registration could be mandated it would be necessary to be confident that the vast majority of bodies and professionals had met the standard in order to ensure continuity of provision of Building Control Services.

Option 2 has the advantage that the Building Control Professionals and Building Control Bodies can be brought within the remit of the Designated Body at a much earlier point in time i.e. that operating standards, Code of Conduct and options for sanction / investigation

of complaints and concerns can all be operational during the period that audit / validation are being undertaken.

Our view is that Option 2 is preferable with audit and validation undertaken on a risk basis over time i.e. that Building Control Bodies and Professionals working on higher risk or complex buildings are prioritised for audit and validation earlier in the process. This could be facilitated by judicious use of the proposed role and work type matrix.

Funding

The Designated Body should be entirely self-funding after an initial setup period where pump prime funding will be required (this could be recovered and re-paid over say an initial five year operating period providing that this did not risk overburdening professionals or entities in a way which damaged capacity). Alternatively pump prime funding could be retained and converted into an operational reserve.

The Designated Body would need to be able to charge registration fees, retention fees and audit / administration fees as necessary with any excess ring fenced, retained and reinvested

Depending on the final remit for the Regulatory functions / Designated Body we anticipate that the annual running costs / operational cost will be somewhere in the range of £3-5 million.

Recommendation 11

Once regulatory provisions are agreed, Government and the Building Safety Regulator should convene a working group to manage communications and develop a deliverable strategy to support the sectors transition. This strategy should include:

- **a)** A "grandfathering" approach to bring Building Control Bodies and Professionals within the system at the earliest opportunity to bring them within the remit of the Designated Body.
- **b)** A realistic timescale for audit and validation based on analysis of capacity
- **c)** A risk-based approach to validating and auditing those on the register with those inspecting higher risk and more complex buildings given priority.

Part 5

Conclusion

5 Part 5 – Conclusion

5.1 Recommendations

The recommendations set out in this report, if implemented, will provide the fundamental change required to ensure that Building Control Bodies and Professionals are consistently effective in providing the public protection that is at the heart of their purpose.

We welcome tough regulation and high standards for the sector whilst being mindful that the people who work in our industry will also need support and encouragement as the changes set out here are implemented. This will also require positive leadership from Government Ministers and the Building Safety Regulator alongside leaders from the Building Control Sector.

Only by establishing a genuinely independent body to exercise regulatory functions over Building Control Bodies and Building Control Professionals can we assure the public that these services are being delivered in their interest.

We recommend that the proposals in this report are implemented in full but would draw the attention of MHCLG and the BSR to the following in particular:

- To ensure that the public can have ongoing confidence that the Building Control Sector is working effectively in the public interest, relevant regulatory functions are delegated to an independent Designated Body meeting all of the probity requirements set out in this report.
- Conduct for all Building Control Bodies and Building Control Professionals must be underpinned by a unified Code of Conduct which promotes ethical behaviour within a highly professional culture.
- Development and adoption of a unified Building Control Competence Framework for all those working in the Building Control Sector must be a priority and should be structured around a unified role matrix as set out in this report.
- Reform needs to be supported by adequate funding and resources across all part of the Building Control Sector.
- The transition process needs to be undertaken in a way which improves capacity and capability by maintaining and developing the existing workforce and incentivising a pipeline of new people to work as Building Control Professionals.

5.2 Next steps

We look forward to the Government response to these recommendations and given the advanced stage for legislative preparation are able to respond rapidly to any specific points or questions that arise.

All members of the group involved in producing this report stand ready to work with Ministers, MHCLG, HSE and the BSR in the next stage of development of reform of Regulation of the Building Control Sector in England.

Annex A

A brief history of Building Control in England

Annex A. A brief history of Building Control in England

THE SYSTEM IN ENGLAND & WALES

The control of buildings is one of the oldest forms of Local Government responsibilities. In England it can be traced back to the 12th Century. The modern system evolved from the aftermath of the Great Fire of London in 1666. Prior to that tragedy serious fires had occurred in many other large towns in England that resulted in Local Acts being acquired to control the rebuilding. These Acts were mainly based on the Calais Paving Act of 1548 which required the roofs of buildings to be covered with slate or tile rather than being thatched with straw or water reed.

A patchwork of control emerged with towns only having such controls following a local disaster as to seek a private Act was very expensive. These local improvement Acts represented local action taken by local people to solve what was considered a local problem. The devastation caused by the Great Fire of London was due to the congested nature of the buildings and the extensive use of combustible materials. Never the less the extensive damage was still considered a local problem and a solution was sought by introducing more comprehensive legislation than existed in previous local improvement Acts.

The rebuilding of London was controlled by the London Building Act of 1667. Local Acts had mostly failed because of the lack of enforcement. The London Act sought to overcome that problem by requiring the appointment of three Surveyors to oversee the working of the Act. It appears that these Surveyors were not replaced, for whatever reason, when they died or resigned their appointment. The 1667 Act was not as successful as originally intended and was replaced by the;

Acts of 1772 and 1774.

An early lesson gained from implementation was that for an Act to have any effect the ability to adequately enforce its provisions has to be made. Bristol, a busy port in the west of England also harboured many narrow streets and timber framed buildings and secured a Building Act in 1788. This Act followed closely the provisions of the London Acts and was further improved in 1840. Liverpool, another port town that had expanded by 100% to accommodate Irish immigration between 1801 and 1830, also sought a Building Act but the motivation by the City Corporation was not one of fire safety but that of public health. The congested residential development with poor infrastructure was considered to be the major cause of the high levels of such diseases as typhoid, typhus and tuberculosis. An Improvement Act was secured in 1825 but its contents had little effect on securing the improvements needed.

Prior to these act the areas of concern that had emerged were structural stability and protection from fire. A third major issue was beginning to emerge and that was restricting the spread of disease. Cholera spread rapidly over Britain in 1832.The disease did not limit its effect to one town or class of person. Such was the extent of death that it prompted calls for some form of remedial action. It was not considered to be a local problem. Cholera knew now boundaries. It had spread from the Far East and was ravaging major towns and rural areas alike.

In the fifth annual report of the Poor Law Commissioners was attached a report by Dr. Thomas Southwood - Smith in which he considered that some causes of the disease could be removed by sanitary measures in the form of Building Regulations. This report was the basis for a Select Committee of Parliament to enquire into the causes of discontent of the working classes in populous districts. One of the findings of this committee was that there was no National Building Act to enforce the proper construction of dwellings and no Act to enforce effective drainage of buildings. This was proposed in a Bill presented to Parliament in February 1841 for a Building Act. The basis of the Act would be taken form the provisions contained in the London and Bristol Building Acts. All Metropolitan Districts and large Towns would be able to adopt the provisions of the Act thus avoiding the costly application of a private Local Act. It was now seen that a national problem required a national solution, namely a national Building Act

DEVELOPMENT OF THE LOCAL AUTHORITY BYELAW SYSTEM

The 1841 Bill failed to make law partly due to resistance by the builders who saw it as a restriction on their profitability and by Local Authorities who saw it as limiting their right and function as a form of local control. Local authorities were fearful that national acts would impose financial implications that the limited number of local taxpayer and voters would have to meet. The use of local Acts enabled these persons to control expenditure to what they considered they could afford. This applied especially to Local Government in London which did not want to see the demise of their Building Act. Compromises to meet such objections weakened the Bill to such an extent it was not worth proceeding with. The report of the Poor Law Commissioners in 1842, commonly known as the Chadwick Report put an end to any further advances for a national Building Act, an Act which allowed the progress of local Improvement Acts. In turn these Acts became the mainstay of local improvements and minor but fragmented building controls. Chadwick's proposal for both a national and local Board of Health further antagonized local resistance to central control again local Councils feared additional expenditure and unwelcome political interference. Some towns were less fearful of Cholera than they were of Chadwick and his Board of Health.

As a means of assisting Local Councils introduce improvements within their districts a Towns Improvement Clauses Act was passed in 1847 enabling Councils to adopt provisions of the act without the necessity of incurring expenditure to secure a private Act. Following the demise of Chadwick and his Board of Health, local control was strengthened with the introduction of the Local Government Act of 1858. It was under this Act that Local Authorities had the power to make and adopt building byelaws as a means of controlling the construction of building.

The larger towns and cities eagerly took up these powers but not so in the rural areas. Control remained fragmented and of varying standards, but it remained largely in the hands of Local Authorities for the next 126 years.

The Public Health Act of 1875 was a milestone in the development and consolidation of Victorian public health legislation. It encouraged previously uncommitted Local authorities into adopting building byelaws. The Acts of 1890 and 1907 enhanced the byelaw making powers providing even greater control over building construction. Not all authorities adopted building byelaws and those that did were slow in updating to accommodate changes due mainly to technological changes. This produced a backlash. The By-Law Reform

Association advocated for the removal of by-law control and this resulted in the establishment by the Government of a Departmental Committee to examine the complaints raised.

The Committee was formed in 1914 but due to the First World War did not complete its deliberations until 1918. Apart from allowing Local authorities to be exempt for compliance with outdated byelaws in their need to build homes fit for heroes, the remainder of the recommendations had to wait to be incorporated into the Public Health Act of 1936. However, the trend was for a uniformity of requirement throughout England and Wales and to achieve this a greater involvement by central government was needed. The Ministry of Health was playing a leading role in updating model byelaws to enable Local authorities to adopt and keep up to date, but this was not happening. By 1936, 60 Local Authorities had not adopted a single building byelaw. Central control of the system was strengthened by the 1936 Act that required all Local Authorities to adopt building byelaws, based on the model series by 1939.

After the war rebuilding took priority and byelaws were seen as a restriction to the rehousing programme. The model series was revised in 1953 but the discretion remained with Local authorities to adopt. The continued lack of uniformity maintained demands for simpler administration and requirements. The Public Health Act of 1961 and the Health & Safety etc. Act of 1974 advance these principles with the introduction of national building regulations to replace local byelaws. The ability to relax onerous or irrelevant requirements and the provision of fees went some way to addressing the problem areas. Central control was now dominant but Local Authorities remained with the discretion as to how the regulations were enforced.

THE EVOLUTION OF THE MODERN SYSTEM

1984 saw the introduction of a national Building Act, some 144 years after it was first proposed. With it came a major shift from local to central control and from public to private administration. In a speech to the National House Building Council in December 1979, the Secretary of State for the Environment said "I want to speak to you about a field in which we can take constructive action. It is important for this industry, and it needs attention. I am speaking about the system of Building Control; does it serve us well enough, does it address itself to the right objectives, and if not, how can it be improved". He indicated that the system must meet four objectives.

i. Maximum self-regulation
ii. Minimum Government interference
iii. Total self-financing
iv. Simplicity in operation

This led to the introduction of a Housing and Building Control Bill into Parliament and after much debate eventually the building control elements of the bill were consolidated with building control provisions in 42 other Acts and four statutory instruments to become the Building Act of 1984. There followed, in 1984, a Government Command Paper entitled "Lifting the Burden" which indicated the areas of change in accordance with the four objectives set out in the Command paper in1981.

Maximum self-regulation

Developed economies have found it increasingly important to introduce and increase legislative measures to obtain adequate protection from buildings that constitute a danger in the event of a fire, unhealthy conditions due to dampness, lack of space, ventilation, sanitation and drainage. However, the development of the byelaw system administered by Local Authorities resulted in an extensive anti-byelaw campaign at the turn of the century. This movement succeeded in having an anti-byelaw Bill passed in the House of Lords in 1905 and 1906 but after some resistance by the Local Authorities Association and the failure of the Movement to agree a compromise the Bill proceeded no further. However, the Movement raised much support, which continued under the umbrella of the British Constitutional Association, accepting that building byelaws were an intrusion into the freedoms of the Constitution. The Movement had its first success obtaining relaxation from byelaw control affecting working class housing and this was followed by obtaining exemption for educational buildings in 1911.

The campaign continued under the philanthropic guise of the Housing of the Working Classes Bills and when the Bill of 1914 proposed virtual exemption for all building works without putting any form of self-regulation in its place, the whole matter of building byelaw control was referred to a Departmental Committee. The Departmental Committee reporting in 1918 did not consider the problem could be overcome by Industry having self-regulating powers but by strengthening the Local Authority system with regular updates for byelaws, better uniformity and introducing appeal system. These measures would increase the bureaucracy in the system, which in itself was a major cause of complaint.

The recommendations of the Departmental Committee eventually were incorporated into the 1936 Public Health Act. Further complaint from the Industry resulted in national Building Regulations replacing the various forms of Local Authority building byelaws establishing better uniformity throughout England and Wales. Industry maintained the pressure for change and in 1972 a Building Act was proposed and the Bill envisaged consolidation of legislation, repeal of Local Acts, removal of exemptions, greater flexibility, improved appeals system and the provision of fees.

This Act did not materialize but many of the proposals emerged as the Health and Safety at Work Act of 1974. The Act again increased the administrative bureaucracy and, in many situations, impeded the industry rather than being helpful. Further pressures were aimed at reducing the administrative difficulties and allowing the Developer and Builder the choice to use a less bureaucratic system, which would provide an independent certification. The Government accepted these principles and a Command Paper proposed the introduction of independent qualified professionals as Approved Inspectors and Approved Persons, Certification of building proposals and building work, Self Certifying Bodies such as Public Bodies and the continuance of the Local Authority system.

Minimum Government Interference

Prior to 1858 Local Authorities were the controlling force and resented Government interference into areas in which they felt they had the responsibility. This discretionary nature of control produced an uneven system which resulted in considerable objection. Byelaws introduced in the early 1860's were limited to [a] structure of walls for securing stability and prevention of fires, [b] space about buildings for air circulation and ventilation, [c] drainage [d] administrative provisions. The overall structure included, Local Acts, Local byelaws, No Acts, No byelaws. Eventually this was reviewed by the Royal Sanitary

Commission who in 1870 recommended improvements which formed the basis of the consolidating Act the Public Health Act 1875. This set the framework until the Public Health Act of 1936. The Public Health Act of 1961, the Health & Safety at Work Act 1974 and lastly the Building Act of 1984 followed this. The system proposed by the 1984 Act was intended to minimize further government interference by having the legislative framework to enable regulations to be easily updated, for administrative procedures to be made less cumbersome, for disputes to be more easily resolved and for greater involvement from the professions and industry.

Finance

A fees system has been operating in London since the Act of 1667, followed by Bristol in 1788.The Building Bill of 1841 proposed a fee system similar to that existing in London. The Bill envisaged that the Surveyors income would be solely by fees generated form the work they would supervise. Chadwick dismissed fee payment in the Poor Law Commissioners Report in which he considered the proposed scale of fees which could be received in one day would pay for a whole Board of Royal Engineer Officers but this may have reflected not on the system of fees but on the poor salaries paid to Army Officers. Fees were excluded from any of the Public Health Acts but emerged once again following the Health and Safety at Work Act of 1974. Fees were brought into the Local Government system in 1980 but the Government stated the scale of fees. The proposal for the 1984 act was to free Local Authorities to charging an amount that would cover their expenditure and not expect the taxpayer to support the cost of their administration. Approved Inspectors would be able to negotiate the level of fees for their service as a private concern.

Approved Inspectors

The NHBC were the first Approved Inspector appointed by the Government Department responsible for such matters. It was not until 1997 that other Approved Inspectors were allowed to practice. Approved Inspectors are placed into two categories, Corporate and Individual. Corporate are those who are Companies, either private or public, whilst Individuals are as the title indicates. Both Corporate and Individuals must be professionally qualified both by examination and experience. In the first instance the Department of the Environment examined applications from Corporate Bodies whilst the Construction Industry Council examined, on behalf of the Government, applications from Individuals.

The surveyors who administered the London Building Act of 1855 had to be qualified. It was a requirement of that Act. The Royal Institution of British Architects conducted an examination of suitably experienced candidates for the office of Building Surveyor to Local Authorities and this led on to the examination for District Surveyors of London. The Institution of Municipal Engineers, founded in 1873 conducted examinations in 1886 which included the subjects of building construction, law and building byelaws. However, persons holding this examination did not undertake building control work but appointed junior staff to do so.

It was not until, the Public Health Act of 1936, which required all Local Authorities to adopt building byelaws that the Institution conducted an examination especially for Building Inspectors. The Royal Institution of Chartered Surveyors, formed in 1868, introduced examinations in 1881 that was compulsory by 1891 but the subject of building regulations did not appear in the examinations until 1972. The Association of Architects and Surveyors, now the Chartered Association of Building Engineers (CABE) examined in the subject of municipal Building Surveying in 1952. The Institution of Building Control Officers, a spin off

from the associated status it had with the Institution of Municipal Engineers also examined in this subject until its merger with the Royal Institution of Chartered Surveyors in 2001.

Local Authority Building Control

Section 91 of the Building Act 1984 defines the "duty" of a Local Authority to enforce the building regulations in their area. This responsibility does not exist whilst the building work is subject to control by an Approved Inspector. However, if an Approved Inspector cannot certify the building work the Local Authority has to be informed and control reverts back to the Local Authority who have the legal powers set out in the Building Act 1984 to fulfil their enforcement responsibility.

Local Authorities have historically had discretion as to how they undertake their responsibilities. The early battles to establish a national Building Act in 1840 resulted in Local Authorities enhancing their own Improvements Acts and establishing the building byelaw system in 1858. Local Authorities had the discretion whether to adopt building byelaws or not and if so the number and experience of those persons employed to administer the byelaws. In 1930 some 60 Local authorities had not adopted a single building byelaw. This incentivised central government to act and who, through the Public Health Act of 1936 required all Authorities to adopt building byelaws, as set out in the government's model building byelaws by 1939.

The Second World War prevented a proper application of such byelaws and it was not until 1953 when new model byelaws came into being that Authorities established some form of national control with generally harmonised standards. How the byelaws, and from 1962, building regulations, were administered remained at the discretion of each Local Authority. How many staff, what experience, and what qualification, if any, was solely within their powers. It has been accepted by the Government that Local Authorities are responsible organisations that fulfil their obligations and they are best suited to adapt their financial and human resources according to their needs.

Local Authorities have been prompted on occasions to review their performance. In the late Victorian period legislative changes restricted the ability to enforce where mal administration had occurred. In more recent times the legal ramifications of liability following Sadie Dutton v Bognor Regis District Council resulted in Local Authorities taking stern measures in ensuring their staff were suitably trained and qualified and at the same time recruiting trainees to ensure a continuation of trained personnel. The matter of liability for faults due to inadequate inspections was reinforced by the Anns v Merton London Borough with similar response by Local Authorities. The pressure of facing claims for negligence was reduced in 1989 when the judgment given in the Murphy v Brentwood District Council overturned this previous judgement. This limited liability to injury or impairment of health of a person or persons affected.

Annex B

Summary of responsibility for regulatory functions

Annex B. Summary of responsibility for regulatory functions

Future of Building Control Group

Regulatory roles and functions proposals - 2020

Function	MHCLG / Central Government	Building Safety Regulator	Designated Body	Third party organisations e.g. professional bodies, training providers
PRIMARY ROLE				
Management of relevant primary and secondary legislation				
Accountability for performance of building control professions and system				
Step in powers to deal with underperforming entities			*Sanction should be available to designated body to recommend*	
Responsibility for day to day oversight of Building Control Professionals and entities				
Secretariat to Governance panels (including consumer panel)				
REGISTRATION				
Approve and sets registration requirements			*Designated body to recommend and maintain registration and audit requirements for approval by BSR*	
Admit on to Register, re-registration and re-admission thereafter, of individuals and entities				
Maintains a register of approved professionals				
Maintains a register of public and private entities				
Approves validation and revalidation requirements				

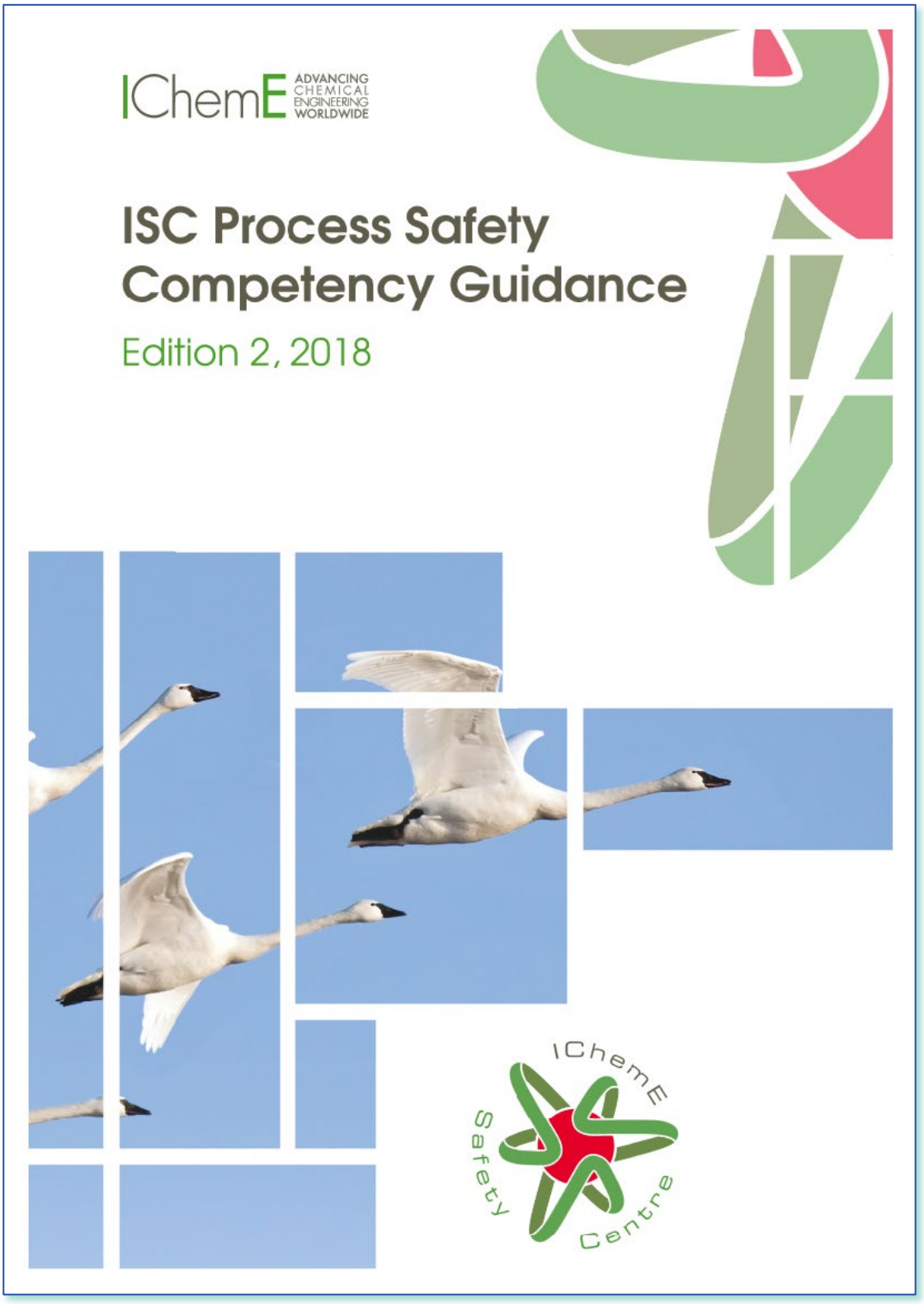
Function	MHCLG / Central Government	Building Safety Regulator	Designated Body	Third party organisations e.g. professional bodies, training providers
Decision on re-registration and re-admission				
Validating and revalidating individuals			*For this to function, the designated body should have a defined role on the overarching competency committee and should also be represented within the relevant British Standards Committee*	*Should be EC, UKAS or equivalent third party accredited bodies* *Third party bodies (EC/UKAS or equivalent) to deliver in alignment with requirements set by the designated body*
Approves minimum requirements for maintenance of competence				
CPD - Monitoring and managing maintenance of competence				
QUALIFICATION AND TRAINING				
Sets education standards framework			*Designated body to be able to raise concerns if there are any issues with a provider and should have discretion to identify that a training is not adequate*	*Could be sub-committee of BS competence standard*
Prescribes / accredits qualifications				
Approval of education and training providers				
Provision of training				
Provision of academic training				
PROFESSIONAL STANDARDS				
Sets and maintains overarching Code of Conduct				
Issues mandatory and formal advisory guidance for the profession (individuals and entities)				
AUDIT				

Function	MHCLG / Central Government	Building Safety Regulator	Designated Body	Third party organisations e.g. professional bodies, training providers
Professional and technical audit of individuals				
Professional and technical audit of entities				
Investigates concerns and complaints - imposes sanctions on individuals				
Investigate concerns and complaints - impose sanctions on entities				

Annex C

Institute of Chemical Engineers ISC Process Safety Competence Framework

Annex C. Institute of Chemical Engineers ISC Process Safety Competence Framework



Contents

Preface

The IChemE Safety Centre (ISC) is an industry-funded and led organisation, focused on improving process safety through sharing information and learnings. ISC members can nominate specific areas for action and ISC leads the development work in these areas, working with personnel from member companies. Process safety competency was identified as an initial area of work for ISC. Once a specific need was defined by the ISC Advisory Board and the project sponsor, the team set about the project. This consisted of reviewing the current guidance material available on this topic. There are several different organisations that have published guidance on how to establish a process safety competency framework. However, these documents stop short of actually defining different levels of competency for different roles – ie, developing the framework in a generic sense. ISC's guidance document takes the step to create the generic framework, for different types of roles in an organisation.

This guidance does not address how to establish competency or define certification processes. ISC anticipates further work in establishing how competency can be achieved, once a gap analysis is carried out on the current programmes available against the competency topics defined in this document.

The roles identified in this guidance document are those with an influencing focus on process safety; it is not mandated for an organisation to have these defined roles, nor for the roles to have these specified competencies. This is a guidance document that can be used to inform an organisation of the recommended process safety competences for each role, so that it can be incorporated into their existing competence framework. Organisations should have their own process safety competency profiles and programmes.

ISC believes that a functional approach to process safety is important to increase people's understanding of their requirements. Process safety is about managing the integrity of operating systems by applying inherently safer design principles, effective engineering and disciplined operating practices. It deals with the prevention and mitigation of incidents that have the potential for a loss of control of a hazardous material or energy. Such loss of control may lead to severe consequences with fire, explosion and/or toxic effects, and may ultimately result in loss of life, serious injury, extensive property damage, environmental impact and lost production with associated financial and reputational impacts. Effective management of process safety requires leadership across six functional elements in an organisation. These are:

- culture
- knowledge and competence
- engineering and design
- human factors
- systems and procedures
- assurance

These elements can be thought of as a chain of safety, rather than applied to James Reason's Swiss Cheese Model[1]. This is because we do not need failures in all elements to have an incident, but rather multiple failures in one element could result in an incident. The integrity of the chain is in the multiple layers behind it, hence demonstrated knowledge and competency in all elements is required across an organisation.

Lastly this is a living document and we expect that competency systems will evolve over time. If you have an established process safety competency system that is working well, and differs from the framework described here, please share your example, so we can continue to improve this guidance.

Edition 2 of the document incorporates feedback on the roles, competency matrix and competency definitions from the original document that was issued in 2015. Roles were revised to ensure all applicable ones were covered and competency topics were rationalised.

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5

How to use this guidance

This document provides an example of a process safety competency model. Each organisation should determine the specific requirements for implementation.

This document can be used to support implementation of process safety competency criteria within a Competency Management System (CMS). There is a range of guidance available to assist in developing a CMS (eg Cogent and UKPIA Guidelines for *Competency Management Systems for Downstream and Petroleum Sites*[2]; European Process Safety Centre Process Safety Competence, *How to set up a Process Safety Competence Management System*[3]; Health and Safety Executive, *Managing competence for safety-related systems*, 2007[4]).

Recommended steps for implementation are detailed below:

1. **Determine the scope**

   Is the framework to be applied organisation wide or for individual facilities?

2. **Map current organisational roles to the generic roles matrix in Appendix 1**

   Review the corporate structure to identify alignment with those identified in Table 1.

3. **Determine any role gaps**

   a. Identify if existing organisational roles are covered adequately

   b. Are any relevant roles from Table 1 missing from the organisation?

   Note: roles may be assessed as part of recruitment processes or development planning.

4. **Conduct gap analysis and identify lack of competencies and the required improvements for existing role defined competencies against the matrices in Appendices 1 and 2.**

   The gap assessment needs to address both the technical aspects as well as how the competency framework is administered in an organisation. This can be effectively done as a combined activity between the process safety lead in an organisation and the human resources organisational development specialist.

5. **Develop action plans to address role gaps and competency gaps. Competency gaps may be addressed by one or more of the following improvement options:**

   a. Formal training course

   b. Implementing a procedure/system

   c. Being part of a process/activity

   d. Audit of a procedure/system

   e. Closing a system gap

   f. Developing a link with another site

   g. Finding and working with a mentor

   h. Reviewing a best practice system

6. **Monitor the process safety competency process – consider using metrics to monitor the implementation and health of the framework** (refer to IChemE Safety Centre guidance *Lead Process Safety Metrics – selecting, tracking and learning*[5]).

7. **Maintain the process safety competency process during organisational changes or periodically at defined intervals to ensure it stays relevant and accurate.**

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Organisational roles

Organisational roles in companies and industries vary significantly. This guideline provides a list of generic organisational roles that may apply across multiple industries. Organisational specific job titles may not appear in the list. However, you should be able to draw a parallel with them.

Roles described in Table 1 have been categorised into areas of an organisation and specific applications.

Table 1: Organisational roles

Area	Role	Description
Front line	Operator	Front-line personnel responsible for operating the facility. Sometimes called a process operator, panel operator or process technician. Note: Self-directed roles may need to be supervisor level across some competencies, depending on the nature of the operation, eg nature of hazards, level of supervision available etc.
	Maintainer	Front-line personnel responsible for performing maintenance on the facility. Note: Self-directed roles may need to be supervisor level across some competencies, depending on the nature of the operation, eg nature of hazards, level of supervision available etc.
	Supervisor	Front-line supervisor responsible for managing operators or maintainers on a day-to-day basis. Could also be referred to as Operations Team Leader or Maintenance Team Leader.
Engineer	Integrity/ reliability	Specialist role responsible for maintaining the integrity or reliability of facilities, with expertise in areas such as corrosion management, rotating equipment, fixed equipment, etc. This also includes operational engineering activities eg safe operating envelopes.
	Technical authority	A technical specialist role that is a subject matter expert in a specific field. The technical authority owns the organisation's technical standards but should have no accountability for commercial performance of the organisation.
	Project	An engineer involved in projects for the organisation. May be in a design house, at a facility, and/or conducting site supervision for installation works. Project engineer is responsible for controlling project costs, managing schedule and ensuring compliance with regulations and technical standards.
	Information technology	This role manages critical communication and information management systems.
Support	Process safety advisor	Process safety specialist, responsible for advising organisations on process safety-related matters.
	Process safety lead/manager	Most senior process safety specialist in an organisation, responsible for advising organisations on process safety-related matters.
	HSE site	Site-based health, safety and environment specialist (non process safety specialist), responsible for advising organisations on their general HSE requirements (eg occupational health and hygiene issues).
	HSE corporate	Corporate-level health, safety and environment specialist, responsible for advising organisations on their HSE requirements (non process safety specialist, eg HSE Manager).
	Operational authority	The operational authority is a role that establishes and can approve deviations from operational procedures that impact process safety.
	Quality control	Personnel responsible for maintaining quality-based systems in an organisation, such as management systems, document control systems or assessing quality of supply chain.
	Corporate assurance	Personnel responsible for establishing corporate governance and assurance programs for process safety.
	Human resources	Personnel responsible for recruitment and training processes in an organisation. This is an influencer role, not a decision maker.
	Finance	Personnel responsible for financial management processes in an organisation. This is an influencer role, not a decision maker.
	Procurement	Personnel responsible for procurement processes in an organisation. This is an influencer role, not a decision maker.

7

Area	Role	Description
Management	Manager/ Superintendent	Managers responsible for day-to-day operations or for part of an organisation.
	General Manager / Site manager	Most senior leader at a facility, or a part of an organisation.
Executive	Leaders/MDs/ CEOs	Executive manager or director, responsible for the operations and strategy of an organisation.
	Directors	Non-executive directors appointed to a board, responsible for governing an organisation.
	Board chair	The chair of the board, or president, responsible for setting organisational direction and leadership.
	Safety committee chair	Board member delegated the authority to lead the safety or sustainability committee of the board, similar to the finance and audit committee chair, they chair a specific committee focused on the HSE performance of the organisation.
	Process safety specialist board member	Board members with specific process safety competence. This role has been recommended following several incidents, as it is important to have a person on the board who fully understands process safety, similar to having financially-trained people on a board. This could be delivered via multiple people having the range of competencies.

Developing the matrix

The matrix shown in Appendix 1 defines the required competencies for each organisational role. This detail is vital to ensure that people become competent in required topics to enable effective delivery of their role.

Establishing competency

In order to establish a competency framework, it is necessary to determine the topics of competency.

Competency topics

Eighteen topics were defined as requiring specific process safety competency, based on the following guidelines:

- Centre for Chemical Process Safety Guidelines for Risk Based Process Safety[6]
- Energy Institute Process Safety Management Elements[7]
- Cogent and UKPIA Guidelines for Competency Management Systems for Downstream and Petroleum Sites[2]
- European Process Safety Centre Process Safety Competence, How to set up a Process Safety Competence Management System[3]

These topics were then mapped against the six ISC functional elements. Some topics exist across more than one element, therefore the most significant element has been selected as the primary. Within an organisation, these elements and topics may form part of a Safety Management System.

Table 2: Competency topics

Elements	Topic
Culture	Safety leadership commitment, responsibility and workplace culture
Knowledge & competence	Process safety concepts
	Hazard identification and risk assessment
	Hazard awareness specific to the operation
Engineering & design	Safety in design
	Asset integrity
	Codes and standards
	Management of change
Human factors	Human factors
Systems & procedures	Systems, manuals and drawings
	Process and operational status monitoring and handover
	Contractor and supplier selection and management
	Safe systems of work
	Project delivery
	Management of major emergencies and emergency preparedness
	Incident reporting and investigation
Assurance	Legislation and regulations
	Audit, assurance, management review and intervention

Some elements have both technical and management aspects. Where this is the case, these aspects have been labelled in the competency definition in Appendix 2.

9

Competency definitions

Competency is defined across a four-tier scale, based on a combination of the tiers used by some ISC members. This allows for granular determination of the competency required across a varied workforce. The tiers are defined below:

Has knowledge of the theory and displays conceptual understanding. Actively participates in discussions regarding the skill. Performs routine tasks with significant supervision. Learns how to do things.

Performs fundamental and routine tasks. Requires occasional supervision. Increased functional expertise and ability. Works with others.

Independent contributor. Integrates work with other disciplines. Frequently mentors or coaches others. Assesses and compares alternative options.

Advanced experience in the particular skill. Applies creative solutions to complex problems. Defines and drives critical business opportunities and needs. Represents the organisation internally and externally on critical issues. Sets standards within the organisation. Recognised as a subject matter expert.

For each topic, the specific requirements at each level of competency were developed. The requirements for each competency level dictate that the requirements for the lower levels are met.

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WHAT WENT WRONG?
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Appendix 1: Competency matrix

1. Awareness	Has knowledge of the theory and displays conceptual understanding. Actively participates in discussions regarding the skill. Performs routine tasks with significant supervision. Learns how to do things.
2. Basic application	Performs fundamental and routine tasks. Requires occasional supervision. Increased functional expertise and ability. Works with others.
3. Skilled application/ proficient	Independent contributor. Integrates work with other disciplines. Frequently mentors or coaches others. Assesses and compares alternatives and opportunities. Builds networks with others skilled in application or mastery.
4. Mastery/expert	Advanced experience in the particular skill. Applies creative solutions to complex problems. Defines and drives critical business opportunities and needs. Represents the organisation internally and externally on critical issues. Sets standards within the organisation. Recognised as a subject matter expert.
Not applicable	No role requirement.

	Front line			Engineering				Support functions										Management		Executives				
Competency element	Operator	Maintainer	Supervisor	Integrity/reliability	Technical authority	Project	Information technology	Process safety advisor	Process safety lead/Manager	HSE site	HSE corporate	Quality control	Corporate assurance	Human resources	Finance	Procurement	Operational authority	Manager / Superintendent	GM/Site manager	Leaders/ MD/CEO	General board member	Board chair	Safety committee chair	Process safety specialist board member
Safety leadership commitment, responsibility and workplace culture	2	2	3	2	2	2	N/A	3	4 T	3	4 M	2	N/A	2	N/A	N/A	N/A	3	4 M	4 M	4 M	4 M	4 M	4
Process safety concepts	2	2	3	2	3	2	2	3	4	2	3	2	1	1	1	1	3	3	3	3	2	2	3	3
Hazard identification and risk assessment	2	2	2	2	4	2	2	3	3	2	2	1	1	1	1	1	2	2	2	1	1	1	2	2
Hazard awareness specific to the operation	2	2	3	3	4	3	3	3	4	2	3	2	2	1	1	1	3	3	3	2	1	1	2	2

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	Front line			Engineering				Support functions										Management		Executives				
Competency element	Operator	Maintainer	Supervisor	Integrity/reliability	Technical authority	Project	Information technology	Process safety advisor	Process safety lead/Manager	HSE site	HSE corporate	Quality control	Corporate assurance	Human resources	Finance	Procurement	Operational authority	Manager/Superintendent	GM/Site manager	Leaders/MD/CEO	General board member	Board chair	Safety committee chair	Process safety specialist board member
Safety in design	1	1	1	2	4	2	2	2	3	1	2	1	1	N/A	1	1	1	1	1	1	1	1	1	1
Asset integrity	2	2	2	4	4	2	2	2	3	1	2	1	1	N/A	N/A	1	3	3	2	1	1	1	1	2
Codes and Standards	1	1	2	2	3	2	N/A	3	4	2	4	1	N/A	1	N/A	N/A	N/A	2	2	1	1	2	1	3
Management of change	1	1	2	3	3	2	2	2	3	2	4	2	1	2	1	2	3	3	2	2	1	1	2	2
Human factors	2	2	3	1	4	2	N/A	3	3	3	4	1	N/A	2	N/A	N/A	N/A	2	2	1	1	3	3	4
Systems, manuals and drawings	1	1	3	4	4	4	N/A	2	3	1	3	4	N/A	N/A	N/A	N/A	N/A	1	1	N/A	N/A	N/A	N/A	1
Process & operational status monitoring & handover	2	2	3	2	4	1	N/A	1	1	1	1	N/A	N/A	N/A	N/A	N/A	N/A	3	1	1	1	1	1	1
Contractor & supplier selection and management	1	1	2	3	4	3	N/A	2	3	2	1	2	N/A	1	N/A	N/A	N/A	3	2	1	1	1	1	1
Safe systems of work	1	1	2	3	3	2	2	2	3	2	4	2	1	2	1	2	3	3	2	2	1	1	2	2
Project delivery	1	1	1	2	N/A	4	N/A	3	4	1	3	1	N/A	N/A	N/A	N/A	N/A	2	2	2	1	2	1	3
Management of major emergencies and emergency preparedness	2	2	3	2	2	2	N/A	3	4	3	4	1	N/A	1	N/A	N/A	N/A	4	3	3	1	3	3	3
Incident reporting and investigation	2	2	3	2	2	2	2	2	3	2	4	2	1	1	1	1	2	3	3	2	1	1	1	2
Legislation and regulations	1	1	2	2	3	2	N/A	3	4	2	4	1	N/A	1	N/A	N/A	N/A	2	2	3	2	3	3	3
Audit, assurance, management review and intervention	1	1	2	2	2	2	2	3	3	2	3	3	4	N/A	N/A	N/A	2	2	2	1	1	1	2	3

Notes:

T - Technical elements

M - Management elements

*for safety in design Process Safety Lead/Manager is level 2 operations phase, level 3 for design phase.

13

Appendix 2: Competency definitions

Proficiency rating	Description
1. Awareness	Has knowledge of the theory and displays conceptual understanding. Actively participates in discussions regarding the skill. Performs routine tasks with significant supervision. Learns how to do things.
2. Basic application	Performs fundamental and routine tasks. Requires occasional supervision. Increased functional expertise and ability. Works with others.
3. Skilled application/ proficient	Independent contributor. Integrates work with other disciplines. Frequently mentors or coaches others. Assesses and compares alternatives and opportunities. Builds networks with others skilled in application or mastery.
4. Mastery/ expert	Advanced experience in the particular skill. Applies creative solutions to complex problems. Defines and drives critical business opportunities and needs. Represents the organisation internally and externally on critical issues. Sets standards within the organisation. Recognised as a subject matter expert.
Not applicable	No role requirement.

Element	Competency required	Competency level 1 – Awareness	Competency level 2 – Basic application	Competency level 3 – Skilled application/proficient	Competency level 4 – Mastery/expert
Culture	Safety leadership commitment, responsibility and workplace culture	• Aware of the importance of visible safety leadership. • Aware of and participates in the company safety programmes. • Demonstrates knowledge of workplace safety culture. • Engaged and owns safety responsibilities and accountabilities.	• Understands the importance of visible safety leadership. • Has the communication skills necessary to hold an effective safety intervention. • Participates in safety-related conversations and suggests improvements. • Initiates safety conversations.	• Identifies and clearly articulates behavioural requirements to workforce, contractors and subcontractors. • Identifies and publicly recognises individuals who display the desired safety behaviours and attitudes. • Identifies at-risk behaviour activators.	**Technical elements** • Mastery in designing and implementing safety leadership programmes. • Measures and assesses culture. • Designs and implements cultural change programmes. • Designs and implements improvement plans. • Develops culture definitions and norms in an organisation.

	• Reports safety incidents and understands the importance of accurate reporting.	• Able to communicate: – why safety is important to the individual and the company. – what behaviours the individual is expected to consistently adopt. • Ensures that their communication and behaviour consistently sends a message that safety is embedded as a personal core value. • Understands human factors and their relationship to safety performance.	• Sends clear and consistent messages about the importance of process safety. • Identifies and implements safety improvements. • Holds regular in-field safety conversations with front-line workers. • Undertakes regular in-field verification of controls and lessons learned from significant incidents. • Ensures that their communication and behaviour consistently sends a message that safety is embedded as a core value. • Involves their team and behaves in a manner that builds positive relationships within the workforce. • Understands and applies resourcing requirements to manage process safety. • Able to recognise change and manage it effectively.	**Management elements** • Ensures leadership team is aware and committed to the provision of adequate levels of financial resources, staffing and supervision to ensure an effective safety culture to support safety. • Monitors HSE metrics to review effectiveness of the leadership programme (leadership time in-field, levels of supervision, behavioural-based interactions) and the link to adverse events. • Exhibits leader behaviours which will increase the likelihood of copied and reciprocated safety behaviours. • Communicates the importance of visible leadership in establishing an effective safety culture.

15

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Proficiency rating	Description
1. Awareness	Has knowledge of the theory and displays conceptual understanding. Actively participates in discussions regarding the skill. Performs routine tasks with significant supervision. Learns how to do things.
2. Basic application	Performs fundamental and routine tasks. Requires occasional supervision. Increased functional expertise and ability. Works with others.
3. Skilled application/ proficient	Independent contributor. Integrates work with other disciplines. Frequently mentors or coaches others. Assesses and compares alternatives and opportunities. Builds networks with others skilled in application or mastery.
4. Mastery/ expert	Advanced experience in the particular skill. Applies creative solutions to complex problems. Defines and drives critical business opportunities and needs. Represents the organisation internally and externally on critical issues. Sets standards within the organisation. Recognised as a subject matter expert.
Not applicable	No role requirement.

Element	Competency required	Competency level 1 – Awareness	Competency level 2 – Basic application	Competency level 3 – Skilled application/proficient	Competency level 4 – Mastery/expert
Knowledge & competence	Process safety concepts	• Aware of process safety concepts, eg six elements. • Aware of the similarities and differences between process safety, personal safety and their hazards.	• Understands the concept of process safety. • Applies process safety concepts into daily work activities.	• Mentors others in process safety. • Communicates process safety concepts with target audiences and stakeholders. • Identifies learnings from past process safety events.	• Process safety subject matter expert. • Designs process safety awareness sessions for various levels within company. • Communicates process safety issues and programmes with leadership/management team and gains their support. • Links learnings from past events to process safety framework.

	Hazard identification and risk assessment	• Aware of basic hazard identification processes (eg Step Back 5x5, Job Hazard Analysis (JHA), etc) and where they are used. • Aware of the terms hazard, cause, consequence, control, risk and as low as reasonably practicable (ALARP). • Aware of the hierarchy of controls, and what impacts a controls effectiveness, eg human factors, design etc. • Aware of safety case major incident scenarios and what controls are safety critical.	• Participates in risk assessment processes. • Understands the way process safety hazards are controlled, what those controls are and how effective they are. • Understands the terms safety case, loss of containment (LOC), hazard identification (HAZID), hazard and operability study (HAZOP) and layers of protection analysis (LOPA). • Identifies control improvements or new controls for risk reduction.	• Mentors others in conducting risk assessments. • Identifies who needs to be involved in the development of hazard identification processes. • Leads risk assessment processes. • Applies the pros and cons of each assessment method in selecting the correct method. • Demonstrates understanding and application of reducing public risk as it applies to process safety. • Implements new or improved controls for risk reduction.	• Subject matter expert for hazard identification and risk control. • Engages with leadership team to provide resources for identification and assessment. • Mastery in consequence modelling concepts and details. • Develops risk criteria. • Develops control strategies – eg from inherently safer design through to emergency response. • Develops strategies and guidance documents.
	Hazard awareness specific to the operation	Applies to specific hazards of facility or organisation. • Aware of the relevant processes occurring in area of plant/equipment. • Aware of the risks associated with the process occurring in the area/equipment.	Applies to specific hazards of facility or organisation. • Understands the performance indicators that govern the safety of the process. • Understands the triggers for action, the importance to act, and what action is required. • Lists and implements all operating procedures. • Able to describe and apply tools available.	Applies to specific hazards of facility or organisation. • Able to interpret what performance indicators mean in terms of the safety of the process. • Able to make or authorise changes to correct the situation. • Able to troubleshoot problems. • Able to develop and recommend procedures. • Recognises the physical and chemical properties of the materials that are being processed.	Applies to specific hazards of facility or organisation. • Mastery in describing the process physics and chemistry and how they are controlled and influenced. • Mastery in defining the basis of safety for the facility including understanding previous incidents.

17

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Proficiency rating	Description
1. Awareness	Has knowledge of the theory and displays conceptual understanding. Actively participates in discussions regarding the skill. Performs routine tasks with significant supervision. Learns how to do things.
2. Basic application	Performs fundamental and routine tasks. Requires occasional supervision. Increased functional expertise and ability. Works with others.
3. Skilled application/ proficient	Independent contributor. Integrates work with other disciplines. Frequently mentors or coaches others. Assesses and compares alternatives and opportunities Builds networks with others skilled in application or mastery.
4. Mastery/ expert	Advanced experience in the particular skill. Applies creative solutions to complex problems. Defines and drives critical business opportunities and needs. Represents the organisation internally and externally on critical issues. Sets standards within the organisation. Recognised as a subject matter expert.
Not applicable	No role requirement.

Element	Competency required	Competency level 1 – Awareness	Competency level 2 – Basic application	Competency level 3 – Skilled application/proficient	Competency level 4 – Mastery/expert
Engineering & design	Safety in design	• Aware of the following process safety related concepts for Safety in Design: – Inherently safer design (ISD) – Risk-based design – ALARP principle • Aware that there are legislative and regulatory requirements (eg Safety Case or equivalent report); codes and standards relating to safe process/facility design, construction and operation.	• Applies under supervision the relevant legislative and regulatory requirements, codes and standards relating to safety in design. • Provides basic technical input to design requirements as applicable to their industry to meet safety in design objectives. • Applies a basic knowledge of the following process safety related concepts for Safety in Design: – ISD – Risk-based design – ALARP principle	• Provides comprehensive technical input to design as applicable to their industry to meet safety in design objectives including incorporation of all applicable legislation/regulatory requirements, codes and standards. • Applies ISD principles. • Provides design solutions that incorporate risk-based design and ALARP principle. • Liaises with other disciplines (eg instrumentation, mechanical, etc) as to integrate safety in design solutions. • Identifies Safety Critical Elements and develops Performance Standards.	• Leads, evaluates, and delivers technical safety requirements as applicable to their industry. • Develops applicable corporate process safety design standards, guidelines and philosophies. • Possesses detailed knowledge of applicable legislation, regulations, codes and standards. • Manages external third-party service providers supplying specialist, complex process safety services (eg detailed explosion studies).

Asset integrity	• Aware that Safety Critical Elements require inspection and maintenance to ensure integrity. • Aware of which Safety Critical Elements form critical controls. • Supports condition monitoring regimes. • Aware of safety critical tasks and the likely effects should these not be carried out.	• Able to track and report performance criteria and identify when Safety Critical Elements are not meeting criteria. • Understands/can explain reliability, availability and maintainability (RAM) study metrics. • Monitors reliability of safety critical elements.	• Reviews maintenance and inspection results and trends. • Develops protocols for in-field performance measurement. • Conducts periodic performance reviews of Safety Critical Elements. • Promotes asset integrity. • Identifies potential failure modes of critical elements. • Assesses failure effects and determines criticality.	• Identifies risks to asset integrity. • Defines maintenance and inspection regime. • Defines specific maintenance and inspection procedures and specifications. • Authorises life extensions or changes to inspection programmes. • Determines performance standards of Safety Critical Elements. • Conducts formal review of Safety Critical Elements and Asset Integrity processes.
Codes and standards	• Aware that standards, company/industry reference documents and their business unit equivalents exist.	• Understands how to assimilate relevant company/industry reference documents into work efforts.	• Proficient with company/industry reference documents affecting process safety across multiple disciplines as appropriate. • Implements systems to ensure compliance to codes and standards • Uses industry reference documents and engineering tools to develop process/facility design.	• Company and/or industry leader in one or more aspects of design. • Interfaces with outside contractors in use of, and deviations to, the company standards. • Leverages knowledge and acts as a contributing member of industry bodies, especially in developing industry reference documents that fulfil company's needs.

19

Engineering & design	Management of change	• Aware of the need to manage change. • Aware of what is covered by management of change procedure: policies, procedures, work methods, personnel, etc. • Able to recognise what a change is and initiate the process.	• Understands own role in change management. • Contributes to implementation of change management. • Able to initiate change management process. • Prepares management of change (MOC) documents. • Understands the change and is able to update information systems eg drawings, manual, procedures, etc.	• Recognises theory of implementing change and how changes will affect risk. • Communicates changes as required. • Actively implements change management procedures. • Authorises change in their area/competency or is a reviewer on the change.	• Subject matter expert across relevant cross-functional areas including hazard identification and risk control, human factors, systems, etc. • Develops change management process. • Actively involved in organisational changes and how they are managed.

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Proficiency rating	Description
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2. Basic application	Performs fundamental and routine tasks. Requires occasional supervision. Increased functional expertise and ability Works with others.
3. Skilled application/ proficient	Independent contributor. Integrates work with other disciplines. Frequently mentors or coaches others. Assesses and compares alternatives and opportunities. Builds networks with others skilled in application or mastery.
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Not applicable	No role requirement.

Element	Competency required	Competency level 1 – Awareness	Competency level 2 – Basic application	Competency level 3 – Skilled application/proficient	Competency level 4 – Mastery/expert
Human factors	Human factors	• Aware of what human factors are. • Aware of how human factors influence human and safety performance. • Manages self (fatigue, fit-for-work, at-risk behaviours).	• Manages self (fatigue, fit-for-work, at-risk behaviours) and monitors others. • Identifies and responds to observed at-risk behaviours in self and others. • Provides feedback on poor job and equipment design and suggests improvements.	• Recognises that human factors are concerned with task requirements and its characteristics, the individual's competence and workplace culture and the link to safety. • Intervenes when at-risk behaviours are observed. • Provides input into job design taking into account human factors. • Communicates human factors to the wider workplace. • Seeks to solve poor job and equipment design and welcomes suggested improvements. • Recognises the impact of contractors on the workforce with respect to safety.	• Comprehends how human factors links to process safety. • Ensures plant and equipment designs and tasks are designed to take account of both human limitations and strengths. • Communicates how an individual's competence, skills, personality, attitude, and risk perception affect safety. • Promotes how work patterns, the workplace culture, resources, communications, leadership, etc have a significant influence on individual and group behaviour.

21

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Proficiency rating	Description
1. Awareness	Has knowledge of the theory and displays conceptual understanding. Actively participates in discussions regarding the skill. Performs routine tasks with significant supervision. Learns how to do things.
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Not applicable	No role requirement.

Element	Competency required	Competency level 1 – Awareness	Competency level 2 – Basic application	Competency level 3 – Skilled application/proficient	Competency level 4 – Mastery/expert
Systems & procedures	Systems, manuals and drawings	• Aware of how to interpret piping and instrumentation diagrams (P&ID), cause & effect charts and process flow diagrams. • Aware of how to interpret operations and equipment manuals. • Aware of how to locate appropriate documents.	• Understand how the document control system works and how to make suggestions for improvement. • Understands how to use process safety information in emergency situations.	• Contributes to the development and review of P&ID, cause and effect charts, process flows, manuals and other operational documentation. • Uses MOC for communicating document changes. • Able to use process safety information to explain actual process performance issues.	• Defines what process safety documentation is required. • Defines authorisation process. • Defines document management system and its use in training.

Systems & procedures	Process & operational status monitoring & handover	• Aware that safe operating envelopes exist. • Aware of the process and what can go wrong. • Aware of what is required to keep the process under control. • Aware of what to do in an abnormal/emergency situation. • Aware that controls have performance criteria and they need to be monitored.	• Utilises P&ID, cause and effect charts, process flow diagrams, and operations manuals to troubleshoot minor issues. • Able to safely operate the facility within the safe operating envelope. • Able to maintain a shift log. • Able to track and report control performance criteria.	• Recognises how to recover from an abnormal situation and manages startups and shutdowns. • Able to conduct effective shift handover. • Able to interpret weak signals, eg shift log details. • Able to mentor new operators.	• Understands and alters operating parameters using change management. • Monitors and or manages simultaneous operations. • Develops operations training materials and framework for competency. • Engages senior management in the development and review of process indicators.
	Contractor & supplier selection and management	• Aware of the process of contractor selection and management. • Aware of why specific types of contractors are engaged eg technical experts.	• Contributes to the contractor performance evaluation and onsite supervision. • Able to provide basic supervision to contractors.	• Develops work scope information required to undertake and review work (scope of work, contract requirements, legislative requirements, competency of contractors). • Makes evidence-based decisions regarding process safety competency of company and suitability for project.	• Establishes contractor and supplier selection processes/ criteria in terms of process safety performance criteria. • Establishes system/criteria for evaluating contractor competencies (technical, safety attitude, relevant experience etc).
	Safe Systems of Work	• Aware of the safe systems of work tools – Permit To Work, isolations, safe work method statements.	• Implements safe systems of work including Permit To Work, isolation procedures and safe work method statements into everyday work activities.	• Facilitates the development of safe systems of work.	• Identifies where safe systems of work need to be developed.

Systems & procedures	Project delivery	• Aware of own deliverables and role in achieving process safety outcomes on projects.	• Understands the project performance criteria and how they relate to process safety. • Understands process safety stages of the project eg risk assessments, siting studies, etc.	• Manages process safety related interfaces between projects, operations, vendors, designers etc. • Recognises when to apply relevant risk management processes. • Reviews project performance against process safety criteria. • Project lifecycle reviews incorporating process safety.	• Defines project management process and how it aligns with process safety needs. • Able to identify and engage subject matter experts when required for process safety aspects.
	Management of major emergencies and emergency preparedness	• Aware of escape routes, muster points and emergency evacuation procedures. • Aware of own role in an emergency. • Aware of major incident scenarios. • Aware of how to initiate emergency response	• Able to fulfil a role in emergency response as nominated. • Understands how to escalate emergency alarm, eg calling emergency services/response.	• Ensures team members are aware of emergency response plan and their individual roles and that of the emergency response team. • Able to decide on response actions and direct people. • Able to plan and undertake emergency exercises.	• Develop emergency response plan based on major incident scenarios and results of consequence modelling. • Able to monitor effectiveness of response activities. • Engages with external emergency services and third parties.
	Incident reporting and investigation	• Aware of the incident reporting requirements and knows how to report an incident. • Aware of why incidents are investigated. • Aware of media policies and procedures (for major or prominent incidents). • Understands what a process safety incident is.	• Contributes to the incident investigation process. • Understands importance of preservation of site and evidence.	• Plans investigation of incident. • Leads basic investigation. • Analyses and uses root cause analysis to improve systems performance. • Identifies potential consequences of incidents.	• Leads major incident investigations. • Demonstrates consistent and visible leadership in supporting the reporting and investigation of incidents. • Analyses incident statistics to predict trends. • Ensures learning from incident investigations across the organisation/project/site. • Determines investigation methodologies used.

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Not applicable	No role requirement.

Element	Competency required	Competency level 1 – Awareness	Competency level 2 – Basic application	Competency level 3 – Skilled application/proficient	Competency level 4 – Mastery/expert
Assurance	Legislation and regulations	• Aware that there are laws, and regulations pertaining to safe process/facility design, construction and operation.	• Able to access relevant legislation and regulations. • Able to comply with relevant legislation and regulations in work activities.	• Mentors others in implementing the relevant legislation and regulations. • Informs relevant personnel of the impact of changes to legislation and regulations.	• Provides feedback to regulators as required. • Interprets legislation in expert field. • Liaises with regulators and industry bodies. • Recognises when new legislation necessitates updated risk assessments, plant design, operations, etc
	Audit, assurance, management review and intervention	• Aware there is an assurance process and be able to describe assurance activities relevant to their area. • Observes or contributes to assurance activities where required.	• Understands why there are assurance processes. • Participates in executing assurance activities and audits under supervision.	• Undertakes lead role in assurance activities such as audits and management reviews. • Participates in the establishment of assurance plans.	• Plans assurance strategies on the basis of risk. • Analyses assurance findings to develop organisation-wide responses to emerging trends. • Drives process safety governance through the governance framework and assurance activities. • Guides the organisation in effective implementation of continuous improvement initiatives.

25

Appendix 3: References and further information

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2. Cogent and UKPIA, *Guidelines for Competency Management Systems for Downstream and Petroleum Sites*, Cogent, UK, 2011
3. European Process Safety Centre, *Process Safety Competence – How to set up a Process Safety Competence Management System*, EPSC, UK, 2013
4. Health and Safety Executive, *Managing competence for safety-related systems*, 2007
5. IChemE Safety Centre, Lead Process Safety Metrics – selecting, tracking and learning, ISC, Aust, 2015
6. Centre for Chemical Process Safety, *Guidelines for Risk Based Process Safety*, CCPS, USA, 2007
7. Energy Institute, *High level framework for process safety management*, Energy Institute, UK, 2010
8. Kletz, T, An engineer's view of human error. 3e. IChemE, Rugby, UK, 2001
9. The OHS Body of Knowledge, Supported and maintained by the Safety Institute of Australia www.ohsbok.org.au This reference contains a chapter on *Process Hazards – Chemical* and a chapter on *Managing Process Safety*

"It is not, of course, sufficient to have knowledge. It is necessary to be able to apply it to real-life problems."[8]

Trevor Kletz

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Appendix 4: Glossary

ALARP	As Low As Reasonably Practicable
CEO	Chief Executive Officer
CMS	Competency Management System
GM	General Manager
HAZID	Hazard Identification
HAZOP	Hazard and Operability study
HSE	Health, safety and environment
HR	Human resources
ISC	IChemE Safety Centre
ISD	Inherently Safer Design
JHA	Job Hazard Analysis
LOP(A)	Layers of protection (analysis)
MD	Managing Director
MOC	Management of Change
P&ID	Piping and instrumentation diagram
PS	Process safety
PTW	Permit to Work
QA	Quality Assurance
QRA	Quantitative Risk Assessment
RCA	Root Cause Analysis
SCE	Safety Critical Elemen:

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Annex D

Building Control Competence Standard

Annex D. Building Control Competence Standard

Future of Building Control

Construction - Building Control Competence Framework – Specification

Contents

I. Foreword

This Competence Framework has been produced on behalf of the Future of Building Control Working Group established at the request of MHCLG. It was first published on [insert date] [and came into effect on [insert date].

IA. Originating Authority

This standard has been produced by the Future of Building Control Working Group as a draft for wider consultation. The drafting group has no legal or corporate authority, but the competence framework itself may be adopted in future as part of on-going work to reform the Building Control System in England.

IB. Acknowledgements

The following organisations and persons are acknowledged as having been involved in oversight and development of this competence framework;

ACAI

CABE

CIC

CICAIR

CIOB

LABC

NHBC

RICS

The Building Control Competence framework is based upon extensive work by a number of bodies who contributed to the development of the Building Control Competence Framework for High Risk Residential Buildings (HRRB) as part of Working group 6 – Building Control' and under the aegis of the Competence Steering Group (CSG). The CSG was established to address shortfalls in construction industry competence identified in Dame Judith Hackitt's 'Building a Safer Future – Final Report'. Acknowledgement is therefore given to the following organisations who contributed to Working Group 6;

ACAI

CABE

CIC

CICAIR

CIOB

City of London

City of Manchester

IFE

LABC

NFCC

NHBC

RICS

This framework has also been developed in consultation and collaboration with a wider group of governmental and ono-governmental organisations and who we acknowledge in helping to develop this draft for consultation;

Ministry for Housing Communities and Local Government (MHCLG)

Health and Safety Executive (HSE)

National Fire Chiefs Council (NFCC)

IC. Use of this standard

It has been assumed in the preparation of this standard that the execution of its provisions will be entrusted to suitably qualified and experienced people who are themselves competent in its usage.

ID. Presentational conventions [aligned with PAS drafting guidance]

The provisions of this standard are presented in upright type and are expressed in sentences in which the principal auxiliary verb is 'shall'. Such text is considered a normative element.

Commentary, explanations and general informative material is presented in italic type and does not constitute a normative element.

Where words have alternative spellings, the preferred spelling of the Shorter Oxford English Dictionary is used (e.g. organisation rather than organization).

Where URL's for websites and webpages have been cited, they aim to provide for ease of reference for the user and are correct at the time of publication. The location of a webpage or its contents cannot be guaranteed.

IE. Contractual and legal considerations

This standard does not purport to include all the necessary provision of a contract. Users are responsible for its correct application.

IF. Relevant legislation

In reading this standard it is recommended that users pay particular attention to the provisions of the following legislation, regulation and guidance:

[Building Act 1984

Building Regulations 2010 as amended

Building (Approved Inspector) Regulation 2010 as amended

Building Safety Bill [Act]

0 Introduction

0.1 Why this Building Control Competence Framework has been produced

On 14th June 2017 a fire broke out in Grenfell Tower, London, which ultimately resulted in the death of 72 people. In the immediate aftermath of these events the UK Government commissioned Dame Judith Hackitt MBE to undertake an Independent Review of Building Regulations and Fire Safety to develop recommendations in order to prevent a similar tragedy from happening again. The review published two reports:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/707785/Building_a_Safer_Future_-_web.pdf

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/668831/Independent_Review_of_Building_Regulations_and_Fire_Safety_web_accessible.pdf

Both the interim and final reports published under Dame Judith's supervision identified serious shortfalls in the competence of persons involved at almost every stage of the design, construction, management and operation of Grenfell Tower. The review concluded that a number of actions were needed to improve, sustain and assure building safety competence.

In summary the key recommendations were:

- That the construction and fire safety sector should develop leadership in delivering building safety; work with and learn from other sector good practice; and develop continuous improvement approaches to competence levels.
- Professional and accreditation bodies within the construction and fire sector should develop proposals for the role and remit of an overarching body to provide oversight of competence requirements and support the delivery of competent people working on HRRBs.
- Progress should be monitored by government against quarterly reports
- Government should intervene if sufficient progress is not made
- The development of a common competence framework for Building control Inspectors
- The development of a common competence framework for Building Safety Managers.

In response to these recommendations, the Industry Response Group (IRG) established a Competence Steering Group (CSG) to develop proposals in relation to Building Safety competence. Working Group 6 looked specifically at competence for Building Control Professionals.

Subsequent to publication of the interim Raising the Bar Report, MHCLG convened a group of bodies with particular relevance to the Building Control Sector to establish a Working group looking more widely at the Future of Building Control. In particular, the aim of the working group was to make recommendations on:

- The functions of a potential regulator for the Building Control Sector, including regulation of both building control bodies and building control professionals

And

- The necessary components and structures required to underpin further development of the Building Control Profession to ensure its competence.

The development of a common competence framework was agreed as one objective for the working group and this draft is the result of work undertaken in that period.

0.2 Format and terminology

Clauses in the main body of the framework are expressed as 'should' and where this terminology is used it these requirements which should form part of the process of assessment of competence of those working in Building control Bodies. Informative text in italics should be considered and adopted where appropriate but will sit outside of any core assessment process.

- **Section 1** of this specification sets out the scope of application of this standard.
- **Section 2** of this specification sets out key abbreviations, terms and definitions used.
- **Section 3** of this specification sets out how this Building Control Competence Framework should be assessed including its use in establishing the competence of individuals including validation and revalidation; and how validation and revalidation against enhanced criteria for certain types of building is to be undertaken.
- **Section 4** of this standard sets out the core competencies for typical Building Control functions.
- **Section 5** of this standard sets out the core competencies for persons undertaking building control tasks on High Rise Residential Buildings or other building work defined as within the scope of the enhanced Building Control regime.
- **Section 6** sets out the role descriptors to be used in the application of this framework.
- **Section 7** sets out the level of competence expected against each of the role descriptors in the Building control Matrix.

Informative annexes provide guidance on:

- **Annex A** - Mapping organisational competence frameworks against this framework
- **Annex B** – Guidance on assessment weighting for different role descriptors

0.3 Building Control Competence Framework objectives

The construction and built environment sector is understood to be one of a number of higher risk industries where regulatory oversight is deemed necessary. Regulation of building work in England has broad based objectives which primarily focus on maintaining the health, safety and welfare of persons in or around buildings, as well as ensuring the built environment is inclusive, accessible and sustainable. Delivery against these objectives is achieved through the establishment of a Building Control System, with the primary role in enforcing compliance being undertaken by Building Control Bodies

The specifics of the Building Control System in England [and Wales] are set in legislation and statutory guidance. This includes setting both procedural requirements and technical standards for compliance. Central government will remain accountable to parliament and responsible for the management of this primary and secondary legislation, development of building regulation policy and development of statutory guidance to support compliance with the Building Regulations.

The Regulatory system itself is to be overseen by a new Building Safety Regulator to be established under the Building Safety Bill. The Building Safety Regulator will be accountable to the sponsoring government department. It will have responsibility for direct oversight of the performance of the building control system and specific responsibilities for the enhanced regulatory regime in relation to higher risk buildings.

Building Control functions will be undertaken by either a Local Authority Building Control Body or a private sector Government Approved Inspector. For building work in scope of the enhanced regulatory regimes for higher risk buildings, building control functions will be delivered by building control bodies acting on behalf of the Building Safety Regulator.

Building Control Bodies will operate in accordance with operating requirements set by the Building Safety Regulator.

Functions relating to the registration and oversight of building control bodies and building control professionals will be undertaken a body to which the Building Safety Regulator delegates those functions. This body will effectively act as the Building Control Regulator but for the purposes of this document is referred to as the Designated Body.

This Building Control Competence Framework sets out the specification for the expected competence of those persons involved in assessing compliance with applicable Building Regulations and associated legislation in both the public and private sectors.

The specific objectives in the development and application of this Building Control competence framework are as follow:

- To develop a single competence framework for all building control professionals
- To enable validation and revalidation of the competence of building control professionals using that framework
- To further support a professional culture of personal improvement and development within the building control profession
- To further support effective career development pathways for all building control professionals
- To enable differentiation of the level of competence of Building Control Professionals with specific reference in the first instance to Higher Risk Buildings.

0.4 Application and implementation

This Building Control Framework is intended for use by any organisation which wishes to set requirements for or validate competence of persons working within Building Control Bodies.

It is also intended for use by the Designated Body (acting as the Building Control Regulator) to specify requirements for registration. This could be either as a Building Control Professional undertaking general building control inspection work, or as a Building Control Professional working on High Risk Residential Buildings.

Over time this framework may be expanded to support assessment of competence for other specified types of building work.

More widely this framework is intended to support:

- Validation
- Revalidation
- Prescription, recognition and development of educational qualifications
- Recognition and development of training
- Competence maintenance and career progression including CPD
- The conduct of disciplinary hearings by acting as a point of reference to expected levels of competence of individual building control professionals
- Public reassurance as to the competence of the sector and its professionals
- Clients in providing assurance that they have appointed appropriately competent persons to inspect building work
- Raised awareness of the role of building control professionals.

0.5 Outcomes

Use of this Building Control Competence Framework will provide the following beneficial outcomes:

- Assurance that all building control professionals are competent to act effectively in protecting public safety in relation to the building work they control
- Ensuring consistency in standards through a standardised approach to assessing the competence of building control professionals across all sector
- Supporting
- Standardize building safety terminology across construction industry sectors improving communication and reducing risk
- Promote understanding of the roles and responsibilities of other persons working on HRRBs.

0.6 Arrangements for review and development of the Building Control Competence Framework

This Competence Framework will be used as the basis for the development of a British Standard but will initially be developed as a Publicly Available Specification (PAS).

Typically, PAS are reviewed after two years with a view to being developed into full British Standards which are themselves subject to review at least every five years.

The review process for both PAS documents and full British Standards is managed by the UK National Standards Body, BSI, and is subject to full public consultation and based on industry committee consensus.

1 Section 1 - Scope

This section sets out the scope of activities relevant to this Building Control Competence Framework.

1.1 Industry sectors

This competence framework sets out competence standards and procedures for the assessment of persons working in the building control sector in England [and Wales].

This includes all persons working on the processing, administration or assessment of building control applications within Building Control Bodies.

This competence framework is not relevant to Competent Persons Schemes.

1.2 Types of building work or buildings

This framework is relevant for persons working within building control bodies appointed to advise on any type of building work as defined within the Building Act 1984 or Building Regulations 2010.

The competence framework also sets out requirements for assessment of competence for those persons working on projects within scope of the enhanced regulatory regime applicable to higher risk types of buildings as defined by the Government in England [and Wales].

1.3 Statutory roles (registered persons)

This competence framework shall be used as the basis for registration of building control professionals with the body delegated to undertake the functions of the Building Control Regulator (as defined by the Building Safety Regulator or relevant Government Department).

The Building Control Regulator shall define which roles within the Building Control Sector require individual registration by reference to the role descriptors as set out in this specification [specifically Annex A – Building Control Role Descriptors].

1.4 Non statutory roles

As part of the organisational audit undertaken by the Building Control Regulator, it is expected that Building Control Bodies will need to be able to demonstrate how they have assessed the Competence of all those for whom they have managerial or supervisory responsibility.

All persons involved in the assessment or processing of building control applications should be competence assessed by the Building Control Body within which they work, regardless of whether or not they are required to do so for registration purposes.

Any assessment of competence undertaken to meet audit requirements shall follow the process and meet the standards set out in this specification.

NOTE: Requirements for audit are excluded from the scope of this specification.

1.5 Mapping against this Framework

It is recognised that a number of routes to establish competence as a Building Control Professional will be available and that these will need to conform with a variety of government and assessment models. It is recommended that organisations utilize this competence framework to the maximum extent possible in order to ensure commonality within the building control sector.

However, organisations which wish to develop their own competence frameworks may do so by mapping requirements against the standards set in this specification to better reflect their own entry, assessment or governance requirements.

Where a competence framework for Building Control diverges from the framework set out in this document it will be for the relevant oversight bodies to determine the acceptability and conformity of that framework.

2 Section 2 - Abbreviations, terms and definitions

[To be aligned with wider industry work on key terms and definitions]

Competence is the ability to make informed decisions and carry out work to a high standard.

Competencies are the attributes of an individual, applied personally or collectively as part of a team.

Accreditation is the process of officially recognising an individual as having a particular status or being qualified to perform a particular activity, and by which their attributes are assessed. The process by which an individual is enrolled and admitted into a professional or regulatory body/ accredited trade registration body/ accredited qualification scheme/ registered skills certification scheme/ through a recognised testing regime, should be relevant to the role they are undertaking.

Complex Buildings are generally those where the approach to design and construction adopts more complex approaches, as opposed to following the minimum standards suitable to common circumstances as set out in guidance, such as that contained in Approved Documents. This allows a more transparent and flexible approach to achieving building safety through use of a structured approach to risk-based design where designers and Building Standards Professionals can take account of varying physical and human factors.

Continuous Professional Development (CPD) the process of tracking and documenting maintenance of the skills, knowledge and experience that a Building Standards Professional gains both formally and informally as they work, beyond any initial training. It's a record of what is experienced, learned and then applied. It might also be known as Lifelong Learning (LLL).

Fire Engineered Buildings designed in whole or in part to BS 7974 fire engineering principles. These buildings have an alternative approach to fire safety rather than through compliance with prescriptive standards. Some fire engineered buildings may be large and complex or contain a variety of uses.

Fire Engineering is the application of scientific and engineering principles, rules [codes], and expert judgment, based on an understanding of the phenomena and effects of fire and of the reaction and behaviours of people to fire, to protect people, property and the environment from the destructive effects of fire.

Higher-Risk Residential Buildings (HRRBs) new and existing high-rise residential buildings (purpose-built blocks of flats), as defined in clause 1.3 and Appendix C of the ***review*** and as further defined by the Building Safety Regulator in future.

Recognised Prior Learning a method of assessment (leading to the award of credit) that considers whether a learner can demonstrate that they can meet the assessment requirements for a unit through the knowledge, understanding or skills that they already possess and so, do not need to develop these through a course of learning.

Simple Premises small buildings with a simple layout such as small shops, offices or industrial units with non-complex means of escape usually conforming to a simple code of practice e.g. Approved Document B. This level is applicable to a majority of building work undertaken within the UK. In this case the fire precautions designed into the building usually

follow the guidance contained in the documents published by the relevant government departments to support legislative requirements.

Specialist Premises buildings with unique characteristics and fire safety challenges including hospitals, heritage, sports stadia and some transport infrastructure.

Validation the process by which Building Standards Professionals are assessed for competency, to undertake work on HRRBs or complex buildings.

3 Section 3 - Applying the Building Control Competence Framework

This section sets out how this Competence Framework should be applied in assessing the competence of those involved in undertaking building control functions.

3.1 Competence Assessment Bodies

3.1.1 All assessments of competence against this framework will be undertaken by a body or organisation which is third party assessed or accredited as competent to do so.

3.1.2 Acceptable evidence of competence to undertake this assessment will be for bodies to be:

a) UKAS accredited

or

b) Licensed by the Engineering Council

or

c)Any other equivalent body approved by the Building Safety Regulator

and in either case:

c) listed as a body recognised as competent to undertake assessment against this framework by the Overarching Competence Committee.

3.2 Competence Assessment

3.2.1 Assessment of competence shall be carried out:

a) In accordance with the published procedure of a relevant Competence Assessment body as defined in section 3.1.1.; and which procedure itself shall be:

i) In accordance with the requirements stipulated by the relevant third-party accreditation or licensing body.

ii) Compliant with any other requirement stipulated by the Building Control Regulator for persons seeking registration

3.2.2 Assessment shall be undertaken using the appropriate Building Control Competence Framework which shall be:

i) For all professionals within scope of this specification: the Competence Framework for Building Control Professionals as set out in Section 3.5.

ii) For professionals seeking to demonstrate additional competence to work on higher risk buildings: the Competence Framework for Building control Professionals working on Higher Risk Residential (in scope) Buildings as set out in section 3.6.

3.3 Competence Framework for Building Control Professionals

3.3.1 For all Building Control Professionals within the scope of this specification:

a) The relevant competence framework shall be the **Building Control Competence Framework** set out in Section 4 of this specification.

b) Assessment of competence for each candidate shall be specific to one of the Building Control Role Descriptors as set out in **Section 5**.

c) Assessment shall take into account all of the relevant competence requirements set out within the framework.

d) The required minimum level of competence against each requirement will be as mapped out for the relevant Role Descriptor in **Section 6.**

3.4 Competence Framework for Building Control Professionals working on Higher Risk Residential (in scope) Buildings

3.4.1 All Building Control Professionals within the scope of this specification seeking assessment of competence to work on Higher Risk Residential Buildings shall demonstrate additional competence as follows:

a) The relevant competence framework shall be the **HRRB Building Control Competence Framework** set out in Section 5 of this specification.

b) Assessment shall take into account all of the relevant competence requirements set out within the framework.

c) The required minimum level of competence against each requirement will be mapped out in line with the relevant Role Descriptor in **Section 6**.

Where:

d) The scope of building work considered as a Higher Risk Residential Buildings shall be that as defined by the Building Safety Regulator.

4 Section 4 Building Control Competence Requirements.

[Subject to further development work but principal requirements and competencies as set out below]

A - Core Knowledge and understanding

A	**Use a combination of general and specialist building knowledge and understanding to assess compliance of building work taking into account existing and emerging technology and industry practice.**	**Typical competencies**
A1	Understanding of relevant construction technology and ability to apply technical requirements of the Building Regulations and associated codes of practice.	This should include: • Approved Documents A to Q, their role, use and meaning • Records and certificates required • Testing and commissioning regimes • Regulations 7 – Materials and workmanship • British and international standards • Third party certification and accreditation
A2	Understanding and ability to apply relevant building control legislation as well as other legislation or statutory requirements in undertaking building control tasks.	This should include: • Understanding of the role of regulation as a tool of Government • The ability to work within and understanding of the wider regulatory framework • the ability to work towards your organisation's regulatory objectives • The ability to work with the legislation relevant to your regulatory function(s) • The ability to work within your organisation's regulatory policies and procedures • Understanding of the role and responsibilities of partner organisations
A3	Theoretical and practical application of relevant technology in undertaking building control tasks:	This includes the ability to: • Identify the limits of your own personal knowledge and skills • Strive to extend your own technological capability • Broaden and deepen own knowledge base through new applications and techniques.
A4	Use a sound evidence base approach to assessment, problem solving and contribute to continuous improvement.	This includes the ability to: • Use market intelligence and knowledge of technological development to promote and improve the effectiveness of building control process, systems and services • Contribute to the evaluation and development of continuous improvement systems • Applying knowledge and experience to investigate, assess, and solve problems during building control tasks, and implement corrective action where necessary.

B - Assessment and inspection of design and construction processes, buildings as systems, services and products

B	**Apply appropriate methods to assess or inspect the manufacture, design and construction process taking into account relevant commissioning, operation and maintenance, requirements of buildings as systems, products and services.**	
B1	Identifying, reviewing, selecting and applying appropriate techniques and methods in undertaking building control tasks, inspection and assessment.	This includes the ability to: • Establish user requirements for improvement • Select a review methodology • Fully exploit and implement current technology • Review the potential for enhancing building control practices, products, processes, systems and services using evidence from best practice • Establish an action plan to implement the results of the review
B2	Ability to apply relevant building control process and procedures in undertaking building control tasks.	This include the ability to: • Secure the necessary resources required for implementation • Implement building control assessment to support others to develop solutions, taking account of critical constraints, including due concern for safety and sustainability • Identify problems during implementation and take corrective action • Contribute to recommendations for improvement and actively learn from feedback on results. • The ability to prepare appropriate to prepare appropriately for checks on compliance • to conduct checks in a proportionate manner • to be responsive to the circumstances encountered • to make informed assessments of compliance and risk • to follow-up on checks on compliance in an appropriate manner
B3	Ability to engage effectively with the markets, individuals and business regulated by the building control system.	• Understanding of the current business environment and the business sector(s) regulated • Understanding of how regulation and the way it is enforced can impact on the business communities and individual businesses regulated • Understanding of the factors that affect business approaches to compliance • The ability to engage constructively with business • The ability to tailor your approach to businesses and individuals that you interact with
B4	Effective management of project and regulatory risks.	This should include the ability to: • assess regulatory risks • gather, analyse, use and share data to inform risk assessment • use risk assessment to guide your activities • Understand risk management in a business l context • act within your role and area(s) of responsibility • make appropriate intervention choices, drawing on your understanding of the context in which you operate, of those that you regulate, and of the use of risk-based approaches so as to have the greatest impact
B5	Ability to support compliance; where necessary respond to non-compliance and escalate concerns.	This should include: •Understanding of the need for compliance support amongst those you regulate • The ability to promote the importance of compliance, and your organisation's role in supporting compliance • The ability to communicate in appropriate ways to suit the circumstances • The ability to provide the information and guidance that is needed by those you regulate • The ability to provide the tailored advice that is needed by those you regulate, where appropriate • The ability to select proportionate responses to non-compliance and potential non-compliance • The ability to communicate effectively with businesses that have failed to comply • The ability to conduct thorough investigations of non-compliance and allegations of non-compliance • The ability to prepare and implement effective responses to non-compliance • The ability to provide appropriate support for those adversely affected by non-compliance

C - Provide technical and commercial management.

C	**Provide technical and commercial management.**	
C1	Planning for effective delivery and implementation of building control services.	This include the ability to: • Identify factors affecting project implementation • Carry out holistic and systematic risk identification, assessment and management • Prepare and agree implementation plans and method statements • Secure the necessary resources and confirm roles in project teams • Apply the necessary contractual arrangements with other stakeholders (client, subcontractors, suppliers, etc).
C2	Management of time, tasks, people and resources to meet programmes, budgets and quality standards.	This includes the ability to: • Operate appropriate management systems • Work to the agreed quality standards, programme and budget, within legal and statutory requirements • Manage work teams, coordinating project activities • Identify variations from quality standards, programme and budgets, and take corrective action • Evaluate performance and recommend improvements.
C3	Managing or acting effectively as part of a team and developing staff or own skills to meet changing technical and managerial needs including diversity and inclusion.	This includes the ability to: • Agree objectives and work plans with teams and individuals • Identify team and individual needs, and plan for their development • Reinforce team commitment to professional standards • Manage and support team and individual development • Assess team and individual performance, and provide feedback.
C4	Managing data responsibly and in a way which supports effective compliance.	

D- Demonstrate effective interpersonal skills.

D1	Communicating with others at all levels effectively in English, in writing and through graphical means in negotiating and managing the delivery of building control tasks.	This could include an ability to: • Contribute to, chair and record meetings and discussions • Prepare communications, documents and reports on technical matters • Exchange information and provide advice to technical and non-technical colleagues.
D2	Managing or participating effectively in meetings, including presenting and discussing issues in a balanced, evidence based and professional manner.	This could include an ability to: • Contribute to, chair and record meetings and discussions • Prepare communications, documents and reports on technical matters • Exchange information and provide advice to technical and non-technical colleagues.
D3	Demonstrating professional, personal and social skills to support effective building control activities.	This could include an ability to: • Know and manage own emotions, strengths and weaknesses • Be aware of the needs and concerns of others, especially where related to diversity and equality • Be confident and flexible in dealing with new and changing interpersonal situations
D4	Ability to effectively manage disputes including conflict avoidance, management and dispute resolution procedures.	

E - Assessment and inspection of design and construction processes, buildings as systems, services and products

E	**Demonstrate a personal commitment to the Building Control profession by recognising obligations to society, the profession and the environment.**	
E1	Exercising responsibilities in an ethical manner, complying with the Building Control Code of Conduct and acting at all times in a professional manner.	This includes an ability to: • Comply with relevant rules of professional conduct • Manage work within all relevant legislation and regulatory frameworks, including social and employment legislation. • The ability to monitor and report on your activities and performance • The ability to evaluate your activities in relation to your regulatory objectives and your organisation's strategic priorities • Understanding of the value of feedback from those you regulate, and the beneficiaries of regulation in informing future activities
E2	Managing and applying safe systems of work and acting consistently in a way which protects the safety of others.	This could include an ability to: • Identify and take responsibility for own obligations for health, safety and welfare issues • Manage systems that satisfy health, safety and welfare requirements • Develop and implement appropriate hazard identification and risk management systems and culture • Manage, evaluate and improve these systems • Apply a sound knowledge of health and safety legislation.
E3	Evaluating performance and carrying out and recording CPD necessary to maintain and enhance competence in your own area of practice.	• Undertake reviews of own development needs • Plan how to meet personal and organisational objectives • Carry out planned (and unplanned) CPD activities • Maintain evidence of competence development • Evaluate CPD outcomes against any plans made • Assist others with their own CPD.
E4	Undertaking building control activities in a way which contributes to sustainability and the need for an inclusive built environment.	This could include an ability to: • Operate and act responsibly, taking account of the need to progress environmental, social and economic outcomes simultaneously • Provide products and services which maintain and enhance the quality of the environment and community, and meet financial objectives • Understand and encourage stakeholder involvement in sustainable development • Use resources efficiently and effectively.

5 Section 5 Building Control Competence Requirements for High Risk Residential (In Scope) Buildings.

Building Standards Inspectors/Surveyors Competency Framework for HRRBs and Complex Buildings

Competency is rated in four bands:

- **Level 1 - Awareness (A)**

  The building standards professional has a basic knowledge of the subject and how it relates to their role.

- **Level 2 – Appreciation (Ap)**

  The building standards professional has a general background knowledge of the subject but may require the specialist input of others to assess compliance.

- **Level 3 - Understanding (U)**

  The building standards professional has sufficient knowledge of the complexities involved in order to make independent decisions and assessments controlling compliance of typical building work relating to an HRRB including utilising input from other specialists.

- **Level 4 - Comprehensive (C)**

  The building standards professional has sufficiently detailed knowledge and skills to make decisions on complex issues relating to the design and construction of HRRBs and the ability to commission and interrogate specialist assistance where necessary.

A Technical knowledge and understanding

	Key competency	Knowledge	Level	Typical evidence to demonstrate competency
A1	Ability to understand and apply relevant fire safety principles and practices in the assessment and inspection of HRRBs. This should include the ability to: • Understand and apply fundamental knowledge of fire science, (including key aspects of fire performance of materials) in the inspection and assessment of HRRBs. • Integrate understanding of key principles of human behaviour and fire escape design in to inspection or assessment of the design, layout and arrangement of escape provision in HRRBs. • Understand the key features and principles of passive and active fire protection (including suppression systems) and be able assess or inspect (or commission others to assess or inspect) active or passive systems for HRRBs • Demonstrate detailed knowledge and ability of good practice in assessing and inspecting integration of compartmentation and structural fire protection in to the design of HRRBs with particular reference to measures which prevent the spread of flame and smoke internally and externally. • Demonstrate understanding and ability to assess and inspect integration of fire-fighting access requirements and provision of fire-fighting facilities in the design and layout of HRRBs	Fire science Human behaviour and evacuation Fire protection systems Fire safety design and specification	2 2 4 4	• Examples from your work where principles of fire safety have been effectively applied in the assessment of HRRBs.

A Technical knowledge and understanding

	Key competency	Knowledge	Level	Typical evidence to demonstrate competency
A2	Suitable knowledge and understanding of relevant principles and technical standards for building safety design and construction and ability to co-ordinate and integrate these holistically in the assessment and inspection of HRRBs. This should include the ability to: • Demonstrate understanding of the process by which different aspects of building safety should be successfully integrated into the overall design of an HRRB. • Demonstrate suitable understanding of critical safety design principles relevant to structure, public health and building services and how to ensure advice from suitable specialist professionals is obtained and integrated effectively in to the building design.	Structural safety Protection from falling or collision Public Health Building Services Building fabric	3 4 4 4 4	Examples from your work where principles of building safety (other than fire safety) have been effectively applied in the assessment of a HRRBs.

A Technical knowledge and understanding

	Key competency	Knowledge	Level	Typical evidence to demonstrate competency
A3	Suitable knowledge and understanding of relevant legislation, regulations, statutory guidance, standards of performance and how to meet or exceed these requirements in the assessment of HRRBs. This should include the ability to: • Understand and where necessary advise others on what needs to be done to comply with relevant statutory requirements. • Have suitable awareness of how other relevant statutory or legal requirements where these are not your direct responsibility but could impact on building safety. Have suitable knowledge and understanding of how to assess whether proposals or existing buildings meet or exceed regulatory requirements and technical performance standards relevant to ensuring safely in the construction and occupation of HRRBs	Construction legislation relevant to HRRBs; building regulations	4	• Examples from your experience of assessing HRRBs in order to ensure robust compliance with statutory requirements; Evidence of understanding or awareness of other relevant statutory regimes.

A4	Whenever relevant to your role, demonstrate the ability to develop, manage, distribute and maintain information about the assessment or inspection of the design, construction or maintenance of HRRBs critical to ensuring that they are designed to be safe, built to be safe, operated safely and maintained to be safe throughout the project lifecycle. This should include the ability to: • Assess and audit strategies setting out how proposals and buildings in occupation meet building safety requirements. • Demonstrate suitable knowledge and understanding of HRRB safety documents (and their content) key submission stages and responsibilities and enforcement measures available. • Inspect and assess adequacy of relevant documentation submitted as part of the Safety management system, Safety Case, Fire and Emergency file or Health and Safety plan. • Understand and be able to use / access information management tools such as BIM and other formats to ensure that accurate design and as built information are obtained to enable inspection of HRRB safety. • Act in ensuring that building safety information is distributed to relevant duty holders/recipients and then safely stored. • Understand and enforce requirements for project teams or building owners to manage changes to design and as built information at key gateway stages • Identify what information is needed from other parties and coordinate that information where relevant to inspection of HRRB safety.	Golden thread of building information Building specific fire safety information Health & Safety information Design /construction, as built/maintained information Building safety strategies Maintenance information and scheduling; Testing and commissioning information; Lifecycle and replacement data Building installer / constructor / maintainer competency requirements Change management and impact on other interested parties e.g. insurer, warranty provider, owner.	4 4 2 4 3 3 3 3	• Examples of good practice in obtaining, distributing and storing as built information; • Evidence of role in the assessment of key building safety information packages such as the safety case or fire and emergency file; • Effective assessment of information setting out key building safety strategies for use by building owners or emergency services; Examples of effective management and assessment of adequacy of information submitted.

B Assessment of design, process, systems, services and products

	Key competency	Knowledge	Level	Typical evidence to demonstrate competency
B1	Suitable knowledge of the relevant standards, testing, assessment and maintenance procedures for building materials, products, components, assemblies and systems and ability to assess these effectively to ensure safety through the life cycle of the building. This should include the ability to: • Understand and assess how relevant British, international or third-party codes and standards have been adopted to ensure through life building safety. • Ensure that the right assessment methods or procedures have been used to ensure holistic through life building safety or be able to commission sample testing or assessment if this is necessary. • Understand and interpret the results of testing or assessment (or stated performance criteria) and know when to seek more expert advice on such to ensure through life building safety.	Standards Testing Commissioning Building systems and services.	4 2 2 3	• Evidence of suitable application or use of relevant standards, testing or assessment procedures in the context of HRRBs.

B Assessment of design, process, systems, services and products

	Key competency	Knowledge	Level	Typical evidence to demonstrate competency
B2	Knowledge, understanding and ability to work within or apply in practice statutory process and procedures specific only to HRRBs that need to be followed in their assessment and inspection. This should include: • Understanding of roles and responsibilities when acting as JCA, and ability to engage positively with the JCA other constituent bodies. • Ability to advise building owners, project team members and others on duties and procedural requirements relating to the design, construction and maintenance of HRRB. • Knowledge, understanding and ability to carry out relevant inspection activities in order to demonstrate or assess compliance with building safety requirements on behalf of the JCA at differing gateway stages. Understanding of relevant requirements for building standards professionals to engage and communicate with tenants or the public.	Gateway process and stages for HRRB Role of the JCA Tenant voice and engagement.	4 4 3	• Examples of successful project delivery through statutory cycles or process; Examples of specific complex interactions, discussions or process meeting requirements for HRRBs.

B Assessment of design, process, systems, services and products

	Key competency	Knowledge	Level	Typical evidence to demonstrate competency
B3	Suitable knowledge and understanding of specific risks relevant to the inspection, construction and maintenance of HRRBs and ability to use this knowledge as part of the development, assessment and application of risk management frameworks and safe systems of work. This should include: • Suitable knowledge and understanding of the specific risks relevant to each type of HRRB (including typical critical modes of failure and consideration of maintenance and replacement cycles) and how these risks should be managed through the inspection process, including through commissioning or undertaking of work by other specialist persons. • Understanding of and ability to contribute to and work within safety management systems for HRRBs. • Understanding of the building standards professional's role in assessing HRRB project safety case and ability to contribute to the safety case development, review and management. Interaction between building standards professional's role on HRRB and duties under CDM regulation / site health and safety requirements and other safety legislation.	Critical risk factors in HRRBs Safety case development; safety case review Fire risk strategy Health and safety file Building management and maintenance for building and occupier safety	4 2 2 2 2	• Examples from your work of the development or application of risk management process, procedures, safety case, safety information or frameworks. Examples of identifying specific risks and how these were subsequently successfully managed.

C Responsibility, Management, Leadership and Business Awareness

	Key competency	Knowledge	Level	Typical evidence to demonstrate competency
C1	Clear understanding of and ability to fulfil relevant roles, responsibilities and duties in relation to inspection of HRRBs This should include the ability to: • Understand your duties as a building standards professional in relation to the work you undertake on HRRB's • Understand and explain the roles and responsibilities of other key duty holders you will interact with as part of your role as a regulator on HRRBs • Explain how to work effectively with other key duty holders you will interact with as part of your role inspecting HRRB safety. • Engage effectively with Principal Designer and Principal Contractors.	Client duties and responsibilities Principal designer duties and responsibilities Contractor responsibilities and duties Building owner / manager Tenant JCA Local Authority Regulators Fire and rescue services.	2 2 2 2 2 4 4 3 2	• Evidence of specific roles and responsibilities you have held as part of your work on HRRBs; • Evidence of your involvement in ensuring awareness and fulfilment of specific duties relevant to HRRBs; • Examples or interaction with other key duty holders.

C Responsibility, Management, Leadership and Business Awareness

	Key competency	Knowledge	Level	Typical evidence to demonstrate competency
C2	Awareness of responsibility to challenge unacceptable behaviours or practice and how to raise, escalate or flag risks to safety during the design, construction or maintenance process. This should include the ability to: • Explain and comply with your professional and ethical duties to raise concerns relating to public safety • Effectively raise safety concerns with colleagues and where necessary escalate these concerns through management chains • Identify if and when it is necessary to utilise whistleblowing provisions under the Public Information disclosure Act and how to do so. • Understand, explain and act on any other duties to raise concerns about project safety. Understand and act on concerns raised by others.	Whistle blowing policies / Public Information Disclosure Act Public duty to report Liabilities Company or organisational reporting and escalation policies and procedures.	4 4 2 4	• Examples of industry practice where you may have had concerns and acted upon them; • How you have been effective in leading on building safety issues; How you integrate good building safety practice in your day to day work.

C Responsibility, Management, Leadership and Business Awareness

	Key competency	Knowledge	Level	Typical evidence to demonstrate competency
C3	Awareness of those being regulated and the various contractual relations / inter-relationships that have a bearing on the effective delivery of new building and refurbishment contracts for HRRB This should include the ability to: • Understanding of different types of building procurement mechanisms especially where these provide for differing seats of design responsibility and contractual restraints. • Understanding of the various contractual elements that combine to make the overall compliance requirements in addition to statute	Differing procurement mechanisms Employers requirements Contractors proposals	2 2 2	• Examples of the various forms of contracts and how designers and contractors etc are engaged Examples of where contractual relationships have exceeded statutory minimum and how there might be conflicts to this when giving advice on achieving standards for compliance

C Responsibility, Management, Leadership and Business Awareness

	Key competency	Knowledge	Level	Typical evidence to demonstrate competency
C4	Ability to effectively manage or work with/ within complex assessment, inspection or project teams and co-ordinate assessment and inspection of technical and procedural compliance to ensure safe outcomes. This should include the ability to: • Ability to create a risk managed inspection regime • Work in a dynamic, adaptable way in response to changes on site • Provide appropriate, effective and meaningful inspection • Integrate requirements for building safety into inspection planning and management activities • Assess competencies required within inspection teams for which you are responsible and ensure suitable specialist expertise is procured where required. • Apply quality management, control or audit procedures in order to check building safety measures, duties or requirements which you are inspecting have been discharged • Explain and comply with procedural requirements, submission and process' relevant the inspection and assessment of HRRB relevant to your work	Project management and control Sequencing of work Assembling and appointing teams Effective management practice / procedures for assessment and inspection of HRRBs.	2 2 3 3	• Examples of effective team working and team management; • Good practice in assembling and managing project teams; • Examples of your role in leading on or coordinating delivery of complex integrated systems or buildings.

D Effective Communication and inter-personal skills

	Key competency	Knowledge	Level	Typical evidence to demonstrate competency
D1	Understanding and awareness of the views of in situ residents and the duty to communicate with them and the public. The ability to communicate clearly and effectively verbally and in writing, This should include the ability to: • Explain and comply with duties to communicate with building owners, project teams, residents and other persons or organisations involved in or affected by projects on HRRBs. • Write reports, letters, e-mails or give presentations in a manner which can be clearly understood by technical and non-technical persons. • Clearly identify and communicate responsibilities and issues relating to HRRB safety within design or project teams.	Requirements / obligations to communicate, consult with and respond to residents or persons otherwise affected by buildings / building work Ability to communicate effectively through media relevant to role (verbally, written, drawn) Ability to communicate technical complex information to non-technical audiences; effective communication within project and client teams.	4 4 4	• Evidence or examples of effective engagement with residents, building users or those affected by building work; • Examples of reports, presentations and academic submissions; • Examples of effective engagement and communication with project teams; • Examples of effectively explaining complex technical considerations clearly to clients or other non-professional or technical audiences.

E Professional Commitment

	Key competency	Knowledge	Level	Typical evidence to demonstrate competency
E1	Adopting and applying the codes of conduct and ethical behaviour and understanding the specifics relevant to HRRB. This should include: • Need to act with honesty, accuracy, respect, integrity, responsibility, and limits of capability in order to build trust • Need to respect concerns and issues raised by tenants and how to respond appropriately • Duty of care to residents and people living or working in and around buildings • Differential needs of older and disabled people in accessing and ability to escape from HRRBs • Need to act in accordance with professional Code of Conducts of Employers/Professional bodies • Understanding and ability to act in accordance with Code of Ethics for HRRB.	Obligation to consult / tenants voice Duty of care to residents Considering diversity and inclusion including differential needs e.g. emergency egress; adhering to Codes of Conduct e.g. • Honesty and Integrity • Respect for life, law, the environment and public good • Accuracy and Rigour Responsibility for Direction, Conduct and Communication	4 4 4	• Evidence or examples of effective engagement with building residents or users; • Evidence of consideration of specific needs of older or disabled people in the assessment of building safety; • Evidence of leading discussion on or presenting ethical arguments in practice; • Examples of instances where you have raised ethical concerns as part of your work inspecting HRRB safety.

E Professional Commitment

	Key competency	Knowledge	Level	Typical evidence to demonstrate competency
E2	Understanding of techniques for and the importance of identifying limits of competency for self, individuals or organisations involved in the assessment, inspection, design, construction or management of HRRBs and ability to take suitable mitigating actions to manage risk. This should include the ability to: • Explain what competency is and how this relates to building safety • Identify when and how to assess or request evidence of competency from persons or organisations working in HRRBs you inspect • Explain and comply with duties to ensure competency relating to the inspection of HRRBs. • Identify the need to seek advice from others with specialist competencies and how to procure that advice in assessing HRRB safety • Effectively raise concerns about the competency of individuals or organisations with the JCA. • Mitigate any residual risk relating to competency of which you become aware i.e. by putting in place additional checks or inspection measures.	Principals and value of competency Competency assessment techniques Roles and responsibilities in advising on and ensuring competency Procurement and management of specialist competencies and managing residual risk.	2 2 2 3	• Competency self-assessment records and learning from that process; • Examples of quality assurance or management procedures to ensure competency of self / staff / specialists or other organisations; • Use of competency scoring or assessment techniques; • Involvement in competency assessment of individuals; Accessing or using suitable registers of competency.

E Professional Commitment

	Key competency	Knowledge	Level	Typical evidence to demonstrate competency
E3	Obligation and demonstrable commitment to maintaining professional competency to work on HRRBs and need to ensure continuing competency of others This should include the ability to: • Assess the limits of your own competency in relation to work you are inspecting • Identify personal development needs and put in place a suitable personal development plan • Engage with peer review / assessment and feedback process to obtain external perspective on competency and areas for improvement Identify the limit of competency of those you work with or manage and take action to support improvement where necessary.	Continuing Professional Development Undertaking competency self-assessment Managing personal development Assessing and managing development of team members	4 4 4 3	• CPD records; • Self-assessment records/personal development plans/training records; • Obtaining new relevant qualifications; • Courses attended; • Evidence of leadership within teams or organisations; Involvement in developments of new standards or research relevant to role on HRRB.

6 Section 6 - Building Control Role Descriptions.

The following role and function descriptors are intended to reflect core functions across building control bodies for the purpose of competence assessment.

Table 2: Proposed Roles/Work type Matrix

Role level	Role titles	Work covered	Alternative titles	Qualifications	Experience	Registration
1	**Administrator**	Preparation of quotes from set fee scales Registration of new projects Serving of Initial Notices and other statutory notices (consultations) Recording of Initial Notices and other statutory notices from AIs	Customer Support	NVQ 2 level or equivalent	No prior experience required	N
2	**Technical Support**	Technical administrative work Technical administrative enquiries	Technical Assessor / Technical Administrator	NVQ 3 level in Building Control or equivalent	No prior experience required	N
3	**Trainee Surveyor (Residential)**	Work under supervision comprising: Extensions Internal alterations Loft conversions, Underpinning works, Installation of controlled service / fitting New housing up to 3 storey housing OR Specific assessment or inspection tasks on more complex buildings delegated and checked by supervisor	Apprentice Building Control Surveyor Trainee Building Inspector (Residential) - This may include inspection work only	NVQ 3 level or equivalent Technician/ student membership of appropriate body + Relevant training where working on more complex building types where necessary	No prior experience required	Y
3	**Trainee Surveyor (Commercial)**	Work under supervision comprising: Internal alterations Fit outs Small extensions to non residential buildings OR Specific assessment or inspection tasks on more complex buildings delegated and checked by supervisor	Apprentice Building Control Surveyor Trainee Building Inspector (Commercial) - This may include inspection work only	NVQ 3 level or equivalent Technician/ student membership of appropriate body + Relevant training where working on more complex building types	No prior experience required	Y

Role level	Role titles	Work covered	Alternative titles	Qualifications	Experience	Registration
				where necessary		
4	**Assistant Surveyor (Residential)**	Work without supervision comprising: Extensions Internal alterations Loft conversions, Underpinning works, Installation of controlled service / fitting New housing up to 3 storey housing OR Specific assessment or inspection tasks on more complex buildings delegated and checked by supervisor	Assistant Building Inspector (Residential) - This may include inspection work only	HND / NVQ level 4 or equivalent Associate membership of appropriate body + Relevant training where working on more complex building types where necessary	2 years building control experience	Y
4	**Assistant Surveyor (Commercial)**	Work without supervision comprising: Internal alterations Fit outs Small extensions to non residential buildings OR Specific assessment or inspection tasks on more complex buildings delegated and checked by supervisor	Assistant Building Inspector (Commercial) - This may include inspection work only	HND / NVQ level 4 or equivalent Associate membership of appropriate body + Relevant training where working on more complex building types where necessary	2 years building control experience	Y
5	**Surveyor (Residential)**	Residential developments up to 11m high; (typically 4 storey) including basements and / or associated non-residential uses House type approvals OR Specific assessment or inspection tasks on more complex buildings delegated and checked by supervisor	Building Control Consultant Building Inspector (Residential) - Inspection work only	Degree / NVQ level 6 or equivalent Full membership of appropriate body + Relevant training where working on more complex building types where necessary	5 years building control experience	Y
5	**Surveyor (Commercial)**	Non residential developments up to 7.5m high including: Offices, Shops and Commercial Assembly and recreation Industrial Storage and other non residential	Building Control Consultant Building Inspector (Commercial) - This may include	Degree / NVQ level 6 or equivalent Full membership of appropriate body + Relevant	5 years building control experience	Y

Role level	Role titles	Work covered	Alternative titles	Qualifications	Experience	Registration
		OR Specific assessment or inspection tasks on more complex buildings delegated and checked by supervisor	Inspection work only	training where working on more complex building types where necessary		
6	**Senior Surveyor (Residential)**	Residential developments over 11m up to 18m high, (up to maximum of 6 stories),including basements and / or associated non-residential uses Creation of new dwelling(s) by change of use of building (conversions) OR Specific assessment or inspection tasks on more complex buildings delegated and checked by supervisor	Senior Building Control Consultant Project Building Inspector (Residential) - Inspection work only	Degree / NVQ level 6 or equivalent Full membership of appropriate body + Relevant training where working on more complex building types where necessary	With 2 years experience as a level 5 surveyor	Y
6	**Senior Surveyor (Commercial)**	Non residential developments up to 18m high including: Offices, Shops and Commercial Assembly and recreation Industrial Storage and other non residential OR Specific assessment or inspection tasks on more complex buildings delegated and checked by supervisor	Senior Building Control Consultant Project Building Inspector (Commercial) - Inspection work only	Degree / NVQ level 6 or equivalent Full membership of appropriate body + Relevant training where working on more complex building types where necessary	With 2 years experience as a level 5 surveyor	Y
7	**Principal Surveyor (Residential)**	Residential developments over 18m high (7 storey and above), including basements and / or associated non-residential uses (HRRBs) Contraventions Reversions Dangerous Structures Demolition Notices Workload management Bespoke fee quotes	Major Projects Surveyor Managing Surveyor Principal Officer Principal Building Control Consultant Special Project Building Inspector (Residential) - Inspection work only Major Projects Inspector	Degree / NVQ level 6 or equivalent Full membership of appropriate body Registered to work on HRRBs	With 2 years experience as a level 6 surveyor	Y
7	**Principal Surveyor (Commercial)**	Institutional and other residential buildings Non residential	Major Projects Surveyor Principal Officer	Degree / NVQ level 6 or equivalent	With 2 years experience as	Y

Role level	Role titles	Work covered	Alternative titles	Qualifications	Experience	Registration
		developments over 18m high including: Offices, Shops and Commercial Assembly and recreation Industrial Storage and other non residential Workload management Bespoke fee quotes	Principal Building Control Consultant Special Project Building Inspector (Commercial) - Inspection work only Major Projects Inspector	Full membership of appropriate body Registered to work on HRRBs	a level 6 surveyor	
7a	**Specialist Surveyor**	Fire safety / engineering Safety @ Sports Grounds Licensing M&E installations		Degree / NVQ level 6 or equivalent Full membership of appropriate body Registered to work on Complex or High Risk	With 2 years experience as a level 6 surveyor	Y
7b	**Specialist**	Working within a Building Control Body but not providing the Building Control function	Fire Engineer Structural Engineer	Degree / NVQ level 6 or equivalent Full membership of appropriate body		No unless actively working in a building control capacity
8a	**Manager**	People performance. Handling of complaints.		Full membership of appropriate body	5 years relevant experience	If actively working on building control projects
8b	**Senior Manager**	Overseeing several managers / offices	Regional Manager Regional Director Associate Director	Degree / NVQ level 6 or equivalent Full membership of appropriate body	7 years relevant experience	If actively working on building control projects
8c	**Head of Service**	Responsible for the running of the business	Director Managing Director Head of Function Senior Leader	Degree / NVQ level 6 or equivalent Full membership of appropriate body	10 years relevant experience	If actively working on building control projects

7 Section 7 – Building Control Competence Matrix

6.1 X

[Insert Building control Matrix once agreed / developed]

Annex E1

Building Control Code of Conduct

Annex E1. Building Control Code of Conduct

Introduction

Authority of this Code of Conduct

As with all new building work, the owner and occupier of the property or land in question is responsible for complying with the relevant building regulations. The role of assessing that Building Regulations are, as far as can reasonably be determined, being complied with falls to a Building Control Body (BCB) – either an Approved Inspector or a Local Authority.

In order to secure health, safety, welfare and convenience of persons in and about buildings, Building Control Bodies (BCBs) are required to take such steps as are reasonable to enable the BCB to be satisfied, within the limits of professional skill and care, that the applicable aspects of the Building Regulations are complied with. To ensure that BCBs operate to appropriate professional and ethical standards in the delivery of this objective, this Code of Conduct has been introduced which all BCBs and the building control professionals (BCBs) within those bodies are required to adhere to.

The role of building control is to act as an independent third-party assessment and to take all such steps as are reasonable to be satisfied that the works comply with the functional requirements of Building Regulations. The overarching duty for building control professionals is to protect the health and safety of those in and around buildings.

This document is in two parts.

Part 1 sets out the proposed Code of Conduct (the Code) which has been developed for use by all persons and entities working in the Building Control Sector. It is anticipated that this Code will form the basis for a legally binding regulatory Code of Conduct enforced by the Building Safety Regulator, or a body designated that the regulator.

The Code sets out mandatory requirements and principle-based standards of conduct against which the actions of Building Control Bodies and Building Control Professionals can be judged.

In the interim this Code is intended to be adopted and used on a voluntary basis by Building Control Bodies (BCBs), Building Control Professionals (BCPs), Professional Membership Organisations, academic and training organisations in order to deliver consistent conduct and behaviours throughout the building Control Sector.

Part 2 provides guidance on typical considerations for Building Control Bodies and Building Control Professionals and sets out in more detail common areas where conduct could lead to a breach of the Code. Guidance in Part 2 may be material in assessing any complaint against a Building Control Body or Building Control Professional.

Part 1 – Code of Conduct for Building Control Bodies and Professionals

Scope

This industry wide Code of Conduct sets out the principles of behaviour and standards of professional conduct and practice expected of all building control bodies and professionals. The Code deals specifically with issues of professional conduct and professional competence but does not address negligence which is a matter for civil proceedings.

The Code of Conduct does not:

- Generally repeat obligations placed on BCBs and BCPs by the general law or by the Building Act 1984, the Building Regulations 2010 or the Building (Approved Inspectors etc.) Regulations 2010 (or any subsequent amendments to the Act or the Regulations).
- Extend to issues involving a misunderstanding or dissatisfaction with the minimum standard of work set by the Building Regulations or on criticisms of the quality of workmanship (outside Building Regulation requirements for materials and workmanship).
- Provide for financial penalties against BCBs or BCPs or the awarding of costs or financial redress to complainants brought about by disciplinary proceedings that may result from a proven breach of the Code of Conduct.
- Take precedence over legal action involving a BCB or a BCP or a complainant in relation to the subject matter of a complaint. In this situation, the Designated Body's complaints handling procedures will typically be suspended until that legal action has been concluded. Legal action, for the purposes of the complaints handling process, covers disputes that are subject to adjudication, arbitration, litigation or mediation.

Application and Obligations

No individual or BCB (group, organisation or company in the public or private sector) may practice building control without being registered with the Designated Body acting as the Building Control Regulator. All those subject to regulation are required to comply with the Designated Body's Code of Conduct, practices, standards, complaints procedures, competency and performance measures and sanctions.

This Code of Conduct adopts a principles-based approach based on best practice in professional regulation. The Code is designed to effect positive change in the built and natural environments, through promoting and enforcing high ethical standards in the delivery of building control functions. The Codes focus is on fundamental professional and ethical principles which are at the heart of appropriate professional behaviour and which BCBs and BCPs must follow.

Disciplinary action may be taken against any BCB or BCP where there is adequate evidence of potential misconduct. Any disciplinary action will be conducted in accordance with the procedures that the Designated Body has published. Any failure to comply with the provisions of this Code is not in itself to be taken as constituting unacceptable professional

conduct or serious professional negligence but can be taken into account in any disciplinary proceedings initiated by the Designated Body.

Not every shortcoming or failure to meet the required standards expected by the code will necessarily give rise to disciplinary proceedings. Conversely, disciplinary action may still be deemed necessary in the public interest even where a specific breach of the code is not identified.

The Code and its supporting guidance do not attempt to cover every situation where a BCB or BCP may encounter professional or ethical issues and it does not prescribe the way in which they should respond

No individual or BCB (group, organisation or company in the public or private sector) may practice building control without being registered with the Designated Body and fully accepting its code, practices, standards, complaints procedures, competency and performance measures and sanctions.

BCBs and BCPs should be guided as much by the spirit of the Code of Conduct as by the express terms. The Code provides a structure for making decisions about how to behave as a professional and as a building control body. Individuals **must** use their professional judgement in applying these principles to the situations they face in practice and BCBs **must** support individuals working for them to do so.

The Code relates primarily to professional conduct in the delivery of building control functions, but personal conduct may be relevant to the rules where it may damage public confidence in the profession or constitute a danger to public safety or welfare.

Where there is any conflict between any relevant enforceable law or statutory provision and this Code, members should comply with this Code to the maximum extent possible without contravening those legal provisions.

The Designated Body may share information with other professional or regulatory bodies in accordance with its privacy policy. BCBs and BCPs should also note that where they are a member of another professional or regulatory body there may be differences in some areas between the professional and ethical conduct requirements of the different bodies. Where there are differences, BCBs and BCPs should follow the provision that better protects the public interest.

Guidance on Conduct for Building Control Professionals and Bodies

This Code is supported by further information in the form of 'Guidance on Conduct for Building Control Professionals and Bodies'. Building Control Professionals and BCBs are encouraged to familiarise themselves with this guidance and take it into account in undertaking their day to day Building Control functions. Deviating from the guidance does not by necessity indicate a breach of this Code but may be material and referenced by any Disciplinary Panel in coming to a view as to whether an individual or body are liable for a breach.

Mandatory Requirements

The following are mandatory requirements for all persons or bodies subject to this Code. Failure to meet these requirements may constitute misconduct and be subject to disciplinary investigation.

Continuing Professional Development

Having been registered with the Designated Body all persons subject to this Code shall undertake Continuing Professional Development as necessary to maintain their competence and as a minimum comply with any direction or requirement for CPD set by the Designated, including on recording and reporting CPD undertaken.

Co-operation

All persons subject to this Code must cooperate fully with any disciplinary investigation undertaken by the Designated Body including maintaining registration until such time as that investigation is complete.

Reporting of relevant convictions, financial impropriety and sanction by other bodies

As soon as possible and no later than 28 days after the event, BCBs or BCPs must:

- notify the Designated Body, as soon as they become aware of a conviction for any civil, criminal or regulatory offence committed by them, one of their directors, a staff member or others working on their behalf, whether or not it is in connection with their work.
- notify the Designated Body if any of those listed above have been disqualified as a company director or have been the subject of adverse findings by another professional or regulatory body
- notify the Designated Body if they have been declared bankrupt, entered into an arrangement with creditors or been subject to an adverse County Court judgement.

Professional Standards for Building Control Professionals and Building Control Bodies

All persons subject to this Code will be held accountable in meeting the following standards:

Standard 1 - Honesty and Integrity

Building Control Bodies (BCBs) and Building Control Professionals (BCPs) have a duty to uphold the highest standards of personal and professional conduct including openness, honesty and integrity. They must:

1.1 Be honest and transparent.

1.2 Act in a reliable, trustworthy and independent manner and treat others equally and fairly.

1.3 Be alert to the ways in which their work and behaviour might affect others and respect the privacy, rights and reputations of other parties and individuals.

1.4 Respect confidentiality.

1.5 Declare and manage conflicts of interest.

1.6 Avoid deception and take steps to prevent or report corrupt practices or professional misconduct.

1.7 Reject bribery and not allow bias, incentives, professional or financial conflicts of interest or the undue influence of others to override professional judgements.

1.8 Be objective and truthful in any statement made in their professional capacity.

1.9 Uphold the reputation of the profession at all times.

1.10 Not knowingly mislead or allow others to be misled.

Standard 2 - Respect for Life, Law, the Environment and Public Good

Building Control Bodies and Building Control Professionals have a duty to protect public safety and the public interest, treat people and the environment with respect and maintain public confidence in the profession. They must:

2.1 Give precedence to the protection of public safety.

2.2 Protect consumer rights.

2.3 Obey all applicable laws and regulations.

2.4 hold paramount the health and safety of others and draw hazards to the attention of appropriate bodies.

2.5 Ensure their work is lawful and justified.

2.6 Respect and protect personal information and intellectual property.

2.7 Protect, and aim to improve, the quality of built and natural environments whilst respecting the limited availability of natural resources and apply.

2.8 Maximise public health and safety and minimise both actual and potential adverse effects for their own and succeeding generations.

Standard 3 - Competency, Accuracy and Rigour

Building Control Bodies and Professionals have a duty to acquire and use wisely the competence, understanding, knowledge and skills needed to perform their role or task and to work within the confines of that competence. They must:

3.1 Always act with professional skill, care and/or diligence.

3.2 Perform services only in areas in which they are currently competent or under competent supervision.

3.3 Keep their knowledge and skills up to date.

3.4 Assist the development of knowledge and skills in others.

3.5 Undertake regular reviews and validations of professional competency.

3.6 Present and review theory, evidence and interpretation honestly, accurately, objectively and without bias, while respecting reasoned alternative views.

3.7 Identify, evaluate, quantify, mitigate, and manage risks.

Standard 4 - Responsibility for Direction, Conduct and Communication

Building Control professionals have a duty to demonstrate personal, leadership and ethical conduct, provide clear direction and communication, setting the example for others to follow. They must:

4.1 Be aware of and effectively communicate the issues that the built environment raises for society.

4.2 Promote equality, diversity and inclusion, and respect the views of others.

4.3 Promote public awareness and understanding of the impact and benefits of new areas of learning, achievements and innovation in industry.

4.4 Be objective and truthful in any statement made in their personal or professional capacity.

4.5 Challenge statements or policies that cause them personal or professional concern

4.6 Support others to raise issues.

4.7 Ensure others are working within their competence.

4.8 Take responsibility for checking information.

Standard 5 - Responsibility for Technical and Operating Standards and Integrity

Building Control Bodies and Professionals have a duty to maintain high levels of technical and operating integrity in the provision of services. They must:

5.1 Follow commercial practices that protect the legitimate interests of those commissioning work and the eventual occupiers or purchasers of buildings and uphold the legitimacy of acceptable commercial practice within the profession.

5.2 Ensure that neither quality of service nor technical standards are sacrificed to create surpluses or profit.

5.3 ensure that Building control entities have sufficient resources to provide the services offered to customers and those providing the service must have the appropriate qualifications, practical knowledge, sufficient experience and demonstrable competency to match the type of work they undertake. Building Control professionals are expected to engage with colleagues in a proactive way to ensure they have the relevant mix of skills and resources to support the work they take on.

5.4 Compete fairly and legally with other BCBs and BCPs.

5.5 Be accountable for their decisions and for duties and tasks they delegate to others.

5.6 Provide, on request, their complaints procedure and investigate complaints in accordance with the procedure.

5.7 Maintain the necessary insurance and advise their insurers of any potential claim in accordance with the insurer's requirements.

5.8 Provide performance data and any other information as agreed and as directed by the Designated Body, the Building Safety Regulator or any other such organisation.

5.9 Use any form of public or social media with moderation and respect i.e. based on fact, avoiding any misleading statements or offensive language or statements.

Annex A Terms and Definitions

[Under development]

Annex B Legal Proceedings

Legal Status

This Code of Conduct and its associated guidance do not constitute legal advice. BCBs or BCPs that encounter problems in relation to the legal interpretation of their obligations are recommended to seek their own independent legal advice.

Parallel Proceedings

The Designated Body may suspend any disciplinary investigation pending the outcome of civil or criminal proceedings where this is necessary in the interests of justice.

Civil or tribunal Proceedings

The bringing of civil or tribunal proceedings against persons or bodies subject to this code will not necessarily result in disciplinary action. However, the facts giving rise to a civil suit may result in disciplinary proceedings if they disclose serious professional incompetence or unacceptable professional conduct.

Conduct resulting in proceedings against any person or body subject to this Code relating to employment of others, whether based on unfair dismissal, disability, age, gender, sexual orientation, ethnicity, race discrimination or otherwise may amount to unacceptable professional conduct and judicial findings may be evidence in the disciplinary process.

Annex E2

Building Control Code of Conduct - Guidance

Annex E2. Building Control Code of Conduct – Guidance

Guidance to the Code of Conduct and Professional Standards for Building Control Bodies and Professionals

Part 2 - Guidance

This guidance is issued to support those persons or entities required to comply with the Code of Conduct for Building Control Bodies and Professionals, the Code of Conduct and Professional Standards for Building Control Bodies and Professionals.

The guidance cannot cover every eventuality but sets out common considerations relevant for those undertaking day to day building control functions

BCBs and BCPs are expected to use their professional judgment in meeting the Code and should take this guidance in to account. Failure to do so does not by necessity indicate a breach of the Code but could be relevant in any disciplinary investigation.

Standard 1 - Honesty and Integrity

The fundamental purpose of professional regulation is to ensure standards of competence and conduct which maintain public confidence that building control bodies and professionals are acting in the public interest. To achieve this all Building control Professionals and Building Control Bodies must engage with the public, including their clients, in a manner which reflects high standards of honesty, integrity, probity and trustworthiness.

Honesty and integrity are closely interlinked. Dishonesty is defined by the courts as conduct which, based on the actual state of the individual's knowledge or belief as to the facts, was dishonest when applying the objective standards of ordinary decent people. Building Control Professionals have a significant advantage in expertise over those whom they regulate and advise and should at all times ensure that they represent facts accurately and honestly.

While honesty is the act of being truthful, integrity is a broader concept to apply in undertaking professional activities. An individual can act without integrity without being dishonest by – for instance – purposefully failing to disclose information that is relevant to a client when providing advice. Integrity expresses the higher standards that society expects from professionals and reflects the need to do the right thing setting aside personal and commercial interests.

The most fundamental purpose of professional regulation is to maintain the reputation of the profession as one which can be trusted. A profession's most valuable asset is this trust, its collective reputation and the confidence which that inspires. The essential issue is the need to maintain, among members of the public, a well-founded confidence that any BCB or BCP with whom they interact will be of unquestionable integrity, probity and trustworthiness.

The reputation of the profession is more important than the fortunes of any building control body or individual. Approval to act as a Building Control Professional or Building Control

Body brings many benefits, but with these benefits comes a responsibility to act in an appropriate manner.

Specific areas to be given consideration include the following:

Compliance with statutory provisions

BCBs and BCPs have a legal duty to comply with all applicable current statutes or statutory provisions. Neither should give any statutory Notice or Certificate which contains a statement that they know, or ought to know, to be false or misleading .Any BCB or BCP who gives any such Notice or Certificate may in doing so be guilty of a criminal offence which may also constitute a breach of the code of conduct. BCBs and BCPs should not deliberately withhold or fail to complete such any notice.

Reporting of criminal offences or other sanctions

All offences that result in a conviction or regulatory sanction by another body should be declared to the Designated Body as soon as the BCB or BCP becomes aware of the conviction or sanction. Any relevant criminal offence potentially constitutes a breach of the Code. In considering whether any such offence or sanction necessitates Disciplinary action the Delegated Body will always consider how this relates to the competence and ongoing suitability of the person or body to act in delivering building control services whilst giving priority the need to protect the public interest.

Corporate and collective responsibility

It is recognised that many BCBs are corporate entities or exist within local government. Whilst they may or may not be directly liable for the actions of their directors, staff members or others working on their behalf, the manner in which regulated entities deal with any potential breach of the Code by their organisation or staff will be a material consideration in deciding if disciplinary action is appropriate against the organisation itself.. BCBs should therefore ensure that they have in place internal procedures and processes to manage conduct, effectively deal with complaints and take their own disciplinary actions if necessary.

Managing fairness and impartiality

All BCB and BCP should act fairly and impartially at all times in performing their statutory functions and should aim to continually improve standards and operating procedures to ensure that this is the case. This should include periodically reviewing internal policies and procedures and the systems and operations that have been agreed with the Designated Body.

All BCB and BCP should ensure that agreements for the provision of building control services are evidenced in writing (which can include by electronic methods), and clearly define the terms for the provision of such services. BCB and BCP must make all reasonable endeavours to fairly and honestly carry out contractual obligations and should keep clients and any other party joined in agreement informed of any changes that may be necessary in the execution of those obligations

Conflict of interest

Avoiding conflict of interest, or where unavoidable managing any such conflict of interest, is key to maintaining trust and confidence. All BCBs should operate independently of interest in the building work they are appointed to inspect and avoid any other real or perceived conflict on all projects to which they have been engaged to provide Building Control compliance duties.

All BCB (including any Professional Consultant it has engaged) and BCP must be mindful of conflict of interest arising from financial impropriety or advantage. They should not make payment of, nor accept any trade commission, discount, allowance, indirect profit, inducement payment or benefit in connection with any works pursuant to the requirements of the Bribery Act 2010. BCBs should also ensure that they have suitable processes in place to require staff to report and keep records of any gifts, hospitality that could be considered a bribe or inducement.

A BCB or BCP should not approach a party directly or indirectly for whom another BCB or BCP is known to be acting to provide building control services without the prior agreement of that BCB or BCP. BCBs and BCPs should not take part in practices that are anti-competitive, involve a form of price fixing or collusion, and should not transfer work such that any person responsible for the compliance of that work being unaware of the building control provider.

BCBs and BCPs should act with honesty and integrity where it is necessary to take action because of misconduct by another body. No BCB or BCP should falsely injure the professional reputation of another BCB or BCP directly or indirectly. This shall include any attempt to discredit or damage the reputation of another Building Control Body or Building Control Professional or mislead any party with false or unfair information. This does not preclude a BCB or BCP acting as an expert witness in legal proceedings involving another Building Control Body or Professional or raising legitimate concerns through appropriate channels.

Standard 2 - Respect for Life, Law, the Environment and Public Good

Building Control Bodies and Building Control Professionals have a duty to protect public safety and the public interest, treat people and the environment with respect and maintain public confidence in the profession.

Building Control Bodies and Professionals should always give precedence to the protection of public safety and the creation and maintenance of safe buildings and maximise public health and safety and minimise both actual and potential adverse effects for their own and succeeding generations.

Building Control Bodies and Professionals have a responsibility to draw hazards to the attention of appropriate bodies using appropriate whistleblowing routes.

Building Control Bodies and Professionals have a responsibility to protect, and aim to improve, the quality of built and natural environments whilst respecting the limited availability of natural resources and apply.

Standard 3 - Competency, Accuracy and Rigour

All Building Control Professionals shall maintain the required knowledge to demonstrate a satisfactory level of professional competence in relation to the work that they undertake. This will be judged by reference to the Designated Body agreed Competency Matrix and to training and CPD records.

Building Control Bodies and where relevant professionals within those organisations should:

- Ensure that they have robust systems in place to ensure appropriate standards of technical competency and consistency is achieved across their organisation.
- Ensure, prior to entering into an agreement for the provision of building control services, that it has the necessary level of competence and experience to service the works, and that adequate resources are available to fulfil the work as specified in the agreement.
- Building Control Bodies must ensure that their appointments are made in an open and transparent way. Whilst it is recognised that referrals for Works to a BCB from architects, contractors and others is an accepted practice, the BCB shall ensure that where work is referred to them from such third parties, that this is done in a professional manner and that the person carrying out the work is advised of their options if they do not wish to use the BCB as their Building Control Body. The delivery of the agreed building control service must also be properly resourced and well managed.

Building control Bodies should:

- Notify the person carrying out the work of their appointment if the appointment was made by someone on their behalf. This shall be done to allow for the person carrying out the work to make alternative building control arrangements should they choose to do so.
- Have in place Quality Management Systems such as ISO9001, that is externally and independently audited. The Designated Body reserves the right to determine the independence of audits and may undertake its own audit of a BCB.
- Have robust systems in place to manage and monitor workload to ensure they are working within the limits of available competence and resources.
- Ensure that the method of recording information about Works is sufficient to enable an effective audit to be carried out by the Designated Body and for its decisions and judgements both technical and procedural, to be documented, inspected and understood.
- Ensure appropriate ratios of qualified technical personnel to non-qualified technical personnel and technical personnel to technical support personnel.
- Ensure that appropriate support is available to all levels of surveyors and that the workload of surveyors is assessed against their experience and competency.
- Not delegate to a company, nor allow a Professional Consultant that has an involvement with a company, to permit any other individual or party internal or external to that company to undertake services that would otherwise be performed by the named Professional Consultant.
- Only use the services of Licensed Building Control Professionals for building control surveying.

- Satisfy itself that any appointed Building Control Professional has the necessary competence and experience to deal with the works and that competency of the individual is matched to complexity of the work.

Any Building Control Body or Building Control Professional shall carry out its / their duties with professional skill, care and diligence at all times, working to secure reasonable standards of health, safety, welfare and convenience for persons in and about buildings and any others who may be affected by buildings, or matters connected with buildings, insofar as this relates to the building control function.

All Building Control Professionals must undertake necessary professional development to maintain their competence, and to develop additional competence where necessary. All Building Control Professional should maintain a detailed record of CPD activities in line with requirements set by both their professional body and by the Designated Body. These records shall be supplied to the Designated Body on request and must be kept for a period five years.

Standard 4 - Responsibility for Direction, Conduct and Communication

Building Control Bodies and Building Control Professionals have a general responsibility for the work undertaken under their instruction or authority. They should ensure that those who undertake work conduct themselves in a professional and responsible manner and that roles and responsibilities are clearly communicated with all parties.

BCBs and BCPs should ensure that:

- where external Building Control Professionals are used, an appropriate agreement is in place and that processes are in place to select, appoint, monitor, review and audit the work undertaken by the BCP.
- whenever work is delegated, the work is carried out in such a way that the BCB would not be in breach of the Code of Conduct.
- all relevant parties are clear about their involvement as the building control service provider.
- Where specialist Consultants are used for e.g. structural or fire engineering design checking or other specialist function, the Building Control Body or Building Control Professional must take all reasonable steps to be satisfied that the consultant has the appropriate competence and experience to undertake the assigned work. Building Control bodies should also ensure that any BCB or BCP to which work is delegated does not have any financial or professional interest in the Works.

And

- Where a Building Control Body delegates work, they shall maintain an approved insurance scheme for that work and retain liability for the work that has been delegated.

Building Control bodies have a duty to deal with complaints effectively and in a timely and transparent manner and where necessary ensure that they can mitigate or rectify any fault.

Building Control Bodies should:

- Ensure that their complaints procedure is provided promptly upon request and that any expression of dissatisfaction or complaint about the building control service are investigated thoroughly in line with the documented complaints handling procedure which forms part of the Quality Management Systems.
- Where appropriate, hold the necessary public and professional indemnity insurances for them to undertake their functions.

Standard 5 - Responsibility for Technical and Operating Standards and Integrity

Building Control Bodies and Professionals have a duty to maintain high levels of technical and operating integrity in the provision of services by following commercial practices that protect the interests of those commissioning work and the eventual occupiers or purchasers of buildings.

Building Control Bodies and Professionals should operate in an ethical manner, ensuring that the quality of service, technical standards and decision making are not affected by commercial pressures.

Building control entities must ensure that they have sufficient resources to provide an appropriate service to customers. Those providing the service must have the appropriate qualifications, practical knowledge, sufficient experience and demonstrable competency to match the type of work they undertake in accordance with the competencies determined by the Designated Body.

Building Control Bodies and Professionals must compete fairly and legally with other BCBs and BCPs and should refrain from misusing any form of public or social media.