

Building Control Performance Standards



Building Control Performance Standards

Department for Communities & Local Government
Eland House
Bressenden Place
London SW1E 5DU
Telephone 020 7944 4400
Website www.communities.gov.uk

© *Crown copyright 2006*

Copyright in the typographical arrangement rests with the Crown.

This publication, excluding logos, may be reproduced free of charge in any format or medium for research, private study or for internal circulation within an organisation. This is subject to it being reproduced accurately and not used in a misleading context. The material must be acknowledged as Crown copyright and the title of the publication specified.

*For any other use of this material, please write to The Office of Public Sector Information, Information Policy Team, St Clements House, 2-16 Colegate, Norwich NR3 1BQ
Fax: 01603 723000 or e-mail: hmsolicensing@cabinet-office.x.gsi.gov.uk*

Further copies of this publication are available from:

Publications Centre
PO Box 236
Wetherby LS23 7NB
Tel: 0870 1226 236
Fax: 0870 1226 237
Textphone: 0870 1207 405
Email: communities@twoten.com

Printed in the UK on paper comprising no less than 75% post-consumer waste.

June 2006

Product code 05 BD 03481

CONTENTS

Message from Angela Smith and Edwina Hart	5
Foreword	6
Introduction	7
Standards for Building Control	9
1. Policy	9
2. Resources	9
3. Consultation	9
4. Assessment of Plans	9
5. Site Inspection	10
6. Certificates at Completion	10
7. Archiving of Records	10
8. Continuing Professional Development	11
9. Review of Performance	11
10. Management Systems	11
11. Business Ethics	11
12. Complaints procedure	11
Guidance	12
1. Policy	12
2. Resources	12
3. Consultation	13
4. Assessment of Plans	14
5. Site Inspection	15
6. Certificates at Completion	17
7. Archiving of Records	17
8. Continuing Professional Development	18
9. Review of Performance	18
10. Management Systems	18
11. Business Ethics	19
12. Complaints Procedure	19
APPENDIX 1	21
Building Control Performance Standards Advisory Group	
APPENDIX 2	23
Building Control Performance Indicators	
APPENDIX 3	24
Bibliography and Further Guidance	
APPENDIX 4	25
Useful Addresses	

Message from Angela Smith and Edwina Hart

The Building Regulations aim to ensure the health and safety of building users, promote energy efficiency, facilitate sustainable development and contribute to meeting the access needs of disabled people. They provide a framework of flexible functional requirements within which buildings can be designed and constructed. The role of building control is to help ensure that all relevant building work accords with these objectives, but at the same time this service should be effective, efficient and minimise cost and delay for those carrying out such work. This document is about how building control providers can work to deliver these objectives and recommends standards of performance.

Since the introduction of Performance Standards in 1999, Building Control Bodies have incorporated them into their day to day working practices. Performance Standards are of increasing importance as the need for compliant buildings rises to match public expectations and the demands of public policy in relation to the performance of buildings.

We are grateful to the members of the Building Control Performance Standards Advisory Group, working under the Chairmanship of Michael Finn, for their hard work in revising and updating these standards and guidance. We also particularly welcome their key role in the development of Performance Indicators, launched in parallel, applying across the private and public sectors. We hope their efforts will be rewarded by Building Control Bodies delivering a high quality of service to customers.

These initiatives aim to build delivery excellence into the building control process and assist Building Control Bodies to monitor progress towards that end, particularly with regard to self-review and continuous improvement. We commend these initiatives to their attention.



Angela Smith

Parliamentary Under Secretary of State
Department for Communities & Local Government
June 2006



Edwina Hart

Minister for Social Justice and Regeneration
Welsh Assembly Government
June 2006

Foreword

Before 1997 there were only two bodies operating in the Building Control arena in England and Wales: Local Authorities, consisting of approximately 400 Councils, and NHBC Building Control Services Ltd an Approved Inspector.

In the face of emerging competition the associations representing Local Authorities developed a model policy and level of service document which was adopted by most Councils. The operations of NHBC Building Control Services Ltd. were governed by policy guidelines endorsed by Ministers of the day at the time the company was approved.

January 1997 saw choice widened considerably with the approval of many more Approved Inspectors and from April 1999, Councils were authorised to set their own fees for carrying out the Building Regulation function. In the light of these and related developments it was considered that the time was right to develop an Industry wide agreed set of Performance Standards under which Building Control Bodies (“BCBs”), public and private sector, could offer competing services and against which all could be measured.

With encouragement and support from Nick Raynsford MP, the then Minister for Construction, a Steering Group and a working party developed the Standards and Guidance. They set out the Standards necessary to be adopted by all to achieve best operational practice in the light of differences in the legislation affecting the public and private sectors.

Since publication of the Standards, the Building Control Performance Standards Advisory Group has continued to meet regularly, in order to oversee their implementation, draw up performance indicators and review the effectiveness and currency of those Standards. To this end, a comprehensive consultation and survey was commissioned by ODPM in 2004 both to suggest likely improvements, and to generate suggestions toward the creation of meaningful Performance Indicators reflecting current practices. This updated document is the result of those deliberations.

The Advisory Group considers that it has fulfilled the first part of its remit and that the remaining task of actively monitoring against these standards remains to be addressed.

We commend this updated and expanded document to the attention of all BCBs.



Michael Finn (Chair)
Building Control Performance Standards Advisory Group
June 2006

Introduction

Competition between local authorities and approved inspectors in the provision of building control services throughout England & Wales provides a stimulus to greater efficiency and higher standards of service to the customer. However, these same market forces also have the potential to drive down building control standards, thereby threatening the health and safety of building users. It is to guard against this possibility that Performance Standards were originally formulated.

In March 1998, the Minister for Construction welcomed the setting up by the Construction Industry Council (CIC), the Local Government Association (LGA) and the Association of Consultant Approved Inspectors (ACAI) of a Building Control Services Steering Group to prepare standards, which, taken with suitable monitoring arrangements, would help to ensure that a satisfactory level of building control is achieved.

The resulting document was based on the work of the Steering Group and of the Performance Standards Working Group which it set up. It set out, for the first time, recommended Standards for the performance of building control, to be adopted by all BCBs.

The Standards were supported by Guidance on how they might be achieved, analogous to the functional requirements of the Building Regulations and the Approved Documents supporting them. It was considered that they could also form the basis of any service agreements between BCBs and their clients. The original document has now been reviewed resulting in this new publication, which will be kept under review by the new monitoring body whose terms of reference are to:

- keep under review the effectiveness of the standards and guidance published in the second edition of “Building Control Performance Standards” (June 2006) and make recommendations for revisions of the standards and guidance,
- advise stakeholders on the monitoring and performance of the Building Control Performance Indicators (BCPI) system,
- consider whether and how feedback from the BCPIs should be centrally collected, collated and published,
- consider complaints from building control bodies, other statutory bodies and other parties with an interest in relevant building work, that building control bodies have not acted in accordance with the Building Control Performance Standards; where appropriate, to refer such complaints to relevant other bodies; and/or to make recommendations to the building control bodies concerned on prevention of future non-compliant action, and
- consider how such complaints may influence the setting and monitoring of building control performance standards.

This document relates to the assessment of plans and the inspection of building work in progress and the giving of certificates at completion of work. It also deals with the keeping of adequate records in respect of plans assessment and site inspection.

This document is written against the background of the current provisions of the Building Act and the associated regulations. There are different procedural frameworks applicable to building control by local authorities and by approved inspectors. However, the essential tasks of assessing plans and inspecting work are the same. The Standards and Guidance which follow establish the level of performance considered essential as a minimum in carrying out those tasks in such a way that a BCB's duties and liabilities under the legislation are adequately discharged.

Although the building control process in itself does not guarantee 100% compliant buildings the acid test of effective building control is its success in helping to achieve reasonable standards of health & safety, energy conservation, accessibility and sustainability for building users. Building control does not however remove the obligation of the person carrying out the work to achieve compliance with the Building Regulations, so the construction industry has an enormous part to play. It may be difficult to measure in precise terms the success of building control in helping the industry achieve compliance. However, all BCBs should undertake some form of qualitative analysis, as a basis for continuous improvement and in this connection the Performance Indicators are designed to assist the process.

Standards for Building Control

1. POLICY

Every BCB shall adopt, publish and make available on request, a formal policy for the provision of its building control service in a manner that meets its legal duties and is effective in helping to achieve the compliance of building work with the Building Regulations.

2. RESOURCES

The BCB shall deploy sufficient experienced and qualified staff, appropriate to the type of building control work undertaken.

In the light of current and forecast workloads, sufficient resources should be allocated by the BCB to enable it to discharge its duties with reasonable skill and care and to comply with these Standards. A formal review of resources and staffing shall be regularly undertaken, to address fluctuations in workload, and the results should be documented and made available for audit.

3. CONSULTATION

The BCB shall undertake all statutory consultations in a timely manner and the observations of consultees should be forwarded to clients. It shall consider the possible desirability of undertaking additional consultations. It shall where appropriate co-operate as far as possible in an integrated approach to development consents.

4. ASSESSMENT OF PLANS

Where assessment of plans is undertaken, clear information shall be communicated to the client regarding:

- non-compliance with the Building Regulations
- views of statutory consultees
- conditions pertaining to the approval or passing of plans
- remedies available in the event of a dispute over compliance.

Records of the plans assessment process: records shall be kept of the design assessment philosophy, and any statutory and/or discretionary consultations, for future reference and continuity of control.

5. SITE INSPECTION

Site inspection regime: the BCB shall adopt an appropriate site inspection regime which takes full account of relevant factors such as:

- the degree of detail in the design assessment process
- the nature of the work
- experience of the builder
- complexity and rate of build
- unusual or high risk features
- notification arrangements
- key construction stages.

Relevant factors should be assessed at the outset and regularly reviewed so that effective control is maintained for the duration of each project, with adequate site inspections and records, sufficient to demonstrate the application of reasonable skill and care.

Site inspection records: records of each inspection shall be maintained, which identify the work inspected and any non-compliance. Where plans are not available for the work, these records will necessarily be more detailed.

Contraventions: non-compliant work (contraventions) should be communicated promptly and clearly to the responsible person, identifying the contravention(s) and indicating any measure(s) believed to be necessary to remedy the situation. Any mechanisms for appealing against or disputing a decision of the BCB shall be clearly made known to the responsible person.

Notification of consultees: During the inspection phase, the BCB shall ensure that all statutory consultees are notified of any significant departures from plans.

6. CERTIFICATES AT COMPLETION

Upon satisfactory completion of the relevant work the BCB shall give an appropriate certificate to the direct client and any other appropriate person(s).

7. ARCHIVING OF RECORDS

All records relating to the building control service provided to individual projects shall be retained by the BCB for a minimum period of 15 years. Arrangements shall be made for their transfer into safe keeping in the event of a BCB ceasing to trade.

8. CONTINUING PROFESSIONAL DEVELOPMENT

The BCB shall ensure that suitable arrangements exist for Continuing Professional Development and in-service training of its technical staff.

9. REVIEW OF PERFORMANCE

A BCB shall have methods of collecting and monitoring evidence of its performance, in terms of service delivery and compliance or non-compliance of building work with the Building Regulations. It shall have procedures in place to learn from its findings as a part of a process of continuous improvement. It shall also facilitate the sharing of any information which would be of benefit to BCBs in recognising general areas of difficulty (or failure) in achieving compliance.

10. MANAGEMENT SYSTEMS

Every BCB shall incorporate a formal documented system for consistency of service delivery and continuous improvement, which can demonstrate that the above standards are being addressed.

11. BUSINESS ETHICS

Every BCB shall observe the normal professional standards and business ethics expected of service providers. A BCB shall not attempt to supplant a competitor, or win work, on the basis of interpretation of the regulations. The principle of the building control function being independent shall not be compromised.

12. COMPLAINTS PROCEDURE

A BCB should operate, maintain and make available, on request, to any interested party an appropriate complaints procedure. If a person is dissatisfied with the Building Control service they receive they should be able to complain to the provider in a manner that can be independently audited.

Guidance

The following gives general guidance as well as practical guidance about some of the ways of meeting the requirements set out in the preceding Building Control Performance Standards.

1. POLICY

Compliance with the Standards in this document should be an express object of the policy.

Under the Best Value system, local authorities are required to publish annually local performance plans for all their services. In addition, the March 1998 Enforcement Concordat calls on local authorities to publish clear standards setting out the level of service and performance that the public and businesses can expect to receive.

Approved inspectors are required, as part of the approval and registration process, to agree to abide by the Code of Conduct for Approved Inspectors and are subject to the Disciplinary Procedures of the Construction Industry Council Approved Inspectors Register. This Code in turn requires Approved Inspectors to act fairly and impartially at all times in performing the functions for which they have been engaged and to observe the Building Control Performance Standards.

Further guidance can be found in the District Surveyors Association Level of Service Document and the Construction Industry Council Approved Inspectors Register Code of Conduct for Approved Inspectors.

2. RESOURCES

Sufficient resources should be allocated to carry out that policy. This is to enable reasonable skill and care to be exercised in discharging a BCB's legal duties, and to meet the requirements of the Performance Standards.

The level and complexity of work is highly variable and, therefore, it is not possible to specify the level of resource within this document for individual projects. However, the principles of risk assessment, and experience, coupled with the responsibilities placed by the Standards, will help the BCB to determine the level of expertise and input into individual projects and the overall operation of the BCB. Systems should be capable of demonstrating that this assessment and decision making has occurred.

Project acceptance: for an effective building control service to be provided, the BCB should review and be able to demonstrate its capability or capacity to provide an effective level of resources to either individual or collective projects. The term resources does not necessarily imply permanently retained staff. It also includes flexible staffing arrangements such as the use of suitably experienced and qualified consultants.

In the case of local authorities, which cannot refuse to undertake building control on a project if requested, these procedures should extend to consideration of the possible need to engage additional support, either generally or in relation to individual projects. Where a local authority finds itself regularly under-resourced in respect of its building control function, it should take, and be able to demonstrate that it has taken, all reasonable steps to rectify the situation. An approved inspector should not accept a project unless it can be adequately resourced.

A review or assessment could find expression in a service plan, which could be applied either to individual or collective projects. It could take the form of a formal contract review or periodic assessment of the current and forecast workload.

Resources for existing projects: individual or collective projects should be reviewed on a continuous basis to ensure that resources are being adequately deployed and that an effective level of control is being provided.

3. CONSULTATION

Throughout a project, the BCB shall undertake all the statutory consultations, observing any prescribed time periods. The possible desirability of undertaking consultations beyond the scope of those required by legislation shall be borne in mind. The views of the consultees shall be taken into account by the BCB and any observations or advice beyond the scope of the Building Regulations should be communicated formally to the client.

In the event of significant departures from plans during construction, the BCB shall, where appropriate, inform relevant statutory consultees, and shall take into account their views. This is in addition to carrying out any statutory consultation prior to issuing any notices or certificates.

One stop shop: the principle of minimising the difficulties inherent in developers having to gain a series of consents is recognised, and BCBs, whether in the public or in the private sector, should support a one stop shop approach, so far as they can. The One Stop Shop Approach to Development Consents (DETR April 1998) recommends that where approved inspectors are to be engaged, they should participate in any pre-application discussions where this is likely to be helpful to the client.

Pre-application discussion should normally establish the degree to which a one stop shop approach may be practicable. Achieving this approach will be dependent, to a large extent, on the availability (and willingness) of those involved to devote their time to it, particularly if the personnel involved are dispersed or in remote locations.

Nevertheless, as part of the Performance Standard of the building control service, every effort shall be made both to minimise any hindrance to the developer and to maximise the degree of co-ordination and co-operation which may be achieved in obtaining the necessary consents.

4. ASSESSMENT OF PLANS

The purpose of plan assessment and design appraisal is to assist the process of achieving compliance of building work with the Building Regulations. Accordingly contraventions of Building Regulations identified in drawings should be communicated to the designer. However, there is little to be gained from being unduly pedantic and, in determining the level of plan examination necessary, consideration should be given to the expected frequency and detail of subsequent site inspection.

Where appropriate, a BCB should inform the person intending to carry out work of the availability of the procedure for referring questions of compliance to the Secretary of State (for England) or the Welsh Assembly Government for determination.

A BCB should alert the client to provisions of legislation outside the Building Regulations which it believes are likely to be relevant to the building work in question.

If plans are passed, or approved subject to conditions, or in stages, a schedule should be compiled of the modifications specified by the BCB and/or of the further plans or information required to demonstrate compliance. The information communicated to the client should be clear and unambiguous.

Records of the plans assessment process: to ensure effective and continuing control over the design and executed work certain features should be recorded as appropriate to the work, e.g:

- a. identification of any exempt buildings and work
- b. identification of the type of building work
- c. the intended use of the building, floor area, cubic capacity and number of storeys
- d. in respect of extensions, material alterations or a material change of use to an existing building, relevant data in respect of the original building
- e. the fire resistance requirements, particulars of compartmentation and flame spread classification. Where appropriate the rationale behind the fire safety design check will need recording
- f. the permitted occupancy factor and anticipated maximum occupancy of floors/zones/areas
- g. the accepted floor loading provided for by the designers
- h. details of local hazards, contamination, sewers and services beneath or immediately adjoining the site and any known risk of flooding
- i. details of consultation with the fire authority
- j. details of any other consultation.

Records should be made of any special or unusual circumstances affecting the construction of the building. In particular, a note should be made of any dispensations

from or relaxations of the Building Regulations which were granted or refused, or where significant but none the less acceptable departures are made from the guidance in an Approved Document.

A written opinion should be issued on all proposals submitted for assessment.

5. SITE INSPECTION

The building control process, in order to be effective, requires an inspection regime of appropriate intensity and frequency. However, it is not practicable for every item of work to which the Building Regulations relate to be examined.

Building control staff should use professional skill and judgement in their selection of priorities for inspection within the BCBs stated policy. Work not subject to prior plans appraisal may need to be inspected in more detail than would otherwise be necessary under full plans procedures and, dependent on the complexity of the project, such inspections may need to be carried out by personnel with greater expertise.

The inspection regime considered necessary will thus be dependent on many factors including:

- previous experience
- the extent of prior assessment of plans
- how complicated or relatively straightforward the method of construction is
- whether recent experience indicates current problems in interpreting and/or achieving compliance with certain requirements
- whether the builder is in need of a greater degree of inspection, requested or otherwise
- how serious the consequences of a particular contravention might be
- the impracticability or impossibility of subsequent inspection of hidden work
- speed of build, or methods of fast track construction.

However, subject to the appropriate professional judgement or risk assessment, inspection should normally be made of:

- a. structural elements and components, the failure of which would, in the opinion of the BCB, be significant
- b. all works which, in the opinion of the BCB, constitute unusual designs or methods of construction
- c. work relating to fire safety

- d. any type of work, construction, equipment or material which could, if not verified, cause defects which would, in the opinion of the BCB, be seriously detrimental to the fundamental purposes of the Building Regulations
- e. any additional areas of work necessary for the subsequent issue of a certificate at completion.

Inspection frequency: the most important thing is to have an appropriate inspection plan; the scope and frequency of inspection should be determined, and incorporated in a formal written plan. This plan should be kept under review as the project proceeds. It should take into account the inspection regime factors above.

All sites should be inspected frequently: this is unlikely to be less than 1 visit every 28 days for all live and reasonably active sites, and 3 months maximum for non-active sites to ensure that legal control is maintained.

Inspection notification framework (INF): Without prejudice to the requirements of Building Regulations, every BCB should, as part of the inspection plan and before the commencement of work on site, decide and communicate to the client an INF, taking account of the complexity of the project and other factors. The INF should identify generally the stages or items of work the BCB wishes to be notified of as and when they are ready for inspection.

BCBs should then respond as appropriate to all notifications identified in the INF, to the extent that not to inspect these stages of work should be the exception, not the norm and the reason for non-inspection should be recorded.

NB: it should be made clear to the builder that the BCB would normally expect to carry out unannounced inspections between the stages identified in the INF.

In order to ensure effective communication and building control involvement, requests for inspection should be responded to **within one working day**.

Remote inspection techniques such as the use of photographs, video tapes or live camera transmission should not be relied upon as a complete alternative method of ascertaining the compliance of work on site.

Effective follow up procedures are essential to ensure that previously noted errors have been corrected.

Tests at completion: at completion, certain tests may need to be carried out under building control supervision, as necessary, in order to demonstrate compliance e.g. drainage, air tightness, flue spillage tests. The BCB should consider the need for such tests at the earliest possible stage, include them in the inspection plan, and inform the client of its requirements as far in advance as possible.

Site inspection records: although there is no legislative requirement to retain records, it is considered that in order to effect continuity of control and to provide evidence of building control input into the build process, adequate records should be maintained to show what works were inspected, the results of the inspection and any remedial action considered necessary.

Records should be as specific as circumstances require but should normally include the date, time (where relevant) and location of the work.

Contraventions of Building Regulations should be clearly and promptly communicated in writing, identifying the problem and the measures which may need to be taken to achieve compliance. Decisions regarding Building Regulations compliance, especially formal notices, shall be clearly communicated to the responsible person, observing any statutory time periods.

The BCB should provide the recipient(s) of the decision with details of any remedies available to them in the event of disagreement with interpretation or procedure.

In the event of a Building Regulation dispute, the BCB shall observe any statutory procedures and shall furnish the client with any information regarding available avenues for resolution of the dispute.

6. CERTIFICATES AT COMPLETION

Certificates should always be issued upon satisfactory completion of the work. Approved inspectors should, in any case, give final certificates if satisfied that the work complies with the relevant requirements of the Building Regulations. Local authorities should give completion certificates under the Building Regulations, even if they have not been requested to do so, if, in the words of Regulation 17, they have been able to ascertain, after taking all reasonable steps, that the relevant requirements of the Building Regulations have been satisfied.

A BCB should include in, or send with, the certificate given at completion a statement that on request it can provide to the client a list of all inspections carried out.

7. ARCHIVING OF RECORDS

Records should be retained for an appropriate length of time having regard to the statutory time limits on legal action. This might be considered to be 15 years, but it should be noted that under the Limitation Acts, there is provision for extending the 15 year limit for negligence actions not involving personal injury, where the plaintiff becomes subject to a disability and in cases of fraud, concealment or mistake. For larger schemes it is important and therefore advisable to keep records as long as possible. Records should if necessary be stored electronically or on microfiche, and be available, subject to any copyright, data protection restrictions, or security considerations. These should include as a minimum:

- approved/accepted proposals and design principles
- records of consultations
- records of site inspections
- client design and contractor details
- certificates and notices

8. CONTINUING PROFESSIONAL DEVELOPMENT (CPD)

This may form part of the building control policy statement in 1.

Properly planned and recorded continuing professional/technical training and development is considered essential both to keep abreast of new technology and to instruct and refresh on legislative requirements and their practical interpretation. Where staff are members of professional bodies, their CPD requirements should be adhered to. All technical staff (including temporary appointments) should maintain CPD records acceptable to relevant professional bodies.

9. REVIEW OF PERFORMANCE

The contribution made by the building control service to achieving compliance is difficult to isolate and identify. It cannot be readily assessed from an examination of the finished product.

Building Control Performance Indicators

The Performance Indicators in Appendix 2 are a recommended method of measuring aspects of performance of the Building Control Service and BCBs should be in a position to respond to questions/surveys based on these indicators.

Performance reviews: apart from any independent monitoring of performance, each BCB should, for example as part of its quality management system carry out an annual formal review of performance, and records should be kept of information received and considered at each review, and of the action subsequently taken.

Reviews with other agencies: BCBs should also undertake reviews with other appropriate agencies and bodies, e.g. Fire and other statutory agencies, to help ensure that liaison and consultation procedures are optimised in the best interests of building control clients and building users.

Sharing of information: as the number of BCBs increases, procedures should be developed and followed for the sharing of BCB's information and experience. There is an important potential role here for the Building Control Initiative (BCI) proposed in the May 1998 Memorandum of Understanding formed between the District Surveyors Association and the Association of Consultant Approved Inspectors.

10. MANAGEMENT SYSTEMS

Each BCB should have a properly documented quality management system to ensure that the Performance Standards in this document, and any others contained within the BCB's Policy, are consistently being met.

Recognised systems for corporate bodies include registration under ISO 9001: 2000, the Business Excellence model of the European Foundation for Quality Management, and Total Quality Management. However, a BCB may prefer to adopt a bespoke quality management system.

Whatever system is chosen, it should result in an auditing capability which will serve external scrutiny to establish the extent of achievement of the performance levels as per the Standards in this document, and the steps needed to improve the effectiveness of the BCB's service.

11. BUSINESS ETHICS

Once a client has engaged a BCB for a project or preliminary negotiations are in progress, the professionalism with which that project is handled will be guided by the codes of conduct of the appropriate professional bodies.

It is also very important to the reputation of the building control profession and to the best interests of the construction industry and building users, that competition within the private sector of building control, and between approved inspectors and local authorities, should be conducted in a transparent manner.

The CIC Code of Conduct for Approved Inspectors and the Code of Practice for Members of the ACAI address this aspect, as well as dealing with the proper conduct of building control projects.

A guiding principle in the CIC Code of Conduct is that an approved inspector or consultant employed by him should not attempt to injure the professional reputation of another approved inspector, or attempt to supplant another approved inspector who has already been engaged by a client. The same principle should apply to relations between approved inspectors and local authorities.

The ability of local authorities to offer a client a one stop shop for development consents should not be misused e.g. by making use of privileged information from planning sources to attempt to undertake building control. Similar considerations apply where a BCB can offer additional services.

As local authorities have a wide range of regulatory functions, they should be careful not to do anything that might make prospective clients feel under pressure to use their building control services.

12. COMPLAINTS PROCEDURE

A BCB should operate, maintain and make available, on request, to any interested party an appropriate complaints procedure.

A complaints procedure is considered appropriate if it contains a clearly defined written process for dealing effectively with written and verbal complaints and includes:

- a time scales for acknowledging and responding to a complaint
- b providing the name and contact details of the person dealing with the complaint
- c the procedure adopted for investigating complaints about individuals or service delivery

- d provision for monitoring the progress of the complaint
- e a record of the process for any subsequent independent audit which should be archived for not less than 5 years
- f advice on action available if a complainant is not satisfied with the response. This should include reference to a named independent person or organisation
- g a mechanism for reviewing complaints to improve procedures and prevent re-occurrence in accordance with Standards 9 and 12.

Complaints made verbally are no less important than those made in writing and the complaints procedure should also incorporate the action to be taken in respect of a verbal complaint.

APPENDIX 1

Building Control Performance Standards Advisory Group

TERMS OF REFERENCE

The Advisory Group shall:

- keep under review the effectiveness of the standards and guidance published in the second edition of “Building Control Performance Standards” (June 2006) and make recommendations for revisions of the standards and guidance,
- advise stakeholders on the monitoring and performance of the Building Control Performance Indicators (BCPI) system,
- consider whether and how feedback from the BCPIs should be centrally collected, collated and published,
- consider complaints from building control bodies, other statutory bodies and other parties with an interest in relevant building work, that building control bodies have not acted in accordance with the Building Control Performance Standards; where appropriate, to refer such complaints to relevant other bodies; and/or to make recommendations to the building control bodies concerned on prevention of future non-compliant action, and
- consider how such complaints may influence the setting and monitoring of building control performance standards.

Membership

Association of Consultant Approved Inspectors	(ACAI)
Building Regulations Advisory Committee	(BRAC)
Construction Industry Council	(CIC)
LABC	(representing local authority building control)
Local Government Association	(LGA)
Chair	(Independent)
Department for Communities & Local Government (Observer)	(DCLG)
Welsh Assembly Government (Observer)	(WAG)

The ACAI aims to further the development and understanding of private sector building control with the industry and general public. The Association is committed to maintaining appropriate codes of conduct and high professional standards commensurate with the functions of Approved Inspectors, as detailed in the Building Act 1984 and the Building Control Performance Standards.

The CIC is the 'designated body' for the Department for Communities & Local Government Secretary of State for appointing Approved Inspectors under 'The Building (Approved Inspectors etc.) Regulations' and their Amendments. Approved Inspectors are the private sector parallel of Local Authorities' Building Control Officers. CIC act as the designated body through the Construction Industry Council Approved Inspectors Register Management Board.

LABC represents 370 local authorities throughout England, Wales and Northern Ireland with an aim to ensure that buildings attain at least the required standards of legislation covering constructional health and safety, access and sustainability. This is delivered by promoting, supporting and enhancing Local Authority Building Control within the public sector.

The LGA is a lobbying and member organisation, representing just over 500 local authorities in England and Wales, promoting better local government and providing the national voice for local communities. Its members represent over 53 million people, employ more than 2.25 million staff and spend nearly £84 billion on local services.

APPENDIX 2

Building Control Performance Indicators

MAIN OBJECTIVES

The seven indicators summarised below will:

- assist building control bodies to assess their own service quality in pursuance of Standard 9; and
- give those with a central responsibility or concern for the quality of building control a means of identifying building control bodies whose service characteristics appeared unusually good or poor.

Summary of Building Control Indicators

BC1 – Score against a checklist of best practice for building control services.

BC2 – Fire Authority perceptions of the value added by Building Control.

BC3 – Qualified or experienced staff as a percentage of the total staff employed by the Building Control Service.

BC4 – Average number of hours of training provided per annum by the Building Control Body a) per qualified or experienced member of staff b) per non-qualified member of staff.

BC5 – Average number of hours on-site a) planned and b) completed, for each category of residential and non-domestic work.

BC6 – Percentage of projects reaching a satisfactory conclusion measured for local authorities as the percentage of certificates issued as a proportion of projects started, and for approved inspectors as the percentage of projects started which reach satisfactory completion in that they do not revert back to the local authority.

BC7 – Percentage of a) residential customers and b) non-domestic customers who are satisfied with the service they received from the Building Control body in terms of:

- Added value to the finished product
- Being helpful and responsive to needs
- Applying the Building Regulations professionally
- The overall service

Reference

The Building Control Performance Indicators spreadsheet and guidance can be downloaded by visiting the Planning Portal (Professional User Building Regulations area) website www.planningportal.gov.uk or the Building Regulations area of the Department for Communities & Local Government website www.communities.gov.uk.

APPENDIX 3

Bibliography and Further Guidance

- Enforcement Concordat: Cabinet Office, Welsh Office, Scottish Office, Convention of Scottish Local Authorities, Local Government Association, March 1998
- The One Stop Shop Approach to Development Consents: DETR, April 1998, £12, ISBN 1 85112 081 5
- Memorandum of Understanding between the District Surveyors Association and the Association of Consultant Approved Inspectors, May 1998
- CIC Code of Conduct for Approved Inspectors and Disciplinary Procedures of the Construction Industry Council Approved Inspectors Register: CIC
- ACAI Code of Practice for Members: Association of Consultant Approved Inspectors, February 1998
- DSA Quality and Performance Matrix, October 2003
- DSA Level of Service Document, 1994 (Revised 1999)
- LGA Level of Service Model Guide 1994
- BCI Mediation Procedure
- BCI Initial Notice Protocol
- BCI Commencement Document

The above BCI documents are available on the LABC website www.labc-services.co.uk.

APPENDIX 4

Useful Addresses

- **Association of Consultant Approved Inspectors (ACAI)**
Address: Association of Consultant Approved Inspectors
c/o 14 Berkeley Street, London W1J 8DX
Tel: 020 7491 1914
Fax: 020 7491 1090
E-mail: chair@acai.org.uk
Website: www.acai.org.uk
- **Construction Industry Council (CIC) – Approved Inspector Register**
Address: CIC, 26 Store Street, London WC1E 7BT
Tel: 020 7399 7400
Fax: 020 7399 7425
E-mail: info@cic.org.uk
Website: www.cic.org.uk
- **Department for Communities & Local Government (DCLG)**
Address: Building Regulations Division
Zone 4/A6, Eland House, Bressenden Place, London SW1E 5DU
Tel: 020 7944 5752
Fax: 020 7944 5719
Email: enquiries.br@gsi.gov.uk
Website: www.communities.gov.uk
- **Local Government Association (LGA)**
Address: Local Government Association, Local Government House,
Smith Square, London SW1P 3HZ
Tel: 020 7644 3000
Fax: 020 7644 3030
Email: info@lga.gov.uk
Website: www.lga.gov.uk
- **Welsh Assembly Government (WAG)**
Address: Welsh Assembly Government, Cathay's Park, Cardiff CF10 3NQ
Tel: 02920 826913
Fax: 02920 826989
Email: phillip.gardiner@wales.gsi.gov.uk
Website: www.wales.gov.uk
- **LABC**
Address: LABC, 137 Lupus Street, London SW1V 3HE
Tel: 020 7641 8737
Fax: 020 7641 8739
Email: info@labc-services.co.uk
Website: labc-services.co.uk