



London Building Control

Regulation 9 - Impartiality & Safeguarding
Against Conflicts of Interests Policy



LONDON
BUILDING CONTROL

REGISTERED BUILDING CONTROL APPROVER

REGULATION 9 - IMPARTIALITY & SAFEGUARDING AGAINST CONFLICTS OF INTERESTS POLICY

This policy guidance note sets out to clarify the statute behind independence of Approved Inspectors and give examples on how London Building Control Ltd (LBC) seek to maintain impartiality whilst performing their function and upholding professional standards in the industry. In accordance with the CICAIR code of conduct and BCA guidance we have produced this written policy statement in relation to eliminating risk to impartiality.

Background

Regulation 9 of The Building (Approved Inspector, etc) Regulations 2010 (AI Regs) refers to the '*Independence of approved inspectors*'. This covers legalities in relation to safeguarding impartiality, setting out in statute that 'Approved inspectors shall have no professional or financial interest in the work they supervise unless it is minor work.'

Important

*However, while LBC Ltd acknowledge that 'minor work' is permitted under Regulation 9 of the Building (Approved Inspectors etc.) Regulations 2010 and insurance schemes, we take the stance as indicated within the CICAIR Code of conduct for Approved Inspectors Guidance Notes 1.15, and **DO NOT** permit any surveyors, managers or Directors carrying out Building Control functions on any work they have designed or on which they have a financial or professional interest. This is made clear to all surveyors through signing of a Regulation 9 Statement and discussed within our surveyors meetings.*

The fundamental principle of the building control process is that an independent third-party regulatory check is conducted in relation to evidence of compliance with the Building Regulations. It is therefore key to maintain probity and address any potential for conflicts of interest occurring during the building control approval process. This is the same for any process by which an individual or body corporate maintains an approach that ensures they remain impartial and accountable throughout. Similar mechanisms are used in the management of Competent Persons Schemes (CPS).

Guidance

LBC as the 'Building Control Body' (BCB) are responsible for the impartiality of its building control service and will not allow commercial, financial or other matters to compromise independence. LBC will seek to identify risks to its impartiality on an ongoing basis. This may include risks that arise from its activities, relationships or from the relationships of its personnel. It is for this reason LBC are continually monitoring staff and working practice to maintain the remit of its AI licence and Code of Conduct requirements as well as to uphold the reputation of the profession. However, true professional relationships may not necessarily present a risk to impartiality - NB: A relationship presenting a risk can be based on ownership, governance, management, personnel, shared resources, finance, contracts, marketing and payment of a sales commission or other inducement for the referral of new clients.

A clear risk to independence can be considered to occur where a design or construction function is being provided on the same project by the same organisation carrying out the Building Control function. Another risk to impartiality could be something such as financial involvement, personal or family involvement etc. LBC have a policy for any risk to impartiality to be declared by staff and/or clients that wish to use our services. If a risk is identified, LBC will review the situation and make a judgement on whether the policy and regulation has been adhered to or how it can eliminate or minimise such risk. This is also made clear in LBC's Business Policy Document that is publicly available on the company website. LBC regularly reviewed this and update where necessary.

LBC Business Policy

As a private commercial organisation performing the function of a BCB, LBC's business policy, protocols, and governance to safeguard impartiality includes but is not limited to:

- Function of an Approved Inspector as a separate legal entity
- Regular independent Senior Management Team (SMT) reviews
- No Common Directors to other companies are present
- No Directors or partners have responsibility as a Director or member of a SMT of any other legal entity providing a design or construction function on projects
- LBC have a published clear whistleblowing policy within our handbook and anti-bribery and corruption policy.
- There are no financial incentives for LBC to market other organisational design or construction services on the same project
- No design or construction services are sold as part of the Building Control service nor discounts offered
- Terms of appointment for the Building Control service are independent
- LBC makes it clear that it does not take on any responsibility for design services
- The service delivery of the building control process is wholly independent of other functions
- Personnel delivering the Building Control function at LBC are trained to act with honesty and integrity and that they should be wholly independent of design or other functions
- The complaints policy allows for customers to escalate potential breaches of impartiality
- Where there are aspects of the design which LBC needs third party expertise to verify, that third party is not to be an organisation that was involved in the design. LBC have a Memorandum of Understanding with Specialist Consultants to prevent conflicts.
- Individuals in situations that may be deemed to have potential conflicts of interest like that of a Professional Consultant with another business running parallel with their building control role are required to sign a Regulation 9 declaration. Companies or Individuals are not permitted to submit projects through LBC where they have a professional or financial interest. PAYE staff also have the declaration as part of their employment contract.

LBC seek to conduct a regular review of the impartiality policy identifying potential conflicts of interest. BCB personnel shall adhere to LBC's policy or face disciplinary action.

**REF: BCA Guidance Note - SAFEGUARDING IMPARTIALITY OF BUILDING CONTROL BODIES
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