



# London Building Control

## Regulation 3 - Impartiality & Safeguarding Against Conflicts of Interests Policy



**LONDON**  
BUILDING CONTROL

REGISTERED BUILDING CONTROL APPROVER

# REGULATION 3 - INDEPENDENCE OF APPROVERS

## **Important**

I have read and understood 'Regulation 3' as indicated below, including LBC Ltd's Impartiality and Safeguarding Against Conflicts of Interest Policy and confirm that for the purposes of this regulation, and policy I have, and will have, no professional or financial interest in the delivery of building control activities and functions for any work under my supervision, additionally I confirm that I have complete impartiality on any projects I manage or for any potential conflict of interest occurring during the building control process.

Full Name :

Signed:

Date:

This policy guidance note sets out to clarify the 'Regulation' behind the 'Independence of Approvers' and provide examples on how London Building Control Ltd (LBC) as a 'Registered Building Control Approver' seek to maintain impartiality whilst performing our function and upholding professional standards in the industry. In accordance with the Building Safety Regulator (BSR) Operational Standard Rules (OSR's), Professional Conduct Rules for Registered Building Control Approvers (RBCA), and Code of Conduct for Registered Building Inspectors (RBI's), LBC Ltd have produced this written policy statement in relation to reducing and eliminating risk to impartiality.

## **Background**

Regulation 3 of The Building (Registered Building Control Approvers etc.) (England) Regulations 2024 refers to the Independence of Approvers. This covers the legalities in relation to safeguarding impartiality, setting out that 'Approvers' shall have no professional or financial interest in the work they supervise.

## **Independence of Approvers**

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- (1) Approvers must have no professional or financial interest in the work they supervise.
- (2) A person ("P") is regarded as having a professional or financial interest in the work described in any notice or certificate given under these Regulations if—
  - (a) P is or has been responsible for the design or construction of any of the work in any capacity,
  - (b) P or any nominee of P's is a member, officer or employee of a company or other body which has a professional or financial interest in the work, or
  - (c) P is a partner or is in the employment of a person who has a professional or financial interest in the work.

- (3) For the purposes of this regulation–
- (a) P is treated as having a professional or financial interest in the work even if P has that interest only as trustee for the benefit of some other person,
  - (b) in the case of married persons or civil partners living together, the interest of one spouse or partner is, if known to the other, deemed to be also an interest of the other.
- (4) For the purposes of this regulation the following are not to be regarded as a professional or financial interest–
- (a) involvement in the work as an approver,
  - (b) entitlement to any fee paid for P's function as an approver,
  - (c) entitlement to any fee paid for an employee of P carrying out a function as a registered building inspector (1), and
  - (d) potential liability to pay any sum if a claim is made under the insurance cover provided for the purposes of the 1984 Act.

## Guidance

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. Therefore, it is key to maintain probity and address any potential for conflicts of interest occurring during the building control approval process. Similar mechanisms are used in the management of Competent Persons Schemes (CPS).

LBC as the 'RBCA' and RBI's are responsible for the impartiality of their building control service, as indicated within Regulation 3, and will not allow commercial, financial or other matters to compromise independence.

LBC will seek to recognise risks to its impartiality with processes in place to identify actual and potential conflicts of interest, both prior to the 'commencement of', and 'during' work activity. This may include risks that arise from activities, relationships or from the relationships of personnel. It is for this reason LBC will continually educate and monitor staff and working practices to maintain responsibilities as an RBCA, and RBI, through adherence to The Building (Registered Building Control Approvers etc.) (England) Regulations 2024, Building Safety Regulator (BSR) Operational Standard Rules (OSR's), Professional Conduct Rules for Registered Building Control Approvers (RBCA), and Code of Conduct for Registered Building Inspectors (RBI's). Ensuing we uphold the reputation of the Building Control Approvers profession.

However, it is also acknowledged that a true professional relationship 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. Additionally, a risk to impartiality could be something such as a financial, personal or family involvement etc.

LBC through this policy require 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.

LBC/RBI will not agree to undertake work, or continue to undertake work, where a conflict of interest is identified and unresolved.

Where a conflict of interest is identified, LBC/RBI must notify the applicant or agent and cease to act. Furthermore, to ensure transparency our Impartiality and Safeguarding against Conflicts of Interest Policy is published on our website to assist customers, and users of our service.

This is also made clear in LBC's Business Policy Document that is also publically available on the company website. LBC regularly review this and update where necessary.

### **LBC Business Policy**

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

- Function of a Registered Building Control Authority (RBCA) 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 published our 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 which is also published and fully accessible on our website 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 will not 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 3 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.

**Please also refer to LBC Ltd Policies;**

- Conflicts of Interest Policy
- Whistle Blowing Policy



**Head Office:**

London Building Control,  
13 Woodstock Street, Mayfair,  
London, W1C 2AG

Tel: 0207 099 3636

[www.londonbuildingcontrol.co.uk](http://www.londonbuildingcontrol.co.uk)

[info@londonbuildingcontrol.co.uk](mailto:info@londonbuildingcontrol.co.uk)

**Offices also in:**

Chichester: 01243 780779

Manchester: 0161 660 0806

Welwyn Garden City: 01707 248611

Exeter: 01392 240770

Yorkshire: 0121 314 8608