

## **Submission to the Public Bill Committee (Building Safety Bill) – September 2021**

### **About CICAIR**

1. As the body designated by the Secretary of State in England and Welsh Ministers in Wales, CICAIR Ltd maintains and operates the Construction Industry Council Approved Inspectors Register (CICAIR).
2. Approved Inspectors registered with CICAIR Ltd are licensed to undertake building control work in England and Wales in accordance with Part II of the Building Act 1984 and the Building (Approved Inspectors etc.) Regulations 2010.
3. CICAIR manages 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.
4. CICAIR undertakes all activity involved with the operation of the Register itself, including the assessment of new Approved Inspector applicants, monitoring and auditing existing Approved Inspectors, investigating alleged breaches of the Approved Inspectors Code of Conduct and undertaking disciplinary proceedings and appeals.
5. CICAIR Ltd is a wholly-owned subsidiary of CIC, overseen by a statutory Board of Directors which is currently chaired by the Rt. Hon Nick Raynsford. The Board is currently made up of nine other individuals. Information on the current Board membership can be found [here](#).

### **Written Evidence**

6. Due to the defined nature of CICAIR's role, our evidence will focus on the changes to the building control regime outlined in the Bill.
7. The new Building Safety arrangements being brought into effect by the Building Safety Bill will depend on the availability of sufficient competent staff trained and motivated to fulfil diligently the new legislative requirements.
8. The revised arrangements will pose a challenge in the case of building control, as the sector already has a skills shortage. We are concerned the unintended consequences of the proposed new regime will impact on the wider delivery of the building control functions currently carried out by public and private sector, making it harder, not easier, to achieve the culture change and improved performance that the new Building Safety legislation is seeking to promote.

9. The current message which has gained currency within the private sector side of the building control industry is that the role of Approved Inspectors is likely to be significantly restricted under the new regime.
10. The Government has indicated that in England the Building Safety Regulator will be looking primarily to Local Authority Building Control expertise for work on higher risk, in-scope buildings. In Wales, the message is clearer, with only Local Authority Building Control bodies undertaking this work in future.
11. Whilst it is not CICAIR's role to represent Approved Inspectors, we feel it is appropriate for us to raise concerns relating to issues of capacity and competence which will be essential for the successful future delivery of building control work.
12. The current narrative and direction of travel is unlikely to encourage Approved Inspectors to recruit and train staff to an appropriate level of competence to be able to undertake building control work on higher risk buildings. With the problem possibly further compounded by calls to extend the definition of higher risk buildings to cover a wider range of buildings, and thereby to further restrict the client's choice of its building control body.
13. To date the Government has resisted such calls. However, the Approved Inspector community is well aware of the pressure the call for further restrictions will impose on client choice of building control, and is consequently concerned about the future scope for Approved Inspectors to provide building control services.

With significant other, client-side, opportunities presenting themselves under the new regime, consideration must be given to a further loss of Approved Inspector capacity. CICAIR would urge further exploration on the impact of reduced capacity in the market. We are being told that many competent and experienced individuals currently carrying out building control, in both private and public sector, are considering taking on different roles within the built environment, or outside of it.

14. In CICAIR's view the choice of the appropriate building control body to undertake work on higher risk buildings should not be arbitrarily determined by the sector from which the building control body comes from.
15. Whether the team comes from an Approved Inspector or a Local Authority they should both be working in the public interest and to the same regulatory standards. Indeed there may well be a need on some complex and large projects to assemble a team of professionals drawn both from the Local Authority and Approved Inspector sectors.

16. Competence, relevant expertise and experience should be the criteria to be applied in selecting the team. The introduction of a separate regime for higher risk residential buildings, while understandable, creates potential longer-term problems, and it is notable that in public debates about the Bill's contents, hostility to a two-tier system is strong. In part this reflects concern that the borderline between those buildings defined as higher risk and the others cannot be easily defined.
17. A building housing vulnerable people might well pose a greater risk than a six-storey block of flats. So it is likely that there will be a continuing debate about which buildings should be included in the higher risk category, creating a potentially unstable policy framework.
18. If calls to extend the definition to include more buildings in the higher risk category prevail, this will potentially create even more severe challenges to recruit and retain appropriately qualified and competent staff with the skills necessary to fulfil the tasks involved in building control work on higher risk buildings. It could also further erode confidence in the potential future for Approved Inspectors, if they are seen to be wholly or partly excluded from undertaking such work in future. We raise this to highlight the risk of a future shortage in the pipeline of private sector building control professionals and strain on public sector building control.
19. Further considering the issue of client choice of building control body, the new regime for building control of higher risk residential buildings was predicated on the need to remove the ability of the client to choose its 'regulator', but the proposed new regime is not applied to other building control work which represents the large majority of such activity and includes residential/domestic uses.
20. The new regime must deliver improved standards and outcomes for the users of all buildings, irrespective of whether those delivering the building control function are working in the public or private sector.
21. The 'Future of Building Control' Report commissioned by MHCLG in early 2020 and submitted in summer 2020 set out a case for an independent registration body to register all building control bodies and all building control professionals seeking to undertake building control work. CICAIR strongly supports this proposal which will strengthen the regulatory regime across the whole of the building control profession.

22. The creation of such a registration body would bring a series of benefits:

- a) a single body overseeing all building control activity, with a remit to ensure the recruitment and development of suitably qualified and competent professionals to perform all necessary building control work and drive the necessary culture change.
- b) a level playing field for building control bodies in public and private sectors, with clear incentives for both sectors to raise standards, and with the ability to take action to remedy underperformance through graduated sanctions, including the withdrawal of registration for the most serious failures.
- c) a framework which would enable the Building Safety Regulator to select teams to perform building control work on higher risk buildings, on the basis of proven competence and skill. Within the current Building Safety Bill, the BSR, with its remit to oversee all building control could be seen to be effectively marking its own homework on higher risk buildings, as it will be responsible for the building control work.
- d) effective safeguards against conflicts of interest in the case of building control bodies and professionals in both private and public sectors. Registered Approved Inspectors who act as advisors/consultants as part of a design team would be barred from undertaking the statutory building control role on the same project and local Authority building control bodies and their surveyors would be barred from working on projects owned by or developed in partnership with the same local authority.
- e) easing the pressures on the Building Safety Regulator to fulfil an extensive range of responsibilities under the new legislation, without weakening the rigour of the new regime, as the Building Safety Regulator would continue to set and approve the standards required while not having to meet all the detailed administrative requirements of running a registration process.

***CICAIR would be delighted to expand on any of the issues we have raised in this submission.***