



CICAIR APPROVED INSPECTORS
REGISTER

**EVIDENCE SUBMITTED BY CICAIR TO THE WELSH PARLIAMENT EQUALITY, LOCAL
GOVERNMENT AND COMMUNITIES COMMITTEE**

MARCH 2021

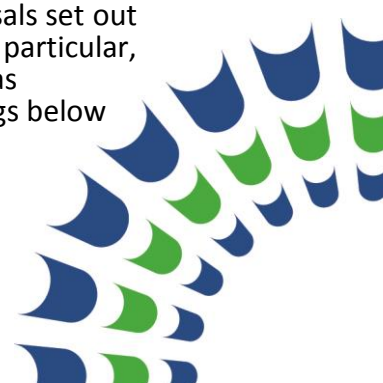
1. CICAIR

As the body designated by the Secretary of State in England and Welsh Ministers in Wales, CICAIR Ltd maintains the Construction Industry Council Approved Inspectors Register. The approval process provides applicants (individuals and companies) with a route to registration as an Approved Inspector. Approved Inspectors registered with CICAIR Ltd are qualified 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. 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. 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. Additionally CICAIR engages regularly with stakeholders including MHCLG, the Welsh Government, Association of Consultant Approved Inspectors and Local Authority Building Control. CICAIR's work and activities are overseen by a statutory Board of Directors, chaired by the Rt Hon Nick Raynsford, and comprising 9 other individuals with a range of relevant expertise. Representatives of the Welsh Government and MHCLG attend CICAIR Board meetings. The Registrar is Karen Holmes.

2. THE GRENFELL DISASTER

The Grenfell Tower fire was the worst failure of building safety in living memory. It is essential that all the lessons learned from this tragedy are understood and acted on to ensure that in future the arrangements put in place to ensure safety in buildings are effective and make any repetition of a similar disaster impossible. Accordingly CICAIR welcomes the publication of the White Paper 'Safer Buildings in Wales' as a clear indication of the commitment of the Welsh Government to put in place a new Building Safety Regime which will better protect the interests of the public and will prompt positive culture change in the way buildings are designed, constructed and managed.

CICAIR fully supports these objectives and believes that many of the proposals set out in the White Paper will help raise standards and improve building safety. In particular, we welcome the recognition that while the scale of the Grenfell disaster was exceptional, the likelihood of life-threatening incidents occurring in buildings below



the 18 metre height used to define Higher Risk Residential Buildings, is much greater, and in consequence the new building safety regime must cover a wider range of at risk buildings. We do however have concerns that some of the policy proposals in the White Paper may not achieve their stated aims, and indeed in some respects may work against those aims, and in these areas we set out below suggestions as to how the objectives might better be delivered. These suggestions are not proposed in the interests of any one organisation or group of organisations, but because we believe they are in the public interest and will better ensure safety in buildings. In this evidence we are simply focussing on these areas in which we have relevant expertise and where we believe there is a real opportunity to secure better outcomes and so more effectively deliver the Welsh Government's aspirations.

3. CAPACITY AND COMPETANCE

It is widely recognised that capacity and competence are vital to the delivery of the culture change which the White Paper aims to promote. Many of the roles which are crucial to raising standards and improving building safety are facing serious challenges in securing sufficient, suitably qualified professional staff to meet requirements. This is particularly relevant to the building control field. The NHBC in its evidence to your Committee highlight a decline of 43% in local authority expenditure on building control between 2008-9 and 2017-18.

To successfully meet the more demanding expectations of building control activity in the future, there will be a need for a significant increase in the number of suitably qualified surveyors attracted to join the profession, and retained within the sector. There will also be a real need for continuing professional development to ensure that those working in the field are keeping abreast of new materials, technology and regulatory requirements. In the past, private sector Approved Inspectors have played a significant role in training and continuous professional development. The policy proposal in the White Paper to revert to a local authority monopoly on building control work on buildings over 18 metres/ 6 storeys sends a clear message that Approved Inspectors will not be able to undertake such work in future, and there is therefore no incentive for them to recruit and train surveyors with the necessary skills to undertake such work.

The intentions laid out in the White Paper could be interpreted that it is the nature of the organisation, rather than the competence of its team that will determine the choice of building control body to handle the most complex fire safety challenges. The combination of this policy and the otherwise welcome decision of the Welsh Government to widen the net to include category 1 buildings within the new building safety regime (albeit only at this stage in respect of buildings in occupation) sends a message about the direction of travel which is unlikely to be interpreted by Approved Inspectors as an encouragement to expand their workforce and their training programmes in Wales. All of this could have a serious negative impact on both capacity and competence.

4. A LEVEL PLAYING FIELD WITH SAFEGUARDS AGAINST CONFLICTS OF INTEREST AND INCENTIVES TO RAISE PERFORMANCE STANDARDS

In CICAIR's view, the best framework for delivering high quality building control services for all buildings is one which provides a level playing field for both local authorities and AIs to compete for business with clear safeguards against conflicts of interest and incentives to improve the quality of service. A level playing field requires



the same standards and expectations applying to those undertaking building control work, whether they are in public or private sectors. We therefore welcome the commitment in the White Paper (para 4.2.9) to create a unified professional and regulatory structure for building control. We are not however clear how this is compatible with the exclusion of AIs from work on category 1 buildings covered in para 3 above, nor the suggestion in para 4.2.9 that new registration requirements will be introduced for AIs (but not for local authorities) as well as an application procedure “which will include restriction as to the type of work to be registered”. It is unclear whether these restrictions will go further than category 1 buildings and if so what is the rationale for this.

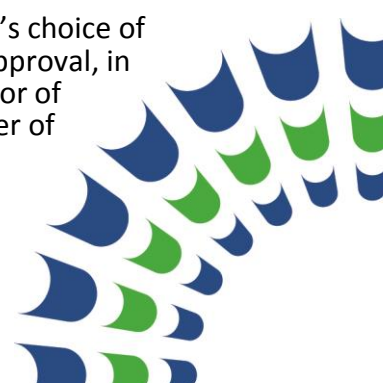
As the body currently designated by Welsh Ministers to regulate AIs, we stand ready to offer insight into the current regime, and how that insight may assist and influence the proposed changes to registration requirements and procedures. Needless to say, we will be happy to assist the Welsh Government in developing proposals for new registration arrangements.

As a member of the Future of Building Control Group, we strongly support its recommendation for the creation of an independent new Registration Body to oversee two registers. The first register would cover the individual registration of all building control professionals seeking to undertake building control work, whether in the public or private sectors, linked to a skills matrix to ensure that only those with the requisite skills and experience can undertake building control work on more complex and higher risk buildings. The second register would cover all building control bodies, including AIs and local authorities, with regular monitoring and audit to ensure the organisation’s competence and capacity to undertake the full range of work for which it is authorised (with restrictions applying where it cannot meet the required standards) and to identify the need for further training and development to enable the organisation to improve its performance and expand its potential remit. There should be clear rules to prevent conflicts of interest, such as AIs providing substantial consultancy as well as building control services to clients, and local authorities undertaking building control work on buildings owned by or being developed in partnership with the local authority.

5. AVOIDING A TWO TIER SYSTEM

One of the less welcome consequences of the Hackitt recommendations is the creation of a two-tier system with different procedures and requirements applying to building control work on high-risk and in-scope buildings, as against the large majority of other buildings where the client will still be able to choose the building control body. This has been criticised by, among others, the Westminster Housing, Communities and Local Government Select Committee, which recommended that client choice should be removed in all cases. Both Dame Judith Hackitt and the Westminster Minister (Lord Greenhalgh) have resisted such proposals in the past on the grounds that the new system could easily be overwhelmed by the need to have arrangements in place to appoint building control bodies in literally hundreds of thousands of cases every year. However the two-tier system is inherently unstable, as there is no clear dividing line between those buildings deemed higher risk and the rest. Height is a factor, but not by any means the only one as the Welsh Government has pointed out in making the case for category 2 buildings to be brought within the new regime.

In CICAIR’s view a more logical approach would be not to remove the client’s choice of building control body, but to constrain it by requiring the client to secure approval, in all case involving higher risk buildings, of the chosen body from the Regulator of Building Safety (or perhaps by the Welsh Government in Wales). The register of



building control professionals and building control bodies proposed in para 4 above would provide the evidence of the capabilities of building control bodies which could both help inform the client' choice and provide the Regulator (or Welsh Government) with strong evidence of skills, capabilities and track record to help them decide whether or not to approve the chosen body. This would have the added advantage of removing the conflict of interest in England where the Regulator would, on current proposals, be overseeing its own performance on higher risk buildings. A further advantage would be the scope for extending the definition of higher risk buildings from just category 1 to include others within the current proposed category 2, without overwhelming the system or causing serious administrative challenges. Such flexibility could well prove important when introducing such far-reaching reforms as are envisaged, when almost inevitably some elements in the package will prove more difficult than others to implement, and some suggested changes to the ranking of risks are likely to be thrown up by the experience of operating the new arrangements. Maintaining a unified system would also help to avoid the risk in any two-tier system that focus inevitably gets concentrated on the higher priority work, and less attention is given to driving up standards across the board, which is essential if we are to have a truly effective building control system.

6. CONCLUSION

We hope that these observations are helpful to the Equality and Local Government and Communities Committee in framing a response to the Welsh Government's White Paper, and we will be pleased to provide further clarification either in writing or verbally as required.

