

## 1. Introduction

Regulation 9 (1) of the Approved Inspectors Regulations states, "Approved Inspectors should have no professional or financial interest in the work they supervise unless it is minor work" Regulation 9 addresses potential conflicts of interest that could come from the process, in particular the design or construction process.

Regulation 9 expands further and details who would constitute as having a professional or financial interest through 9 (2) (3) and (4). Section (5) details where a person would not have professional or financial interest through "minor work".

Minor work as detailed by Regulation 9 (5) is:

- 1.1 The material alteration or extension of a dwelling-house which before the work is carried out has two storeys or fewer and which afterwards has no more than three storeys;
- 1.2 The provision, extension or material alteration of a controlled service or fitting in or in connection with any building; or
- 1.3 Work consisting of the underpinning of a building;

'Safeguarding Impartiality of Building Control Bodies' is guidance released by Building Control Alliance (BCA) on safeguarding impartiality based on Regulation 9 identifies that 'this Regulation was intended to address the potential for conflict of interest occurring during the building control process'.

In addition, CICAIR code of conduct Guidance (Issue 1 – Jan 2017) in which ATBC must adhere to, states under guidance note (1.15) "In respect of Minor Works, although permitted under Regulation 9 of the Building (Approved Inspectors etc.) Regulations 2010 and by insurance schemes, CICAIR deprecates the practice of Approved Inspectors carrying out building control on any work they have designed or on which they have any financial or professional interest".

Reputation is paramount to ATBC in order to maintain integrity of the profession. Therefore maintaining of honesty and integrity is essential. Therefore, ATBC will not undertake minor work they have designed or on which they have any financial or professional interest at any time.

## 2. Independence of ATBC

ATBC will only carry out The Building Control Function, where appointed.

ATBC is an individual Approved Inspector which is licenced through Construction Industry Council Approved Inspectors Register (CICAIR). ATBC have a management which are committed to providing an impartial and professional service following the requirements of Building Control Performance Standards, CICAIR code of conduct ATBC own code of conduct and Regulation 9 of the AI regulations. ATBC can demonstrate impartiality through the following;

- 2.1 ATBC shall follow the guidance set out in BCA safeguarding impartiality of Building Control Bodies, and the definition of risk of impartiality;  
  
"A risk of impartiality is to occur principally where a design or construction function is being provided on the same organisation carrying out the Building Control function. A risk to impartiality may also occur in other ways such as financial involvement, personal or family involvement etc".
- 2.2 ATBC shall be responsible for the impartiality of its inspection activities and shall not allow commercial, financial or other pressures to compromise impartiality.
- 2.3 ATBC directors will always ensure they do not hold office which would conflict with their position as Directors.
- 2.4 Where ATBC require a third party expertise, Structural engineer, Fire engineer etc, that third party will not be an organisation that was involved in the design.
- 2.5 ATBC employees, both internal and external, shall act impartially when executing their responsibilities;
- 2.6 The complaints policy allows the escalation of potential breaches of impartiality (QSP007 – Complaints).
- 2.7 ATBC QMS has the necessary procedures, safeguards and tools through this audit process to ensure that these policies are strictly upheld and enforced.
- 2.8 ATBC does not provide any other services to ensure the Building Control function remains independent and maintains impartiality;
- 2.9 No financial incentives are provided for ATBC to market / promote, design or, construction services on any project.
- 2.10 Cross promotion is not rewarded.

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- 2.11 Discounts are not offered for appointment where ATBC is being delivered on the same site.
- 2.12 Terms of appointment for ATBC are independent for Building Control and has no design and construction services Policy 05 – Terms and Conditions.

ATBC has written within its policy procedures on how it will look to eliminate risk and ensure an impartial service;

### 3 Identifying Risks

ATBC will identify risks on an ongoing basis. The identification of risk is collective responsibility across the company. All employees of ATBC shall act impartially (QSP009 Health & Safety).

Any risks identified through the audit process will be raised to relevant bodies (QSP015 – Audits).

### 4 Conflict of Interest

All employees must declare any potential conflict of interests, including if minor work is applicable ATBC code of conduct requires staff to have no professional or financial interest. Where risks are identified, the risk will be raised with Director for review and reasonable solution sought.

Impartiality of Professional Consultants (PC) are covered through the Professional Consultant Agreement in which section 1.1 stipulates that a Professional Consultant (PC) will at all times have no professional or financial interest in the work that the PC has been requested to undertake, they must also follow the CICAIR code of conduct, BCPS etc.

### 5 Review

This policy shall be reviewed annually unless deemed otherwise necessary.

#### References

QSP007 – Complaints

QSP010 – Health & Safety

Policy 05 – Terms and Conditions

Building (Approved Inspector) Regulations 2010

CICAIR Code of Conduct 2017

CICAIR Guidance to Code of Conduct

Policy 04 Independence 01

CICAI Building Control Performance Standards

Revision No	Revision Date	Revisions Descriptions	Signature
01	21/11/22	New Policy	