****

**Operational Standard Rules monitoring arrangements – Building Safety Regulator**

**Midlands Building Control Consultancy Ltd –** adopt the Operational Standard Rules monitoring arrangements and will submit KPI’s to the Building Safety Regulator HSE. Policy reviewed every 12 months. MBC have full written working instructions WI 01 -WI 028.

* **Resources –** WI 003 -WI 004. Workload is reviewed by the director by staff performance and average monthly workload sheets, to monitor company resources. Plan vet sheets, site inspection sheets are utilised to ensure that the allocated building surveyor to a specific project are suitably qualified and has the knowledge of that complexity of work. Workload/resources are also discussed in all team meetings.
* **Acceptance of applications –** WI 005. Projects only taken with instruction from client. Council and clients kept informed with our initial notice protocol.
* **Consultation process** – WI 005 and WIWI 012. MBC will consult the fire officer asap and water authority on registration. Client informed.
* **Plan examination** – WI006 - Working drawings will be checker by MBC within 10 working days, plan vet sheet, amendment letter, plan appraisal sent, non compliances and conditions listed, all in file folder
* **Site inspections** – WI 007 , WI 008, WI 011, WI 013. Site inspection reports, none compliances, site inspection matrix on the website under site inspections excavation, floor, roof, drains, final. Director to manage complexity of projects, commissioning certs, to visit live jobs once a month and inactive jobs every 3 months. Records kept for 15 years. Stages of inspections sent to clients on the building control information sheet on registration of a project.
* **Contraventions** – WI 013 , written on site inspection records, outstanding defects Reg 17 letter, contravention letter Reg 18 letter. If after several outstanding letters the IN will be cancelled and all records sent to LA to take legal action under Building Act 1984. Section 35 offence and fines, 36 removal of work.
* **Revised plans** – to fire officer if changes on site.
* **Final certs** – WI 009, client, LA and fire officer, 15 years
* **Staff CPD/training** – WI 016, 10 hours, staff performance sheets, appraisal every 12 months
* **QA** – WI 019 internal audit every 3 months, based on continued service delivery improvements, files picked out at random, consultations, check lists before completion cert, site sheets, plans in file folder, check IN final cert, BSEN ISO 9001 . Full file and site inspection reports audit carried out.

**Building Control key performance Indicators KPI and quarterly/annual reportable data**

**KPI 1 – building control functions.**

* 1. – Consultation with the fire officer under the Regulatory Reform (fire safety) order 2005- MBC will report the number of plans certificates issued less than 15 days from the date of which MBC requested fire consultation from the FRA/FRS where no response was received.
	2. - MBC will consult the sewerage undertaker under the building regulations 2010 if required on registration of the application under H 4 of schedule 1. MBC will report the number of plans certificates issued less than 15 days from the date of which MBC requested fire consultation from the sewerage undertaker, where no response was received.
	3. - MBC will report the number of initial notices submitted to the local authority.
	4. - MBC will report the number of initial notices rejected.
	5. - MBC will report the number of initial notices cancelled due to unresolved contraventions.
	6. - MBC will report the number of plan appraisal reports completed.
	7. - MBC will report the number of full final certificates, partial final certificates issued.
	8. - MBC will report the number of requests by the client for copies of site inspection reports for their project/ no reports issued.
	9. - MBC will report the number of high risk buildings, initial notices submitted and work has commenced.

**KPI 2 enforcement and interventions**

2.4 - MBC will report the number of initial notice cancellations issued to the local authorities as a result of unresolved contraventions.

2.5 - MBC will report the number of initial notices reversions where MBC are unable to carry out its function.

2.6 - MBC will report the number of contraventions found during site inspections – 12 months.

2.7 - MBC will report the number of non-compliances and description – 12 months.

2.8 - MBC will report the number of corrective interventions taken that enable the dutyholder to rectify a contravention – 12 months

**KPI 3 risk management**

3.1 - MBC will report the number of non-standard builds following a plans appraisal or initial notice.

3.2 - MBC will report the number of non-standard projects where the BCB risk management process is identified additional critical inspection stages. MBC in these circumstances will notify the client of a bespoke site inspection matrix.

3.3 - MBC will report the number of non-standard builds with contraventions.

3.4 - MBC will report the number of non-standard builds that do not follow guidance set out in the Approved Documents as a means of complying the building regulations 2010 eg fire engineered projects or projects using British Standards etc.

**KPI 4 competence (knowledge and expertise)**

**Registered building inspectors**

4.1 - MBC will report the number of building inspectors class 1-4. 12 months.

4.2 - MBC will report the number of building inspectors not registered with building control knowledge and experience.

4.3 - MBC will report the number of building inspectors, full time, part time. MBC do not employ contractors for the building control function, in relation the company resources. Number of projects to establish resources available, including administration staff.

4.4 - MBC will report the number of building inspectors who have left the company and started with MBC, number of training days/CPD.

**KPI 5 Systems and controls**

5.1 – MBC have achieved ISO9001 QMS from BSI are internally audited by the director every 3 months , externally audited every 3 months by Clear Quality and every 12 months BSI.

5.2 – Record all planned internal and external audits within the QMS. MBC record all CARS.

**KPI 6 Complaints handling and appeals**

6.1 – MBC will report every 12 months , complaints received in proportion of live building projects ongoing.

6.2 – MBC will report every 12 months , complaints received in relation to non-compliance with the building regulations 2010, not resolved in line with MBC complaints process set time scales.

6.3 – MBC will report every 12 months , complaints received relating to non-compliance with the building regulations 2010, escalated to the RBCA and details of the outcome.

**Professional conduct rules**

**Midlands Building Control Consultancy Ltd – must:**

* **Act with honesty**
* **Act with integrity**
* **Maintain professional competence**
* **Deliver services with professional skill and care**
* **Uphold public trust and confidence in the provision of services and the profession**
* **Treat everyone fairly and act in compliance with your legal obligations**

***The Standards***

***Midlands Building Control Consultancy Ltd – working instructions WI 001 to WI 029, company handbooks and working procedures are on the company shared drop box and are communicated with all staff if there is a new or revised procedure eg staff team meetings***

**1. Complying with your legal, regulatory, and professional obligations**

1.1 Midlands Building Control Consultancy Ltd will comply with all relevant legal and regulatory requirements:

a) in the conduct of work

b) relating to the enforcement of compliance linked to restricted functions and

c) which apply to the conduct of your business activities, for example anti-money laundering, anti-bribery and corruption, data protection and Equalities Act 2010 (as amended)

**WI 027 Anti money laundering policy**

**WI 029 Recruitment, staff development/equality/diversity and inclusion**

**MBC general and staff data protection policies**

1.2 MBC will comply with your obligations to the Regulatory Authority under the Professional Conduct Rules, including those as set out in the Annexes and any obligations to other regulators, local authorities or professional bodies.

1.3 MBC will comply with building regulations and statutory guidance published by the Regulatory Authority and the Department for Levelling up Housing and Communities and consider good practice where appropriate.

1.4 MBC will maintain professional independence and impartiality in the conduct of work activities.

1.5 MBC must not act in a manner that is likely to bring the building control profession into disrepute.

1.6 MBC must take appropriate steps to ensure that activities undertaken by individuals under your supervision comply with relevant legal and regulatory requirements.

1.7 Where MBC become aware of a breach of the Building Act 1984 (as amended), or associated legislation such as the Building Safety Act 2022, Building Regulations 2010 (as amended) MBC must use your building control functions to secure compliance. If MBC are unable to secure compliance within a reasonable timescale, we must report non-compliant work to the relevant local authority.

1.8 MBC will make sure that the terms 'registered building control approver’, ‘RBCA’, ‘registered building inspector’ and ‘RBI’ are used accurately.

1.9 MBC will make sure that terms 'registered building control approver’, ‘RBCA’, ‘registered building inspector’ and ‘RBI’ and conform to the terms of the registration.

1.10 Midlands Building Control Consultancy Ltd must make sure that terms, ‘registered building inspector’ and ‘RBI’ and conform to the terms of your registration.

**2: Business requirements**

**Covering professional liabilities**

2.1 MBC must only undertake work for which you, and any persons undertaking work on your behalf, are suitably insured.

2.2 MBC must fully comply with your insurance requirements. **Griffith and Armour**

**Financial propriety**

2.3 The director of MBC must ensure that professional finances are managed responsibly.

2.4 MBC must ensure that you have appropriate accounting controls. **Zero accounting system and Brookmayfields Accountants**

2.5 MBC must have appropriate procedures in place to ensure that accounting controls are adhered to.

2.6 MBC must not facilitate financial crime, including money laundering, terrorist financing, bribery and corruption or tax evasion.

2.7 MBC must ensure that you have appropriate processes in place to prevent the facilitation of financial crime.

2.8 MBC must not price fix or engage in anti-competitive practices.

2.9 MBC must ensure that your professional costs are fair and proportionate.

**Written policies and procedures**

2.10 Midlands Building Control Consultancy Ltd have clear and accessible written policies and procedures in relation to:

• conflict of interests – **staff handbook, staff appraisals, staff contracts and working procedures**

• health, safety, and wellbeing – **WI 023**

• anti-money laundering, terrorist financing, anti-bribery and corruption – **WI 027**

• data protection – **General and staff data protection policies**

• whistleblowing - **WI 028**

• complaints handling – **Full complaints procedures and logs**

• learning and development - **WI 016 Staff Training**

• staff conduct – **Company handbook , staff contracts and induction**

• equality/Equity, diversity, and inclusion – **WI 029**

2.11 The director of MBC ensures that all policies and procedures are up to date, reflecting current legislative requirements and guidance.

2.12 The director of MBC ensures that relevant policies and procedures are provided to all staff. All staff are updated with any new or revised company policies and is updated on the shared drop box. All new/revised policies and procedures are fully communicated to all staff through email, team meetings and additional training given if required.

2.13 MBC have clear and accessible processes that enable persons to raise concerns under such policies as referred to in 2.10. , in the MBC company handbook and written procedures.

2.14 MBC must ensure that they have processes and procedures in place to appropriately manage such concerns as referred to in 2.10 and resolve them in a timely manner.

**Conflict of interests**

2.15 You must have processes in place to identify actual and potential conflicts of interest, both prior to the commencement of and during work activity.

2.16 You must not agree to undertake work, or continue to undertake work, where a conflict of interests is identified and unresolved.

2.17 Where a conflict of interests is identified, you must notify the applicant or agent and cease to act.

2.18 You must publish your conflict of interest policy and ensure that it is publicly accessible.

**Use of technology and managing data**

2.19 You must take steps to identify and mitigate any risks in relation to using relevant technology to support the delivery of your work.

2.20 In addition to complying with data protection requirements, you must take steps to ensure that commercial data is stored appropriately.

**Whistleblowing**

2.21 You must publish a ‘speak up’ or whistleblowing policy that:

• enables workers to raise concerns in confidence

• is accessible

• is visibly supported at the top of the organisation

• is actively promoted within your organisation

2.22 You must not act in a way which prevents or discourages whistleblowing.

2.23 You must ensure that you implement effective processes and procedures to manage and resolve concerns raised under the whistleblowing policy.

2.24 You must consider whistleblowing concerns that you receive fairly and keep records for at least 15 years from the date of report.

**Complaints handling**

2.25 You must publish your complaints handling policy and ensure that it is accessible to any persons who have a valid need to access such policies.

2.26 You must ensure that you implement effective processes and procedures to manage and resolve complaints in a timely manner.

2.27 You must implement measures to monitor the effectiveness of your complaints handling procedures.

**Culture, staff conduct and the conduct of persons undertaking work on your behalf**

2.28 You must implement appropriate disciplinary processes and procedures to effectively address concerns in relation to staff conduct.

2.29 You must implement appropriate processes and procedures to effectively address concerns raised in relation to the conduct of persons undertaking work on your behalf.

2.30 You must provide appropriate information on how to report any concerns regarding modern slavery, labour abuse or abusive labour practices to persons undertaking work on your behalf.

2.31 You should take steps to support an inclusive culture.

**Learning and development**

2.32 In addition to the provisions contained in Standard 3, you must ensure that all employees are provided with regular and up-to-date continuing professional development activities on:

• data protection requirements

• anti-money laundering and terrorist financing and anti-bribery, and corruption

• equality, diversity, and inclusion

• the Building Inspector Competence Framework

**3: Professional competence and continuing professional development**

3.1 Subject to Standard 3.5 below, you must only undertake work for which you (and relevant employees) are registered and have the necessary competence

3.2 Subject to Standard 3.5 below, you must ensure that any person undertaking work on your behalf is registered and has the necessary competence

3.3 You must ensure that any persons undertaking work on your behalf in a technical management role, or supervising the technical work of others, have the necessary competence and registration to do so.

3.4 You must ensure that any persons undertaking work on your behalf who are developing their building control competence, are under the supervision of a registered and suitably competent RBI.

3.5 You must take steps to ensure that employees undertaking work (including those under a programme of supervision) maintain their competence and comply with any continuing professional development guidance issued by the Regulatory Authority.

3.6 Pursuant to Standard 3.5, you must ensure that employees undertaking work and persons undertaking work on your behalf (including those under your supervision) are provided with:

• relevant and up-to-date training and guidance

• supervision and advice

• a structured programme of learning and development including continuing professional development guidance issued by the Regulatory Authority

• sufficient time to reflect on their development needs formally and sufficient time to record the findings and planned actions to meet these needs in accordance with the continuing professional development guidance

3.7 You must monitor the effectiveness of processes and procedures in respect of learning and development, competence and continuing professional development, including rates of participation.

3.8 You must have processes in place that ensure that records of learning and development, competence and continuing professional development activities undertaken are retained for 15 years. You should ensure such records are used to support former employees in demonstrating competence.

3.9 You must take steps to ensure that persons undertaking work on your behalf maintain their competence and continuing professional development guidance issued by the Regulatory Authority.

3.10 You must ensure systems are in place to enable employees (and persons undertaking work on your behalf, where relevant) to refresh their knowledge of the following policies at appropriate intervals:

• conflict of interests

• insurance/professional liability arrangements

• complaints handling

• health, safety, and wellbeing

• anti-money laundering, terrorist financing, anti-bribery, and corruption

• data protection

• whistleblowing

• staff conduct

• equality/equity, diversity, and inclusion

**4: Standard of service**

4.1 In the conduct of your work, you must act:

• fairly and objectively

• diligently

• conscientiously

• in the best interests of the public when dealing with individuals, other professions, or the building control profession

4.2 In the conduct of your work, you must:

• apply effective governance arrangements

• be accountable for your decisions

• be accountable for the duties and tasks you delegate to persons in your organisation or persons contracted by your organisation included within governance arrangements

• be accountable for work undertaken under your supervision

4.3 You must ensure that there are appropriate measures in place to actively manage, quality assure and supervise work activities.

4.4 You must make sure persons undertaking work on your behalf understand:

• their assigned roles

• their responsibilities

• any restrictions that apply to them

4.5 You must ensure that professional advice or decisions are not inappropriately influenced by self-interests, prejudice, bias, or personal agendas.

4.6 You must not agree to undertake work that you do not have time and/or resources to complete.

**5: Engaging with applicants or agents**

5.1 You must establish the identity of your applicant or agent1 you record the services being requested and explain the services you can provide.

5.2 You must confirm and state any restrictions that apply to your registration as an RBCA.

5.3 You must not undertake any work until the applicant or agent has been provided with, and agreed in writing to the provisions of, the terms of engagement letter, as detailed in Annex 2.

5.4 You must inform the applicant or agent if there are any changes to the terms in relation to their work. This includes cost or time estimates where you are made of aware of any changes.

5.5 You must be clear and transparent in your policies and procedures and in the explanation of those policies and procedures and as to how your work is undertaken. This means you must record and explain:

• how your decisions have been made

• how they can be challenged

• the process used to resolve issues

5.6 You must treat information obtained from the applicant or agent as confidential and only disclose if one or more of the following apply:

a) in the prosecution or defence of legal proceedings

b) with express written consent of the applicant

c) when required or authorised to do so by law

d) to report a crime or breach of building control regulations

5.7 You must make the applicant or agent aware you may be required to disclose information to the Regulatory Authority, local authorities and other regulators

5.8 Subject to any right to retain pending payment, you must provide the applicant with all material information and a copy of their file upon request. This Standard does not require the disclosure of any information which cannot be lawfully disclosed.

5.9 You must record and retain all:

• evidence

• instructions

• advice

• professional judgements and decisions

relating to the work activities carried out for 15 years from the date of instruction or in accordance with your insurance policies, whichever is longer.

**Annex 1 – Obligations to the Regulatory Authority under these Professional Conduct Rules**

1.1 You must co-operate with the Regulatory Authority. You must provide information when requested by the Regulatory Authority in accordance with relevant statutory timescales.

1.2 Information provided to the Regulatory Authority must clearly show:

• how decisions have been made

• how opinions have been reached and

• be suitable for auditing, quality assurance and regulatory purposes

1.3 You must comply with the rules of registration and any registration conditions applied to your registration by the Regulatory Authority.

1.4 You must maintain your insurance and provide a copy of your insurance certificate to the Regulatory Authority whenever requested.

1.5 You must pay due regard to guidance issued by the Regulatory Authority.

1.6 You must notify the Regulatory Authority within 3 working days of any conduct by your own organisation that you are or become aware of which is potentially:

• a contravention of the Professional Conduct Rules

• professional misconduct under the Code of Conduct for Registered Building Inspectors

• likely to bring the building control profession into disrepute

• a contravention of the Operational Standards Rules

1.7 You must notify the Regulatory Authority promptly if you or relevant persons are:

• deemed by a Court, Tribunal or Regulatory Authority to have acted in breach of, or failed to comply with a relevant legal obligation in the course of conducting your work or business activities

• convicted of a criminal offence or offence under Section 42 of the Building Safety Act 2022

• subject to a pending criminal prosecution

1.8 You must notify the Regulatory Authority promptly of instances of financial impropriety of which you are or become aware of. For example, the failure to adhere to requirements in relation to:

• anti-money laundering

• terrorist financing

• anti-corruption and bribery

• tax evasion

• price fixing

• anti-competitive practices

• overcharging

1.9 You must notify the Regulatory Authority within 14 days of any findings of modern slavery, labour abuse or abusive labour practices.

1.10 Relevant persons include employees, those undertaking work on behalf of the RBCA, directors or employees of directors. You must notify the Regulatory Authority promptly if you or relevant persons (holding financial controls):

• enter into a company voluntary arrangement or individual voluntary arrangement

• are placed in administration or wound up

• become subject to a debt relief or administration order

• are declared bankrupt

• are struck off as a director

1.11 You must notify the Regulatory Authority promptly if you or relevant persons are subject to disciplinary findings by another regulator or professional body.

1.12 You must notify the Regulatory Authority within 14 days of any informal or formal findings of misconduct under your organisation’s staff conduct policies and procedures.

**Annex 2 – Provision of information to applicants or agents**

To comply with your obligations under Standard 5, you must provide each applicant or agent with a terms of engagement letter which contains the following information:

• a clear summary of the services you will provide

• the name of the RBI responsible for supervising or conducting the work (specify if this is subject to change)

• any conditions on your registration, or the registration of the RBI responsible for supervising or conducting the work

• a time estimate required for you to complete the work or if staged, the estimate for when work will be undertaken in relation to each stage (specify if this is subject to change)

• a clear and transparent description of your fees and charges

• details of any relevant referral fees that you pay or receive

• a total cost estimate for the completion of your work

• a description of how the client’s information will be used and reference to how they can obtain your data protection policy

• details of your complaints policy and how they can raise a complaint

• details of the relevant insurance or professional liability cover held by you and/or your employees

• a clear statement that you are regulated by the Regulatory Authority

**Annex 3 – Rules of registration**

1.1 These rules are set by the Regulatory Authority and apply to any person registered as an RBCA.

1.2 The main contact for an RBCA must be a sole trader, partner or employee of the RBCA of sufficient level and authority to be able to represent the RBCA in its dealings with the Regulatory Authority, for example notification and liaison regarding audits, investigation and sanctions and maintaining their registration details.

1.3 The person must ensure their registration details are accurately maintained and updated with any relevant changes. Details for how to do this can be found in the registration guidance for RBCAs.

1.4 It is the responsibility of the person to ensure the Regulatory Authority holds accurate records in relation to their registration.

1.5 The person must notify the regulatory authority within 28 days in the event of any changes to information relevant to their registration.

1.6 The person must not transfer a “registration” from one legal entity to another (e.g., a business with a different Companies House registration number).

1.7 The person must notify the Regulatory Authority of any changes to information relevant to the business’s registration, including the following:

• Change of management structure

• Change of director or partner

• Change of ownership

• Change to the main contact for the RBCA

• Any professional sanctions from other bodies

• Any relevant criminal convictions as set out in the Professional Conduct Rules, for either the business or senior personnel

• If the person is at risk of going into liquidation or will cease to trade for any reason

• If the person no longer wishes to be on the register of registered building control approvers

**Annex 4 – Registration conditions**

1.1 The Regulatory Authority has the power to set conditions on a person’s registration under Section 58O of the Building Act 1984 (as amended).

1.2 Conditions may be imposed at registration and/or during the registration period.

1.3 There are two types of conditions:

• standard conditions, applicable to every person that registers as an RBCA.

• non-standard conditions, applicable to a specific person, based on its particular circumstances

1.4 Conditions may include restrictions on the type of work a person is able to undertake, or requirements to support the good standing of the profession.

1.5 Conditions will be applied and removed solely at the discretion of Regulatory Authority.

1.6 The person must comply with any conditions set by the Regulatory Authority on their registration. Failure to comply with a condition may result in the Regulatory Authority taking enforcement action and could affect your registration.

1.7 Standard conditions that the Regulatory Authority will impose on all RBCAs are:

• the person must ensure appropriate IT system back up is in place to enable it to store, maintain and transmit any of its building project records electronically to the Regulatory Authority, Local Authority or other RBCA, in the event the person is no longer able to continue with its building projects

1.8 Non-standard conditions may, for example, include requirements to revise policies and procedures, or limits on the building control work a person can undertake.

**Annex 5 - Acting within the scope of your registration**

1.1 In order to comply with standards 3.1 and 3.2 of the Professional Conduct Rules, you must ensure that you only use RBIs with the appropriate “scope of registration” for the work being undertaken.

1.2 An RBI’s scope of registration includes the class, categories of work and restricted activities they are registered to undertake.

1.3 Restricted activities are defined in the Building (Restricted Activities and Functions) (England) Regulations October 2023 and are broadly defined as plans assessment and inspection.

1.4 RBIs cannot undertake work outside the scope of their registration unless under supervision, as set out in standard 3.2 and 3.3 of the Code of Conduct.

**Annex 1 – Obligations to the Regulatory Authority under these Professional Conduct Rules**

1.1 You must co-operate with the Regulatory Authority. You must provide information when requested by the Regulatory Authority in accordance with relevant statutory timescales.

1.2 Information provided to the Regulatory Authority must clearly show:

• how decisions have been made

• how opinions have been reached and

• be suitable for auditing, quality assurance and regulatory purposes

1.3 You must comply with the rules of registration and any registration conditions applied to your registration by the Regulatory Authority.

1.4 You must maintain your insurance and provide a copy of your insurance certificate to the Regulatory Authority whenever requested.

1.5 You must pay due regard to guidance issued by the Regulatory Authority.

1.6 You must notify the Regulatory Authority within 3 working days of any conduct by your own organisation that you are or become aware of which is potentially:

• a contravention of the Professional Conduct Rules

• professional misconduct under the Code of Conduct for Registered Building Inspectors

• likely to bring the building control profession into disrepute

• a contravention of the Operational Standards Rules

1.7 You must notify the Regulatory Authority promptly if you or relevant persons are:

• deemed by a Court, Tribunal or Regulatory Authority to have acted in breach of, or failed to comply with a relevant legal obligation in the course of conducting your work or business activities

• convicted of a criminal offence or offence under Section 42 of the Building Safety Act 2022

• subject to a pending criminal prosecution

1.8 You must notify the Regulatory Authority promptly of instances of financial impropriety of which you are or become aware of. For example, the failure to adhere to requirements in relation to:

• anti-money laundering

• terrorist financing

• anti-corruption and bribery

• tax evasion

• price fixing

• anti-competitive practices

• overcharging

1.9 You must notify the Regulatory Authority within 14 days of any findings of modern slavery, labour abuse or abusive labour practices.

1.10 Relevant persons include employees, those undertaking work on behalf of the RBCA, directors or employees of directors. You must notify the Regulatory Authority promptly if you or relevant persons (holding financial controls):

• enter into a company voluntary arrangement or individual voluntary arrangement

• are placed in administration or wound up

• become subject to a debt relief or administration order

• are declared bankrupt

• are struck off as a director

1.11 You must notify the Regulatory Authority promptly if you or relevant persons are subject to disciplinary findings by another regulator or professional body.

1.12 You must notify the Regulatory Authority within 14 days of any informal or formal findings of misconduct under your organisation’s staff conduct policies and procedures.

**Annex 2 – Provision of information to applicants or agents**

To comply with your obligations under Standard 5, you must provide each applicant or agent with a terms of engagement letter which contains the following information:

• a clear summary of the services you will provide

• the name of the RBI responsible for supervising or conducting the work (specify if this is subject to change)

• any conditions on your registration, or the registration of the RBI responsible for supervising or conducting the work

• a time estimate required for you to complete the work or if staged, the estimate for when work will be undertaken in relation to each stage (specify if this is subject to change)

• a clear and transparent description of your fees and charges

• details of any relevant referral fees that you pay or receive

• a total cost estimate for the completion of your work

• a description of how the client’s information will be used and reference to how they can obtain your data protection policy

• details of your complaints policy and how they can raise a complaint

• details of the relevant insurance or professional liability cover held by you and/or your employees

• a clear statement that you are regulated by the Regulatory Authority

**Annex 3 – Rules of registration**

1.1 These rules are set by the Regulatory Authority and apply to any person registered as an RBCA.

1.2 The main contact for an RBCA must be a sole trader, partner or employee of the RBCA of sufficient level and authority to be able to represent the RBCA in its dealings with the Regulatory Authority, for example notification and liaison regarding audits, investigation and sanctions and maintaining their registration details.

1.3 The person must ensure their registration details are accurately maintained and updated with any relevant changes. Details for how to do this can be found in the registration guidance for RBCAs.

1.4 It is the responsibility of the person to ensure the Regulatory Authority holds accurate records in relation to their registration.

1.5 The person must notify the regulatory authority within 28 days in the event of any changes to information relevant to their registration.

1.6 The person must not transfer a “registration” from one legal entity to another (e.g., a business with a different Companies House registration number).

1.7 The person must notify the Regulatory Authority of any changes to information relevant to the business’s registration, including the following:

• Change of management structure

• Change of director or partner

• Change of ownership

• Change to the main contact for the RBCA

• Any professional sanctions from other bodies

• Any relevant criminal convictions as set out in the Professional Conduct Rules, for either the business or senior personnel

• If the person is at risk of going into liquidation or will cease to trade for any reason

• If the person no longer wishes to be on the register of registered building control approvers

**Annex 4 – Registration conditions**

1.1 The Regulatory Authority has the power to set conditions on a person’s registration under Section 58O of the Building Act 1984 (as amended).

1.2 Conditions may be imposed at registration and/or during the registration period.

1.3 There are two types of conditions:

• standard conditions, applicable to every person that registers as an RBCA.

• non-standard conditions, applicable to a specific person, based on its particular circumstances

1.4 Conditions may include restrictions on the type of work a person is able to undertake, or requirements to support the good standing of the profession.

1.5 Conditions will be applied and removed solely at the discretion of Regulatory Authority.

1.6 The person must comply with any conditions set by the Regulatory Authority on their registration. Failure to comply with a condition may result in the Regulatory Authority taking enforcement action and could affect your registration.

1.7 Standard conditions that the Regulatory Authority will impose on all RBCAs are:

• the person must ensure appropriate IT system back up is in place to enable it to store, maintain and transmit any of its building project records electronically to the Regulatory Authority, Local Authority or other RBCA, in the event the person is no longer able to continue with its building projects

1.8 Non-standard conditions may, for example, include requirements to revise policies and procedures, or limits on the building control work a person can undertake.

**Annex 5 - Acting within the scope of your registration**

1.1 In order to comply with standards 3.1 and 3.2 of the Professional Conduct Rules, you must ensure that you only use RBIs with the appropriate “scope of registration” for the work being undertaken.

1.2 An RBI’s scope of registration includes the class, categories of work and restricted activities they are registered to undertake.

1.3 Restricted activities are defined in the Building (Restricted Activities and Functions) (England) Regulations October 2023 and are broadly defined as plans assessment and inspection.

1.4 RBIs cannot undertake work outside the scope of their registration unless under supervision, as set out in standard 3.2 and 3.3 of the Code of Conduct.

**Further information**

For

**Midlands Building Control Consultancy LTD with comply with the following standards**

1. **Complying with legal , regulatory and professional obligations**
* **2.1 compliance with legislation –** Building Regulations
* **2.2 Duty to discharge responsibility with integrity –** due skill care and diligence, act with integrity for the clients interest, confidentiality at all times. Act fairly and impartially and maintain the business plan approved by CIC. No acceptance of inducement, perks for work undertaken. Not to make false or misleading statements of any cert. Not bring another Building Control body into disrepute.
* **2.3 Duty to maintain professional competence –** Training matrix and staff CPD records, 10 hours
* **2.4 Duty to work within the scope of available competence and resources** – Ensure resources are available to fulfil work load. Consultants to have skill and competence eg structural engineers.
* **2.5 Duty to retain responsibility for sub contractors –** no financial or professional interest in the project. MBC , do not employ sub contractors.
* **2.6 Duty not to hold a position which conflicts with Professional Duty**
* **2.7 Duty not to injure the professional reputation of another AI**
* **2.8 Duty not to attempt to supplant another AI –** sanction required from AI that has the original initial notice
* **2.9 Duties of an AI – transfer of responsibilities –** notify AI of original initial notice and not issue fresh IN until original notice cancelled.
* **2.10 Approved Insurance schemes**
* **Our complaints procedure is on our website**