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2 February 2024

By email only

Dear all,

Registration of the Building Control Profession

I am writing regarding the fast-approaching 6th April deadline for the registration of the building control profession.

Despite the best efforts of LABC, the Building Safety Competence Foundation (BSCF) and the other two independent assessment bodies, it appears that a significant number of building control professionals will not achieve successful certification, and therefore, registration before the 6th of April deadline. The BSCF is currently working at capacity to expedite the applications in the system, but we are aware that there are many building control surveyors who, for a variety of reasons, have not yet made an application or started their competence validation journey.

LABC is undertaking an urgent review of the position of all local authorities in England and Wales, to determine their position with regards to the number of surveyors likely to be certified and registered prior to the deadline – the picture does not currently look encouraging. Our legal advice indicates that, without appropriate registered professionals, local authorities will cease to be able to undertake a building control function post 6th April. Current data indicates that there are a significant number of authorities in England and Wales that will be in this position.

The impact on a local authority of being without registered building inspections will obviously have a wide-ranging effect on the construction industry, consumers, regulatory enforcement, and compliance:

- Current 'in flight' construction will not be inspected.
- Stop and compliance notices cannot be served.
- The possibility that no further building control certifications (restricted functions) will be provided.
- Work reverting to Local Authorities from RBCAs whose surveyors are not registered may in turn not be regulated.
- Work reverting to Local Authorities from Approved Inspectors that do not register as RBCAs may not be regulated as above.
- Currently there is in-flight work reverting on mass from Approved Inspectors preparing to register as RBCAs which may not be regulated.
- Local authorities may be unable to perform their statutory duties as described in the Building Act 1984.
- Local authority inspectors may be unable to support the BSR with building control expertise within individual MDTs.

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Supervision

We have been seeking clarification on the Building Safety Regulator's interpretation of supervision, both for traditional 'trainee' roles but also as a means of temporarily overcoming the transition period into registration. Without clear, definitive guidance, building control bodies are unable to arrange appropriate management of their teams – this guidance is now urgent.

Sanctions and Penalties

I have been somewhat dismayed to see the BSRs proposed sanctions and penalties for Registered Building Inspectors. Given the critical state of the profession, I would strongly hope that the proposed approach to sanctions and penalties is revised, otherwise we face an even greater loss of surveyors from the profession.

Operational Standards Rules

In a meeting in December 2023, we were informed that the BSR will not begin the construction of the IT system required to collect Operational Standards and Rules monitoring data until June / July 2024. Given the pressure already faced by building control personnel, and the time with which it will take to build the local authority / RBCA corresponding data collection system, I would strongly recommend that the requirement for submission of monitoring data is postponed.

Wellbeing Concerns

The impending 6th April deadline is causing a critical level of stress in the building control profession. We have already started to see an exodus from the profession of the vital expertise that we need in the coming months as part of the new regime – this in itself is adding to already increased workloads for a severely limited number of building control professionals. We are hearing worrying reports of individuals in crisis, suffering extreme stress, anxiety, and depression.

The short timeframe allowed between final clarity from the BSR on the independent assessment bodies and their assessment criteria has meant that the profession has had insufficient time to prepare for such a significant impact.

Legal advice is clear, those who have not achieved registration by the legislative deadline are not able to meet the contractual obligations of their role, and as such could have their employment terminated by their employer – this is the same for both the public and private sector and yet another pressure added to already struggling surveyors.

Notwithstanding the above, the impact on the teams operating the independent certification schemes is also reaching crisis point despite their best efforts, with stress, mental health and wellbeing severely impacted.

LABC would strongly encourage the BSR, DLUHC and Welsh Government to delay implementation of the registration of building control professionals and the OSR Monitoring data reporting by at least 6 months. For this we will need clarity on the BSRs interpretation of supervision and confirmation of the remit of Class 1 trainee surveyors.



This postponement could be managed by the expectation that:

- All building control inspectors must be registered with the BSR / Welsh Government at Class 1 or above from 6th April 2024.
- All building control inspectors must abide by the BSR / Welsh Government Codes of Conduct from this date.
- All those on the register must be registered with an independent assessment scheme and actively working toward certification before the agreed deadline.

LABC believes that by doing so, we will lose fewer surveyors to retirement or alternative employment, and stress, mental health and wellbeing of surveyors will be better managed, and construction, compliance and enforcement will not be impacted.

As always, LABC remains fully committed to supporting DLUHC, BSR and Welsh Government in the implementation of a registered building control profession.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Lorna Stimpson'.

Lorna Stimpson

LABC Chief Executive