

Written evidence to the APPG for Excellence in the Built Environment inquiry: Quality of New Build Housing

Submission from: Association of Consultant Approved Inspectors (ACAI)

1. Introduction - *About the ACAI*

With 50+ members representing 95% of all independent building control bodies, the Association of Consultant Approved Inspectors (ACAI) aims to increase awareness and understanding of private sector building control as a commercial, professional and valued alternative to local authority building control.

The ACAI represents professional, trained and accredited building control bodies whose service is underwritten by insurance, and robustly regulated over a fixed-term, five year period that includes regular peer to peer auditing of the service. It should be noted that public sector building control bodies are not subject to any form of independent approval or auditing with regard to their performance, resource capacity and competency.

The ACAI campaign for:

- A customer focussed service that is valued by industry, business, homeowners and government delivering consistently high levels of Building Regulation compliance
- A service that is independent, collaborative and able to support the construction industry in delivering quality and safety for completed buildings and throughout the construction process key deliverables
- A market that is competitive, has high levels of service delivery, and is subject to the same standards and level of regulation as Approved Inspectors
- An innovative industry where we are creating jobs and providing skilled opportunities in a growing professional construction sector

In responding to this inquiry, we have sought to address the terms of reference that fall within our remit of expertise and experience. The specific areas we will address in this submission are:

- Better quality workmanship;
- Effective control and implementation of regulations impacting on the construction of new homes; and
- Improving customer service and the new home owner experience.

The issue of both the quality and supply of new homes is of critical importance to the UK economy and the future health of British society. The context in which this inquiry takes place is equally important. The Government's ambitious plans to build more than one million homes in England by 2020, and broader proposals contained in the National Productivity Plan, represent a huge challenge

for the industry. We are therefore particularly supportive of this inquiry, its remit and the APPG's efforts, including all its members, to improve the quality of new build homes in the UK.

Finally, throughout this response, we seek to represent the views of the Approved Inspector first and foremost. We have therefore left other specialists across the industry with relevant expertise and experience to respond to the other areas of the inquiry.

We welcome this opportunity to submit evidence to the APPG for Excellence in the Built Environment and would be delighted to provide further, oral evidence if required.

2. Better quality workmanship

2.1 Implementing building regulations

To ensure safety standards are maintained and that the building control process is as efficient and flexible for consumers and business alike, the Government needs to ensure that building regulations are being implemented correctly and effectively.

This is where Approved Inspectors play a crucial role; upholding and rigorously implementing regulations to ensure we maintain the highest standards of both public and private build in the UK. Once appointed, it is an Approved Inspector's responsibility to work with owners, designers and builders and ensure that a building complies with building regulations.

Approved Inspectors are regulated and monitored by the Construction Industry Council (CIC), and abide by the CIC Code of Conduct. Approved Inspectors also adhere to the Building Control Performance Standards and provide annual Key Performance Indicator returns. Moreover, in terms of consumer protection, Approved Inspectors are backed by insurance – unlike Local Authority Building Control, who do not provide the same level of protection.

2.2 Independence and visibility

It is essential that the underlying principle of the building control process – namely acting as an independent third party check – is maintained.

We are aware that there are current concerns with the independence of Approved Inspectors and fully support an intelligent and innovative review of Regulation 9 of the Approved Inspector Regulations. The outcome should safeguard impartiality, provide adequate consumer protection whilst at the same time support collaborative and innovative delivery of building control which can contribute to the delivery of high quality new homes.

In addition to this, the ACAI has long campaigned for Building Control Bodies – public as well as private – to be overseen by a single regulatory and licensing organisation which has the power to investigate complaints and, if necessary, to discipline or withdraw licenses to operate.

We believe that this would vastly improve accountability and transparency, and in providing a single point of reference, would go a long way to reassuring the consumer of the robustness of the building control system. In addition, it would help to clarify any concerns that policy makers and parliamentarians have over the independence of organisations operating in the sector.

The ACAI is fully supportive of the steps being taken following the [Ankers Review](#) to make the existing registration process more robust.

3. Effective control and implementation of regulations impacting on the construction of new homes

3.1 The capacity for Local Authorities to enforce regulations

As the primary body for private sector Approved Inspectors in the UK, the ACAI are committed to the effective control and implementation of Building Regulations.

The ACAI is aware – like all industries – that service delivery can always be improved. This is why it has fully supported Government initiatives to strengthen the regulatory process via the implementation of the Ankers report.

Given that only Local Authorities have enforcement powers, the issue of sub-standard work is particularly acute where Local Authorities are resource constrained. Put simply, the current scale of the cuts that Local Government are facing – and have gone through during the last five years – threatens the ability for uncontrolled and non-compliant work to be identified and appropriate action taken.

In this context, it is the ACAI's firm view that Local Authorities should be focused on ensuring that building regulations are being properly implemented. Where Local Authority Building Control is focused on competing with Approved Inspectors it can, where resourcing is an issue, miss the key issues of uncontrolled work and enforcement.

The ACAI therefore sees its role as providing a high-quality and effective building control service, allowing Local Authorities the space to do what they should be doing – the identification of uncontrolled work and enforcement of non-compliant buildings.

3.2 Regulation 7 of the Building Regulations

Regulation 7 of the Building Regulations stipulates that building work shall be carried out with adequate and proper materials which are appropriate, adequately prepared, used to perform the functions for which they are designed and be prepared in a workmanlike manner.

The relationship between the minimum standards required to safeguard the Health, Safety and Welfare of persons in and around buildings (the primary purpose of Building Regulations) and the standards required to deliver adequate quality for the consumer is a complex one.

The ACAI would be fully supportive of a review of Regulation 7 to determine if it can make a greater contribution to delivering quality and would be happy to contribute to this process, if required.

4. Improving customer service

The ACAI is committed to ensuring that the consumer is at the heart of the building control system, and supports measures to improve the new home owner experience.

There have been a number of high profile examples of new home owners being denied access to building control documents and evidence where issues have arisen. It is our view that this is both counterintuitive – it essentially bars consumers from understanding the process in greater detail – and unnecessary, subject to safeguarding the impartiality of the building control process.

The ACAI therefore strongly supports the notion of a move to implement a ‘Duty of Care’ for any homeowner when an approved inspector is contracted. Such an agreement usually only exists between a builder and a consumer.

In addition to the proposals made in other sections of the submission, the introduction of a ‘Duty of Care’ in building control would go a long way to improving accountability and visibility, giving consumers a further layer of protection and reassurance, providing the overall principle of an independent third party check is maintained.

5. Summary of key recommendations

1. A review of Regulation 9 of the Approved Inspector Regulations should be undertaken in order to safeguard impartiality and provide adequate consumer protection whilst supporting collaborative and innovative delivery of building control
2. Building Control Bodies – public as well as private – should be overseen by a single regulatory and licensing organisation which has the power to investigate complaints and, if necessary, to discipline or withdraw licenses to operate
3. The enforcement responsibilities of Local Authorities’ in the building control process should be clarified
4. A review of Regulation 7 of the building regulations should be undertaken to determine if it can make a greater contribution to delivering quality
5. A ‘Duty of Care’ should be implemented for any homeowner when an approved inspector is contracted

6. Contacts and further information

The ACAI would be delighted to provide more information or discuss these issues in more detail at one of the scheduled oral evidence sessions should the Group view this as helpful to the Inquiry.

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