



Llywodraeth Cymru
Welsh Government

DRAFT

Annex A

Monitoring arrangements – reportable data and key performance indicators for building control bodies (BCBs) (draft)

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Explanatory introduction

These reportable data and key performance indicators (KPIs) for building control bodies (BCBs) are an annex to the draft operational standards rules (OSRs).

The reportable data and KPIs are intended to identify whether BCB professionals are operating efficiently and effectively, that resources are appropriately targeted and that they are delivering their purpose.

They are also intended to provide sufficient data to enable the regulatory body to monitor and assess BCBs outputs and to analyse the intelligence provided.

The purpose of this part of the consultation is to obtain BCBs' views on the content of draft reportable data and KPIs and to understand the ability of BCBs to collect and submit this type of performance data to the regulatory body.

We need your views to help develop, refine and structure this work into measurable KPIs that support the monitoring of building safety through building control.

Key performance indicators and Reportable Data (KPIs)

We have identified the following 6 KPIs.

1. Competence

Requirement

BCBs must resource building control functions appropriately and manage building safety and standards risks effectively. BCBs should have the necessary competence to deliver their building control functions efficiently and effectively.

Purpose

To assess BCBs have sufficiently experienced, qualified, and competent resources to discharge their duties regarding current and future workloads, complexity and location of work, and changes to regulations and guidance.

KPI 1 – competence (knowledge and expertise)

- a) (BCB persons performing restricted functions) 100% of restricted activities are carried out by appropriately registered building inspectors.
- b) (Building control support) 95% of persons delivering the BCB function have evidenced their competence and experience within a 12-month review cycle.

KPI data

1.1 Competence

- Number of competent building control individuals with building control (BC) skills, knowledge, and experience
- Number of qualified building control individuals with extensive experience
- Number of BC support individuals
- Number of registered building inspectors (RBIs) BC support individuals

Reportable data

1.2 People and skills

- Number of building control professionals by engagement type: direct; contract; full-time; part-time; outsourced supplier
- Number of FTE registered building inspectors (RBIs) against number of projects

1.3 Specialist knowledge

Number of building control specialists (excluding RBIs) e.g. fire, structure, acoustics, engaged by BCBs.

1.4 Staff retention and training.

- Staff retention: provide the number of BCB staff who left, and numbers hired
- Staff training: provide number of training / CPD days provided
- Number of suspended RBIs / registered building control approvers (RBCAs) including reason
- Number of terminated / cancelled RBIs / RBCAs found not competent

2. Systems and controls

Requirement

BCBs should have effective and efficient systems and controls to manage and mitigate risks to building control functions (suitable to BCB activities).

Purpose

To assess the extent, depth, and effectiveness of BCBs process management systems.

KPI 2 – systems and controls

- a) 90%* of verification activities have passed their annual review.
- b) *Percentage adjusted incrementally year on year (Year 1: 90%, Year 2: 92%, Year 3: 95%).

KPI data

2.1 Process management system.

- BCBs have in place a process management system (PMS) accredited by an external body (yes/no). Provide details of the type of system implemented. (PMS to be defined as a recognised system that documents processes, procedures, and responsibilities for achieving quality policies and objectives).

2.2 Verification activities.

- Number of planned internal audits
- Number of unplanned internal audits and reason for audit
- Number of external reviews including peer reviews across BCBs and external audits

3. Complaints handling and appeals

Requirement

BCBs should maintain appropriate management arrangements for handling complaints to enable continual improvement.

Purpose

To monitor BCBs' complaint management arrangements to ensure they have clearly defined arrangements for dealing effectively with written and verbal complaints.

KPI 3 – complaints handling and appeals

95% of complaints relating to procedural aspects have been resolved in line with BCBs published complaints procedure and timescales (or within 12 months).

KPI data

- 3.1 In relation to non-compliance with procedural aspects, outcome of inspections and the issue of completion or final certificates provide the number of complaints received as a proportion of building projects. Include details of the number of units/plots.
- 3.2 Complaint resolution: number and detail of complaints closed.
- 3.3 Complaints escalation: number of complaints in relation to non-compliance with procedural aspects, outcome of inspections and the issue of completion or final certificates escalated to other bodies or Public Services Ombudsmen for Wales (for local authorities) and outcomes of escalated complaints (upheld or rejected).

Reportable data

- 3.4 Complaint management: BCBs have arrangements in place to manage complaints received (yes/no). Do BCBs consider these arrangements effective (yes/no).

4. Building control functions

Requirement

Those undertaking the building control work should ensure compliance with the requirements of the building regulations. Maintaining a consistent approach to all building control functions to ensure best use of resources. This assures dutyholders that they are being treated consistently to achieve compliance with the law.

Purpose

To monitor the effectiveness of the BCB application management and consultation process and measure the impact BCBs have on the built environment.

KPI 4 - building control functions

BCBs consult Fire Safety Authority on 100% of projects subject to Regulatory Reform (Fire Safety) Order 2005 (RRO) in accordance with Building Regulations (pending consultation) as soon as possible.

KPI data

- 4.1 Regulatory Reform (Fire Safety) Order 2005: number of projects subject to RRO plus number and details of projects advice given under RRO not acted upon.
- 4.2 Building Regulations 2010: number of projects to which H4 of Schedule 1 of the Building Regulations imposes requirements plus number and details of projects where advice given under regulation 15 of the Building Regulations is not acted upon.

Reportable data

Building control application process

Local authority building control:

- 4.3 Number of building control approval applications received and number of plots/units per application
- 4.4 Number of applications received for formal relaxation of the building regulations and details of decisions.
- 4.5 Building control approval applications assessed within 5 weeks (or longer with applicant's agreement). Number of repeat building control approval applications (within 12 weeks of previous application).
- 4.6 Number of rejections; building control approval applications show a contravention or are defective, provide details of the reason for rejection.
- 4.7 Number of regularisation certificates applied for, number granted and number in process.
- 4.8 Number of final inspections of which:
 - Number of completion or final certificates issued (split by partial or full)
 - Number of projects a completion or final certificate is not issued and provide reason or details of any failure

Registered building control approver:

- 4.9 Number of initial notices (INs) submitted to the local authority
- 4.10 Number of notices rejected; reason / additional information required by the local authority.
- 4.11 Number of INs cancelled / withdrawn by RBCA because of unresolved contraventions and provide details.
- 4.12 Plan assessment (plan check) report completed for all projects (yes/no).

Local authority building control and registered building control approver:

- 4.13 Number of inspections per project.
- 4.14 Number of projects requiring specialist advice outside of BCB internal expertise; provide type of expertise and category of build (domestic; new homes; general non-domestic; common; complex).
- 4.15 Number of requests by applicants for copies of inspection reports for their building / project and number of reports issued.

5. Enforcement and interventions

Requirement

BCBs should target their interventions and enforcement activities at dutyholders and activities posing the most serious risks to safety and compliance with any applicable building regulation's requirements. Enforcement and intervention activities should be proportionate to the level of risk including severity of breach of the building regulations. BCBs must consider the potential and actual harm those risks could bring about, and the seriousness of any breach of the law.

Purpose

To monitor the effectiveness of BCBs carrying out their functions and ensure BCBs use all regulatory intervention and enforcement tools at their disposal as appropriate.

KPI 5 – enforcement and interventions

Of all 'initial notice' cancellations received by the local authority, 90%* for non-compliance issues should be subject to the serving of compliance notice, or a stop notice or magistrates court enforcement under section 35 and/or 36 of the Building Act 1984.

*Percentage adjusted incrementally year on year (Year 1: 90%, Year 2: 92%, Year 3: 95%)

KPI data

Local authority building control:

- 5.1 Number of reversions (cancellation of IN) received for non-compliance, and details of action taken by local authorities
- 5.2 Number of compliance notices issued following IN reversion
- 5.3 Number of all other compliance notices issued
- 5.4 Number of stop notices issued following IN reversion
- 5.5 Number of all other stop notices issued
- 5.6 Number of dutyholders prosecuted via a magistrate for contravention of building regulations section 35/36. Provide reason and outcome of prosecution.
- 5.7 Number of section 77/78 notices issued (Dangerous Structures)

Registered building control approver:

- 5.8 Number of IN cancellations issued as a result of unresolved contraventions and compliance issues.

Reportable data

Local authority building control and registered building control approver:

- 5.9 Findings of non-conformance / contravention found during inspections recorded, including details of action taken.
- 5.10 Number of written compliance correspondence (including electronic notifications) issued and reasons why.
- 5.11 How many preventative interventions and corrective interventions taken (those that treat a contravention that has occurred in real time) and reason between x date to x date (to provide a snapshot).

6. Risk management

In accordance with risk management processes, 90%* of projects identified as 'non-standard' will be subject to the development of a bespoke inspection schedule that identifies additional critical inspection points and is evidenced for annual review.

*Percentage adjusted incrementally year on year (Year 1: 90%, Year 2: 92%, Year 3: 95%)

Requirement

Effective risk management of projects involves allocation of BCB work to competent persons to ensure risk factors are assessed at the outset, site inspection plans match the type, size, and scale of project.

Purpose

To monitor the effectiveness of BCB risk management processes.

KPI 6 – risk management

KPI data

- 6.1 Provide the number of builds identified by competent BCB persons as non-standard (as opposed to common builds) following the assessment of building control approval applications or initial notices.
- 6.2 Number of non-standard projects where the BCB risk management process identified additional critical inspection points for inclusion in the service schedules / inspection plan.
- 6.3 Number of inspections (remote and on-site) that identified serious non-compliance issues (per project); provide details of the type of risks / non-compliance identified, and the steps taken by the BCB to address the non-compliance to mitigate the risks.

Reportable data

- 6.4 Provide number and description of non-standard construction projects, where all or part of the building project does not follow the guidance set out in the approved documents as a means to comply with building regulations and/or requires the use of other recognised standards.