



Llywodraeth Cymru
Welsh Government

GUIDANCE, DOCUMENT

Operational Standards Rules Wales 2024

The OSRs apply to all building control bodies, whether private registered building control approvers or local authorities. They set out the standards to be met, and practices and procedures to be adopted, in exercising building control functions.

First published: 3 November 2023

Last updated: 5 April 2024

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Introduction

This is an introduction to the Operational Standards Rules (OSRs). The relevant provisions are set out in sections 58Z – 58Z10 of the Building Act 1984 (the Act). The regulatory authority may revise the OSRs and publish those revisions at any time.

OSRs apply to building control functions delivered by local authorities and Registered Building Control Approvers.

The OSRs adopt the definitions within the Act, including:

- building control functions in section 58Z(3)
- initial notice in section 47
- local authority in section 126
- regulatory authority in section 58A
- Registered Building Control Approver in section 58N
- Registered Building Inspector in section 58B
- restricted activities and functions in section 46A

Dutyholders are those that commission and carry out building works. They are responsible for complying with the Act and Building Regulations made under it.

Local authorities and Registered Building Control Approvers must comply with the OSRs. The regulatory authority may take action against those who fail to fulfil the requirements of the OSRs.

The OSRs are set out in detail within these categories:

1. systems and controls
2. persons involved in the delivery of building control functions
3. building control functions

4. enforcement and intervention
5. monitoring arrangements

1. Systems and controls

1.1 To plan and deliver your building control functions, you must use a risk-based approach that includes the principles of good regulation. Guidance is provided by 'The strategic context for the regulated framework'.

1.2 You must keep effective, up to date and relevant systems and controls.

1.3 You must keep persons supporting your building control functions fully informed of anything relevant to their engagement with your functions. This includes:

1. local and national policies
2. technical and procedural guidance
3. any other information that may affect the exercise of your building control functions

1.4 Your systems and controls must identify, manage and mitigate risks to:

1. the delivery of your building control functions
2. the reputation of building control
3. compliance with the Act, including the Building Regulations 2010 made under it, for buildings and any work you oversee

1.5 You must have and use systems and controls to effectively fulfil your statutory consultation requirements. This includes the retention and management of comprehensive records that:

1. demonstrate your engagement with statutory consultees that is appropriate

and relevant to their expertise

2. detail reasons for not accepting/adopting views from statutory consultees on matters relevant to their specialism
3. demonstrate the decision is supported by a relevant Registered Building Inspector

1.6 Your policies, procedures and processes for persons delivering your building control functions must be recorded and up to date and must reflect current relevant guidance.

1.7 You must maintain accurate and up to date records relating to your building control functions for at least 15 years from the work completion date, or longer if mandated elsewhere. These records must be suitable and sufficient to encompass all your building control functions and include, for example:

1. building control approval applications including decision making
2. inspections including reasoning for inspection types, reports, decisions and supporting evidence
3. any intervention and enforcement action planned, underway and/or taken against any dutyholder
4. cancellations of initial notices including decision making and supporting evidence

1.8 You must store and manage records in a manner that allows them to be easily identified, updated, shared and transferred electronically.

1.9 Your systems and controls must ensure your compliance with requests under section 58Z1 – 58Z10 of the Act.

1.10 You must maintain adequate governance and oversight mechanisms that ensure your outsourced service providers always comply with the OSRs, reporting requirements, and the law. Outsourced service providers include any trading subsidiary, external contractor or shared service arrangement.

1.11 You must have a 'speak up' or whistleblowing policy. It must be visibly supported at the top of the organisation and actively promoted to the workforce.

1.12 You must formally evaluate the performance and effectiveness of your building control functions. Formal evaluation must be completed at least annually and includes internal and external activities, for example:

1. random spot checks
2. peer review
3. internal audit
4. external audit
5. management review

1.13 Your performance evaluation (see 1.12 above) must consider any risks to the effective delivery of building control functions. This includes:

1. complaints
2. appeals
3. requests by the regulatory authority
4. current guidance

1.14 You must ensure there is no conflict of interest involved in the delivery of your building control functions.

1.15 Your complaint handling arrangements must be published, easily accessible, clear, and up to date. They must include routes for appropriate referrals, appeals and alternative dispute resolution.

2. Persons

2.1 You must resource your building control functions appropriately and effectively target your activities by considering the risk and potential severity of

contraventions of the Act and Building Regulations. This must include the allocation of competent persons to any given task.

2.2 You must ensure persons supporting and/or delivering your building control functions act within their competence and relevant registrations. This applies to all building control functions and includes acting within:

1. the Building Inspector Competence Framework
2. the Code of Conduct for Registered Building Inspectors (section 58F of the Act)
3. the Professional Conduct Rules for Registered Building Control Approvers (section 58R of the Act)
4. any code of conduct provided by the local authority for persons engaged by that local authority

You must, as soon as you become aware, stop any person from working on any building control function for which they have no valid and relevant competence, supervision, authorisation or registration.

2.3 You must make appropriate continuous professional development available to persons delivering your building control functions. This must include development relevant to technical expertise.

2.4 You must keep up-to-date records relevant to the competence of persons delivering your building control functions.

3. Building control functions

3.1 You must deliver your building control functions efficiently and effectively.

3.2 You must deliver your regulatory building control functions in partnership with local authorities, Registered Building Control Approvers, the regulatory

authority and other enforcing authorities as appropriate.

3.3 You must communicate information relating to the giving of plans certificates and assessment of building control approval applications in writing. This must include:

1. non-compliance with, and contravention of, the Act and any regulations made under it
2. the views and observations of statutory consultees
3. any other conditions, observations or recommendations

3.4 You must anticipate and fulfil consultation requirements with statutory consultees in the building control process. Statutory consultees are persons that you are required to consult by law on specific matters and by providing specific information.

3.5 You must inform statutory consultees in writing of your decision to accept or decline their recommendations alongside your reasons for this decision.

3.6 You must communicate with dutyholders about key decisions and their implications on their buildings and building works at relevant times.

3.7 You must apply a risk-based approach using the principles of good regulation to set up and keep under review your:

1. inspection regimes
2. project-specific inspection and intervention plans
3. practical delivery

3.8 You must produce and retain reports for all building control inspections - both site-based and remote.

3.9 Building control inspection reports must be supported by appropriate evidence of:

1. the work inspected and how it was inspected
2. any identified contravention
3. planned and completed interventions and/or enforcement action
4. observations

3.10 Building control inspection evidence must be date/time marked and images also geo-tagged.

3.11 You must provide building control inspection reports in an easily accessible format. You must provide these to the current building owner on request, and to the building control applicant as soon as possible following inspection.

3.12 You must take all reasonable steps to record building control inspection reports within five working days of the inspection.

4. Enforcement and intervention

4.1 You must apply a risk-based approach to the use of regulatory intervention and/or enforcement tools. This means you may need to take action against the dutyholder.

4.2 You must take all reasonable steps to update your enforcement and intervention records within five working days. You must record each contravention, including evidence of its resolution. This record must include an appropriate Registered Building Inspector's agreement to the resolution of any contravention.

4.3 You must be satisfied that each contravention is resolved before you issue any completion certificate or final certificate for the relevant works. This includes provisions relating to the competence and appointment of dutyholders.

4.4 Registered Building Control Approvers must cancel their initial notice to the relevant local authority as soon as possible where contraventions cannot be resolved. This is known as 'reversion'.

4.5 You must send complete and correct returns, specified reports and other information relating to the exercise of your building control functions to the regulatory authority as directed or required.

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