



Llywodraeth Cymru  
Welsh Government

GUIDANCE, DOCUMENT

# Operational Standards Rules: Monitoring Arrangements Wales

The OSR Monitoring Arrangements support the OSRs and contain information on monitoring arrangements, including reportable data and key performance indicators.

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# 1. Introduction

The reportable data and key performance indicators (“KPIs”) for registered building control approvers (“RBCAs”) support the Operational Standards Rules (“OSRs”).

Whilst the OSRs are applicable to all building control bodies, the reportable data and KPIs are specific to those building control bodies being regulated by the Building Safety Regulator on behalf of the Welsh Ministers. This does not include local authorities in Wales and therefore sections 2 and 3 of this document do not apply to local authorities in Wales.

However section 4 “Explanatory note” may be of use to all building control bodies, including local authorities, as guidance for elements of the wider regulatory regime.

Arrangements for reportable data and KPIs for local authorities in Wales will be forthcoming.

The reportable data and KPIs are intended to identify whether RBCAs are operating efficiently and effectively, that resources are appropriately targeted and that RBCAs are delivering their purpose to ensure dutyholders comply with the Building Regulations 2010.

It is expected that RBCA data will provide sufficient detail to enable the regulatory authority to analyse the data and monitor the delivery of RBCAs’ functions and outputs.

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## 2. Key performance indicators (KPIs)

### KPI 1 building control functions

RBCAs ensure best use of resources and operate efficiently and effectively to deliver their purpose to assure the safety and standard of buildings, protecting the safety of people from risks in and around buildings.

#### Requirement

Those undertaking building control work should ensure compliance with the requirements of the Building Regulations 2010 and maintain a consistent approach to all building control functions to ensure dutyholders are being treated in a consistent manner to achieve compliance with the law.

#### Purpose

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

#### Quarterly reportable data

#### Statutory consultations:

1.1 Duty to consult with the enforcing authority/fire and rescue authority in relation to buildings or parts of buildings to which the Regulatory Reform Fire Safety Order (2005) applies.

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The Building (Approved Inspectors etc.) Regulations 2010, regulation 12: number of plans certificates issued:

- without consultation undertaken with the fire and rescue authority
- with consultation undertaken with the fire and rescue authority, and no response received within the statutory period

1.2 Duty to consult with the sewerage undertaker where H4 of Schedule 1 of the Building Regulations 2010 imposes the requirement in relation to the building work.

The Building (Approved Inspectors etc) Regulations 2010, regulation 13: number of plans certificates issued:

- without consultation undertaken with the sewerage undertaker
- with consultation undertaken with the sewerage undertaker, and no response received within the statutory period

The Building (Approved Inspectors etc) Regulations 2010, regulation 13: number of final certificates issued:

- without consultation undertaken with the sewerage undertaker
- with consultation undertaken with the sewerage undertaker, and no response received within the statutory period

1.3 Number of initial notices submitted to the local authority.

1.4 Number of initial notices rejected; provide reason or list of the additional information required by the local authority.

1.5 Number of initial notices cancelled/withdrawn by RBCAs because of unresolved contravention(s).

1.6 Number of plan assessment (plan check) reports completed.

1.7 Number of final inspections split by remote and on-site. Following a final inspection:

- number of full final certificates issued for completed builds
- number of builds for which a final certificate is not issued within 3 months following a final inspection

1.8 Number of requests by applicant (building owner/builder) for copies of inspection reports for their build and number of reports issued.

1.9 Number of in-flight higher-risk buildings (initial notice submitted before the day the new regime comes into force on 6 April 2024 and work has commenced by 1 October 2024).

## **KPI 2 enforcement and interventions**

RBCAs should target their interventions and enforcement activities at dutyholders and activities posing the most serious risks to compliance with any applicable requirements of the Building Regulations 2010.

### **Requirement**

Enforcement and intervention activities should be proportionate to the level of risk including the potential severity of a breach of the Building Regulations 2010. RBCAs 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 RBCAs carrying out their functions and ensure

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RBCAs use all regulatory intervention and enforcement tools at their disposal, as appropriate.

## **Quarterly reportable data**

2.1 Number of initial notice cancellations issued to local authorities as a result of unresolved contraventions, include the name of the local authority the cancellation of the initial notice was sent to.

2.2 Number of initial notice reversions to the local authority due to the Registered Building Control Approver being unable to carry out their function.

## **Annual reportable data**

### **Throughout the month of February, from 2025 onwards:**

2.3 Number of contraventions found during inspections.

2.4 Number of written non-compliance correspondence (including electronic notifications) issued, include description of non-compliance.

2.5 Number of preventative or corrective interventions taken that enabled the dutyholder to immediately rectify a contravention.

## **KPI 3 risk management**

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

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

## **Requirement**

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

## **Purpose**

To monitor the effectiveness of RBCA risk management processes.

## **Quarterly reportable data**

3.1 Number of builds identified as non-standard (as opposed to common builds) following the assessment of full plans, building control approval applications or initial notices.

3.2 Number of non-standard projects where the RBCA risk management process identified additional critical inspection points for inclusion in the service schedule / inspection plan.

3.3 Number of inspections of non-standard builds, i.e. Class 3G projects, (remote and on-site) that identified non-compliance issues provide details of all non-compliance identified, including those immediately rectified.

3.4 Number and description of non-standard builds where all or part of the build does not follow industry recognised design principles set out in relevant building guidance (see guidance on non-standard buildings in the Explanatory Note) as a means of complying with the Building Regulations 2010.

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

100% of restricted activities are carried out by appropriately Registered Building Inspectors (RBIs).

95% of building control professionals (includes both RBIs and non-RBIs) delivering RBCAs' activities have evidenced their continuous professional development relevant to their role within a 12-month period.

### **Requirement**

RBCAs must resource building control functions appropriately and have the necessary competent people and resources to efficiently and effectively manage the risks relating to compliance with the requirements of the Building Regulations 2010.

### **Purpose**

To assess RBCAs 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.

### **Annual reportable data**

4.1 Competence:

- Provide the total number of RBIs identified by class:
- class 1 building inspectors

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- class 2 building inspectors
- class 3 building inspectors
- class 4 building inspectors

4.2 Number of other (non-RBIs) building control professionals with building control knowledge and experience.

4.3 People and skills:

- number of RBIs by engagement type: full-time; part-time; directly employed by RBCA; externally contracted
- number of full-time equivalent RBI resource allocated against number of projects requiring RBIs resource
- number of full-time equivalent building control administrative/support staff

4.4 Staff retention and training:

- number of full-time equivalent RBIs, including those externally contracted; building control professionals (non-RBIs); administrative/support staff who have left, and the number hired
- total number of training days attended by building control professionals
- total number of continuous professional development/other development days attended by RBIs

## KPI 5 systems and controls

RBCAs to 100% conform with a quality management scheme and have passed an annual review of an accredited quality management scheme.

### Requirement

RBCAs should implement, conform with, and maintain a quality management

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scheme, and have effective and efficient systems and controls to manage and mitigate risks to building control functions.

## **Purpose**

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

## **Annual reportable data**

### 5.1 Process management system:

- RBCA has in place an accredited quality management system ("QMS") (yes/no)
- RBCA has a QMS in place that is not accredited - Provide the name of the QMS
- RBCA has neither an accredited nor non-accredited QMS in place

### 5.2 Auditing activities:

- number of planned internal audits against the quality management system completed
- number of other planned internal audits completed
- number of unplanned internal audits completed and the reason for the audit
- number and type of external reviews completed

## **KPI 6 complaints handling and appeals**

95% of complaints relating to compliance with the Building Regulations 2010 resolved in line with the RBCAs' published complaints procedure and

timescales.

## Requirement

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

## Purpose

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

## Annual reportable data

6.1 Complaints relating to non-compliance with the Building Regulations 2010:

- number of complaints relating to non-compliance received as a proportion of ongoing building projects

6.2 Complaint resolution:

- number of complaints relating to non-compliance with the Building Regulations 2010 not resolved in line with the RBCAs' own set timescales

6.3 Complaints escalation:

- number of complaints relating to non-compliance with the Building Regulations 2010 escalated to the regulatory authority. Provide details of the outcome (i.e. complaint upheld, partially upheld, or not upheld).

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## 3. Reporting method

The development of a digital solution to enable RBCAs to submit the OSRs monitoring arrangements data to the Building Safety Regulator (BSR) is currently underway. BSR will provide further information in due course.

### Reporting frequency

#### Quarterly data returns

Quarterly data returns are required for the following KPIs and reportable data:

#### KPI 1 Building control functions

- RBCAs to report 1.1 to 1.9

#### KPI 2 Enforcement and interventions

- RBCAs to report 2.1 and 2.2

#### KPI 3 Risk management

- RBCAs to report 3.1 to 3.4

Quarterly data returns will be required for submission to the regulatory authority as follows:

- 1 April to 30 June by 31 July

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- 1 July to 30 September by 31 October
- 1 October to 31 December by 31 January
- 1 January to 31 March by 30 April

## **Annual data returns**

Annual data returns will be required for submission to the regulatory authority by 30 April for the following KPIs and reportable data:

### **KPI 2 Enforcement and interventions**

- RBCAs to report 2.3 to 2.5 (annual 4-week snapshot of activities during February, from 2025 onwards)

### **KPI 4 Competence (knowledge and expertise)**

- RBCAs to report 4.1 to 4.4

### **KPI 5 Systems and controls**

- all RBCAs to report 5.1 and 5.2

### **KPI 6 Complaints handling and appeals**

- RBCAs to report 6.1 to 6.3

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## 4. Explanatory note

This explanatory note is advisory and should provide assistance to building control bodies in both collating and reporting the data requirements set out in the monitoring arrangements that support the OSRs.

### **Have regard for views expressed by a statutory consultee - the Building (Approved Inspectors etc.) Regulations 2010 and the Building Regulations 2010**

The statutory requirement in the legislation is for building control bodies (“BCBs”) to have regard of the views expressed by the statutory consultee; BCBs must consider the views expressed.

If the view of the statutory consultee is disregarded where the circumstances of a case suggest that other considerations outweigh the views expressed, there should be a clear and case-specific reason to go against the views and this should be recorded.

### **In-flight higher-risk building (“HRB”) regime transitional arrangements**

For transitional arrangements to apply to HRB work an initial notice must have been given to a local authority (and not rejected) or full plans deposited (and not rejected) with a local authority before the new regime comes into force (6 April 2024). Also, the HRB work must have commenced by 1 October 2024. If HRB projects do meet these two criteria, they would continue to completion under private sector building control. If projects do not meet either of these criteria, then they would pass to the local authority building control.

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If the in-flight building work is subject to an initial notice, the approved inspector overseeing the project must have registered as a building control approver by 6th April 2024 to enable them to continue supervising the ongoing HRB work.

## Inspection reports

In providing the reportable data, the applicant is the person who makes a request to the RBCA for a copy of an inspection report.

## Remote inspections

Remote inspections are inspections, reviews or other related activities carried out at a place other than the inspection site. They can be completed live, after the fact or a combination of both.

They can include live virtual tours using digital solutions such as Microsoft Teams or drones, capturing stills and other recordings during the process for evidence purposes. This includes the evaluation of evidence, for example, technical information and completed documentation with supporting photographic images.

Remote inspections can include planned activity as set out in a project's inspection plan, or activity prompted by non-compliance or new information.

## Restricted activities and functions

In relation to building control authorities, section 46A of the Building Act 1984 provides that prescribed building control functions will be specified as functions which building control authorities will only be able to carry out having first obtained and considered the advice of an RBI whose registration covers the type

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of building and building work to which the function relates.

Section 54B of the Building Act 1984 makes the same provision in relation to RBCAs.

These sections also provide that certain activities of local authorities and RBCAs must be exercised by using an RBI whose registration covers the type of building and the building work to which the activity relates.

The restricted activities and functions are prescribed in the Building (Restricted Activities and Functions) (Wales) Regulations 2024.

## Site, plot and building

**Site:** the area of land to be developed that is enclosed within the boundaries of the development. The boundary might be defined by security fencing, hoarding or similar.

**Plot:** an individual building or several buildings within the site, or several units of accommodation within a building.

**Builds:** the building and the individual number of units within that building. The units contained within a building could be a mix of residential/non-residential/commercial or all residential, all commercial, or all non-residential.

Details of the building and/or plots is that which is recorded in the plans and should include sufficient detail to enable the regulatory authority, BCBs and RBIs to identify the size and scale of the building and its relationship to other buildings, roads, drains, sewers etc.

## Standard and non-standard building(s)

A standard build is designed and constructed from common industry recognised standards and codes. Approved Documents will be relevant to many standard buildings. Anyone using the Approved Documents should have sufficient knowledge and skills to understand the guidance and correctly apply it to the building work. This is important because simply following the guidance does not guarantee that building work will comply with the substantive requirements of the building regulations and Approved Documents.

Non-standard builds are buildings that include anything outside of common construction techniques in England or Wales, and do not follow industry recognised design principles set out in relevant building guidance. They could include those buildings not fitting the notional set of common and long-established building methods.

Building guidance includes (not exhaustive): Approved Documents, British Standards and Technical Documents.

For the purposes of Class 3G of the Building Inspector Competence Framework (BICoF) and regulation of the profession only, 'non-standard' work may include any of the following (list not exhaustive):

- Buildings designed from first principles and not from standard building guidance or guides.
- Buildings with unusual occupancies or high levels of complexity (e.g. some large mixed-use retail, conference centres, and hospitals)
- Very large or very tall buildings,
- Large timber buildings,
- Some buildings that incorporate modern construction methods.

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## Use of other recognised standards outside of the scope of the Approved Documents

A building where the design or method of construction is recorded as not following the Approved Documents (in part or in full) and/or supporting standard(s) or code(s) that are directly referenced as part of the guidance in an Approved Document, during the building control approval process or during an inspection.

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