

## NHBC on the 'Safer Buildings in Wales' White Paper

- NHBC supports many elements of the White Paper which we believe will deliver most of the Welsh Government's stated objectives. However, we are concerned that the paper goes beyond the recommendations of the Hackitt review and does little to recognise the expertise and competence of the Approved Inspector (AI) system.
- The paper does not contain sufficient detail to assess whether buildings will be safer. For example, while Welsh Ministers will determine operational standards for both Local Authority Building Control (LABC) and AIs, it is not yet clear how the key aims of the regulator – oversight, collaboration and compliance, will be delivered to provide independence, governance and impartiality for building control and ultimately residents.
- NHBC is concerned that reforms to building control could result in homes being less safe for homeowners, not more. We are also uncertain about the future direction of travel by the Welsh Government in only allowing LABC to be the building control provider on Category 1 buildings. These proposals do not rely on proven competency and create uncertainty for the broader AI market with the potential to diminish overall building control capacity in Wales.
- This decision appears to completely rule out the involvement of AIs in the process for Category 1 buildings, despite AIs having the necessary capacity, skills and competence to work on these buildings. The new regulatory system must allow for the best possible organisation to deliver building control, regardless of whether they are LABC or AI.
- The proposals in the paper need to accurately reflect the resources and expertise of the Welsh local authorities to deliver building control for Category 1 buildings, and importantly, if they have the relevant competences for this. In the circumstances where a neighbouring LABC will be required to deliver building control for an LA development, it is wrongly assumed the neighbouring LABC will automatically have the required competence and expertise to deal with Category 1 buildings.
- An Auditor General report in 2019 found that net expenditure by local authorities on building control had fallen by 43% between 2008-09 and 2017-18<sup>1</sup>. Excluding AIs as suggested by the White Paper will pose a serious risk of stretching these resources further.
- It is vital that the decades of expertise and capacity that AIs offer, particularly in specialist areas like High Risk Buildings, is utilised or higher-risk buildings could be less safe. Unlike LABC, AIs are independently licensed and regulated by CICAIR, who are appointed by Welsh Ministers. CICAIR maintains an AI register and Code of Conduct, investigates complaints made against AIs, impose sanctions, and audits AIs against CICAIR and industry professional standards.

<sup>1</sup> <https://www.audit.wales/sites/default/files-old/publications/planning-services-2019-summary-report-english.pdf>

- As an Approved Inspector, NHBC has the capacity and competence in Wales to provide building control for Category 1 buildings. In addition to this, we have a multi-disciplinary Major Projects department of building control surveyors, inspectors, fire engineers, structural engineers and façade specialists, all of whom deal specifically with buildings above 18m on a daily basis. Current experience of High Rise/ high risk buildings is a key part to demonstrating ongoing competency.
- The White Paper should also have explicitly restricted LABC from exercising a building control function on any local authority building. Despite the paper explaining that a neighbouring local authority will fulfil the building control function in their own area, this remains a conflict of interest.
- In order to ensure accountability and oversight, we believe that the White Paper should create a single approval and regulatory organisation to oversee all Building Control Bodies, with all Building Control Professionals (LABC and AIs) working to a single unified competence framework and for this to include a register of individuals and new registration requirements for AIs.
- A separate independent body would ensure there is the correct level of scrutiny, accountability, consistency and common standards for all building control professionals.
- It is important that the timescales of reforms to building control are published to ensure that the industry has enough time to prepare and implement the necessary changes. Further to this, competency requirements should align with the British Standards being developed, this will ensure that dutyholders building across geographical boundaries have the same standards applied and the same level of protection is afforded to all consumers.

**February 2021**

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## About NHBC

- NHBC is the leading warranty and insurance provider for new homes in the UK. Our core purpose is to give homeowners confidence in the construction quality of new homes. NHBC sets standards and conducts inspections onsite.
- Our ten-year Buildmark warranty covers around 70%-80% of new homes built in the UK, currently protecting around 1.5 million homes.
- We are a non-profit distributing organisation, with no shareholders, authorised by the PRA and regulated by the PRA and the FCA.
- NHBC Building Control Services is the largest Approved Inspector in England and Wales and the UK's largest single Building Control Body with more than 30 years' experience delivering technical advice and a high-quality service. In addition to this we have locally based Surveyors and Building Inspectors in Wales.
- NHBC Building Control Services undertake Building Control on residential, commercial and mixed-use developments, and which is licensed and regulated by the Construction Industry Council Approved Inspectors Register (CICAIR).
- We do not build or sell homes; NHBC is not a regulator and does not represent any part of the industry. Individual builders are ultimately responsible for the quality of the homes they build and sell to consumers.