

THE BUILDING INSPECTORS

Conflict of Interest & Independence Policy



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1.0 Introduction

This statement sets out the Company's Policy for effectively ensuring that all conflicts of interest are identified at all stages of a project, and that independence is maintained and clearly demonstrable.

The policy structure meets the standards of the Professional Conduct Rules for Registered Building Control Approvers (RBCAs) Registered in England¹.

The Building Inspectors Ltd. will maintain professional independence and impartiality in the conduct of all work activities.

This policy statement encompasses part of our legal obligations, corporate governance framework, and our internal and external quality reviews. Additionally, it forms an integrated monthly review as part of our circular compliance framework and competence management.

2.0 Scope

This Policy applies to all staff, external providers, professional consultants and self-employed contractors.

¹ <https://consultations.hse.gov.uk/bsr/conduct-rules-registered-building-control-approver/results/consultation-report-professional-conduct-rules.pdf>

3.0 Process

We will ensure, through our rigorous operating procedures and continuous reinforcement of our compliance systems, that there are no conflicts of interest involved in the delivery of our building control functions.

Processes are in place to identify actual and potential conflicts of interest. This occurs through soft stops and takes effect at the initial fee proposal stage and subsequently both prior to the commencement of, and during, work activities.

4.0 Application

The company will not agree to undertake work, or continue working, where a conflict of interest is identified and unresolved.

Where a conflict of interest is identified, we will notify the applicant or agent in writing and cease to act.

This policy will be made publicly available for clients and their agents.

The company will not act in a manner that is likely to bring the building control profession into disrepute.

5.0 Regulation 3: Independence of Approvers

This policy statement has been created to set out our principles in demonstrating safeguarding, impartiality and independence to meet the objectives of The Building (Registered Building Control Approvers) (England) Regulations 2024 in particular Regulation 3².

Regulation 3 states the following in regards to the independence of Approvers:

- (1) Approvers must have no professional or financial interest in the work they supervise.
- (2) A person (“P”) shall be regarded as having a professional or financial interest in the work described in any notice or certificate given under these Regulations if—
 - a) P is or has been responsible for the design or construction of any of the work in any capacity,
 - b) P or any nominee of P's is a member, officer or employee of a company or other body which has a professional or financial interest in the work, or
 - c) P is a partner or is in the employment of a person who has a professional or financial interest in the work.
- (3) For the purposes of this regulation—
 - a) P is treated as having a professional or financial interest in the work even if P has that interest only as trustee for the benefit of some other person,
 - b) in the case of married persons or civil partners living together, the interest of one spouse or partner is, if known to the other, be deemed to be also an interest of the other.
- (4) For the purposes of this regulation, the following are not to be regarded as a professional or financial interest —
 - a) involvement in the work as an approver,
 - b) entitlement to any fee paid for P's function as an approver
 - c) entitlement to any fee paid for an employee of P carrying out a function as a registered building inspector³, and

² <https://www.legislation.gov.uk/uksi/2024/110/contents/made>

³ For the definition of “registered building inspector” see section 58B of the Building Act 1984, which was inserted by section 42 of the Building Safety Act 2022

- d) potential liability to pay any sum if a claim is made under any insurance cover provided for the purposes of the 1984 Act.

The Building Inspectors Ltd. only provides Building Control Services. Our staff and professional consultations do not provide any additional construction related services to projects where we are administering the Building Regulations. We operate within the parameters of our Professional Indemnity Insurance Policy.

6.0 Application of the independency policy statement

The Building Inspectors Ltd. provides an impartial service to our Clients and follows Primary and Secondary Legislation.

In addition to the above, our risk management strategy, along with RICS, Engineering Council, CABE & IFE codes of professional conduct offer a broad spectrum to capture independence requirements at various stages through annual monitoring returns, RICS Regulation Returns and our circular competence framework.

During our formal appointment procedures and in accordance with our risk management strategy, all contractual obligations are defined within the ACAI/CIC Contract for the appointment of an approved inspector. This allows us to declare independence across all projects. This policy statement along with our operating procedures are continually reviewed.

As a Regulated by RICS firm, we strictly follow RICS Professional Standard – Conflicts of Interest. Global. 1st Edition March 2017. Effective 1 January 2018⁴.

The following definitions used in this professional standard are outlined as follows:

⁴ <https://www.rics.org/profession-standards/rics-standards-and-guidance/conduct-competence/conflicts-of-interest/conflicts-of-interest-implementation-and-impact#:~:text=The%20RICS%20professional%20statement%20Conflicts,specific%20and%20has%20global%20application.>

‘Conflict of Interest’ means:

- A. A situation in which the duty of an RICS member (working independently or within a non-regulated firm or within a regulated firm) or a regulated firm to act in the interests of a client or other party in a professional assignment conflicts with a duty owed to another client or party in relation to the same or a related professional assignment (a ‘Party Conflict’)
- B. A situation in which the duty of an RICS member (working independently or within a non-regulated firm or within a regulated firm) or a regulated firm to act in the interests of a client in a professional assignment conflicts with the interests of that same RICS member/firm (or in the case of a regulated firm, the interests of any of the individuals within that regulated firm who are involved directly or indirectly in that or any related professional assignment) (an ‘Own Interest Conflict’)
- C. A conflict between the duty of an RICS member (working independently or within a non-regulated firm or within a regulated firm) under paragraph 2.2 to provide material information to one client, and the duty of that RICS member (working independently or within a non-regulated firm) or of a regulated firm under paragraph 2.1 to another client to keep that same information confidential (a ‘Confidential Information Conflict’).

7.0 Guidance on safeguarding impartiality

The Building Inspectors Ltd. shall identify risks to its impartiality on a continuing basis. This shall include those risks that arise from our activities, from our relationships, or from the relationships of its personnel.

This policy should be read in conjunction with our [Whistleblowing](#) and [Risk Management Policy](#).

To ensure high standards are maintained, all staff must make sure that professional advice or decisions are not influenced by self-interests, prejudice, bias or personal agenda.

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Should any member of staff or Professional Consultant become aware of a situation where independence or impartiality is in question, please refer to a Director in the first instance.

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Jason Dunn

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