



Department for Levelling Up,
Housing & Communities

Camilla Sheldon
*Deputy Director, Reform Policy,
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To: (England only)

Local Government Chief Executives and Heads of
Building Control

Approved Inspectors

The Chief Fire Officer

Fire and Rescue Authorities

**Department for Levelling Up,
Housing and Communities**
Fry Building
2 Marsham Street
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www.gov.uk/dluhc

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Dear Sir, Madam

OPERATIONAL STANDARDS RULES FOR BUILDING CONTROL BODIES

Under the Building Safety Act 2022 the Government is reforming and strengthening the regulation of all local authority building control bodies, registered building control approvers (currently approved inspectors) and individual building inspectors.

This reform includes establishing a building control profession overseen by the Building Safety Regulator (BSR), with competence requirements that will be common across both the public and private sector.

Importantly, when the new regime starts building control bodies will need to use a registered building inspector to carry out specific building control activities and get the advice of a registered building inspector before exercising specific functions. Those inspectors will need to register with the BSR, demonstrating they meet certain criteria, to be able to provide advice to building control bodies. The consultation on the changes to the building control profession and process, including the list of restricted functions and activities, closed on 14 March and we are considering responses.

Subject to Parliamentary scrutiny of the necessary secondary legislation, our intention is for the register to open in October 2023 and for registration to become a mandatory requirement for those seeking to continue operating, by Spring 2024.

To support these changes, a new oversight regime is being established, which includes the BSR setting **Operational Standards Rules (OSRs)** under section 58Z of the Building Act 1984, which will apply to local authorities and registered building control approvers in relation to their exercise of building control functions. The BSR will also set monitoring arrangements to collect information to enable it to assess and analyse the performance of building control bodies, making recommendations to drive up standards across the sector.

The Health and Safety Executive (HSE) in its role as the BSR consulted on its draft OSRs and key performance indicators for building control bodies between 30 August 2022 and 25 October

2022. The HSE then published a non-statutory consultation report in response on 7 March 2023 – <https://consultations.hse.gov.uk/bsr/bsr-operational-standards-rules-consultation/results/osrsconsultationresponsereport.pdf>

Today (3 April 2023) the HSE has published its final draft of the OSRs ahead of them coming into force in Spring 2024, to coincide with the registration requirements – see [Professional codes and standards - Building safety - HSE](#). This will give the building control profession at least a year to prepare for these new requirements.

During the course of the 2023/24 year (1 April 2023 to 31 March 2024) and until such time as the new registration requirements commence, all building control bodies may refer to the current Building Control Performance Standards developed by the Building Control Performance Standards Advisory Group (BCPSAG) – <https://www.gov.uk/government/groups/building-control-performance-standards-advisory-group>

As there are no current reporting requirements for building control bodies under those standards, the intention from the date new registration requirements and the OSRs come into force during 2024 is that these standards will be retired and archived on Gov.Uk.

For Approved Inspectors during the 2023/24 year, CICAIRs separate annual monitoring process will continue, and we understand that the CICAIR Registrar has communicated with Approved Inspectors about the requirements.

Going forward it will be the new Building Advisory Committee (BAC) that will oversee and advise the BSR on the OSRs. Under the operating model there is a representative steering group underpinned by technical working groups. The Regulator anticipates taking aggregated data from the OSR data returns to the BAC steering group to discuss the overall status of building control and any issues identified from their auditing or investigation work. This will help the BSR determine the best course of action and where appropriate set up technical working groups to address the issues raised.

Enquiries

If you have questions relating to the BSR's OSRs, please contact Lisa Chappell at HSE via lisa.chappell@hse.gov.uk

Yours faithfully,

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