

Risk Assessment/Management Policy

for Restricted Functions & Activities of RBCAs

All Restricted Functions:

1. Suitably competent RBIs will be engaged by OWL BCS to provide advice in accordance with relevant legislation (e.g. Restricted Activities and Functions Regulations 2023) to fulfil OWL BCSs duties as a Registered Building Control Approver (RBCA).
2. The RBI requested for advice will utilise their competence to advise whether the necessary restricted functions can be completed & instruct non-RBI staff to complete the procedures to enable these restricted functions to take place.

Submission of Initial Notices:

3. Suitably competent RBIs will be engaged by OWL BCS to provide advice in accordance with relevant legislation & guidance (e.g. Restricted Activities and Functions Regulations 2023) to fulfil OWL BCSs duties as a Registered Building Control Approver, prior to the submission of the initial notice.
4. RBIs will assess the project particulars to ensure that they have suitable competence to accept the projects Building Control Application, prior to advising regarding the submission of the initial notice.
5. RBIs will assess the project particulars particularly the necessary resource to complete the necessary restricted activities as an RBCA and assess whether OWL BCS have sufficient resource to accept the projects Building Control Application, prior to advising regarding the submission of the initial notice.
6. OWL Technical Manager(s) will periodically review project requirements (total) and compare against RBI resources to meet the code of conduct for RBCAs & Operating Standard Rules.

Non-standard Construction **

7. OWL BCS conclude that they have no project(s) that can be defined as 'non-standard buildings'. OWL BCS make this judgment due to the current lack of specific guidance relating to non-standard building methods (Annex 1).
8. OWL BCS recognise that should further statutory or regulatory guidance be provided relating to the definition of 'non-standard' buildings or construction - OWL BCS manager(s) will review the status of existing projects for which OWL BCS are appointed as the RBCA.

**Judgement regarding non-standard construction made from available guidance documentation released from the Building Safety Regulator at time of publication 5.2.24.

9. For 'new' applications for which RBIs are requested to provide advice (prior to the submission of the initial notice) – it remains the responsibility of the RBIs to assess that they have sufficient demonstrable competency to ensure that they can perform the necessary restricted functions and activities of a Building Control Body (BCB). As their existing level of competence and experience within the surveying resource that they have available – they have no existing or legacy projects that can be classified as 'non-standard'.

Variation from Approved Documents

10. OWL BCS recognise that variations from the Approved Documents may occur both during design and construction phases of a project.
11. OWL BCS recognise that variations from the Approved Documents do not automatically constitute a contravention, as improvements in technologies may in some instances have superseded the guidance within the Approved Documents (Annex 1).
12. OWL BCS place the responsibility of identifying variance from the Approved Documents with the suitable RBI assigned to the project. The identification of variance is a matter for the professional competence of that RBI & identification whether it is / is not contributing to non-compliance to Schedule 1 of the Building Regulations 2010 (as amended).
13. OWL BCS have a technological solution for identifying variance, within their recording software programme.
14. All RBIs have been trained to utilise the technological software programme comprehensively.
15. OWL BCS place the responsibility of identifying insufficient training the technological software programme – with RBIs.
16. OWL BCS identify that the need for reporting variance from Approved Documents is not reportable under the KPIs (unless identified as non-standard construction). OWL BCS Manager(s) will periodically review and monitor the OSRs to identify should this requirement criteria change.

All Restricted Activities:

1. Suitably competent RBIs will be engaged by OWL BCS to provide restricted activities (Plan Checks & Site Inspections for Building Control purposes) in accordance with relevant legislation (e.g. Restricted Activities and Functions Regulations 2023) to fulfil OWL BCSs duties as a Registered Building Control Approver (RBCA).
2. The RBI completing restricted activities – will utilise their competence to complete the necessary restricted activities.

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3. Those RBIs who are not of a sufficient proven competence, will not complete Restricted Activities unless they are formally operating under a 'supervisory framework' (see supervisory framework policy).
4. OWL BCS place the responsibility of identifying insufficient competence to complete the necessary restricted activities (plan checks & site inspections) with the RBI. Identification to OWL BCS will result in formal review by OWL Technical Manager(s) & the potential appointment under a supervisory framework.

Annex 1 - Extracts from the OSR Monitoring Arrangements:

A standard build is designed and constructed from common industry recognised standards and codes. The approved documents will be relevant in 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 legal requirements of the Building Regulations and Approved Documents A-S. Non-standard builds are buildings that include anything outside of common construction techniques in England and do not follow industry recognised design principles set out in relevant 'Building Codes' (see below). They could include those buildings not fitting the notional set of common and long-established building methods. 'Building Codes' include (not exhaustive): Approved Documents, British Standards and Technical Documents (e.g. Health Technical Memoranda (HTM)). Non-standard may include any of the following (list not exhaustive):

- difficult ground conditions
- buildings with unusual occupancies or high levels of complexity
- very large or very tall buildings
- large timber buildings
- some buildings that incorporate modern construction methods.

Approved documents are intended to provide guidance for some of the more common building situations. However, there may well be alternative ways of achieving compliance with the requirements. Thus, there is no obligation to adopt any particular solution contained in an Approved Document if you prefer to meet the relevant requirement in some other way.

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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Risk Assessment Guidance Note:

The allocated RBI for the project is & their class of registration is their registration number is

The allocated Class 4 RBI for this project is & their class of registration is their registration number is

Both RBIs have assessed this project on **insert date** regarding the current guidance available & in accordance with OWL BCSs Risk Assessment Policy & all other OWL BCS policies.

Both RBIs have confirmed that OWL BCS **can / cannot** continue to offer restricted activities and functions for the purposes of Building Control.

Both RBIs have confirmed that OWL BCS consider the project to be '**standard / non-standard construction**'.

Should the conditions of this project change – all RBIs associated with the project (completing restricted activities) that a new / dynamic risk assessment will be required in accordance with all relevant codes & standards / guidance and all relevant OWL BCS policies.

3rd Party Verification Activities:

When an RBI identifies an area (design / construction) that they feel insufficiently competent to assess (& therefore meet the RBI Code of Conduct). The RBI associated with the project (completing restricted activities and functions) will enable OWL BCS to commission relevant 3rd parties to check the design / construction 'offer of compliance' against the functional requirements of the relevant legislation.

Examples include:

1. Structural Engineers – Part A – Schedule 1 of the Building Regulations 2010 (as amended).
2. Fire Engineers – Part B - Part A – Schedule 1 of the Building Regulations 2010 (as amended).
3. CSSW Surveyors – BS 8102 & – Schedule 1 of the Building Regulations 2010 (as amended).

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