

## Conflict of Interest Policy

1. Regulation 3 (Independence of Approvers) of *The Building (Registered Building Control Approvers etc.) (England) Regulations 2024 (as amended)* (Annex 1) - details the statutory requirements to maintain Independence of Registered Building Control Approvers (e.g. OWL BCS).
2. OWL BCS place the initial responsibility of identifying potential Conflicts of Interest with the suitable RBI providing advice prior to restricted functions (e.g. Submission of Initial Notice) taking place.
3. OWL BCS expand the responsibility of identifying and actioning upon potential conflicts of interest to all staff under OWL BCSs control – including non-RBIs.
4. OWL BCS highlight that irrespective of the status of the project (e.g. in progress) action must be taken should a conflict of interest be identified.
5. OWL BCS re-iterates the requirements of the Code of Conduct for Registered Building Inspectors & the Professional Conduct Rules for Registered Building Control Approvers (Annex 2). Specifically - that should a conflict of interest be identified the applicant OR agent **must** be notified and the RBCA / RBI must cease to act.
6. OWL BCS have a 'speak-up' whistleblowing policy meaning that should conflict of interest be identified & any staff member is concerned regarding the adequacy of the action taken - they should immediately contact OWL BCS Technical Manager(s).
7. OWL Building Control Solutions Technical Manager(s) will continue to inform, monitor, audit and take action (where necessary), where potential conflicts of interest are identified by all staff members.

Note –

8. OWL BCS do not intend to offer other services any other services than restricted activities and functions related to the functions of a RBCA.
9. OWL BCS do have limited projects where previous 'other' functions have been offered (e.g. warranty). All RBIs conducting restricted activities will not complete 'other functions' – separation / independence will be maintained by alternative OWL BCS staff member completing the 'other' functions.

**Annex 1 - Independence of approvers:**

3.(1) Approvers must have no professional or financial interest in the work they supervise.

(2) A person (“P”) is 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, 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 inspector<sup>(1)</sup>, and

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

## **Annex 2 - Code of Conduct for Registered Building Inspectors:**

### Conflict of interests

2.8 You must take steps to identify conflicts of interest and potential conflicts of interest both prior to the commencement of and during work activity.

2.9 You must not undertake work, or continue to undertake work, where a conflict of interest is identified.

2.10 Where a conflict of interest is identified you must notify the applicant or agent and cease to act.

## **Professional Conduct Rules for Registered Building Control Approvers:**

### Conflict of interests

2.15 You must have processes in place to identify actual and potential conflicts of interest, both prior to the commencement of and during work activity.

2.16 You must not agree to undertake work, or continue to undertake work, where a conflict of interests is identified and unresolved.

2.17 Where a conflict of interests is identified, you must notify the applicant or agent and cease to act.

2.18 You must publish your conflict of interest policy and ensure that it is publicly accessible.