

# Impartiality Policy

## 1.0 Introduction

This document details the specific actions undertaken by Stroma Building Control Ltd to ensure the impartiality of all Building Control related activities as an Approved Inspector.

Regulation 9 of the Approved Inspector Regulations, entitled 'Independence of Approved Inspectors', addresses the need for safeguarding impartiality, stating that Approved Inspectors shall have no professional or financial interest in the work they supervise unless it is minor work.

Regulation 9 of the Approved Inspector Regulations 2010 allows surveyors to carry out minor work as detailed below:

- (5) For the purposes of this regulation "minor work" means-
- (a) the material alteration or extension of a dwelling-house which before the work is carried out has two storeys or fewer and which afterwards has no more than three storeys;
  - (b) the provision, extension or material alteration of a controlled service or fitting in or in connection with any building; or
  - (c) work consisting of the underpinning of a building;
- and for the purposes of this paragraph, a basement is not to be regarded as a storey.

A copy of The Building (Approved Inspectors etc.) Regulations 2010 can be found here <https://www.legislation.gov.uk/ukxi/2010/2215/contents/made>.

The Building Control Alliance (BCA) released guidance safeguarding impartiality based on Regulation 9 in the following document: 'Safeguarding Impartiality of Building Control Bodies', recognising that 'this Regulation was intended to address the potential for conflict of interest occurring during the building control approval process' and states the BCA's view that similar principles should apply to public sector Building Control Bodies.

The definition of independence required of Approved Inspectors in carrying out their duties is as follows:

Extract from: *the Building (Approved Inspector) Regulations 2010*.

### 'Independence of Approved Inspectors

- 9.—(1) Approved inspectors shall have no professional or financial interest in the work they supervise unless it is minor work.
- (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, or
  - (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 shall be 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 people or civil partners living together, the interest of one spouse or partner shall, if known to the other, be deemed to be also an interest of the other.
- (4) For the purposes of this regulation—
- (a) involvement in the work as an approved inspector,
  - (b) entitlement to any fee paid for P's function as an approved inspector, and
  - (c) potential liability to pay any sum if a claim is made under the insurance cover provided for the purposes of the Act,
- shall not be regarded as constituting a professional or financial interest.
- (5) For the purposes of this regulation "minor work" means—
- (a) the material alteration or extension of a dwelling-house which before the work is carried out has two storeys or fewer and which afterwards has no more than three storeys;
  - (b) the provision, extension or material alteration of a controlled service or fitting in or in connection with any building; or
  - (c) work consisting of the underpinning of a building;
- and for the purposes of this paragraph, a basement is not to be regarded as a storey.'

Stroma Building Control members of staff are not permitted to work on any design and construction work on which it is engaged to provide a building control service, even if the work is outside of Regulation 9, i.e., including any minor work.

## **2.0 Commitment to Impartiality**

Stroma Building Control Ltd has a top management commitment to the implementation of impartiality in our Building Control related activities. This Impartiality Policy outlines the importance of impartiality in conducting our Building Control activities and the management of conflicts of interest which will ensure the objectivity of these activities. Stroma Building Control's top management will review and manage any residual risk identified to ensure a high level of impartiality is maintained.

Stroma Building Control is able to demonstrate impartiality through the following undertakings:

- Stroma Building Control Ltd is a separate legal entity.
- An independent Senior Management Team is in place, with common Directors avoided where possible and its members are not involved in designing construction functions on any projects.
- A clear and documented Whistleblowing Policy is in place and available to all members of staff via the internal Staff Intranet
- No financial incentives are given to the Approved Inspector on a specific project to 'cross-sell'.
- Building Control services are not 'bundled' into a broader service offering with discounts on the Approved Inspector service.
- The service delivery of Stroma Building Control is run as a separate operation from any other Stroma business.
- People delivering the Building Control services are independent of the other Stroma business services.
- The Complaints Policy allows clients to escalate potential breaches of impartiality.
- Where third-party verification via specialist consultants is required, that third party is not permitted to be an organisation involved in a project's design or construction.
- Any staff acts of impartiality result in disciplinary action.
- This Impartiality Policy is communicated to all employees and is available on the Stroma Building Control website. Senior Management ensures that this is reviewed on at least an annual basis.
- Terms of appointment for the building control service are per the ACAI-approved contracts or aligned and approved Stroma Building Control Terms and Conditions for each project. These include clauses that state that Stroma Building Control is not responsible for the project design or construction.
- Stroma Building Control does not have or accept any responsibility for design and construction services.
- The Stroma Building Control CRM database is secure and only available to Stroma Building Control members of staff to manage the building control process.
- Staff and contractors delivering the building control service are not permitted by contract to be involved in design and construction functions on which Stroma Building Control is engaged to provide a building control service; this general bar includes any design and construction activities outside Regulation 9, including minor work.
- Stroma Building Control commits that we will:
  - Be responsible for and retain authority for all decisions relating to certification.
  - Ensure all personnel who influence certification activities do so impartially.
  - Require that all personnel reveal any conflicts of interest as defined within this policy.
  - Ensure that its relationships with other bodies do not compromise impartiality; and,
  - Always act to respond to threats to its impartiality.

The following procedures in our policy will ensure impartial and competent Building Control activities are undertaken.

### **2.1 Audits**

To ensure that Stroma Building Control Ltd operates impartially, internal audits are conducted, as well as external audits being carried out under our ISO 9001:2015 Quality Management System certification.

The outcome of internal audits is reported to Stroma Building Control's Senior Management and discussed with external bodies such as CICAIR, BSR, BMTRADA and other industry stakeholders.

## 2.2 Conflicts of Interest

Building Control Inspectors must declare any potential conflict of interest when carrying out Building Control work, as documented in Stroma Building Control's Conflict of Interest Policy. Examples of conflicts of interest include but are not limited to being involved with private work.

Any conflicts of interest, for example, where the surveyor has been involved in undertaking private work for the same project, will be raised with the Inspector's Line Manager and discussed to reach a reasonable solution.

## 2.3 Complaints

A complaint can be made where the impartiality of Building Control activities is not being maintained. Please refer to the Stroma Building Control website on how to make a complaint <https://stromabc.com/contact/complaints/>.

## 2.4 Whistleblowing

Stroma Building Control provides an internal Whistleblowing Policy for any employee who feels like they're being pressured to not act impartially or in an appropriate manner. This is communicated as part of an employee's induction and is available for all employees to read on the Stroma Staff Intranet.

## 3.0 Stroma Building Control Ltd and other Stroma Businesses

To ensure that Stroma Building Control operates fairly and impartially in carrying out Building Control activities, the following measures are implemented to ensure impartiality between Stroma Building Control and other Stroma businesses:

- Stroma Building Control Ltd operates as an independent company in its own right, separate from all other Stroma businesses.
- Stroma Building Control Ltd maintains independent financial status from all other Stroma businesses.
- Stroma Building Control Ltd maintains separate staff records and an independent recruitment process.
- Stroma Building Control Ltd maintains the independence of its own policies and procedures through its Quality Management System. All policies and procedures under which Stroma Building Control Ltd operates, are administered in a non-discriminatory manner.
- Stroma Building Control Ltd operates mainly in independent offices, separate from all other Stroma businesses.
- Stroma Building Control Ltd maintains independence and security of information by ensuring that all electronic data and records for Stroma Building Control Ltd are stored on a secure separate server. This information can only be accessed by authorised personnel of Stroma Building Control Ltd. Hardcopies held in secure Stroma offices or off-site storage facilities are controlled with restricted access.
- The Stroma Chief Executive and/ or Chief Operating Officers hold direct responsibility for connecting authorised personnel to the server.

## 4.0 Stroma Building Control Ltd and Phenna Group

Stroma Building Control is also part of the Phenna Group. Phenna Group has several other organisations within its portfolio and therefore impartiality and independence must be a priority.

To ensure clear lines of impartiality and independence are in place between Stroma Building Control and Phenna Group interested parties relating to building control activities, the following controls are in place:

- Stroma Building Control Ltd operates as an independent company in its own right, separate from the Phenna Group and their other interested parties.
- Phenna Group CEO and CFO may attend Stroma Building Control Board Meetings.
- Phenna Group will support Stroma Building Control where any changes are recommended to ensure ongoing compliance, including any changes in the CICAIR Code of Conduct of the Building Control Performance Standards. Stroma Building Control Ltd's existing management structure remains in place and will otherwise continue to make all operational/day-to-day decisions.
- The Phenna Group CEO and CFO are not permitted to discuss or share any confidential information relating to Stroma Building Control Ltd with any of their other parties unless required by regulation, law or for reporting requirements.
- Stroma Building Control Ltd maintains independent financial status from Phenna Group and their interested parties. Financial performance will be discussed with their CEO and CFO.
- Stroma Building Control Ltd maintains separate staff records and an independent recruitment process.
- Stroma Building Control Ltd maintains the independence and security of its information by ensuring that all electronic data and records for Stroma Building Control Ltd are stored on a secure separate server.
- Phenna Group CEO and CFO will be given access to information they require to understand the business's performance only, this will not include detailed information concerning specific projects or clients that is

not relevant to performance reporting. Any detailed information shall only be shared under authorisation from the Stroma Building Control Ltd Chief Executive Director or Chief Operating Officer.

- No access will be given to the Phenna Group and their interested parties to the Stroma Building Control CRM database or any other IT platforms unless authorised by the Stroma Building Control Chief Executive Director or Chief Operating Officer.

The relationship between Stroma Building Control Ltd, Phenna Group and their interested parties will be kept under review and assessed no less than annually. Any new threats to impartiality and/ or independence are to be declared and discussed during monthly Board Meetings. Where any issues of impartiality or independence are identified, the appropriate remedial action will be undertaken and where policy notes are revised these shall be shared with CICAIR.

#### 4.1 Phenna Group Other Businesses

Within this section, Stroma Building Control has undertaken a level of analysis to measure and rate the level of risk to the business when comparing our scope of work to those of other Phenna Group interested parties.

The following risk rating and profile explanation has been awarded against each of the Phenna Group interested parties:

Risk Rating	Risk Explanation and Treatment Plan
High	The business operates in construction within England and Wales either as a direct competitor or as a company with a material level of design responsibility. There is a threat to Stroma Building Controls' impartiality in dealing with the Phenna Group based on their other interest party. Senior Management will need to be satisfied that all risks are being managed and appropriate controls are in place, e.g. confidentiality policy, awareness of the Stroma Building Control Impartiality Policy etc. Discussions will be held during Board Meetings to address any concerns held by the management team and/ or Phenna Group. Stroma Building Control will notify CICAIR of any high-risk threats to impartiality.
Medium	The business operates in construction within England and Wales and may have a direct interest in some of Stroma Building Control's projects but does not operate with a material level of design responsibility. No immediate action will be required; however, management will need to ensure there are no conflicts or risks to impartiality. This will be discussed during management review meetings and any remedial actions agreed upon.
Low	The business either does not operate in a construction-related sector or where they do, they do not operate any services which are directly linked to Stroma Building Control's work as an approved inspector. No further action is required and this will be kept under review and amended should the business change its scope of work.

Phenna Group Portfolio Organisation	Level of Risk
<b>Hansen Aerospace</b> Based in Boston, Massachusetts Hansen is a globally recognized leader in non-destructive testing.	
<b>First Scottish Group</b> First Scottish is Scotland's leading independent firm of professional searchers also providing intelligent documents management solutions.	
<b>Professional Soils Laboratory</b> UKAS accredited Geotechnical Soil Testing laboratory.	
<b>Building Envelope Technologies</b> Ireland's leading airtightness, building performance & compliance specialists.	
<b>Group Management Electrical Surveys</b> Provides Electrical Inspection, Test and Documentation services to many of the UK's leading Companies.	
<b>ACS Group</b> Provide a seamless all-in-one service for Geotechnical and Chemical laboratory testing, Site Investigation and Geotechnical Contaminated Land assessment.	
<b>Austest Laboratories</b> An independent testing and certification company based in Australia that assists manufacturers, importers, and exporters in gaining access to local and international markets.	

<p><b>Buildcheck Certification</b> UKAS and BFRC accredited specialists, providing both on-site and lab-based building testing and certification services to the construction and fenestration industries.</p>	
<p><b>Code a Weld</b> A Fully accredited weld surveillance, inspection, and certification business.</p>	
<p><b>Elmhurst Energy</b> Is the UK's largest accreditation scheme for energy assessors.</p>	
<p><b>GEO Site &amp; Testing Services</b> A UKAS certified GEO Technical Site and Labs Testing Services company based in Wales.</p>	
<p><b>ASM Group</b> Offers a full range of health safety services.</p>	
<p><b>Corporate Access</b> The leading automated fixed fee law searching firm in Ireland.</p>	
<p><b>Bolton NDT &amp; Inspection</b> Provides a comprehensive range of non – non-non-destructive testing services.</p>	
<p><b>Facit Testing</b> Provides an extensive range of specialist electrical services such as fixed installation testing and remedial services.</p>	
<p><b>MATtest Southern</b> Civil engineering materials testing, offering the most up-to-date methods for site and laboratory testing of asphalt, soils, and concrete.</p>	
<p><b>Thomas Bell-Wright International Consultants</b> A Dubai-based, multi-accredited engineering firm providing independent Testing, Inspection and Certification (TIC) services primarily for the building construction sector.</p>	
<p><b>Ecology Solutions</b> A leading ecology consultancy practice.</p>	
<p><b>Safety Services</b> Professional Occupational Health and Safety Consultants providing a complete health and safety service to the Construction industry &amp; others.</p>	
<p><b>IASME</b> Helps certify organisations of all sizes in both cyber security and counter fraud.</p>	
<p><b>Industrial Safety Inspections</b> A leading independent engineering inspection organisation, helping commercial and industrial customers across the UK to meet their statutory obligations and protect their staff, plant, and assets.</p>	
<p><b>James Fisher Testing Services</b> A leading provider of specialist testing services in structural investigation and Xis in the UK and Ireland.</p>	
<p><b>Stroma Built Environment (incorporating Specialist Access)</b> A leading provider of compliance and sustainability testing and assessment within UK construction. Key services include airtightness testing acoustic testing and inspections for rail, highways and buildings. Their employees may be responsible for third-party work completed on a project where a competent certificate is provided for completion and we currently share the Wakefield office with them.</p>	
<p><b>JHAI</b> A large, approved inspector operating across England and Wales.</p>	
<p><b>A-Star Testing and Inspection</b> An international health and safety company that works with Global UTM, NDT and third-party testing and inspection services.</p>	
<p><b>PTS Pavement Testing Services</b> Specialises in asphalt testing and mixture development; and certifies product acceptances.</p>	

<p><b>NAPIT</b> Accreditation of competent persons in electrical, heating, plumbing, ventilation, microgeneration and building fabric trades in the UK. Their members may be responsible for third-party work completed on a project where a competent certificate is provided for completion.</p>	
<p><b>Celtest</b> Tests soils, water, bituminous materials, concrete, and hydraulically bound mixtures in laboratories and in-situ for construction, civil engineering infrastructure, or quarrying projects.</p>	
<p><b>Complete Laboratory Solutions (CLS)</b> A provider of sampling, analysis and on-contract analysts to the food, environmental, pharmaceutical and medical device industries.</p>	
<p><b>XAIS Asset Management</b> They offer a range of complementary services to support and maximise value from existing assets with services to cover all aspects of Highways and Asset Management.</p>	
<p><b>Xtra Tec Ltd</b> They provide laboratory and site testing within the construction industry.</p>	
<p><b>Simtec</b> They provide testing services to the civil engineering industry.</p>	
<p><b>Maurice Johnson &amp; Partners</b> Fire Safety Engineering &amp; Access Consultants</p>	
<p><b>Zeta Analytical</b> Health science services.</p>	
<p><b>Sayvol</b> Provider of water compliance services to landmark buildings in London and across the UK.</p>	
<p><b>PKI Solutions</b> A cybersecurity specialist, providing public key infrastructure (PKI) products, services, and training</p>	
<p><b>DM Safety &amp; Health</b> Consultancy specialist offering a variety of services covering construction design and management regulations.</p>	
<p><b>CMTL</b> Delivery of geotechnical testing of civil engineering and construction materials.</p>	
<p><b>RammSanderson</b> The delivery of ecological, arboriculture and flood risk consultancy,</p>	
<p><b>CGL</b> specialist geotechnical and geoenvironmental consultancy.</p>	
<p><b>Mason Evans</b> Providing geo-environmental consultancy.</p>	
<p><b>Silkstone Environmental Ltd</b> Specialising in environmental, geotechnical, planning, and surveying services.</p>	
<p><b>Concept</b> Provide site investigation, geotechnical / environmental consultancy.</p>	
<p><b>In Situ Site Investigation</b> A specialist geotechnical and geo-environmental site investigation company.</p>	
<p><b>Cansford Laboratories</b> Leader in drug, alcohol, and steroid testing.</p>	
<p><b>Evolution</b> A provider of a range of specialist water compliance and indoor air quality services.</p>	

<b>Trident Water Solutions</b> A national water treatment and water hygiene specialist.	
<b>ASCT</b> A geotechnical testing company.	
<b>South West Geotechnical</b> A specialist consultancy, contractor and laboratory.	
<b>ACI Reports</b> A provider of TM44 air conditioning inspection reports.	
<b>Lab West</b> A minerals laboratory.	
<b>TDF Metal Finishing Company</b> A metal finishing house.	
<b>Aurum Laboratories</b> A geochemical and mining industry laboratory.	
<b>Jinning Testing and Inspection</b> Providing laboratory and analytical services.	
<b>North Australian Laboratories</b> A gold and metal mining laboratory.	

#### 4.2 Ongoing Review

The relationship between Stroma Building Control Ltd, Phenna Group and their interested parties will be kept under review and assessed no less than annually. Any new threats to impartiality and/ or independence are to be declared and discussed during Management Meetings.

Where any issues of impartiality or independence are identified, the appropriate remedial action will be undertaken and where policy notes are revised these shall be shared with CICAIR. The level of risk identified above will then be reviewed and amended where required, as well as any changes to the Phenna Group interested parties and their scope of work.

#### 5.0 Building Control Companies within the Phenna Group

In 2022, the Phenna Group also acquired JHAI which is also licenced to operate as an approved inspector in England and Wales by CICAIR. It is considered by Stroma Building Control management that the controls listed under section 4.0 of this policy note are sufficiently robust for such an organisation. JHAI and Stroma Building Control merged in October 2023; however, whilst JHAI remain a legal entity and maintains its CICAIR registration, they will in this policy.

In addition to these controls, management has also agreed that any transactions between the two companies such as sub-contracted site inspections shall be conducted on an "arm's length" basis under an appropriate memorandum of understanding.

#### 6.0 Approval

This policy statement has been endorsed and approved by:



Mr Andrew Crooks  
Executive Director  
Stroma Building Control Ltd  
Dated: 15<sup>th</sup> November 2023