

jhai Level of Service Guidance

jhai is committed to providing all our clients with a quality service and our Terms and Conditions document details that service.

Whilst Building Control Bodies perform an essential statutory service there are a number of things that such a body cannot provide such as

- Provide quality control of the works
- Provide a Clerk of Works service monitoring every stage of the work
- Address issues such as the finish or aesthetics of the works
- Provide contractual protection between property owners and people carrying out the work
- Provide a guarantee of compliance with the regulations

It is important to remember with the last point that the appointment of a Building Control Body does not remove the legal obligation of the person carrying out the work to ensure it meets compliance

If you have recently purchased a property where we have provided the Building Control service for works undertaken, we would ask you to take this up with the person(s) from whom you purchased the property. We may be very limited in the way that we can help you. Any plans and other details sent to us by clients or client's agents remain the property of the original designer or consultant. As such we are unable to provide copies of these as this would be a breach of the owner's copyright.

To meet our licence obligations we must act fairly and impartially at all times in performing our functions. We use any complaint received to improve the standards we uphold and look to meet and exceed those expected by our Regulator.

We operate a Quality Management System accredited to BSEN ISO 9001 and our complaints procedure can be found on our website at <https://www.jhai.co.uk/key-information>

The governments "Manual to the Building Regulations" provides guidance on who is responsible for the works compliance with the regulations and the statement below is extracted from the manual [Manual to building regs - July 2020.pdf](#)

Responsibility for compliance

Receiving a completion certificate or final certificate is not a complete guarantee of compliance with the Building Regulations. The legal meaning of the certificate is that it is 'evidence but not conclusive evidence' of compliance. The building control officer or approved inspector will not have checked every piece of building material and how it has been fitted or every aspect of submitted documents. It is the responsibility of those carrying out building work to comply with

the Building Regulations. The building control body will inspect the work on site at appropriate stages, but you cannot rely on this as the only method of ensuring that the work complies with the Building Regulations. The responsibility for ensuring compliance rests with the people carrying out the work.

For example, a building has just received the final certificate or completion certificate, but the roof is leaking. The fact that the roof leaks is the builder's or building designer's problem and not the building control body's problem. However, the building control body may point out problems either with the design or construction at any stage up to granting the final certificate or completion certificate

The following instances are examples of legitimate complaints:

- Failure to provide a service in line with our terms and conditions or to the standard expected of the service.
- Failure to fulfil our statutory responsibilities.
- Failure to implement a decision.
- Failure to comply with the Building Control Performance Standards issued by the Government [building-control-performance-standards](#)
- Failure to comply with our licensing bodies Code of Conduct [CICAIR](#)
- Dissatisfaction with the answer to a query or a response to a request for a service.
- Failure to take proper account of relevant matters in coming to a decision.
- Discourtesy or unacceptable behaviour by a member of staff.
- Harassment, bias or unfair discrimination.

Matters that are not considered complaints:

- A decision to exercise our regulatory powers.

Sometimes we may ask for works to be undertaken in order to secure the building's compliance with the minimum standards of Building Regulation requirements. Very occasionally where we cannot reach agreement we are duty bound to cancel our appointment as Building Control body and notify this fact to the Local Authority for enforcement of the Building Regulation. We are here to help you through the process of compliance as much as we are able. We will only use regulatory powers when all other avenues have been explored.

- Criticisms of the scope or context of the Approved Inspector service.

It is our duty to take such steps as are reasonable to enable us within the limits of professional skill and care to be satisfied that your building work is likely to meet the minimum requirements of the Building Regulations.

We are not in a position, nor required, to inspect every aspect of your building work. It is

important to note that we are not a Clerk of Works, Project Manager or a Contract Manager/Administrator. Should a post construction defect occur, such as uninspected works, or difficult to see works such as defective flashings etc. you must take this up with the builder with whom you would have a contract.

You should also contact us where the defect is potentially a non-compliance with the Building Regulations and we will help you in any way we can to resolve the issue and ensure that compliance with the regulations is achieved.

- Criticisms regarding a Building Regulation technical assessment

It is our role to ensure your work likely complies with minimum requirements of the building regulations. If we judge your works do not comply we are obliged by law and license to inform you, and if the non-compliant works remain unaddressed we may refer works back to Local Authority where they can enforce the Regulations.

We would draw to your attention to the fact that the Building Regulations are functional requirements. There are many different ways to satisfy the requirements. The government publish a set of approved documents that if followed will imply compliance. However, these documents are guidance only and other solutions are possible. jhai is licensed to make decisions as to what complies and what does not.

- Criticisms regarding the quality of your builders workmanship.

Building Regulations is not a guarantee or warranty that the works comply with all standards. Our Surveyors only see your works in a snapshot of time. An assumption exists that your builder observes good building practices such as appropriate mortar or concrete mixes for instance. And also follows the plans and details you have prepared. jhai cannot be involved in the design of your project however we will do our very best to facilitate solutions that comply.

If it is evidenced that your builder has used inappropriate materials or has not undertaken work in a workmanlike manner, we will support your claim in respect to Materials and Workmanship. However the quality of construction work cannot be enforced under the Building Regulations.

- Criticisms which constitute a disagreement with or refusal to accept, a rule of law which an Approved Inspector is applying.

JHAI must undertake their duties to secure the minimum levels of compliance and be assured that all relevant paperwork and undertakings required by the regulations are secured. We will of course work with you to help you comply.

- Misunderstanding or dissatisfaction with the minimum standard set by the building regulations. Complaints and/or claims made against a warranty where the building control complaints process has not been exercised.

JHAI can only ask you or your builder to perform to secure the minimum standards. Occasionally and quite understandably this will not meet with your expectations of the quality. These aspects are probably actionable under the terms of your building contract. This is quite a separate matter to that of building regulations consideration. It is not jhai's duty to comply with the regulations. This duty remains with you and your builder. Under these circumstances we would strongly suggest you take advice from a suitably qualified building professional to advise you whether action against your contractor would be appropriate.

If you remain dissatisfied by the way your complaint has been handled by us, jhai are independently regulated by the Construction Industry Council and you may complain to the Approved Inspector Registrar if you feel as though we have not performed in accordance with the above. Details may be found at their website [Home : CICAIR](#)