



Llywodraeth Cymru
Welsh Government

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Welsh Government
Consultation document

Building Inspector Competence Framework (BICoF)

Date of issue: 10 November 2022
Action required: Responses by 05 January 2023

Mae'r ddogfen hon ar gael yn Gymraeg hefyd / This document is also available in Welsh
Rydym yn croesawu gohebiaeth a galwadau ffôn yn Gymraeg / We welcome correspondence and telephone calls in Welsh

Overview

This consultation seeks views on the proposed Building Inspector Competence Framework. The framework applies to all who wish to register with as a Building Inspector, whether they work in the private or public sector.

How to respond

You can email your response to the questions in this consultation to: enquiries.brconstruction@gov.wales

If you are responding in writing, please make it clear that you are responding to the consultation on:

“Building inspector Competence Framework (BICoF).”

Written responses should be sent to:

Building inspector Competence Framework
Building Regulations, Welsh Government, Cathays
Park, Cardiff, CF10 3NQ

When you reply, it would be useful if you confirm whether you are replying as an individual or submitting an official response on behalf of an organisation and include:

- your name,
- your position (if applicable),
- the name of organisation (if applicable),
- an address (including post code),
- an email address, and
- a contact telephone number

Further information and related documents

Large print, Braille and alternative language versions of this document are available on request.

Contact details

For any enquiries about the consultation please contact the Welsh Government Building Regulations team by emailing: enquiries.brconstruction@gov.wales

For further information:
Building Regulations
Welsh Government
Cathays Park,
Cardiff,
CF10 3NQ
Telephone: 0300 062 8144

General Data Protection Regulation (GDPR)

The Welsh Government will be data controller for any personal data you provide as part of your response to the consultation. Welsh Ministers have statutory powers they will rely on to process this personal data which will enable them to make informed decisions about how they exercise their public functions. Any response you send us will be seen in full by Welsh Government staff dealing with the issues which this consultation is about or planning future consultations. Where the Welsh Government undertakes further analysis of consultation responses then this work may be commissioned to be carried out by an accredited third party (e.g. a research organisation or a consultancy company). Any such work will only be undertaken under contract. Welsh Government's standard terms and conditions for such contracts set out strict requirements for the processing and safekeeping of personal data.

In order to show that the consultation was carried out properly, the Welsh Government intends to publish a summary of the responses to this document. We may also publish responses in full. Normally, the name and address (or part of the address) of the person or organisation who sent the response are published with the response. If you do not want your name or address published, please tell us this in writing when you send your response. We will then redact them before publishing.

You should also be aware of our responsibilities under Freedom of Information legislation.

If your details are published as part of the consultation response then these published reports will be retained indefinitely. Any of your data held otherwise by Welsh Government will be kept for no more than three years.

Your rights

Under the data protection legislation, you have the right:

- to be informed of the personal data held about you and to access it
- to require us to rectify inaccuracies in that data
- to (in certain circumstances) object to or restrict processing
- for (in certain circumstances) your data to be 'erased'
- to (in certain circumstances) data portability
- to lodge a complaint with the Information Commissioner's Office (ICO) who is our independent regulator for data protection

For further details about the information the Welsh Government holds and its use, or if you want to exercise your rights under the GDPR, please see contact details below:

Data Protection Officer:
Welsh Government
Cathays Park
CARDIFF
CF10 3NQ

E mail:

Data.ProtectionOfficer@gov.wales

The contact details for the Information Commissioner's Office are:

Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Tel: 01625 545 745 or
0303 123 1113

Website: <https://ico.org.uk/>

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Introduction

Building Safety Act 2022

1. The Building Act 1984 (“the Act”) as amended by the Building Safety Act 2022 (“the 2022 Act”) includes provisions to improve competence levels and accountability in the building control sector by creating a new professional and regulatory structure for building control.
2. As part of these provisions the Act requires Welsh Ministers to establish and maintain a register of building inspectors.
3. The Act enables the Welsh Ministers to provide for different classes of building inspectors (for example, according to qualifications or experience). Those who wish to register as building inspector will need to meet criteria relevant to the class they wish to register for.
4. Under the Act the Welsh Ministers can delegate another body to undertake some of their functions. They also have other mechanisms to enable a body to act on their behalf. In this consultation paper the regulatory body should be read as if the function was exercised by Welsh Ministers or on their behalf.

Proposals

5. This consultation consists of three documents. These are:
 - this consultation document, which provides an introduction to each document;
 - the Building inspector Competence Framework (BICoF) which sets out the competencies that building control professionals will need to demonstrate to register with the regulatory body);
 - the Consultation response form, which provides the consultation questions.
6. We are aware some building control professionals currently operate in England and Wales. As we introduce the new registration system we are interested in any issues that may arise out of differences in the standards between administrations. This is covered by questions 1 and 2.

The Building inspector Competence Framework (BICoF)

7. The BICoF sets out the competencies that building control professionals will need to demonstrate to register with the regulatory body. By competence we mean skills, knowledge, experience and behaviours.
8. Building control professionals must:
 - be sufficiently competent to do their job
 - not work outside their competency
 - maintain their competence

9. The BICoF applies to **all** building control professionals in both the public and private sectors, regardless of the type of buildings or building projects they work on, it **does not** only apply to those working on Higher Risk Buildings (HRBs).
10. We expect that people will need to undergo relevant continuing professional development to maintain their registration.

What is a competency?

11. In this context, 'competency' has two meanings:
 - Competency means **skill** or **ability**. An example of this would be the ability to check a plan and assess whether the proposed development meets the standards the law requires.
 - Competency also means the **level of ability** someone shows at a particular skill. For example, what this framework would call a **level 1 competency** suggests someone needs **only basic knowledge** of a particular skill and how that skill relates to their job.

Competence subject areas

12. There are 9 building control competency subject areas described within the BICoF:
 - Law
 - Technology
 - Building services
 - Functions and activities
 - Plans assessment
 - Inspection and enforcement
 - Management and core skills
 - Safety management
 - Ethics

Competence levels

13. There are four levels of competence described in the BICoF framework:
 - **Level 1, Awareness**
A basic knowledge of the subject and how it relates to their role
 - **Level 2, Appreciation**
A general background knowledge of the subject area, combined with an appreciation of intent. May require the input of others to assess compliance
 - **Level 3, Understanding**
Sufficient knowledge of the complexities involved in order to make independent decisions and assessments regarding compliance of typical building work, including utilising input from other specialists
 - **Level 4, Comprehensive understanding**

Sufficiently detailed knowledge and skills to make decisions on complex issues relating to design and construction and the ability to commission and interrogate specialist assistance where necessary

The classes of Registered Building Inspectors (RBIs)

14. There are four classes under which building control professionals can register - described in the BICoF. These are:
- **Class 1 Building Inspector (Associate/Assistant)**
Suitable for any individual working in building control who cannot demonstrate the required competences to work unsupervised or register in one of the other three classes.
 - **Class 2 Building Inspector (Standard)**
Suitable for building control professionals who check that building work achieves compliance with the Building Act 1984 (as amended), Building Regulations 2010 (as amended) and other applicable, allied legislation, standards and guidance for a range of building types except complex and HRBs
 - **Class 3 Building Inspector (Complex/HRBs)**
Suitable for building control professionals who have the additional competence to check that building work achieves compliance with the Building Act 1984 (as amended), Building Regulations 2010 (as amended) and other applicable, allied legislation, standards and guidance for all building types, including complex/HRBs
 - **Class 4 Building Inspector (Manager)**
Those individuals who, in addition to holding the necessary competence to register as a Class 2 or 3 Building Inspector are responsible for the administrative and technical processes linked to the delivery of a safe, secure and sustainable built environment and wish to have this reflected in their registration.

Competence levels table

15. The table at the end of the BICoF summarises the **minimum** competence levels expected within each of the 9 competence areas in order to register under each class. Individuals may have a higher level of competence than the minimum required. In some instances, more than the minimum may be required, for example a Class 4 Building Inspector (Manager) managing only Class 2 (Standard) building inspectors would need level 3 competence for law and technology, while a Class 4 Building Inspector (Manager) managing Class 3 Building Inspectors (Complex/HRBs) would need level 4 competence.
16. Over the course of time, changes within the industry may mean that the BICoF may need to be revised to reflect best practice requirements. The regulatory body may revise the BICoF and must publish the revised rules to ensure any revisions are accessible.

17. The regulatory body will monitor performance against these and may take action against those who fail, or potentially fail, to fulfil the requirements.

Next steps

18. This consultation will run for 10 weeks rather than the standard 12 weeks. This is because the targeted audience is narrow and to ensure alignment with a similar consultation that is being undertaken with HSE.
19. This consultation will close on 05 January 2023. Responses to this consultation will be analysed and a Welsh Government Response will follow.