



Llywodraeth Cymru  
Welsh Government

**Number WG48364**

Welsh Government

Consultation – Summary of Responses and the  
Government Response for the consultation on the  
Code of Conduct for Registered Building Inspectors  
(Wales)

October 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

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## 1. Introduction

- 1.1. This report provides a summary of the responses to the consultation on the proposed Code of Conduct for Registered Building Inspectors (Wales) (“the Code of Conduct”. Once made the Code of Conduct will apply to all who wish to register as a Building Inspector (“RBI”), whether they work in the private or public sector.

## 2. Consultation Responses - Overview

- 2.1. There were six responses to the consultation. Respondents who completed the consultation response form were asked to assign their organisation to one of 12 types identified on the form (including a self-designated ‘other’ option). The table below shows the number of responses received from each sector.

Type of Organisation: Choose one of the following:	Select one
Builder / Developer	
Designer / Engineer /Surveyor	
Local Authority	2
Building Control Approved Inspector	1
AI Building Inspector	1
LA Building inspector	
Architect	
Manufacturer/supply chain	
Construction professional	
Professional body	1
Building Occupier/ Resident	
Other interested party (please specify)	1

## 3. Handling of responses

- 3.1. A standard response form was provided for ease of use, however, where respondents did not use the form, representations have been attributed to the most appropriate question.
- 3.2. Where respondents have not answered with the standard responses proposed but have clearly indicated a clear position in their answer, they have been assigned that response in the statistical analysis. For example where a respondent used the phrase ‘I support the proposal’ their response was marked as yes. Where a clear response was not identifiable, answers were marked as ‘no response’ in the statistical analysis with the responses included in the summary of comments.

## 4. Consultation responses – Brief Summaries and responses

### Question 1

Is consistency across nations (i.e England and Wales) important for your organisation?

<b>Yes</b>	6	100%
<b>No</b>	0	0%
<b>Unsure</b>	0	0%

### Summary of responses

- 4.1. All respondents agreed that consistency across nations is important for their organisations. Comments referred to alignment reducing the burden placed on the requirement to registering separately in both Wales and England.
- 4.2. Avoiding unnecessary complexity and risk, which could lead to inconsistencies in service delivery and unnecessary use of resources and financial cost.

### Question 2

What opportunities / barriers do you consider could emerge if bespoke standards were developed for those operating in Wales, as opposed to similar/ the same standards applying in Wales and England?

### Summary of responses

- 4.3. Respondents commented that significant differences between the two systems could create barriers in delivery of building control and may discourage operation throughout both nations. This has the potential to have a detrimental impact on the operation of an already under resourced profession.

### Response for Questions 1 and 2

- 4.4. We are looking to align the registration process as closely as possible and are considering the delegation of registration to the HSE (who are the Building Safety Regulator for England) which would allow for a very similar system across both England and Wales.

## Considering standard 1: complying with your legal, regulatory and professional obligations

### Question 3

Is the wording of the standard clear?

<b>Yes</b>	3	50%
<b>No</b>	3	50%
<b>Unsure</b>	0	0%
<b>N/A</b>	0	0%

### Summary of responses

- 4.5. Half of the respondents felt the wording was unclear and requested that further clarification and guidance be made.
- 4.6. Suggestions were made to review wording to provide parity with other parts of the Code of Conduct.

### Question 4

Are there any issues you feel are missing or not covered sufficiently in complying with your legal, regulatory and professional obligations?  
If you selected yes, then please tell us which issues/risks you feel are missing or not covered sufficiently?

<b>Yes</b>	3	50%
<b>No</b>	3	50%
<b>Unsure</b>	0	0%
<b>N/A</b>	0	0%

### Summary of responses

- 4.7. Half of the respondents felt that there were compliance related issues missing.
- 4.8. Two requested further clarification and guidance.
- 4.9. Additional reference to BSi document Flex 8670 (professional competencies) was suggested and again further guidance requested.

### Question 5

Are there any behaviours within standard 1 that an RBI would find it difficult to comply with? If you selected yes, please state what an RBI would find it difficult to comply with and the reason for this.

<b>Yes</b>	1	17%
<b>No</b>	5	83%
<b>Unsure</b>	0	0%
<b>N/A</b>	0	0%

### Summary of responses

- 4.10. Majority stated there were no behaviours RBI would find difficult to comply with.
- 4.11. The one respondent stated it would be difficult to ascertain if the behaviours can be fully complied with without further guidance.
- 4.12. A further comment asked for consideration to be given to providing a specified timeframe which includes the time required to investigate and fully establish whether there is a breach.

### Question 6

What aspects, if any, of complying with the legal, regulatory and professional obligations in standard 1 would benefit from further guidance? Please explain.

### Summary of responses

- 4.13. Most respondents felt that there were areas that would benefit from additional guidance.
- 4.14. These comments included providing greater clarity on what was meant by certain terms such as “industry standards” and “maintaining independence and impartiality” and also more references required to pointing to the Building regulations.
- 4.15. One respondent requested examples of what does and does not constitute “giving design advice”

### Response for questions 3 to 6

- 4.16. The wording has been reviewed to ensure that there is consistency throughout the documents and that they are clearer.
- 4.17. Additional guidance is being considered.

- 4.18. Due to the varying nature of breaches it would be difficult to prescribe a timeframe for completion of an investigation of a breach.
- 4.19. All comments provided have been considered in the review of the Code of Conduct.

## Considering standard 2: business requirements

### Question 7

Is the wording of the standard clear?

<b>Yes</b>	2	33%
<b>No</b>	3	50%
<b>Unsure</b>	1	17%
<b>N/A</b>	0	0%

### Summary of responses

- 4.20. Respondents responded with mixed views regarding the wording.
- 4.21. Comments included a request for a clearer distinction between the roles of RBI / Local Authority and those of an registered building control approver ("RBCA"), the removal of the 'where applicable' wording to reduce ambiguity and a request for further guidance.

### Question 8

Are there any issues and risks you feel are missing or not covered sufficiently in complying with relevant business requirements? If you selected yes, then please tell us which issues and risks you feel are missing or not covered sufficiently?

<b>Yes</b>	4	67%
<b>No</b>	2	33%
<b>Unsure</b>	0	0%
<b>N/A</b>	0	0%

### Summary of responses

- 4.22. Most of the respondents felt there were issues and risks missing or not covered.
- 4.23. Comments included a requirement for more consistency between the Professional Conduct Rules ("PCRs") and Operational Standards Rules and a request to include elements of the Building Control Performance Standards to be referenced in the PCRs.

- 4.24. A comment was made to ensure that in relation to management of finances the regulatory authority didn't overstep their role in becoming 'moral arbiter'.

### Question 9

Are there any behaviours within the standard that an RBI would find it difficult to comply with? If you selected yes, please state what an RBI would find it difficult to comply with and the reason for this.

<b>Yes</b>	3	50%
<b>No</b>	3	50%
<b>Unsure</b>	0	0%
<b>N/A</b>	0	0%

### Summary of responses

- 4.25. Respondents responded with mixed views.
- 4.26. The majority of comments raised referred to requiring further clarity and guidance was requested that will be considered in the review of document.
- 4.27. A concern was also raised over the data protection impacts of keeping certain records for 6 years and the differences in the roles of an RBI and their employer.

### Question 10

Are there any scenarios where you would believe it would be appropriate to manage conflict of interests? If you selected yes, please specify these scenarios.

<b>Yes</b>	5	83%
<b>No</b>	1	17%
<b>Unsure</b>	0	0%
<b>N/A</b>	0	0%

### Summary of responses

- 4.28. Most responded yes to this question.
- 4.29. The scenarios listed included
- the ability to choose a regulator,
  - LA working on internal development projects etc.
  - an RBI undertaking 'building work' for their own property
  - an RBI operates as a contractor and also has their own design business
  - shareholder
  - personal relationships.

- 4.30. A request for clarification of what constitutes a conflict of interest and guidance on provision and circumstances for acceptable mitigation.

**Question 11**

What aspects, if any, of complying with relevant business requirements would benefit from further guidance?

**Summary of responses**

- 4.31. Respondents responded with mixed views.
- 4.32. The majority of comments raised referred to requiring further clarity on the rules in this section and supporting guidance

**Government response**

- 4.33. A full review of the Code of Conduct has been undertaken to ensure more clarity is provided.
- 4.34. The review will sought to ensure that there is clear delineation between the accountability lines, data handling requirements, legal responsibilities between building inspectors and their employers.

**Considering standard 3: maintaining professional competence and continuing professional development**

**Question 12**

Is the wording of the standard clear?

<b>Yes</b>	3	50%
<b>No</b>	3	50%
<b>Unsure</b>	0	0%
<b>N/A</b>	0	0%

- 4.35. There was a split in the response to this question with half agreeing that it was clear and the other half requiring further clarity, specifically around the definition of competence and responsibilities and what was intended by the term “supervision”.

**Question 13**

Are there are issues and risks you feel are missing or not covered sufficiently in maintaining professional competence and continuing professional development?

<b>Yes</b>	5	83%
<b>No</b>	1	17%
<b>Unsure</b>	0	0%
<b>N/A</b>	0	0%

### Summary of responses

- 4.36. Nearly all respondents felt that there were issues and risks missing or not covered sufficiently.
- 4.37. Most of comments raised referred to requiring further clarity and guidance was requested.
- 4.38. There were additional comments in relation to requiring more detail on the expectation for continuous professional development and the requirements for technical training.

### Question 14

Are there any behaviours within the standard that an RBI would find it difficult to comply with? If you selected yes, please state what an RBI would find it difficult to comply with and the reason for this.

<b>Yes</b>	1	17%
<b>No</b>	5	83%
<b>Unsure</b>	0	0%
<b>N/A</b>	0	0%

### Summary of responses

- 4.39. Most respondents responded that there were no behaviours that an RBI would find difficult to comply with. The one respondent that disagreed requested more guidance.

### Question 15

What aspects, if any, of the maintaining professional competence and continuing professional development would benefit from further guidance? Please Explain.

### Summary of responses

- 4.40. Respondents requested more guidance - in the requirements for achieving expected standards and maintaining required records and what would constitute acceptable supervision for restricted functions/activities when using remote video supervision.

## Government response

- 4.41. A full review of the Code of Conduct will take place to ensure more clarity is provided, all comments provided will be considered as part of this review.
- 4.42. More detail on the expectations of the verification of competence and continuous professional development will follow as the schemes develop.

## Considering standard 4: standard of service

### Question 16

Is the wording of the standard clear?

If you selected no, then please tell us which wording is not clear?

<b>Yes</b>	3	50%
<b>No</b>	3	50%
<b>Unsure</b>	0	0%
<b>N/A</b>	0	0%

### Summary of responses

- 4.43. Respondents responded with split views "with comments including detailed suggested wording with changes including; ensuring that the code reflects that a person could work for more than one employer and ensuring that the inspectors works in the best interest of the public and not the profession.
- 4.44. More guidance was also requested.

### Question 17

Are there are issues/risks you feel are missing or not covered sufficiently in the standard of service?

If you selected yes, then please tell us which issues/risks you feel are missing or note covered sufficiently?

<b>Yes</b>	4	67%
<b>No</b>	2	13%
<b>Unsure</b>	0	0%
<b>N/A</b>	0	0%

### Summary of responses

- 4.45. Most of the respondents felt that there are issues and risks that are missing or not covered sufficiently.
- 4.46. Suggestions that were made included; additional guidance in respect of determining scope and resources required for a given project would be

beneficial especially in cases where design or contractor (or both) turn out to be poor.

- 4.47. What the standard means in practice and how it is measured to support improved consistency across the sector, avoiding differing levels of attainment through misinterpretation or repeating the problems of the past.

### Question 18

Are there any behaviours within the standard that an RBI would find it difficult to comply with?

If you selected yes, please state what an RBI would find it difficult to comply with and the reason for this.

<b>Yes</b>	4	67%
<b>No</b>	2	13%
<b>Unsure</b>	0	0%
<b>N/A</b>	0	0%

- 4.48. Respondents responded with mixed responses. A concern was raised around the ability of an RBI within a Local Authority to control whether or not they have an acceptable workload and how this is reflected in compliance with the behaviours set out within the standard.

### Question 19

What aspects, if any, of the standard of service would benefit from further guidance? Please explain.

### Summary of responses

- 4.49. Three responses were received.
- 4.50. The comments included a request for further guidance and clarification.
- 4.51. A concern was raised around the ability of an RBI within a local Authority to control whether or not they have an acceptable workload and how this is reflected in compliance with the behaviours set out within the standard.

### Response for questions 16 to 19

- 4.52. A full review of the Code of Conduct has taken place to ensure more clarity is provided, all comments provided were considered as part of this review.

## Considering standard 5: engaging with clients.

### Question 20

Is the wording of all the standards clear?

If you selected no, then please tell us which wording is not clear?

<b>Yes</b>	5	83%
<b>No</b>	1	17%
<b>Unsure</b>	0	0%
<b>N/A</b>	0	0%

### Summary of responses

- 4.53. Most respondents felt that the wording wasn't clear in standard 5. Comments included changing the term client to stakeholder. And reviewing the term 'you must' which implies a personal rather than an organisation requirement.
- 4.54. One respondent noted that there was inconsistency between the Code of Conduct for RBIs and the Professional Conduct Rules for RBCAs with regard to document retention periods.

### Question 21

Are there are issues and risks you feel are missing or not covered sufficiently in engaging with clients?

If you selected yes, then please tell us which issues and risks you feel are missing or not covered sufficiently?

<b>Yes</b>	3	50%
<b>No</b>	3	50%
<b>Unsure</b>	0	0%
<b>N/A</b>	0	0%

### Summary of responses

- 4.55. Respondents responded with mixed responses. A standard set of terms and conditions was suggested, and further guidance requested.

### Question 22

Are there any behaviours within this standard that an RBI would find it difficult to comply with?

If you selected yes, please state what an RBI would find it difficult to comply with and the reason for this.

<b>Yes</b>	3	50%
<b>No</b>	3	50%
<b>Unsure</b>	0	0%
<b>N/A</b>	0	0%

### **Summary of responses**

- 4.56. Half of the respondents responded that there were behaviours within this standard that an RBI would find it difficult to comply with.
- 4.57. These included
- some of the features would be better placed within the OSRs (but didn't say which).
  - Compliance with the retention periods required further consideration and clarification
  - The naming of individual RBIs on projects, when they work as part of a multi-disciplinary team.

### **Question 23**

What aspects, if any, of the engaging with clients would benefit from further guidance? Please explain.

### **Summary of responses**

- 4.58. Nearly all respondents provided suggestions for further guidance.
- 4.59. These included around the retention of documentation, having a template for stakeholder discussions and the misalignment of time periods between the Code of Conduct for RBIs and the Professional Conduct Rules for RBCAs

### **Response for questions 20 to 23**

- 4.60. A full review of the Code of Conduct has taken place to ensure more clarity is provided, all comments provided have been considered as part of this review.
- 4.61. A review of document retention periods was undertaken to remove any inconsistencies where deemed appropriate. Both the Code of Conduct and PCRS now state you must keep certain records for 15 years.
- 4.62. Welsh Government consider it appropriate for individual RBIs to be named as part of a project as it important for accountability purposes. It is important that applicants or agents are informed of all the information on this list and if for example if an RBI changes during the life of a project this information should be relayed to the applicant/agent in a timely manner.

## General questions

### Question 24

Do you think that the principles and standards set an appropriate level of professional conduct and practice? If no, please explain why.

<b>Yes</b>	2	33%
<b>No</b>	3	50%
<b>Unsure</b>	1	17%
<b>N/A</b>	0	0%

### Summary of responses

- 4.63. There was a mixed response to this question. Three of the respondents that provided comments were in agreement with the general principles of the standard.
- 4.64. A few comments requested more details and clarification be included and one highlighted the requirement for consistency between PCR, Building Inspector Competence Framework and Operational Standards Rules.
- 4.65. One respondent commented that there was a potential for the standards to be reaching into moral matters specially around the personal financial interest.

### Question 25

Are there any other principles and/ or standards that should be included in the Code of conduct?

If you selected yes, then please specify the standards that should be included

<b>Yes</b>	1	17%
<b>No</b>	4	67%
<b>Unsure</b>	1	17%
<b>N/A</b>	0	0%

### Summary of responses

- 4.66. The majority responded that there was nothing missing in the Code of Conduct.
- 4.67. One respondent who wanted to see something extra commented that guidance was required in how to interpret the Code of Conduct.

### Question 26

Is there anything in the Code of Conduct that is a deterrent to an RBI registering?

If you selected yes, please specify the deterrent to registering

<b>Yes</b>	2	33%
<b>No</b>	3	50%
<b>Unsure</b>	0	0%
<b>No response</b>	1	17%

### Summary of responses

- 4.68. There was a mixed response this question.
- 4.69. There were a number of supportive comments in relation to the proposals but a general agreement that more clarity and further guidance was needed.

### Question 27

Is there anything further you would like to add?

### Summary of responses

- 4.70. Three respondents provided comments to this question.
- 4.71. There were a number of supportive comments in relation to the proposals but a general agreement that more clarity and further guidance was needed.
- 4.72. Some specific comments that had been provided elsewhere in the consultation were also repeated here e.g. alignment for timescales on retention of data.

### Response to questions 24 to 27

- 4.73. Welsh Government recognises that there is a common theme throughout the consultation responses i.e. more guidance and clarification is sought. All points raised have been considered in a full review of the Code of Conduct.
- 4.74. Work has been carried out to illustrate the interrelatedness and distinctions between the Code of Conduct, the PCRs and the OSRs and to ensure consistency where appropriate, including the alignment of retention period.

### Question 28

Do you think any aspect of the Code of Conduct will adversely impact on those with protected characteristics?

<b>Yes</b>	1	17%
<b>No</b>	5	83%
<b>Unsure</b>	0	0%
<b>N/A</b>	0	0%

### **Question 29**

If yes, please tell us which aspect of the Code of Conduct you think will adversely impact those with protected characteristics.

### **Question 30**

For each aspect that you have identified, please tell us who you think will be adversely affected and how.

### **Summary of responses for questions 28 to 30**

- 4.75. The majority of respondents did not consider there would be an adverse impact.
- 4.76. One respondent didn't agree but no comments were provided to support this view. The comment cautioned against the inclusion of items that may not be strictly relevant to ethical professional practice that may create an unintended consequence.

### **Government response for questions 28 to 30**

No comments related to the question were provided. The comment that was provided was considered during the review of the Code of Conduct.

### **Question 31**

We would like to know your views on the effects that the proposed policies would have on the Welsh language, specifically on opportunities for people to use Welsh and on treating the Welsh language no less favourably than English. What effects do you think there would be? How could positive effects be increased, or negative effects be mitigated?

### **Summary of responses**

- 4.77. No comments to consider.

### **Government response**

- 4.78. No further action to take at this stage, continue as planned with publication in Welsh and English.

### **Question 32**

Please also explain how you believe the proposed policies could be formulated or changed so as to have positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language, and no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language. Please enter here:

#### **Summary of responses**

- 4.79. No comments to consider.

#### **Government response**

- 4.80. No further action to take at this stage.

### **Question 33**

We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them. Please enter here:

#### **Summary of responses**

- 4.81. No comments to consider .

#### **Government response**

- 4.82. No action to take.

## **5. Next steps**

- 5.1. The Code of Conduct will be finalised in line with the Government responses above and published in the Autumn.
- 5.2. The introduction of the Code of Conduct is a new requirement: supporting guidance is being developed and will be published.
- 5.3. Once introduced, Welsh Ministers will periodically review the Code of Conduct where necessary and appropriate, having consideration of the views of the profession and other stakeholders.