



Llywodraeth Cymru
Welsh Government

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Welsh Government

Consultation - Summary of Responses and the
Government Response for the consultation on the
Professional Conduct Rules for Registered Building
Control Approvers (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 Professional Conduct Rules (“the PCRs”) for Registered Building Approvers (Wales). Once made the PCRs will apply to all who wish to register as a Building Control Approver (“RBCA”).

2. Consultation Responses - Overview

- 2.1 There were eight 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	4
Building Control Approved Inspector	1
AI Building Inspector	
LA Building inspector	
Architect	
Manufacturer/supply chain	
Construction professional	
Professional body	1
Building Occupier/ Resident	
Other interested party (please specify)	2

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 Summary

Standard 1: Complying with legal, regulatory and professional obligations

Question 1

Is the wording of the standard clear?

Yes	6	75%
No	2	25%
Unsure	0	0%

Summary of responses

- 4.1. The majority of respondents considered the wording to be clear. One respondent commented that further guidance and clarification was required. Another respondent suggested that it was made clear at the start of the PCRs what the word 'you' means, as the PCRs are intended to be implemented by firms.

Question 2

Are there any issues you feel are missing or not covered sufficiently in an RBCA complying with the legal, regulatory and professional obligations?

Yes	4	50%
No	3	37.5%
Unsure	1	12.5%

Summary of responses

- 4.2. There was a mixed response to this question. Respondents commented that further guidance and clarification was required.
- 4.3. It was suggested that reference to BSi document Flex 8670 (professional competencies) would be beneficial.

Question 3

With reference to Standard 1, how would you define 'work activities'?

Summary of responses

- 4.4. All respondents provided comments.

- 4.5. A common theme was any area of work that is checking compliance against the Building Regulations.

Question 4

Are there any behaviours within standard 1 that you consider an RBCA would find it difficult to comply with?

Yes	1	12.5%
No	7	87.5%
Unsure	0	0%

Summary of responses

- 4.6. The majority of respondents responded that there were no behaviours that an RBCA would find difficult to comply with.
- 4.7. One respondent commented that consideration should be given to extending the 3 working days to respond to a breach, to allow enough time for an opportunity for the RBCA to investigate.
- 4.8. Further clarification was requested as to what notification mechanism will be in place for notifying the regulator, and supporting guidance around what would constitute an action which would bring the profession into disrepute.

Question 5

What aspects of complying with your legal, regulatory and professional obligations would benefit from further guidance? Please explain.

Summary of responses

- 4.9. All respondents provided comments, most requiring further guidance or clarification of certain terms.
- 4.10. Some specific suggestions included amending the wording in section 1.7 referring to regulatory powers, where RBCAs have no regulatory powers, and the clarification of the term industry standards in 1.3
- 4.11. One respondents requested adding timescales in for regularisation or reversion applications.

Response Questions 1 – 5

- 4.12. Welsh Government has taken all suggestions into account when reviewing the PCRs and made relevant changes such as changing the term “regulatory powers” to something that is more appropriate for RBCAs, such as “the building control functions”.

- 4.13. Terms that are ambiguous have been changed for example, removing the term 'industry standards' and using something more specific such as "building regulations and statutory guidance".
- 4.14. We will keep under consideration the publication of guidance to support the implementation of the PCRs.

Standard 2: Business requirements

Question 6

Is the wording of the standard clear?

Yes	6	75%
No	2	25%
Unsure	0	0%

Summary of responses

- 4.15. The majority of respondents agreed that the wording of the standard is clear. One respondent commented that further guidance and clarification was required.

Question 7

Are there any issues and risks you feel are missing or not covered sufficiently in complying with relevant business requirements?

Yes	4	50%
No	3	37.5%
Unsure	1	12.5%

Summary of responses

- 4.16. There was a mixed response to this question.
- 4.17. One respondent commented that further guidance and clarification was required.
- 4.18. A number of respondents wanted to ensure that there was consistency across the PCRs and the Operational Standards Rules ("OSRs").
- 4.19. A suggestion was made to include some of the Building Control performance standards within the PCRs

Question 8

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

Yes	2	25%
No	6	75%
Unsure	0	0%

Summary of responses

- 4.20. The majority of respondents agreed. One respondent commented that further guidance and clarification was required.

Question 9

Are there any scenarios where you would believe it would appropriate to manage conflicts of interest?

Yes	4	50%
No	2	25%
Unsure	2	25%

Summary of responses

- 4.21. There was a mixed response.
- 4.22. Three respondents provided comments detailing a range of different scenarios.
- 4.23. One comment suggested further clarification on the definition of a conflict of interests.

Question 10

What aspects of complying with relevant business requirements would benefit from further guidance? Please explain.

Summary of responses

- 4.24. Three respondents provided detailed responses to this question, listing out numerous areas that they consider require more guidance.

Response Questions 6 – 10

- 4.25. Welsh Government recognises that there is a common theme throughout the consultation response where more guidance and clarification is sought. All points raised have been considered in a full review of the PCRs.
- 4.26. The development of guidance will be considered regarding the management of the risk of conflict of interest in the course of business.

Standard 3: Professional competence and continuing professional development

Question 11

Is the wording of the standard clear?

Yes	5	62.5%
No	3	37.5%
Unsure	0	0%

Summary of responses

- 4.27. There was a mixed response to this question. The comments provided generally requested further clarification and guidance.

Question 12

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

Yes	3	37.5%
No	4	50%
Unsure	1	12.5%

Summary of responses

- 4.28. There was a mixed response to this question.
- 4.29. The comments provided generally requested further clarification and guidance.
- 4.30. Cross referencing to the other documents was also suggested.

Question 13

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

Yes	1	87.5%
No	7	12.5%
Unsure	0	0%

Summary of responses

- 4.31. The majority of respondents didn't think that there were any behaviours within the standard that they considered an RBCA would find it difficult to comply with.
- 4.32. One respondent commented that further guidance and clarification was required specifically around CPD requirements before confirmation could be given that the rule referred to in 3.6 was able to be achieved.

Question 14

What aspects of the maintaining professional competence and continuing professional development would benefit from further guidance? Please explain

Summary of responses

- 4.33. Comments provided included requesting further clarification and guidance, including templates and a number of specific points around what supervision means.
- 4.34. A question was raised with regard to the lack of alignment of document retention periods between the proposed Code of Conduct and the PCRs.

Response Questions 11 – 15

- 4.35. Welsh Government recognises that there is a common theme throughout the consultation response where more guidance and clarification is sought. All points raised will be considered in a full review of the PCRs.
- 4.36. Guidance on career development, pathways, CPD, recording requirements and supervision are all being taken forward as part of the work to develop the Building inspector Competence Framework (BICoF) and the verification of competence.
- 4.37. 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. Both the Code of Conduct and PCRS now state you must keep certain records for 15 years.

Standard 4: Standard of service

Question 15

Is the wording of the standard clear?

Yes	6	75%
No	2	25%
Unsure	0	0%

Summary of responses

- 4.38. The majority of respondents agree that the wording of the standard was clear.
- 4.39. The comments that were provided requested further clarification and guidance.

Question 16

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

Yes	4	50%
No	3	37.5%
Unsure	1	12.5%

Summary of responses

- 4.40. There was a split in the responses received here. The comments provided requested further clarification and guidance.
- 4.41. One comment mentioned the role of the Building Control surveyor being able to give advice and guidance as long as they don't step into the design role.

Question 17

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

Yes	4	50%
No	4	50%
Unsure	0	0%

Summary of responses

- 4.42. There was a split in the responses here, with half of the respondents commented that there were some behaviours within the standard that they considered an RBCA would find it difficult to comply with.

- 4.43. The comments received from some LAs referred to not being able to control the workload.
- 4.44. Comments from the Private sector were that the standards should allow for flexibility of a RBCA to adopt suitable processes and practices appropriate to the workload and variety of projects that they cover.

Question 18

What aspects of the standard of service would benefit from further guidance? Please explain

Summary of responses

- 4.45. Comments provided requested further clarification and guidance.

Response Questions 15 - 18

- 4.46. 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 PCRs.
- 4.47. Welsh Government recognises that there is a difference in the issues faced by private and public sector bodies and have taken this into consideration when reviewing the standards being set.

Standard 5: Engaging with clients

Question 19

Is the wording of all the standards clear?

Yes	3	37.5%
No	4	50%
Unsure	1	12.5%

Summary of responses

- 4.48. There was a split in the responses here.
- 4.49. Half of the respondents wanted further clarification in relation to this standard.

Question 20

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

Yes	3	37.5%
No	4	50%
Unsure	1	12.5%

Summary of responses

- 4.50. There was a mixed response from respondents.
- 4.51. Further guidance and clarification was sought.
- 4.52. One respondent commented that a standard set of terms and conditions will be beneficial to aid the establishment of minimum service level continuity.

Question 21

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

Yes	3	37.5%
No	4	50%
Unsure	1	12.5%

Summary of responses

- 4.53. The majority of respondents responded that there were some behaviours within the standard that they considered an RBCA would find it difficult to comply with.
- 4.54. These included a couple of points in the standards that are feasible in principle but could be tweaked to make more sense for example: Rule 5.4 asks for a named individual when this could change throughout the life of a project. 5.5 might be difficult to apply if the client has not informed the RBCA of changes in their programme for time/cost. It is suggested that a more reasonable standard could be set to state 'where you are made aware of any changes...' or similar.

Question 22

What aspects of the engaging with clients would benefit from further guidance? Please explain

Summary of responses

- 4.55. All respondents provided suggestions for further guidance. This included providing templates and guidance in relation to retention of documentation.

Question 23

Do you think that the principles and standards set an appropriate level of professional conduct?

Yes	3	37.5%
No	2	25%
Unsure	3	37.5%

Summary of responses

- 4.56. All respondents provided some comments against this question mostly relating to a requirement for consistency across the PCRs, Code of Conduct and OSRs.
- 4.57. One comment cautioned against the inclusion of items that may not be strictly relevant to ethical professional practice that may create an unintended consequence.

Response Questions 19 – 24

- 4.58. Welsh Government recognises that there is a common theme throughout the consultation response where more consistency is sought. This has been taken into account during the full review of the standards and codes.
- 4.59. Welsh Government will not be providing templates or briefs as it is up to each organisation to ensure they meet the standards, and how they evidence this will need to will varying depending on the structure of the organisation.
- 4.60. With regard to the points relating to the provision of information in Standard 5 and Annex 2. This is not a finite list and can be added to should the RBCA feel the need to. It is important that applicants or agents are informed of all the information on this list and if for example an RBI changes during the life of a project this this information should be relayed to the applicant/agent in a timely manner.

General questions

Question 24

Are there any other standards that should be included in the professional conduct rules?

Yes	3	37.5%
No	3	37.5%
Unsure	2	25%

Summary of responses

- 4.61. Mixed responses received, although no comments provided to support the responses.

Question 25

Is there anything in the professional conduct rules that you consider is a deterrent to an RBCA registering?

Yes	1	12.5%
No	6	75%
Unsure	0	0%
Not applicable	1	12.5%

Summary of responses

- 4.62. Most respondents confirmed that there was nothing in the professional conduct rules that they considered a deterrent to an RBCA registering.
- 4.63. One respondent raised concerns over a lack of clarity of the documents and also requested more flexibility in the standards.

Question 26

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

(The protected characteristics under the Equality Act 2010 are age, disability, gender re-assignment, marriage and civil partnerships, pregnancy and maternity, race, religion or belief, sex, and sexual orientation).

Question 27

If yes, please tell us which aspect of this policy you think will adversely impact those with protected characteristics.

Question 28

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

Yes	2	25%
No	5	62.5%
Unsure	1	12.5%

Summary of responses

- 4.64. Mixed responses received. One comment referred to age being a concern in relation to evidencing competence, which may concern the more older people within the industry.

Question 29

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

- 4.65. No comments to consider.

Question 30

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

- 4.66. No comments to consider.

Question 31

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

- 4.67. Two of the four respondents provided an answer to this question. The issues raised were repeating those that have been mentioned earlier in the consultation and referred to clarity, guidance, and retention periods. There was also one further response which commented on pushing back the implementation date.

Response for questions 24-31

- 4.68. Welsh Government recognises that there is a common theme throughout the consultation response where more consistency is sought. This has been considered in the review of the code.
- 4.69. The competence of those working in building control is key to ensuring a robust system, we have taken this into account along with the need to ensure compliance with equalities legislation in preparing the PCRs and will continue to do so if we undertake further reviews.
- 4.70. It is likely that these Professional Conduct Rules will be published 6 months in advance of implementation, Welsh Government believes that this is sufficient time to prepare.

5. Next Steps

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