



Llywodraeth Cymru
Welsh Government

CLOSED CONSULTATION, DOCUMENT

Code of conduct for registered building inspectors (Wales) (draft)

Draft version of the proposed Code of conduct for registered building inspectors (Wales)

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Introduction

This code of conduct applies to Registered Building Inspectors ('RBIs') in Wales. The Welsh Ministers, are the 'Regulatory authority' for RBIs under section 58A of The Building Act 1984 (as amended) ('the Act'). This code of conduct is prepared and published in accordance with section 58F of the Act. Registered Building Inspector (RBI) is a legal title and it is a criminal offence to impersonate an RBI or do anything that implies you are a RBI, if you are not registered as such.

This code of conduct sets out the standards of professional conduct and practice expected of RBIs. It takes its place at the heart of the regulated building control profession, one in which you are required to take individual responsibility and accountability for your decisions, actions, and behaviour.

This code of conduct utilises principles-based regulation of the building control profession.

A breach of this code of conduct, or conduct that is likely to bring the profession of RBIs into disrepute, may lead to disciplinary action, including the cancellation of your registration.

It is essential that you read this code of conduct in full and that you understand the standards and principles with which you must comply.

This code of conduct can be revised, and must be-published on revision.

The principles

The principles are the key provisions which underpin all enforcement action.

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The standards supplement the principles and demonstrate the expected behaviour for Registered Building Inspectors.

You must:

1. Act with honesty
2. Act with integrity
3. Maintain your professional competence
4. Deliver services with professional skill and care
5. Uphold public trust and confidence in the provision of services and the profession
6. Encourage and promote equality, diversity and inclusion

Standard 1 – Complying with your legal, regulatory and professional obligations

1.1 You must comply with all relevant legal and regulatory requirements:

- a) in the conduct of work activities;
- b) relating to the enforcement of compliance linked to work activities within the profession; and
- c) which apply to the conduct of your work activities, for example anti money laundering, anti-bribery and corruption, data protection and Equality Act 2010.

1.2 You must comply with your obligations to the Regulatory authority under this code of conduct as set out in Annex 1, and any obligations to other regulatory authorities, local authorities or professional bodies, where relevant.

1.3 You should comply with industry standards and consider best practice where appropriate.

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1.4 You must maintain professional independence and impartiality in the conduct of work activities.

1.5 You must take appropriate steps to ensure that work undertaken by individuals under your supervision complies with relevant legal and regulatory requirements.

1.6 Where you become aware of a breach of the Building Act 1984 (as amended) and/ or associated legislation, you must use your regulatory powers to secure compliance . If you are unable to secure compliance within a reasonable timescale, you must report non-compliant works to the relevant building control authority.

1.7 You must work in a co-operative manner with fire and rescue services, statutory undertakers, and similar organisations.

1.8 You must make sure that the terms 'registered building inspector' and RBI are used accurately and conforms to the terms of your registration with the Regulatory authority.

1.9 You must not misuse your title or position as an RBI for inappropriate commercial or personal gain.

1.10 You must not give design advice or act as a principal designer as an RBI.

Standard 2 - Business requirements

Insurance requirements

2.1 You must only undertake work for which you (where applicable) or your employer is suitably insured.

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2.2 You must maintain suitable insurance (where applicable).

2.3 You must fully comply with relevant insurance requirements, including the duty to report complaints and claims to your insurance provider in accordance with the timescales stipulated in the relevant policy (where applicable) or in accordance with your organisation's policy for reporting.

Financial propriety

2.4 You must ensure that professional finances are managed responsibly (where relevant).

2.5 You must adhere to accounting controls (where relevant).

2.6 You must not facilitate financial crime, including money laundering, terrorist financing, bribery and corruption or tax evasion.

2.7 You must not price fix or engage in anti-competitive practices.

2.8 Where relevant, you must ensure that your professional costs are fair and proportionate.

Conflict of interests

2.9 You must take steps to identify conflicts of interest and potential conflicts of interest both prior to the commencement of and during work activity.

2.10 You must not agree to undertake work, or continue to undertake work, where a conflict of interest is identified.

2.11 Where a conflict of interest is identified you must notify the client and cease to act.

Use of technology and managing data

2.12 Where relevant, you must ensure that you take steps to identify and mitigate any risks in relation to using relevant technology to support the delivery of your work.

2.13 In addition to complying with data protection requirements, you must take steps to ensure that commercial data is stored appropriately.

Whistleblowing

2.14 You must familiarise yourself with your organisations whistleblowing policy and report concerns in accordance with it.

2.15 You must not act in a way which prevents or discourages whistleblowing.

2.16 You must consider whistleblowing concerns that you receive fairly, in accordance with the relevant laws and keep records for at least 6 years from the date of report

Complaints handling

2.17 Where applicable, you must publish a complaints handling policy and

ensure that it is accessible to relevant persons [1] .

2.18 Where applicable, you must ensure that you implement effective processes and procedures to manage complaints and resolve them in a timely manner.

2.19 Where applicable, you must implement measures to monitor the effectiveness of your complaints handling procedures.

Culture

2.20 You must notify the relevant authority of any concerns regarding modern slavery, labour abuse or abusive labour practices.

2.21 You must act in a manner that supports a culture of inclusion, promoting equality and diversity.

Learning and development

2.22 In addition to the provisions contained in Standard 3, you must ensure that you undertake regular and up to date training on:

- anti-money laundering and terrorist financing and anti-bribery and corruption;
- data protection requirements;
- equality, diversity and inclusion

[1] Relevant persons: any persons who have a valid need to access such policies.

Standard 3 – Maintaining professional competence and continuing professional development

3.1. Subject to Standard 3.2, you must only undertake work for which you are registered and have the necessary competence.

3.2 You must only undertake work you are not competent for under the direct supervision of a suitably competent RBI.

3.3 You must not take on a management or compliance role, or supervise the work of others, unless you have the necessary competence to do so.

3.4 You must maintain your professional competence and comply with any Continuing Professional Development requirements issued by the Regulatory authority, or issued on their behalf.

3.5 If you are a manager or supervisor, you must take steps to ensure the ongoing competence of those under your supervision.

3.6 You must reflect on your development needs formally and record your findings and planned actions to meet these needs in accordance with the Continuing Professional Development requirements.

3.7 You must maintain up-to-date knowledge of your, or your employers:

- Conflicts of interests
- Insurance arrangements
- Complaints handling policy
- Equality, diversity and inclusion policy
- Health, safety and wellbeing policy
- Anti money laundering and terrorist financing and anti bribery and corruption

policies

- Data protection policy
- Whistleblowing policy
- Staff conduct policy (if appropriate)
- Learning and development policy

3.8 You must retain your development reflection for at least 4 years.

3.9 You must maintain a portfolio of evidence to demonstrate your competence. Your portfolio should include records of training, development and competence activities you have undertaken for at least the last 4 years.

Standard 4 – Standard of service

4.1 In the conduct of your work, you must act:

- (a) fairly and objectively;
- (b) diligently;
- (c) conscientiously; and
- (d) in the best interests of the profession when dealing with individuals, other professions or the public.

4.2 In the conduct of your work, you must:

- (a) be accountable for your decisions;
- (b) be accountable for work undertaken under your supervision.

4.3 You must engage with your employer's quality assurance processes and procedures and if you are supervised, engage with your supervisor.

4.4 You must ensure that professional advice or decisions are not inappropriately influenced by self-interests, prejudice, bias or personal agenda.

4.5 You must consider the time and/or resources you have to complete work before agreeing to undertake it and raise any concerns with your employer.

Standard 5 – Engaging with clients

5.1 You must take all reasonable steps to confirm your services are accessible.

5.2 You must confirm that the identity of your client [2] has been established, that there is a record of the services being requested and the client has been provided with an explanation of the services that you can provide.

5.3 You must confirm and state any restrictions that apply to your registration when undertaking the role of an RBI.

5.4 You must not undertake any work until you confirm the client has been provided with, and agreed in writing to the terms of, the terms of engagement letter, as detailed in Annex 2.

5.5 You must check if your client has been informed of any changes to the terms in relation to their work including cost or time estimates.

5.6 You must treat information obtained from your client as confidential and only disclose if one or more of the following apply:

- (a) In the prosecution or defence of legal proceedings
- (b) With express written consent of your client
- (c) When required or authorised to do so by law
- (d) To report a crime or breach of building control

5.7 You must check your client has been made aware you may be required to

disclose information to the Regulatory authority, Local Authorities and other regulatory authorities.

5.8 Subject to any right to retain pending payment, you must check your client has been provided with all material information and a copy of their file upon request. This standard does not require the disclosure of any information which cannot be lawfully disclosed.

5.9 You must retain and disclose all:

- Evidence;
- Instructions;
- Advice; and
- Professional judgements and decisions for 4 years from the date of instruction in line with your organisation's reporting processes.

[2] Client are persons who are engaging you to undertake building control work

Annex 1 – Obligations to the Regulatory authority under this code of conduct

You must co-operate with the Regulatory authority, or their delegate, in the conduct of its Regulatory authority functions and the exercise of its statutory powers, you must provide information when requested by the Regulatory authority and:

- in accordance with relevant statutory timescales; or
- where the request is not pursuant to the exercise of statutory powers, as soon as reasonably practicable.

Information provided to the Regulatory authority should clearly show how

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decisions have been made/opinions have been reached and be suitable for auditing, quality assurance and regulatory authority purposes.

When seeking to vary or renew your registration as an RBI, you must provide the Regulatory authority with the information specified in the registration conditions.

You must pay due regard to guidance issued by the Regulatory authority. You must notify the Regulatory authority promptly of any conduct of which you are aware or become aware of which is potentially:

- (a) in breach of the Code of Conduct for Registered Building Inspectors (Wales);
- (b) in breach of the Professional Conduct Rules for RBCAs (Wales); or
- (c) likely to bring the RBI profession into disrepute.

You must notify the Regulatory authority promptly if you are:

- (a) deemed by a Court, Tribunal or regulatory authority to have acted in breach of, or failed to comply with any relevant legal obligation in the course of conducting your work or business activities; or
- (b) convicted of a criminal or regulatory offence.

You must notify the Regulatory authority promptly of instances of financial impropriety of which you are aware/become aware, in particular failure to adhere to requirements in relation to anti money laundering and terrorist financing, anti-corruption and bribery, tax evasion, price fixing or anti-competitive practices or overcharging.

You must notify the Regulatory authority promptly if you:

- (a) enter into an individual voluntary arrangement;
- (b) become subject to a debt relief or administration order;
- (c) are declared bankrupt; or

(d) are struck off as a Director.

You must notify the Regulatory authority promptly if you are subject to disciplinary findings of another regulator or professional body.

Annex 2 – Provision of information to the client

In order to comply with your obligations under Standard 5.5, you must confirm each client has been provided with a terms of engagement letter which contains the following information:

- A clear summary of the services you will provide;
- The name of the RBI responsible for supervising or conducting the work;
- Any conditions on your registration, or the registration of the RBI responsible for supervising or conducting the work;
- A time estimate required for you to complete the work, or if staged, the estimate for when work will be undertaken in relation to each stage;
- A clear and transparent description of your fees and charges;
- Details of any relevant referral fees that you pay or receive;
- A total cost estimate for the completion of your work;
- A description of how the client's information will be used and reference to how they can obtain your data protection policy;
- Details of your complaints policy and how they can raise a complaint;
- Details of the relevant insurance held by you and/or your employees;
- A clear statement that you are regulated by the Regulatory authority.

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