



Llywodraeth Cymru
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LEGISLATION, DOCUMENT

Professional Conduct Rules for Registered Building Control Approvers Wales 2024

The Professional Conduct Rules set out the principles and standards of professional practices, ethics, and behaviours expected of registered building control approvers.

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Introduction

The Professional Conduct Rules are for Registered Building Control Approvers (RBCAs) registered in Wales. The Welsh Ministers are appointed as a regulatory authority for RBCAs by section 58A of the Building Act 1984 (the Act). The Professional Conduct Rules are prepared and published in accordance with section 58R of the Act.

The Professional Conduct Rules set out the standards of professional conduct and practices expected of RBCAs. The Professional Conduct Rules require RBCAs to uphold core professional and ethical principles (the Principles) and comply with requirements in relation to professional practices and behaviours (the Standards).

The Professional Conduct Rules takes their place at the heart of the regulated building control profession— one in which you (the RBCA) are required to take individual responsibility and accountability for your organisation's decisions, actions, and behaviour. Together with this, the Building Inspector Competence Framework has been developed to set out the standards of competence of Registered Building Inspectors.

The Professional Conduct Rules apply to work carried out by RBCAs. The Professional Conduct Rules adopt the definitions within the Act, including:

- Regulatory authority in section 58A
- Registered Building Control Approver in section 58N
- Registered Building Inspector in section 58B
- restricted activity and restricted functions in sections 46A and 54B

The Professional Conduct Rules utilise principles-based regulation of the building control profession. The Principles set out the core professional and ethical requirements that RBCAs must uphold. The Standards supplement the

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Principles, setting out requirements in relation to professional practices and behaviours that we expect RBCAs to meet. The Standards are not intended to be an exhaustive list of requirements to ensure compliance with the Principles. Registered Building Control Approvers should utilise guidance and exercise their professional judgement when taking steps to ensure that they comply with all the requirements of the Professional Conduct Rules.

A contravention of the Professional Conduct Rules may lead to disciplinary action, including the cancellation of your registration.

It is essential that you read the Professional Conduct Rules in full and that you understand the Principles and Standards with which you must comply. The regulatory authority may revise the Professional Conduct Rules and publish those revisions at any time.

The Principles

RBCAs must:

1. Act with honesty
2. Act with integrity
3. Maintain 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. Treat everyone fairly and act in compliance with your legal obligations

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The Standards

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
- b) relating to the enforcement of compliance linked to restricted functions and
- c) which apply to the conduct of your business activities, for example anti-money laundering, anti-bribery and corruption, data protection and Equalities Act 2010

1.2 You must comply with your obligations to the regulatory authority under the Professional Conduct Rules, including those as set out in the Annexes and any obligations to other regulators, local authorities or professional bodies.

1.3 You must comply with building regulations, and statutory guidance published by the regulatory authority, and consider good practice where appropriate.

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

1.5 You must not act in a manner that is likely to bring the building control profession into disrepute.

1.6 You must take appropriate steps to ensure that activities undertaken by individuals under your supervision comply with relevant legal and regulatory requirements.

1.7 Where you become aware of a breach of the Building Act 1984, or associated legislation such as the Building Safety Act 2022, Building

Regulations 2010 you must use your building control functions to secure compliance. If you are unable to secure compliance within a reasonable timescale, you must report non-compliant work to the relevant local authority.

1.8 You must make sure that the terms 'registered building control approver', 'RBCA', 'registered building inspector' and 'RBI' are used accurately.

1.9 You must make sure that terms 'registered building control approver', 'RBCA', 'registered building inspector' and 'RBI' conform to the terms of your registration.

2. Business requirements

Covering professional liabilities

2.1 You must only undertake work for which you, and any persons undertaking work on your behalf, are suitably insured.

2.2 You must fully comply with your insurance requirements.

Financial propriety

2.3 You must ensure that professional finances are managed responsibly.

2.4 You must ensure that you have appropriate accounting controls.

2.5 You must have appropriate procedures in place to ensure that accounting controls are adhered to.

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

2.7 You must ensure that you have appropriate processes in place to prevent the facilitation of financial crime.

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

2.9 You must ensure that your professional costs are fair and proportionate.

Written policies and procedures

2.10 You must have clear and accessible written policies and procedures in relation to:

- conflict of interests
- health, safety, and wellbeing
- anti-money laundering, terrorist financing, anti-bribery and corruption
- data protection
- whistleblowing
- complaints handling
- learning and development
- staff conduct
- equality/equity, diversity, and inclusion

2.11 You must ensure that all policies and procedures are up to date, reflecting current legislative requirements and guidance.

2.12 You must ensure that relevant policies and procedures are provided to persons undertaking work on your behalf.

2.13 You must have clear and accessible processes that enable persons to raise concerns under such policies as referred to in 2.10.

2.14 You must ensure that you have processes and procedures in place to appropriately manage such concerns as referred to in 2.10 and resolve them in

a timely manner.

Conflict of interests

2.15 You must have processes in place to identify actual and potential conflicts of interest, both prior to the commencement of and during work activity.

2.16 You must not agree to undertake work, or continue to undertake work, where a conflict of interests is identified and unresolved.

2.17 Where a conflict of interests is identified, you must notify the applicant or agent and cease to act.

2.18 You must publish your conflict of interest policy and ensure that it is publicly accessible.

Use of technology and managing data

2.19 You must take steps to identify and mitigate any risks in relation to using relevant technology to support the delivery of your work.

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

Whistleblowing

2.21 You must publish a 'speak up' or whistleblowing policy that:

- enables workers to raise concerns in confidence
- is accessible
- is visibly supported at the top of the organisation

- is actively promoted within your organisation

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

2.23 You must ensure that you implement effective processes and procedures to manage and resolve concerns raised under the whistleblowing policy.

2.24 You must consider whistleblowing concerns that you receive fairly and keep records for at least 15 years from the date of report.

Complaints handling

2.25 You must publish your complaints handling policy and ensure that it is accessible to any persons who have a valid need to access such policies.

2.26 You must ensure that you implement effective processes and procedures to manage and resolve complaints in a timely manner.

2.27 You must implement measures to monitor the effectiveness of your complaints handling procedures.

Culture, staff conduct and the conduct of persons undertaking work on your behalf

2.28 You must implement appropriate disciplinary processes and procedures to effectively address concerns in relation to staff conduct.

2.29 You must implement appropriate processes and procedures to effectively address concerns raised in relation to the conduct of persons undertaking work on your behalf.

2.30 You must provide appropriate information on how to report any concerns

regarding modern slavery, labour abuse or abusive labour practices to persons undertaking work on your behalf.

2.31 You should take steps to support an inclusive culture.

Learning and development

2.32 In addition to the provisions contained in Standard 3, you must ensure that all employees are provided with regular and up-to-date continuing professional development activities on:

- data protection requirements
- anti-money laundering and terrorist financing and anti-bribery, and corruption
- equality, diversity, and inclusion
- the Building Inspector Competence Framework

3. Professional competence and continuing professional development

3.1 Subject to Standard 3.5 below, you must only undertake work for which you (and relevant employees) are registered and have the necessary competence.

3.2 Subject to Standard 3.5 below, you must ensure that any person undertaking work on your behalf is registered and has the necessary competence.

3.3 You must ensure that any persons undertaking work on your behalf in a technical management role, or supervising the technical work of others, have the necessary competence and registration to do so.

3.4 You must ensure that any persons undertaking work on your behalf who are developing their building control competence, are under the supervision of a registered and suitably competent RBI.

3.5 You must take steps to ensure that employees undertaking work (including those under a programme of supervision) maintain their competence and comply with any continuing professional development guidance issued by the regulatory authority.

3.6 Pursuant to Standard 3.5, you must ensure that employees undertaking work and persons undertaking work on your behalf (including those under your supervision) are provided with:

- relevant and up-to-date training and guidance
- supervision and advice
- a structured programme of learning and development including continuing professional development guidance issued by the regulatory authority
- sufficient time to reflect on their development needs formally and sufficient time to record the findings and planned actions to meet these needs in accordance with the continuing professional development guidance

3.7 You must monitor the effectiveness of processes and procedures in respect of learning and development, competence and continuing professional development, including rates of participation.

3.8 You must have processes in place that ensure that records of learning and development, competence and continuing professional development activities undertaken are retained for 15 years. You should ensure such records are used to support former employees in demonstrating competence.

3.9 You must take steps to ensure that persons undertaking work on your behalf maintain their competence and comply with continuing professional development guidance issued by the regulatory authority.

3.10 You must ensure systems are in place to enable employees (and persons undertaking work on your behalf, where relevant) to refresh their knowledge of the following policies at appropriate intervals:

- conflict of interests
- insurance/professional liability arrangements
- complaints handling
- health, safety, and wellbeing
- anti-money laundering, terrorist financing, anti-bribery, and corruption
- data protection
- whistleblowing
- staff conduct
- equality/equity, diversity, and inclusion

4. Standard of service

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

- fairly and objectively
- diligently
- conscientiously
- in the best interests of the public when dealing with individuals, other professions, or the building control profession

4.2 In the conduct of your work, you must:

- apply effective governance arrangements
- be accountable for your decisions
- be accountable for the duties and tasks you delegate to persons in your organisation or persons contracted by your organisation included within governance arrangements
- be accountable for work undertaken under your supervision

4.3 You must ensure that there are appropriate measures in place to actively manage, quality assure and supervise work activities.

4.4 You must make sure persons undertaking work on your behalf understand:

- their assigned roles
- their responsibilities
- any restrictions that apply to them

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

4.6 You must not agree to undertake work that you do not have time and/or resources to complete.

5. Engaging with applicants or agents

5.1 You must establish the identity of your applicant or agent and ensure you record the services being requested and explain the services you can provide.

5.2 You must confirm and state any restrictions that apply to your registration as an RBCA.

5.3 You must not undertake any work until the applicant or agent has been provided with, and agreed in writing to the provisions of, the terms of engagement letter, as detailed in Annex 2.

5.4 You must inform the applicant or agent if there are any changes to the terms in relation to their work. This includes cost or time estimates where you are made of aware of any changes.

5.5 You must be clear and transparent in your policies and procedures and

in the explanation of those policies and procedures and as to how your work is undertaken. This means you must record and explain:

- how your decisions have been made
- how they can be challenged
- the process used to resolve issues

5.6 You must treat information obtained from the applicant or agent 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 the applicant
- c) when required or authorised to do so by law
- d) to report a crime or breach of building control regulations

5.7 You must make the applicant or agent aware you may be required to disclose information to the regulatory authority, local authorities and other regulators.

5.8 Subject to any right to retain pending payment, you must provide the applicant 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 record and retain all:

- evidence
- instructions
- advice
- professional judgements and decisions

relating to the work activities carried out for 15 years from the date of instruction or in accordance with your insurance policies, whichever is longer.

Annex 1: Obligations to the regulatory authority under these Professional Conduct Rules

1.1 You must co-operate with the regulatory authority. You must provide information when requested by the regulatory authority in accordance with relevant statutory timescales.

1.2 Information provided to the regulatory authority must clearly:

- show how decisions have been made
- show how opinions have been reached and
- be suitable for auditing, quality assurance and regulatory purposes

1.3 You must comply with the rules of registration and any registration conditions applied to your registration by the regulatory authority.

1.4 You must maintain your insurance and provide a copy of your insurance certificate to the regulatory authority whenever requested.

1.5 You must pay due regard to guidance issued by the regulatory authority.

1.6 You must notify the regulatory authority within 3 working days of any conduct by your own organisation that you are or become aware of which is potentially:

- a contravention of the Professional Conduct Rules
- professional misconduct under the Code of Conduct for Registered Building Inspectors
- likely to bring the building control profession into disrepute
- a contravention of the Operational Standards Rules

1.7 You must notify the regulatory authority promptly if you or relevant

persons are:

- deemed by a Court, Tribunal or regulatory authority to have acted in breach of, or failed to comply with a relevant legal obligation in the course of conducting your work or business activities
- convicted of a criminal offence or offence under Part 2A of the Act
- subject to a pending criminal prosecution

1.8 You must notify the regulatory authority promptly of instances of financial impropriety of which you are or become aware of. For example, the failure to adhere to requirements in relation to:

- anti-money laundering
- terrorist financing
- anti-corruption and bribery
- tax evasion
- price fixing
- anti-competitive practices
- overcharging

1.9 You must notify the regulatory authority within 14 days of any findings of modern slavery, labour abuse or abusive labour practices.

1.10 Relevant persons include employees, those undertaking work on behalf of the RBCA, directors or employees of directors. You must notify the regulatory authority promptly if you or relevant persons (holding financial controls):

- enter into a company voluntary arrangement or individual voluntary arrangement
- are placed in administration or wound up
- become subject to a debt relief or administration order
- are declared bankrupt
- are struck off as a director

1.11 You must notify the regulatory authority promptly if you or relevant persons are subject to disciplinary findings by another regulator or professional body.

1.12 You must notify the regulatory authority within 14 days of any informal or formal findings of misconduct under your organisation's staff conduct policies and procedures.

Annex 2: Provision of information to applicants or agents

To comply with your obligations under Standard 5, you must provide each applicant or agent 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 (specify if this is subject to change)
- 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 (specify if this is subject to change)
- 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 or professional liability cover held by you and/or your employees

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- a clear statement that you are regulated by the regulatory authority

Annex 3: Rules of registration

1.1 These rules are set by the regulatory authority and apply to any person registered as an RBCA.

1.2 The main contact for an RBCA must be a sole trader, partner or employee of the RBCA of sufficient level and authority to be able to represent the RBCA in its dealings with the regulatory authority, for example notification and liaison regarding audits, investigation and sanctions and maintaining their registration details.

1.3 The person must ensure their registration details are accurately maintained and updated with any relevant changes. Details for how to do this can be found in the registration guidance for RBCAs.

1.4 It is the responsibility of the person to ensure the regulatory authority holds accurate records in relation to their registration.

1.5 The person must notify the regulatory authority within 28 days in the event of any changes to information relevant to their registration.

1.6 The person must not transfer a “registration” from one legal entity to another (e.g., a business with a different Companies House registration number).

1.7 The person must notify the Regulatory Authority of any changes to information relevant to the business’s registration, including the following:

- Change of management structure
- Change of director or partner

- Change of ownership
- Change to the main contact for the RBCA
- Any professional sanctions from other bodies
- Any relevant criminal convictions, for either the business or senior personnel
- If the person is at risk of going into liquidation or will cease to trade for any reason
- If the person no longer wishes to be on the register of registered building control approvers

Annex 4: Registration conditions

1.1 The regulatory authority has the power to set conditions on a person's registration under Section 58O of the Building Act 1984.

1.2 Conditions may be imposed at registration and/or during the registration period.

1.3 There are two types of conditions:

- standard conditions, applicable to every person that registers as an RBCA.
- non-standard conditions, applicable to a specific person, based on its particular circumstances

1.4 Conditions may include restrictions on the type of work a person is able to undertake, or requirements to support the good standing of the profession.

1.5 Conditions will be applied and removed solely at the discretion of regulatory authority.

1.6 The person must comply with any conditions set by the regulatory authority on their registration. Failure to comply with a condition may result in the regulatory authority taking enforcement action and could affect your registration.

1.7 Standard conditions that the regulatory authority will impose on all RBCAs are:

- the person must ensure appropriate IT system back up is in place to enable it to store, maintain and transmit any of its building project records electronically to a local authority or other RBCA, in the event the person is no longer able to continue with its building projects

1.8 Non-standard conditions may, for example, include requirements to revise policies and procedures, or limits on the building control work a person can undertake.

Annex 5: Acting within the scope of your registration

1.1 In order to comply with standards 3.1 and 3.2 of the Professional Conduct Rules, you must ensure that you only use RBIs with the appropriate “scope of registration” for the work being undertaken.

1.2 An RBI’s scope of registration includes the class, categories of work and restricted activities they are registered to undertake.

1.3 Restricted activities are defined in The Building (Restricted Activities and Functions) (Wales) Regulations 2024 and are broadly defined as plans assessment and inspection.

1.4 RBIs cannot undertake work outside the scope of their registration unless under supervision, as set out in standard 3.2 and 3.3 of the Code of Conduct.

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