

# CIC Approved Inspectors Register (CICAIR)

## Code of Conduct for Approved Inspectors

### Guidance Notes



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This guidance is provided to assist Approved Inspectors in complying with the CICAIR Code of Conduct for Approved Inspectors. It is not the intention for the Guidance Notes to cover every eventuality that an Approved Inspector will come across in their work. Therefore, adhering to this guidance is likely to, but not necessarily definitively, demonstrate behaviours compatible with the Code of Conduct.

#### **1. Honesty and Integrity**

##### *Introduction*

- 1.1 Honesty and integrity are closely interlinked. Dishonesty is conduct that is considered untruthful by the ordinary standards of reasonable people and that the person facing such allegations knew, or ought to have known, that what they were doing was, by those standards, dishonest.
- 1.2 While honesty is the act of being truthful, CICAIR considers integrity to mean adhering to high moral standards and abiding by a strict set of ethical principles. Integrity is about doing the right thing regardless of the consequences or whether someone benefits or not. Approved Inspectors, as with all professionals, must act with honesty and integrity at all times.
- 1.3 The most fundamental purpose of professional regulation is to maintain the reputation of the profession as one which can be trusted. A profession's most valuable asset is this trust, its collective reputation and the confidence which that inspires. The essential issue is the need to maintain, among members of the public, a well-founded confidence that any Approved Inspector with whom they interact will be of unquestionable integrity, probity and trustworthiness.
- 1.4 The reputation of the profession is more important than the fortunes of any Approved Inspector. Approval to act as an Approved Inspector brings many benefits, but with these benefits comes a responsibility to act in an appropriate manner.
- 1.5 An Approved Inspector that, through its actions, damages the collective reputation of the profession or is shown to have discharged its professional duties with anything less than complete integrity, probity and trustworthiness must expect sanctions to be imposed upon it by CICAIR.

## *Guidance*

- 1.6 An Approved Inspector shall adhere to the Building Control Performance Standards and pay due regard to the guidance attached to the Standards and to the best practice protocols and guidance issued by the Building Control Alliance (BCA) and the Association for Consultant Approved Inspectors (ACAI).
- 1.7 An Approved Inspector has a legal duty to comply with any applicable current statutes or statutory provisions. An Approved Inspector shall not give any statutory Notice or Certificate which contains a statement that the Approved Inspector knew, or ought to have known, to be false or misleading or to recklessly give such a Notice or Certificate that contains a statement that the Approved Inspector knew, or ought to have known, to be false or misleading. An Approved Inspector who gives any such Notice or Certificate may be guilty of a criminal offence under Section 57 of the Building Act 1984 and/or be in breach of the CICAIR Code of Conduct.
- 1.8 An Approved Inspector, one of their directors, a staff member or others working on their behalf that is convicted of any civil, criminal or regulatory offence, whether or not it is in connection with their work, may likely have breached the requirement to always comply with relevant laws and regulations.
- 1.9 Serious offences are likely to be those that involve dishonesty, carry custodial or community sentences or where a director has been disqualified or similar. Minor offences are unlikely to amount to breaches of the Code of Conduct or impact on the reputation of the profession and are likely to be screened out without needing further investigation by CICAIR. All offences that result in a conviction or regulatory action must be declared to CICAIR as soon as the Approved Inspector becomes aware of the conviction or action.
- 1.10 It is recognised that many Approved Inspectors are corporate entities. Whilst they may or may not be directly liable for the actions of their directors, staff members or others working on their behalf, the manner in which they deal with such situations will be of significant relevance to their compliance with the Code.
- 1.11 An Approved Inspector shall carry out its duties with professional skill, care and/or diligence at all times, working to secure reasonable standards of health, safety, welfare and convenience for persons in and about buildings and any others who may be affected by buildings, or matters connected with buildings, insofar as this relates to the building control function.
- 1.12 An Approved Inspector shall act fairly and impartially at all times in performing its statutory functions, continually improving standards and operating in accordance with the internal policies and procedures and the systems and operations that have been provided to and reviewed by CICAIR.
- 1.13 An Approved Inspector shall ensure that the agreement for the provision of building control services is evidenced in writing, which includes electronic methods, and for this to define the terms for the provision of such services. An Approved Inspector shall fairly and honestly carry out any obligations under such agreement in accordance with the legal obligations and insurance requirements of the Approved Inspector.

- 1.14 An Approved Inspector shall operate independently. Where an Approved Inspector is unable to act on Works by virtue of any financial or professional interest, as defined by Regulation 9 of the Building (Approved Inspectors etc.) Regulations 2010, the Approved Inspector shall not enter into any agreement for the provision of building control services for the Works. An Approved Inspector who, during the Works finds any such interest has been established, shall immediately cease to act on the Works.
- 1.15 In respect of Minor Works, although permitted under Regulation 9 of the Building (Approved Inspectors etc.) Regulations 2010 and by insurance schemes, CICAIR deprecates the practice of Approved Inspectors carrying out building control on any work they have designed or on which they have any financial or professional interest.
- 1.16 An Approved Inspector, or a Professional Consultant it has engaged, shall not make payment of, nor accept any trade commission, discount, allowance, indirect profit, inducement payment or benefit in connection with any Works pursuant to the requirements of the Bribery Act 2010.
- 1.17 An Approved Inspector shall not, in relation to Works, approach a party directly or indirectly for whom another Building Control Body is known to be acting on those Works without the prior approval of that Building Control Body.
- 1.18 No attempt shall be made by an Approved Inspector, to injure the professional reputation of another Building Control Body directly or indirectly. This shall include any attempt to discredit another Building Control Body, or mislead any party with false or unfair information which, as a result, could damage the reputation of another Building Control Body. This does not preclude an Approved Inspector acting as an expert witness in legal proceedings involving another Building Control Body.

## **2. Competency**

- 2.1 An Approved Inspector shall maintain the required knowledge to demonstrate a satisfactory level of professional competence. This will be judged by reference to the CICAIR Knowledge Base Matrix and to training and CPD records.
- 2.2 An Approved Inspector shall have robust systems in place to ensure appropriate standards of technical competency and consistency is achieved across their organisation.
- 2.3 An Approved Inspector shall ensure, prior to entering into an agreement for the provision of building control services, that it has the necessary level of competence and experience to service the Works, and that adequate resources are available to fulfil the work as specified in the agreement.
- 2.4 An Approved Inspector shall have documented processes in place guiding the discharge of the building control function and that regular internal auditing against these processes takes place. Works shall be undertaken in accordance with the Approved Inspector's quality management system and operational policies that have been provided to and reviewed by CICAIR.
- 2.5 An Approved Inspector shall have robust systems in place to manage and monitor workload to ensure it is working within the limits of available competence and resources.

- 2.6 An Approved Inspector shall ensure that the method of recording information about Works is sufficient to enable an effective audit to be carried out and for its decisions and judgements to be documented, inspected and understood.
- 2.7 An Approved Inspector shall maintain appropriate ratios of qualified technical personnel to non-qualified technical personnel and technical personnel to administrative personnel.
- 2.8 An Approved Inspector shall ensure that appropriate support is available to trainee, graduate and unqualified surveyors and that the workload of these surveyors is assessed against their experience and competency.
- 2.9 An Approved Inspector shall ensure that all directly employed staff, Professional Consultants and Specialist Consultants assisting in carrying out Approved Inspector duties maintain a detailed record of CPD activities. These records shall be supplied to CICAIR on request and must be kept for a period five years.
- 2.10 Where a directly employed technical staff member of an Approved Inspector is a full Chartered member of one of the professional or regulatory bodies that are full members of the Construction Industry Council, that staff member shall maintain CPD activities in line with the requirements of that body.
- 2.11 Where a directly employed technical staff member of an Approved Inspector is not a full Chartered member of one of the professional or regulatory bodies that are full members of the Construction Industry Council, that staff member shall ensure that at least 100 hours of Continuing Professional Development (CPD) activity relevant to the functions of an Approved Inspector is undertaken over any five year period and with not less than 10 hours completed in any one year. This CPD will consist of an appropriate balance of formal structured learning and informal self-directed learning.

### **3. Accountability**

- 3.1 An Approved Inspector shall ensure that all relevant parties are clear about their involvement as the building control service provider.
- 3.2 An Approved Inspector shall notify the person carrying out the work of their appointment if the appointment was made by someone on their behalf. This shall be done before or at the time an Initial Notice is served to allow for the person carrying out the work to make alternative building control arrangements should they choose to do so.
- 3.3 An Initial Notice must be signed by the Approved Inspector and may be counter-signed by the Approved Inspector or a third party on behalf of the person carrying out the work providing that they have obtained and can evidence the necessary authorisation to do so from the person carrying out the work. No person not directly employed by an Approved Inspector may sign Notices or Certificates on their behalf.
- 3.4 Whilst it is recognised that referrals for Works to an Approved Inspector from architects, contractors and others is an accepted practice, an Approved Inspector shall ensure that where work is referred to them from such third parties, that this is done in a professional manner and that the person carrying out the work is advised of their options if they do not wish to use the Approved Inspector as their Building Control Body.

- 3.5 Professional Consultants may be used for plan checking and site inspection services but this must be undertaken in strict accordance with section 49(8) of the Building Act 1984. Where referrals for Works are received from a Professional Consultant that undertakes plan checking or site inspection services on behalf of an Approved Inspector, there can be no perception of the Professional Consultant operating as an Approved Inspector in their own right. An Approved Inspector shall ensure that the Professional Consultant advises the person carrying out the work that their services are provided strictly on behalf of the Approved Inspector.
- 3.6 An Approved Inspector must not delegate plan checking and site inspection services unless it is to another Approved Inspector or a Professional Consultant. A Professional Consultant must be a named individual that meets the Professional Consultant definition set by the Code of Conduct. A Professional Consultant may not further delegate any services that an Approved Inspector has delegated to them.
- 3.7 An Approved Inspector must not delegate to a company, nor allow a Professional Consultant that has an involvement with a company, to permit any other individual or party internal or external to that company to undertake services that would otherwise be performed by the named Professional Consultant.
- 3.8 An Approved Inspector that chooses to use the services of a Professional Consultant shall satisfy itself that any appointed Professional Consultant has the necessary competence and experience to deal with the Works.
- 3.9 An Approved Inspector shall ensure that, where a Professional Consultant is used, an appropriate agreement is in place between the Approved Inspector and the Professional Consultant and that there are processes in place to select, appoint, monitor, review and audit the work undertaken by Professional Consultants.
- 3.10 An Approved Inspector shall ensure that any Professional Consultant engaged is aware of, and knowledgeable in, the relevant legislation, the Code of Conduct for Approved Inspectors and the Building Control Performance Standards.
- 3.11 An Approved Inspector shall ensure that, whenever work is delegated, the work is carried out in such a way that the Approved Inspector would not be in breach of the Code of Conduct.
- 3.12 Specialist Consultants may be used for structural or fire engineering design checking or other specialist function. Where a Specialist Consultant is utilised, an Approved Inspector must take all reasonable steps to be satisfied that the consultant has the appropriate competence and experience to undertake the assigned work.
- 3.13 An Approved Inspector, Professional Consultant or Specialist Consultant to whom work is delegated shall not have any financial or professional interest in the Works.
- 3.14 An Approved Inspector shall ensure that their complaints procedure is provided promptly upon request and that any expressions of dissatisfaction or complaints about the building control service are investigated thoroughly in line with the documented complaints handling procedure that has been supplied to CICAIR.
- 3.15 An Approved Inspector shall maintain insurance with the mandatory run-off cover from a scheme approved by the Secretary of State under Section 47(6) of the Building Act 1984. An

Approved Inspector who delegates work shall maintain an approved insurance scheme for that work and retains liability for any delegated work.