

CIC Approved Inspectors Register (CICAIR)

Code of Conduct for Approved Inspectors



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Introduction

As the body designated by the Secretary of State in England and Welsh Ministers in Wales under section 49 of the Building Act 1984 and regulations 3 and 5 of the Building (Approved Inspectors etc.) Regulations 2010, CICAIR Limited maintains and operates the Construction Industry Council Approved Inspectors Register (CICAIR). Approved Inspectors registered with CICAIR Limited are qualified to undertake building control work in accordance with Part II of the Building Act 1984 and the Building (Approved Inspectors etc.) Regulations 2010.

The Building Act 1984 is the primary enabling legislation under which secondary legislation such as the Building Regulations and the Building (Approved Inspectors etc.) Regulations are made. In order to secure health, safety, welfare and convenience of persons in and about buildings, Approved Inspectors are required to take such steps as are reasonable to enable the Approved Inspector to be satisfied, within the limits of professional skill and care, that the applicable aspects of the Building Regulations are complied with. To help Approved Inspectors operate to appropriate professional and ethical standards in the delivery of this objective, CICAIR has introduced this Code of Conduct which all Approved Inspectors are required to adhere to.

Approved Inspectors are also required to adhere to the Building Control Performance Standards published by the Department for Communities and Local Government and the Welsh Government and to maintain the reputation of the building control profession and of CICAIR as the regulator.

The Role of Building Control

With all building work, the owner and occupier of the property or land in question is ultimately responsible for complying with the relevant planning rules and building regulations. The role of checking that Building Regulations are, as far as can reasonably be determined, being complied with falls to a Building Control Body – either an Approved Inspector or a Local Authority. The person carrying out the work has the choice of which Building Control Body to use.

The role of building control is to act as an independent third party check and to take such steps as are reasonable to be satisfied that the Works comply with the Building Regulations. It is not the role of building control to:

- Provide quality control of the Works.
- Provide a 'clerk of works' service monitoring every stage of the construction process.
- Provide a service to address issues such as the finish and aesthetics of the Works where these are not Building Regulation matters.
- Provide a service to offer contractual protection between the person carrying out the work and the parties engaged in the design and/or construction of such work.

- Provide a guarantee of compliance with the Building Regulations. The appointment of a Building Control Body does not remove the obligation of the person carrying out the work to achieve compliance.

Scope of the Code of Conduct for Approved Inspectors

This Code of Conduct sets out the fundamental principles of behaviour that Approved Inspectors are expected to adhere to and the standards of professional conduct and practice expected of Approved Inspectors. It is an important document in ensuring consistency of conduct and appropriate standards of service from Approved Inspectors.

The Code of Conduct does not:

- Generally repeat obligations placed on Approved Inspectors by the general law or by the Building Act 1984, the Building Regulations 2010 or the Building (Approved Inspectors etc.) Regulations 2010 (or any subsequent amendments to the Act or the Regulations).
- Address technical interpretation of the Building Regulations as CICAIR does not have designated authority to adjudicate on matters concerning dissatisfaction with the judgement made by an Approved Inspector on whether building work at a particular site complies with the requirements of the Building Regulations. A definitive interpretation of legislation or a disagreement over a technical judgement is a matter for the courts.
- Extend to issues involving a misunderstanding or dissatisfaction with the minimum standard of work set by the Building Regulations or on criticisms of the quality of workmanship (outside Building Regulation requirements for materials and workmanship).

Disciplinary proceedings that may result from a proven breach of the Code of Conduct do not provide for financial penalties against Approved Inspectors or the awarding of costs or financial redress to complainants.

Legal action involving an Approved Inspector or a complainant in relation to the subject matter of a complaint precludes the CICAIR complaints handling procedures being progressed until that legal action has been concluded. Legal action, for the purposes of the CICAIR complaints handling process, covers disputes that are subject to adjudication, arbitration, litigation or mediation.

Application of the Code of Conduct for Approved Inspectors

This Code of Conduct adopts a principles-based approach based on best practice in professional regulation.

The Code of Conduct does not attempt to cover every situation where an Approved Inspector may encounter professional or ethical issues and it does not prescribe the way in which they should respond. Instead, it adopts a value system focusing on fundamental professional and ethical principles which are at the heart of appropriate professional behaviour and which Approved Inspectors must therefore follow at all times.

Disciplinary action may be taken against an Approved Inspector for non-compliance with the Code of Conduct. Any disciplinary action will be conducted in accordance with the suite of protocols that CICAIR has published, copies of which are available at www.cicair.org.uk.

Any decision on whether an Approved Inspector has breached the Code of Conduct rests solely and exclusively with CICAIR and is binding upon an Approved Inspector, subject to any appeal.

An Approved Inspector should be guided as much by the spirit of the Code of Conduct as by the express terms. To assist with this, CICAIR also provides *Guidance Notes* that support the Code of Conduct to help ensure that Approved Inspectors follow the fundamental principles that the Code of Conduct sets out. These *Guidance Notes*, which are available at www.cicair.org.uk, may be amended at any time at the discretion of CICAIR.

Approved Inspectors are strongly encouraged to follow the *Guidance Notes* which should be read in conjunction with the Code of Conduct. Any deviation from the *Guidance Notes* must be able to be justified and will be a factor that will be considered should it be necessary to examine the conduct of an Approved Inspector. In such circumstances, the Approved Inspector may be asked to explain the deviations and this may be taken into account by CICAIR when investigating an alleged Code of Conduct breach. If CICAIR does not consider that the deviations from the *Guidance Notes* were appropriate then the allegations may be upheld.

The Code of Conduct and the *Guidance Notes* do not amount to legal advice. Approved Inspectors who encounter problems in relation to the legal interpretation of their obligations as Approved Inspectors are recommended to seek their own legal advice.

An Approved Inspector must notify CICAIR, as soon as they become aware, of a conviction for any civil, criminal or regulatory offence committed by them, one of their directors, a staff member or others working on their behalf, whether or not it is in connection with their work. They must also notify CICAIR if any of those listed above have been disqualified as a company director or have been the subject of adverse findings by another professional or regulatory body.

CICAIR may share information with other professional or regulatory bodies. Approved Inspectors should also note that where they are a member of another professional or regulatory body there may be differences in some areas between the professional and ethical conduct requirements of the different bodies. Where there are differences, Approved Inspectors should follow the more stringent provision where it is a CICAIR requirement.

The Code of Conduct for Approved Inspectors

Honesty, integrity, competency and accountability are the foundations of CICAIR's principles of expected behaviour and conduct.

Approved Inspectors must:

1. *Honesty and Integrity*

- 1.1 always act with honesty and integrity;
- 1.2 always comply with all relevant laws and regulations;
- 1.3 act impartially and not allow bias, incentives, professional or financial conflicts of interest or the undue influence of others to override professional judgements;
- 1.4 avoid any actions or situations that are inconsistent with their professional obligations;
- 1.5 act in the best interest of the profession when dealing with all other Building Control Bodies.

2. *Competency*

- 2.1 provide an appropriate standard of service;
- 2.2 act with professional skill, care and/or diligence;
- 2.3 recognise and work within the limits of available competence and/or resources;
- 2.4 keep professional knowledge and skills up to date and to the expected level set out in the CICAIR Knowledge Base;
- 2.5 always comply with the Building Control Performance Standards;
- 2.6 pay due regard to industry best practice, technical and professional standards and to the CICAIR Code of Conduct Guidance Notes.

3. *Accountability*

- 3.1 be accountable for their decisions and for duties and tasks they delegate to others;
- 3.2 not delegate work, unless it is to another Approved Inspector or a named Professional Consultant, and not allow that work to be further delegated;
- 3.3 procure work in an appropriate manner;
- 3.4 provide, on request, their complaints procedure and investigate complaints in accordance with the procedure;
- 3.5 maintain adequate insurance and advise their insurers of a potential claim in accordance with the insurers requirements;
- 3.6 uphold the reputation of the profession and of CICAIR at all times;
- 3.7 act in accordance with the information provided to CICAIR during the Approved Inspector approval, audit and annual monitoring process;
- 3.8 exercise full disclosure and co-operate in a timely manner with all investigations, and with audits, by CICAIR, the Secretary of State or Welsh Ministers.

Definitions

For the purposes of the Code of Conduct and Guidance Notes the following definitions apply:

Approved Inspector

Means any individual inspector or body corporate approved in accordance with section 49(1) of the Building Act 1984 and regulation 4(1) of the Building (Approved Inspectors etc.) Regulations 2010 (or any subsequent amendments to the Act or the Regulations).

Building Control Body

Means either an Approved Inspector or a Local Authority.

CICAIR

Means the Construction Industry Council Approved Inspectors Register. CICAIR Limited is the body which has been designated by the Secretary of State in England and Welsh Ministers in Wales under section 49 of the Building Act 1984 and regulations 3 and 5 of the Building (Approved Inspectors etc.) Regulations 2010 for the purpose of approving individuals and bodies corporate as inspectors under Part II of that Act.

Financial or professional interest

Means the definition as conveyed by Regulation 9 of the Building (Approved Inspectors etc.) Regulations 2010 available at www.legislation.gov.uk.

Full disclosure

Means the provision of all information and documents that are requested by CICAIR, the Secretary of State or Welsh Ministers.

Person carrying out the work

Means the person procuring the Works. This will normally be the building or land owner at the time of the Works. In the case of volume housing this will normally be the developer or builder.

Persons in or about buildings

Means in the context outlined by Regulation 8 of the Building Regulations 2010 available at www.legislation.gov.uk.

Professional Consultant

Means an individual person, engaged by an Approved Inspector for the purpose of inspecting plans or work in accordance with section 49(8) of the Building Act 1984, who is a full Chartered member of one of the professional or regulatory bodies that are full members of the Construction Industry Council and who has an appropriate level of building control experience. A list of full CIC member organisations can be viewed at www.cicair.org.uk.

Specialist Consultant

Means an individual person engaged by an Approved Inspector for the purpose of structural or fire engineering design checking or other specialist function.

Works

Means the works described under an Initial Notice for which an Approved Inspector is engaged.