

CIC Approved Inspectors Register Complaint Form

(for Initial Notices dated on or before 28 February 2017)



Important Notes

The CICAIR Ltd (*herein referred to as CICAIR*) complaints process enables complaints to be raised about Approved Inspectors with the objective of ensuring that professional standards are maintained and the Code of Conduct for Approved Inspectors is adhered to. Please note that:

- The CICAIR complaints process **does not** provide for financial penalties against Approved Inspectors or the awarding of costs or financial redress to complainants.
- Complaints must, in the first instance, be fully exhausted using the Approved Inspector's own complaints process.
- CICAIR cannot consider complaints based on a Building Regulation technical assessment, a misunderstanding or dissatisfaction with the minimum standard set by the Building Regulations or on criticisms of the quality of workmanship. Please read Appendix A to this form for more information.
- CICAIR will only consider complaints against an alleged breach of the Code of Conduct for Approved Inspectors. For a complaint to be upheld it must be demonstrated that a breach of the Code of Conduct for Approved Inspectors has taken place. Please read Appendix B to this form for more information.
- Complaints cannot be progressed if there is legal action in process involving the Approved Inspector or complainant in relation to the dispute.
- The time limit for lodging a complaint with CICAIR is a maximum of 6 years for clients under contract and 10 years for users of buildings.

Should your complaint be accepted by CICAIR, the complaint form and all your supporting evidence will initially be sent to the Approved Inspector for them to respond to the allegations. The CICAIR complaints committee protocol sets out, in detail, how CICAIR will handle complaints. Should you require a copy of this protocol, please contact us.

CICAIR will endeavour to complete a complaint investigation within 100 working days. This timescale is not binding, however, and various factors such as the complexity of the complaint and workload demands may necessitate the allocation of further time to the investigation.

Before You Begin

Prior to lodging a complaint please ensure you have read:

- The complaints page on the CICAIR website – www.cicair.org.uk/complaints
- The Building Control overview on the CICAIR website - www.cicair.org.uk/about-ai
- Appendix A to this form - this will help you understand what CICAIR will and will not consider as a complaint
- Appendix B to this form - this will help you fill in the complaint details section of the form

If you need assistance with this form call 020 7399 7403 or email cicair@cic.org.uk.

Section 1 - Your Details

Your Name

Address

Postcode

Telephone Number

Fax Number

Email Address

Approved Inspector Name

Data Consent

In investigating your complaint, it is necessary for CICAIR to share the data and information you have provided with certain restricted parties. Your data and information will be shared with the Approved Inspector that is subject to the complaint and any CICAIR panel members that are assigned to investigate your complaint or oversee disciplinary proceedings. You may request in writing that CICAIR return or dispose of the information you have provided at any time. Please note that without your consent we will be unable to accept your complaint for investigation.

I/we consent to CICAIR sharing our data and information as described above.

Section 2 - Complaint Details

1. CICAIR can only consider complaints after the Approved Inspector's own complaints procedure has been exhausted. Please tick the following boxes to confirm this has taken place.

I have exhausted the Approved Inspectors complaints procedure
I have included supporting evidence that the complaints procedure has been exhausted

2. Complaints can only be accepted where an Approved Inspector is alleged to have breached one or more clauses in Section 2 of the Code of Conduct for Approved Inspectors. Please indicate what section(s) of the Code of Conduct you believe the Approved Inspector has breached. Your complaint will be assessed in relation to these clauses.

Please read Appendix B of this form before completing this section.

2.1 Compliance with legislation

 2.1.1

2.2 Duty to discharge responsibilities with integrity

 2.2.1 2.2.2 2.2.3 2.2.4 2.2.5 2.2.6 2.2.7

2.3 Duty to maintain professional competence

 2.3.1 2.3.2 2.3.3 2.3.4 2.3.5

2.4 Duty to work within the scope of available competence and resources

 2.4.1 2.4.2

2.5 Duty to retain responsibility for any sub-contracted or delegated work

 2.5.1 2.5.2 2.5.3 2.5.4 2.5.5 2.5.6

2.6 Duty not to hold a position which conflicts with professional duty

 2.6.1 2.6.2 2.6.3

2.7 Duty not to attempt to injure the professional reputation of another Approved Inspector

 2.7.1

2.8 Duty not to attempt to supplant another Approved Inspector

 2.8.1

2.9 Duties of an Approved Inspector regarding the transfer of responsibilities

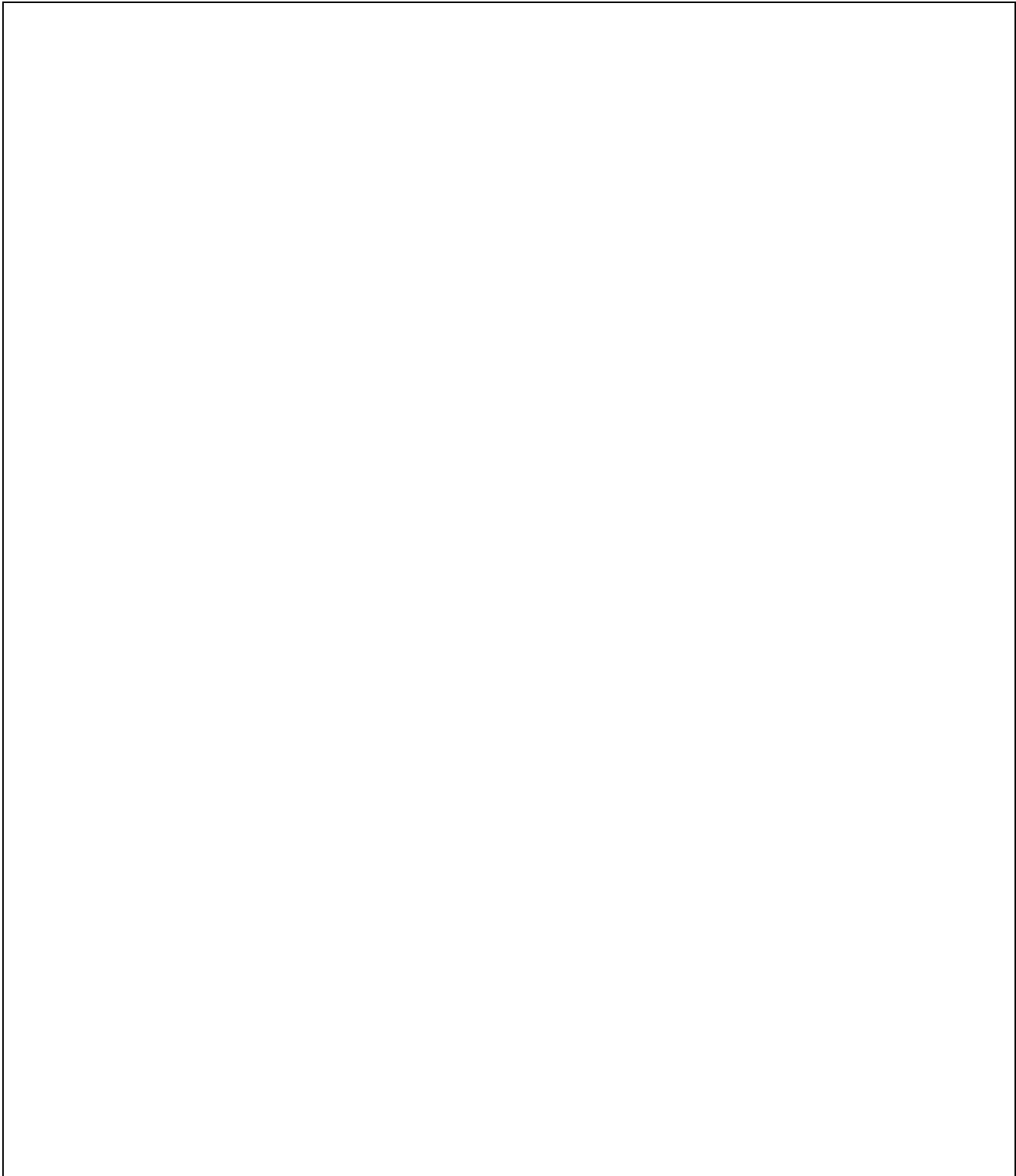
 2.9.1 2.9.2

2.10 Approved insurance schemes

 2.10.1 2.10.2 2.10.3

Section 3 - Supporting Information

Please provide information in support of your complaint here and clearly explain why you believe breaches of the Code of Conduct for Approved Inspectors that you indicated in section 2 of this form have taken place. Attach/enclose further documents as necessary.



Signed

Date

Appendix A

CIC Approved Inspectors Register

Definition of a Complaint



A complaint is an expression of dissatisfaction about the performance of an Approved Inspector related to its building control services, delivery or actions (including lack of action or the complaints handling process itself) where a response or resolution is expected from an individual party, a group or an end user.

Matters that **are** considered complaints:

- Failure to provide a service at the right time or to the standard expected of the service
- Failure to fulfil statutory responsibilities
- Failure to implement a decision
- Failure to comply with the Building Control Performance Standards
- Failure to abide by the CIC Code of Conduct for Approved Inspectors
- Dissatisfaction with an answer to a query or a response to a request for a service
- Failure to follow the Approved Inspectors agreed policy or procedures
- Failure to take proper account of relevant matters in coming to a decision
- Discourtesy or unacceptable behaviour by a member of staff
- Harassment, bias or unfair discrimination

Matters that **are not** considered complaints:

- A Building Regulation technical assessment
- Misunderstanding or dissatisfaction with the minimum standard set by the Building Regulations
- A decision of an Approved Inspector where regulatory powers are being exercised
- Unsubstantiated criticisms of the scope or context of the Approved Inspector service
- Criticisms of quality of workmanship (outside Building Regulation requirements for materials and workmanship) or building warranty items
- Criticisms which constitute a disagreement with, or a refusal to accept, a rule of law which the Approved Inspector is applying
- Complaints and/or claims made against the Warranty where the building control complaints process has not been exercised
- Criticism of decisions made by the planning authority

Important Information

- The CICAIR complaints process **does not** provide for financial penalties against Approved Inspectors or the awarding of costs or financial redress to complainants.
- Complaints must, in the first instance, be fully exhausted using the Approved Inspector's internal complaint procedure.
- Complaints must be lodged with CICAIR via email or post on the complaints form which can be downloaded from www.cicair.org.uk/complaints. The complaint form must be correctly filled out in full and be accompanied by sufficient detail or supporting evidence to enable an assessment of the complaint to be made.
- Complaints cannot be progressed if there is legal action in process involving the Approved Inspector or complainant in relation to the dispute.
- The time limit for lodging a complaint with CICAIR about an Approved Inspector is a maximum of 6 years for clients under contract and 10 years for users of buildings. The time limit begins from the date of the cancellation of the Initial Notice or the date on the Final Certificate issued by the Approved Inspector for the building or property. If the building or property is part of a larger development, the time limit begins from the date of the cancellation of the Initial Notice or the date on the Final Certificate issued by the Approved Inspector for that building or property.

Appendix B

CIC Approved Inspectors Register

Code of Conduct Section 2 Extract



Complaints can only be accepted where an Approved Inspector is alleged to have breached one or more clauses in Section 2 of the Code of Conduct for Approved Inspectors. Please read the following extract from the Code of Conduct for Approved Inspectors to identify what clause(s) you believe the Approved Inspector has breached and indicate these with a tick in the relevant box on the complaints form. Your complaint will be assessed in relation to these clauses. If you need assistance call 020 7399 7403 or email cicair@cic.org.uk.

For the full Code of Conduct for Approved Inspectors visit www.cicair.org.uk/guidance/downloads

2.1 COMPLIANCE WITH LEGISLATION

2.1.1 An Approved Inspector has a legal duty to comply with any current statutes or statutory provisions which are applicable to the functions of Approved Inspectors

2.2 DUTY TO DISCHARGE RESPONSIBILITIES WITH INTEGRITY

2.2.1 Approved Inspectors shall carry out their duties with due skill care and diligence and shall act with integrity in and for the interests of the Client for whom they act, maintaining confidentiality at all times, subject to the obligations under paragraph 2.1.1 above.

2.2.2. An Approved Inspector shall act fairly and impartially at all times in performing its statutory functions, continually improving standards and maintaining the operational business plan that has been approved by the Council.

2.2.3 The CICAIR would expect any agreement entered into by an Approved Inspector for the provision of professional services to be evidenced in writing, and define the terms for the provision of such services, including, but not limited to, the allocation of responsibilities, the name of the company providing professional indemnity cover, any limitation of liability, and the level of remuneration. The Approved Inspector shall honestly and fairly carry out any obligations under such agreement.

2.2.4 An Approved Inspector shall not make payment of nor accept any trade commission, discount, allowance, indirect profit, inducement payment, perk or benefit in connection with any professional work undertaken.

2.2.5 An Approved Inspector shall not give any notice or certificate under the Regulations or the Act which contains a statement that is known to be false or misleading; or recklessly give such a notice that is false or misleading. Any Approved Inspector who gives any such certificate or notice may be guilty of an offence under Section 57 of the Act.

2.2.6 An Approved Inspector shall not allow any other person not directly employed by the Approved Inspector to sign such notices or certificates on their behalf.

2.2.7 No Approved Inspector shall act in such a way as to bring the Council into disrepute.

2.3 DUTY TO MAINTAIN PROFESSIONAL COMPETENCE

2.3.1 Approved Inspectors shall demonstrate to the reasonable satisfaction of the CICAIR, that they maintain the levels of comprehensive knowledge, understanding, appreciation and awareness required to maintain a satisfactory level of professional competence.

2.3.2 Approved Inspectors and any staff assisting in carrying out approved inspector duties shall be responsible for keeping a record of their participation in Qualifying Activities, including (where relevant) the date(s), subject-matter, speakers and total time computed in accordance with paragraph 2.3.4. They must keep the record for five years after the Qualifying Activity, and send a copy to the CICAIR when so requested. Log books may be obtained from appropriate professional institutions.

2.3.3 Qualifying Activities may take place:-

- a) through the auspices of a professional body in full membership of the Construction Industry Council
- b) through any University, training organisation or relevant course provider, whose course is accredited by a professional body.
- c) through the provision of in-service training provided by appropriately qualified personnel.

2.3.4 Approved Inspectors and any professional or technical staff employed would be normally expected to complete a minimum of 100 hours of Continuing Professional Development relevant to the functions of an approved inspector in every 5 year period of approval, with not less than 10 hours in any one year.

2.3.5 Approved Inspectors shall take all reasonable steps to see that Professional Consultants where used have undertaken appropriate Qualifying Activities and CPD

2.4. DUTY TO WORK WITHIN THE SCOPE OF AVAILABLE COMPETENCE AND RESOURCES

2.4.1 An Approved Inspector shall ensure, prior to entering into an agreement for the provision of professional services, that the Approved Inspector has the necessary level of competence and experience required, and that resources available are adequate to fulfil the work as specified in the agreement.

2.4.2 Where an Approved Inspector encounters situations arising from areas of work outside the competence of the Approved Inspector, the services of a Professional Consultant may be called upon. The Approved Inspector must satisfy himself that any Professional Consultant appointed has the necessary skill and competence to deal with the matter in hand. Any such appointment shall be subject to the provisions in paragraph 2.5 below

2.5 DUTY TO RETAIN RESPONSIBILITY FOR ANY SUB-CONTRACTED OR DELEGATED WORK

2.5.1 An Approved Inspector shall not delegate or sub contract services unless it is to another Approved Inspector or a Professional Consultant. Any Approved Inspector or Professional Consultant to whom work is delegated or sub-contracted shall not have any Financial or Professional Interest in the Project.

2.5.2 Any Approved Inspector or Professional Consultant to whom work is delegated or sub-contracted shall not have the power to give any certificate under sections 50 and 51 of the Act, in accordance with section 49(8)(a) of the Act.

2.5.3 An Approved Inspector who sub-contracts or otherwise delegates work shall retain responsibility and liability, whether civil or criminal, for that work, in accordance with section 49(8)(b) of the Act.

2.5.4 An Approved Inspector who sub-contracts or otherwise delegates work shall maintain an approved insurance scheme for that work.

2.5.5 An Approved Inspector shall ensure that whenever work is delegated or sub-contracted, that such work is carried out in such a way that the Approved Inspector would not be in breach of any duties under the Code.

2.5.6 An Approved Inspector shall take all reasonable steps to be satisfied that Professional Consultants working under the authority of the Approved Inspector are competent to carry out the tasks assigned to them.

2.6 DUTY NOT TO HOLD A POSITION WHICH CONFLICTS WITH PROFESSIONAL DUTY

- 2.6.1 Where an Approved Inspector is unable to act by virtue of any Financial or Professional Interest in the Project, as defined in the Regulations and the Code the Client should be informed and the Approved Inspector should not enter into any agreement for the provision of Approved Inspector services for the Project.
- 2.6.2 An Approved Inspector who during the Project finds any such interest set out in paragraph 2.6.1 above has been established, shall immediately notify the Client of such interest, and cease to act.
- 2.6.3 If the interest referred to in paragraph 2.6.1 & 2.6.2 is removed the Client may instruct the same Approved Inspector to resume acting on their behalf. However the Client may choose to enter into an agreement for the provision of professional services with another Building Control Body. This is subject to paragraph 2.9.

2.7 DUTY NOT TO ATTEMPT TO INJURE THE PROFESSIONAL REPUTATION OF ANOTHER APPROVED INSPECTOR.

- 2.7.1 No attempt shall be made by an Approved Inspector, whether maliciously or otherwise, to injure the professional reputation of another Approved Inspector directly or indirectly. This shall include any attempt to discredit another Approved Inspector, or mislead any potential Client with false or unfair information which, as a result, could damage the reputation of such Approved Inspector.

2.8 DUTY NOT TO ATTEMPT TO SUPPLANT ANOTHER INSPECTOR

- 2.8.1 No Approved Inspector shall, in respect of a Project, approach a Client, directly or indirectly, for whom another Approved Inspector is known to be acting on that Project without first receiving the sanction of such Approved Inspector, and shall not in any way attempt to deprive such Approved Inspector of any emoluments in respect of work for which the Approved Inspector may already be retained, employed or engaged by such Client.

2.9 DUTIES OF AN INSPECTOR REGARDING THE TRANSFER OF RESPONSIBILITIES

- 2.9.1 An Approved Inspector, on being approached to undertake work upon which another Approved Inspector has already been engaged shall notify the fact to such Approved Inspector and shall not undertake any engagement or issue a new initial notice until such notification has been given.
- 2.9.2 The Approved Inspector who gave the earlier initial notice must provide the newly appointed Approved Inspector with an undertaking to the effect that they will cancel that notice.

2.10 APPROVED INSURANCE SCHEMES

- 2.10.1 An Approved Inspector must have insurance with the mandatory run-off cover from a scheme approved by the Secretary of State under Section 47(6) of the Act in order to serve an initial notice.
- 2.10.2 An Approved Inspector should include the name of the scheme providing the insurance cover in the agreement entered into with the Client for the provision of professional services, as referred to in paragraph 2.2.3.
- 2.10.3 It is best practice for an Approved Inspector, on ceasing to practise, to arrange run-off cover in addition to the mandatory bodily injury claims and non-injury tortious claims brought by an owner-occupier in relation to his only or main residence run-off cover already provided by the insurance scheme or schemes approved by the Secretary of State under Section 47(6) of the Act. This additional professional indemnity run-off cover should be maintained for a minimum period of 6 years from the date of cessation. Former individual Approved Inspectors and former Directors of companies which have ceased to practise as Approved Inspectors should review the need for further cover at the end of this period and if necessary continue to maintain appropriate additional run-off cover.