



Code of Conduct for Registered Building Inspectors

Transitional period to April 2024

June 2023

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Introduction

This Code of Conduct is for Registered Building Inspectors (RBIs) registered in England. The Health and Safety Executive is appointed as the Building Safety Regulator (the Regulatory Authority) for RBIs by section 58A of The Building Act 1984 (as amended) (the Act). This code is prepared and published in accordance with section 58F of the Act.

Registered Building Inspector (RBI) is a protected title. It is a criminal offence to impersonate, or to allow someone to believe you are, an RBI if you are not registered.

This code 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 or, where applicable, self-employed contractors are required to take individual responsibility and accountability for your decisions, actions, and behaviour. In line with this, the Building Inspector Competence Framework has been developed to set out the standards of your competence as a Registered Building Inspector.

The Code of Conduct applies to work activities carried out by Registered Building Inspectors. The Code of Conduct adopts the definitions within the Act, including:

- Regulatory Authority in section 58A
- Registered Building Inspector in section 58B
- restricted activities and registered functions in section 46A

The Code of Conduct utilises principles-based regulation of the building control profession. The Principles set out the core professional and ethical requirements that RBIs must uphold. The Standards supplement the Principles, setting out requirements in relation to professional practices and behaviours that we expect RBIs to meet. The Standards are not intended to be an exhaustive list of requirements to ensure compliance with the Principles. RBIs should utilise guidance and exercise their professional judgement when taking steps to ensure that they comply with all the requirements of the Code of Conduct.

A breach of this Code of Conduct, or conduct which brings the profession 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. The Regulatory Authority may revise the Code of Conduct and publish those revisions at any time.

The Principles

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. Treat everyone fairly and act in compliance with your legal obligations

The Standards

1. Complying with your legal, regulatory, and professional obligations

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

- in the conduct of work activities
- relating to the enforcement of compliance linked to work activities
- 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, as set out in Annex 1, and any obligations to other regulators, local authorities or professional bodies, where relevant.

1.3 You should comply with industry standards 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 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 associated legislation such as the Building Safety Act 2022, Building Regulations 2010 (as amended), you must use your functions to secure compliance. If you are unable to secure compliance within a reasonable timescale, you must report non-compliant work to the relevant building control authority.

1.7 You must work in a cooperative manner with fire and rescue services, statutory consultees, and similar organisations.

1.8 You must make sure that the terms 'Registered Building Inspector' and RBI are used accurately and conform 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.

2. Workplace requirements

Covering professional liabilities

2.1 Where applicable, you must only undertake work for which you or your employer is suitably insured.

2.2 Where applicable, you must maintain suitable insurance

2.3 Where applicable, 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 or in accordance with your organisation's policy for reporting.

Financial propriety

2.4 You must ensure that professional finances are managed responsibly

2.5 Where relevant, you must adhere to accounting controls

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 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 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 applicant or agent and cease to act.

Use of technology and managing data

2.12 Where relevant, you must ensure that you are trained and familiar with technologies available and 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 in accordance with you or your organisation's policy.

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

Complaints handling

2.17 Where applicable, you must publish a complaint handling policy and ensure that it is accessible to relevant persons.

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

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

Culture

2.20 You must notify the relevant regulatory authority of any concerns regarding modern slavery, labour abuse or abusive labour practices in accordance with your organisation's policy.

2.21 You must act in a manner that supports a culture of inclusion, equality, and diversity in accordance with your organisation's policy.

Learning and development

2.22 In addition to the provisions contained in Standard 3, you must engage in continuous professional development activities offered by your employer related to:

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

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 as defined by the Building Inspector Competence Framework.

3.2 Any work undertaken for which you are not registered must be under the supervision of a suitably competent RBI.

3.3 You must not take on a management 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.

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 formally reflect on your development needs and record your findings and planned actions to meet these needs in accordance with the continuing professional development requirements.

3.7 You must retain your development reflection in accordance with your organisation's policy or your period of registration, whichever is longer.

3.8 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 in accordance with your organisation's policy for the period of your registration or in accordance with your organisation's policy, whichever is longer.

3.9 You must maintain up-to-date knowledge of any relevant policies that you or your employer have in place relating to:

- conflict of interests
- insurance arrangements
- complaints handling
- health, safety, and wellbeing
- anti-money laundering and terrorist financing and anti-bribery and corruption
- data protection
- whistleblowing
- staff conduct (if relevant)
- learning and development
- 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:

- be accountable for your decisions
- be accountable for work activities undertaken under your supervision, taking steps to record activities you carry out

4.3 You must adhere to you or 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 influenced by self-interests, prejudice, bias, or personal agenda.

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

5: Engaging with applicants and agents

5.1 You must have confirmation that the identity of your applicant or agent has been established, that there is a record of the services being requested and that the applicant or agent has been provided with an explanation of the services that you can provide.

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

5.3 You must not undertake any work until you have confirmation that 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 Where you are made aware of any changes to the terms in relation to work including cost or time estimates, you must ensure the applicant or agent has been informed of these.

5.5 You must treat information obtained from the applicant or agent as confidential and only disclose it 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 or agent
- c) When required or authorised to do so by law
- d) To report a crime or breach of building control regulations

5.6 You must check your applicant or agent has been made aware you may be required to disclose information to the Regulatory Authority, local authorities, and other regulators.

5.7 Subject to any right to retain pending payment, you must check your applicant or agent 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.

5.8 You must record, retain, and disclose all:

- evidence
- instructions
- advice
- professional judgements and decisions

relating to the work activities carried out from the date of instruction in line with your organisation's reporting processes and insurance policies (where relevant), whichever is longer.

Annex 1 – Obligations to the Regulatory Authority under this code

1.1 You must co-operate with the Regulatory Authority in the conduct of its 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
- where the request is not pursuant to the exercise of statutory powers, as soon as reasonably practicable

1.2 Information provided to the Regulatory Authority should clearly show:

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

1.3 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 and rules of registration.

1.4 You must pay due regard to guidance issued by the Regulatory Authority.

1.5 You must notify the Regulatory Authority promptly of any conduct of which you are aware or become aware of which is potentially:

- in breach of the Code of Conduct for RBIs
- in breach of the Professional Conduct Rules for RBCAs
- likely to bring the building control profession into disrepute
- in breach of the Operational Standards Rules

1.6 You must notify the Regulatory Authority promptly if you 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 an offence under section 42 of the Building Safety Act 2022

1.7 You must notify the Regulatory Authority promptly of instances of financial impropriety of which you are aware/become aware of, in particular, 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

1.8 Where relevant, if you hold the position of a director, or hold financial controls you must notify the Regulatory Authority promptly if you:

- enter into an individual voluntary arrangement
- become subject to a debt relief or administration order
- are declared bankrupt
- are struck off as a director

1.9 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 applicant or agent

To comply with your obligations under Standard 5, you must have confirmation that each applicant or agent has been provided with a terms of engagement letter which contains the following information:

- a clear summary of the services the building control body will provide
- the name of the RBI responsible for supervising or conducting the work; (specifying where this could be 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 (specifying where this could be subject to change)
- a clear and transparent description of the building control bodies fees and charges
- a total cost estimate for the completion of the work
- details of any relevant referral fees that the building control body pays or receives
- A description of how the applicant's information will be used and reference to how they can obtain your data protection policy
- details of the building control body's complaints policy and how they can raise a complaint
- details of the relevant insurance held by you (if self-employed RBI) and the building control body
- a clear statement that the building control body is regulated by the Regulatory Authority

Further information

For information about health and safety, or to report inconsistencies or inaccuracies in this guidance, visit www.hse.gov.uk.

You can order HSE priced publications at <https://books.hse.gov.uk> HSE priced publications are also available from bookshops.

This publication is available on the HSE website at www.hse.gov.uk/building-safety/building-control/codes-standards.

This guidance is issued by the Health and Safety Executive. Following the guidance is not compulsory, unless specifically stated, and you are free to take other action. But if you do follow the guidance you will normally be doing enough to comply with the law. Health and safety inspectors seek to secure compliance with the law and may refer to this guidance.

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