



CODE OF CONDUCT FOR APPROVED INSPECTORS

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SECTION 1 DEFINITIONS

The following expressions shall, unless the context otherwise requires, have the meanings respectively assigned to them, namely:-

“The Act(s)”, “Regulation” and “the Regulations” refer to the Building Act 1984 and The Building (Approved Inspectors etc.) Regulations 2010, all as currently amended.

“Appeals Panel” means the panel which is constituted by the Council and convened to consider an appeal by an Approved Inspector or a complainant.

“Approved Inspector” means any individual inspector or body corporate approved in accordance with Regulation 5 by the Council as a body designated by the Secretary of State under Regulation 4 or by the Secretary of State.

“Board” means the board of directors of the Council from time to time.

“Client” means the individual, partnership or company engaging the professional services of the Approved Inspector.

“Code” means the Code of Conduct as set out herein.

“Complaint” means an expression of dissatisfaction about the conduct of an Approved Inspector in breach of this Code or the Building Control Performance Standards published by the Department for Communities & Local Government.

“Construction Industry Council Approved Inspectors Register” (CICAIR) means the body which the Council has established to carry out the day to day work arising from the appointment of the Council as the designated body to approve Approved Inspectors.

“Continuing Professional Development” (CPD) means the systematic maintenance, improvement and broadening of knowledge and skill and the development of personal qualities necessary for the execution of professional and technical duties by Approved Inspectors.

“Council” means the Construction Industry Council (CIC) which has been appointed as the designated body to approve Approved Inspectors under The Building (Approved Inspectors etc) Regulations 2010.

“Disciplinary Panel” means the panel constituted by the Council and convened to consider complaints about the conduct of an Approved Inspector. The panel will be responsible for the rulings and sanctions on disciplinary matters set out in Section 3 Disciplinary Procedures of the Code

“Financial or Professional Interest” means the strict following of the Regulation 9 of the Building (Approved Inspector etc) Regulations 2010. The Council further interprets such an interest in the context of any design or

construction related work for which the Approved Inspector is undertaking Building Control duties regardless of whether it is Minor Works or otherwise.

“Full disclosure” means the provision of all documents relevant to a complaint, in the legal sense of the term.

“Functions of Approved Inspectors” are as set out in the Regulations.

“Knowledgeable person” means any person appointed by the Council who is knowledgeable about construction matters but not a member of the Management Board or an Approved Inspector.

“Management Board” is a board established by Council to oversee the work of the CICAIR.

“Professional Consultant” means an individual or the principal (or principals) of a body corporate who are full corporate members of one of the professional or regulatory bodies that are full members of the Council.

“Project” means the works for which an Approved Inspector is engaged or is intended to be engaged by the Client.

“Qualifying Activities” mean seminars, courses, distance learning methods, technical reading, technical meetings or other such appropriate form of learning.

“Registrar” means a senior administrator appointed by the Council from time to time to whom complaints about Approved Inspectors should be sent, and who will be responsible for maintaining the CICAIR’s records and register of Approved Inspectors, processing applications, and the assessment procedure.

“Review Panel” means the panel convened to advise the Registrar in relation to a Complaint.

“Standards” means the Building Control Performance Standards published by the Department of Communities & Local Government.

“Statement of Case” means a written proforma style report setting out the code breach to be produced by the CICAIR Secretariat supported by the Review Panel, and to be circulated to all relevant parties by the CICAIR Secretariat prior to the Disciplinary Panel hearing.

Any term not defined where appropriate shall have the meaning ascribed in the Act or the Regulations.

SECTION 2 CODE OF CONDUCT

PREFACE

The following Code has been drawn up by the Council in support of its function as a body designated under the Regulations and the Act, to approve Approved Inspectors, and withdraw that approval where appropriate. The Code sets out minimum standards to be kept by all Approved Inspectors.

All Approved Inspectors shall observe the Code herein insofar as it applies. Approved Inspectors in doubt as to their specific actions should refer to the CICAIR for guidance.

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 CICAIR or appropriate professional institutions.

2.3.3 Qualifying Activities may take place:-

- a) through the auspices of a professional body in full membership of the Constructional 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.