

CIC Approved Inspectors Register (CICAIR) Complaint Form

(for Initial Notices dated on or after 1 March 2017)



CICAIR Limited, 26 Store Street, London, WC1E 7BT
T: 020 7399 7403 E: cicair@cic.org.uk

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 internal complaint procedure.
- 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.
- 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.
- Complaints must be lodged with CICAIR via email or post on this form which 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. The Assistant Registrar will return any incorrectly or partially completed forms.
- 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 Protocol* sets out, in detail, how CICAIR will handle complaints. A copy of the protocol is available on the CICAIR website but should you require a copy, 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 CIC website at www.cicair.org.uk/complaints.
- The Code of Conduct for Approved Inspectors (and the associated Guidance Notes) and the CICAIR Complaints Protocol.
- The appendix to this form. This will help you understand what CICAIR will and will not consider as a complaint.

If you have any queries or need assistance call 020 7399 7403 or email cicair@cic.org.uk.

Part 1 - Your Details

Your Name

Address

Postcode

Telephone Number

Fax Number

Email Address

Approved Inspector Name

CICAIR can only consider complaints after the Approved Inspector's internal complaint 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

CICAIR can only consider complaints if there is no legal action in process. Legal action, for the purposes of the CICAIR complaints handling process, covers disputes that are subject to adjudication, arbitration, litigation or mediation. Please tick the following box to confirm this.

- There is there is no legal action in process involving either myself, the party I represent or the Approved Inspector in relation to the dispute.

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. Your information may also be shared with the Parliamentary and Health Services Ombudsman in England or the Public Services Ombudsman in Wales. 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.

Part 2 - Complaint Details

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

Please ensure you have read the CICAIR Definition of a Complaint and the Code of Conduct for Approved Inspectors (and the associated Guidance Notes) before completing the following sections.

Section 1 - Honesty and Integrity

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

Please provide information in support of your complaint below and clearly explain why you believe why the above breach(es) of the Code of Conduct for Approved Inspectors has taken place. Continue on a separate sheet and/or attach/enclose further documents as necessary.

Section 2 - Competency

- 2.1 The Approved Inspector did not provide an appropriate standard of service
- 2.2 The Approved Inspector did not act with professional skill, care and/or diligence
- 2.3 The Approved Inspector did not recognise and work within the limits of available competence and/or resources
- 2.4 The Approved Inspector did not keep professional knowledge and skills up to date and to the expected level set out in the CICAIR Knowledge Base
- 2.5 The Approved Inspector did not comply with the Building Control Performance Standards
- 2.6 The Approved Inspector did not pay due regard to industry best practice, technical and professional standards and to the CICAIR Code of Conduct Guidance Notes

Please provide information in support of your complaint below and clearly explain why you believe why the above breach(es) of the Code of Conduct for Approved Inspectors has taken place. Continue on a separate sheet and/or attach/enclose further documents as necessary.

Section 3 - Accountability

- 3.1 The Approved Inspector was not accountable for their decisions and for duties and tasks they delegated to others
- 3.2 The Approved Inspector delegated work to a person that was not another Approved Inspector or a named Professional Consultant and/or allowed that work to be further delegated
- 3.3 The Approved Inspector did not procure the work in an appropriate manner
- 3.4 The Approved Inspector did not provide, on request, their complaints procedure and/or investigate complaints in accordance with the procedure
- 3.5 The Approved Inspector did not maintain adequate insurance and/or advise their insurers of a potential claim in accordance with the insurers requirements
- 3.6 The Approved Inspector did not uphold the reputation of the profession and of CICAIR

Please provide information in support of your complaint below and clearly explain why you believe why the above breach(es) of the Code of Conduct for Approved Inspectors has taken place. Continue on a separate sheet and/or attach/enclose further documents as necessary.

Part 3 - Declaration

I confirm that the information provided on this form is correct to the best of my knowledge and understand that CICAIR reserves the right to undertake any further investigations that it deems necessary.

I confirm that I have read:

- The CICAIR Definition of a Complaint
- The Code of Conduct for Approved Inspectors
- The Code of Conduct for Approved Inspectors Guidance Notes
- The CICAIR Complaints Protocol

Signed

Date

Appendix

CIC Approved Inspectors Register (CICAIR)

Definition Of A Complaint



CICAIR Limited, 26 Store Street, London, WC1E 7BT
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A complaint is any expression of dissatisfaction about the performance of an Approved Inspector related to its building control services, delivery or actions where a response or resolution is expected from an individual or a group.

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 Code of Conduct for Approved Inspectors
- Failure to comply with the Building Control Performance Standards
- Failure to follow the Approved Inspector's internal policies or procedures
- Failure to take proper account of relevant matters in coming to a decision
- Dissatisfaction with an answer to a query or a response to a request for a service
- Discourtesy or unacceptable behaviour by a member of staff or consultant
- 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.