

DRAFT

Professional Conduct Rules

May 2022



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Professional conduct rules

The standards:

1. Honesty and integrity
2. Professionalism
3. Competence
4. Respect
5. Indemnity
6. Dispute resolution
7. Cooperation

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Introduction

These are the Building Safety Regulator (BSR) professional conduct rules for registered building control approvers.

Section 58R of the Building Safety Act 2022 requires the Building Safety Regulator (BSR) to prepare and publish professional conduct rules applying to registered building control approvers.

The professional conduct rules take their place at the heart of a newly regulated building control profession – one in which persons are required to take individual and organisational responsibility and accountability for decisions, actions and behaviour.

As a Registered Building Control Approver (RBCA), persons are expected to be guided regarding professional conduct and professional practice by the spirit of the rules, as well as their specific standards and clauses. The rules outline mandatory requirements that are principle-based.

A breach of these rules may lead to disciplinary proceedings. This includes any behaviour by persons beyond their professional role which is likely to bring the profession of registered building control approvers into disrepute, such as being convicted of a criminal offence. Each case will be judged on its own facts.

Please read the PCRs in full to understand what the BSR expects of you.

Please note that throughout this document, the pronoun 'you' refers to any persons operating as an RBCA.

Standard 1 Honesty and Integrity

1.1 Honesty

- 1.1.1 You must always be honest and truthful – acting with integrity at all times.
- 1.1.2 You must never make statements or provide professional advice that you know to be:
- False
 - Inaccurate
 - Misleading
- 1.1.3 If you become aware of any persons doing so, you must:
- Undertake the necessary enforcement/disciplinary actions against them, in accordance with the rules of your profession.

1.2 Transparency

- 1.2.1 You must always operate and promote your services in a way that is:
- Clear
 - Truthful
 - Responsible
- 1.2.2 You must always be clear and transparent when explaining the policies and procedures of how work is undertaken. You must:
- Explain how your decisions can be challenged
 - Explain the process used to resolve issues
 - Publish policies on your website
 - Ensure that policies can be easily accessed by members of the public.
- 1.2.3 You must never misuse your status as a Registered Building Control Approver (RBCA) for:
- Personal gain
 - Commercial gain
- 1.2.4 You must always make sure that the terms Registered Building Control Approver and Registered Building Inspector are used:

- In a way that is accurate
- In a way that conforms to the terms of your Registration.

1.3 Financial propriety

1.3.1 You must always ensure that professional finances are:

- Managed in a responsible way.

1.3.2 You must always:

- Reject bribery
- Reject financial impropriety
- Deter/prevent other persons from engaging in such activities.

1.3.3 You must always report:

- Any instances where financial impropriety has taken place

1.4 Protecting reputation and avoiding disrepute

1.4.1 You must always adhere to the highest standards of conduct.

1.4.2 You and your staff must never bring the RBCA profession into disrepute by:

- Being involved in a criminal offence
- Personal conduct unbecoming of the profession
- Irresponsible public statements, including via social media

1.5 Reporting

1.5.1 If any persons who are part of your organisation bring the profession into disrepute through a lapse in conduct, you must immediately:

- Report it to the Building Safety Regulator (BSR)
- Notify the Registrar for RBCAs, if for example:
 - a) Persons are convicted of a criminal offence;
 - b) Persons are made the subject of a Court Order disqualifying them from acting as a company director;
 - c) Persons are made the subject of a Bankruptcy Order;
 - d) Debt Relief Order;
 - e) Bankruptcy Restriction Order;
 - f) Director Disqualification Undertaking;
 - g) Bankruptcy Restriction Undertaking;

h) Persons are:

- The Director of a company which is wound-up
- Placed in an administration
- Placed in a CVA (other than for amalgamation or reconstruction purposes);

i) Persons have made an accommodation with creditors (including a voluntary arrangement);

j) Persons fail to pay a Judgement Debt;

k) Persons are facing Professional misconduct and/or sanctions from a professional body.

1.6 Whistleblowing

1.6.1 You must publish a standalone 'speak up' or whistleblowing policy, that:

- Enables staff to raise concerns in confidence.
- Is easily accessible to all persons
- Is visibly supported at the top of the organisation
- Is actively promoted to the workforce.

1.6.2 You must always undertake the whistleblowing process against an RBI or other persons where there is a breach in:

- Financial standards
- Legal standards
- Professional standards

Standard 2 Professionalism

2.1 Professionalism

2.1.1 You must always uphold the highest standards of the profession by:

- Undertaking your role in a fair manner
- Undertaking your role in a diligent manner
- Undertaking your role in a conscientious manner

2.1.2 You must always:

- Apply effective governance arrangements
- Be accountable for your decisions
- Be accountable for the duties and tasks you delegate to other persons in your organisation.

2.1.3 You must always adhere to:

- The codes of the building control profession
- The guidance of the building control profession
- The legal requirements of the building control profession
- The Operational Standards Rules (OSRs).

2.1.4 You must always ensure that any building control work that you undertake is:

- Legal
- Justified

2.2 Conflict of interest

2.2.1 You must not allow a conflict of interest to compromise your objectivity/impartiality.

2.2.2 If you become aware of a conflict of interest, you must manage it in an effective way.

2.2.3 You must publish a conflict of interest policy that is:

- Easy to access for persons undertaking building control work for you.

This must include how to:

- How to identify a conflict of interest
- How to report a conflict of interest
- How to manage a conflict of interest.

2.4 Effective communication and record keeping

2.4.1 You must always keep proper records of advice and decisions. This will be:

- Detailed, to answer any questions from clients
- Able to show how opinions are justified
- Suitable for auditing
- Suitable for quality assurance
- Suitable for regulatory purposes

2.4.2 You must always make sure that security is in place to safeguard the records of clients, by:

- Protecting confidential information
- Storing details in a responsible way
- Conforming to data protection legislation

2.5 Maintain confidentiality

2.5.1 You must only disclose confidential information if:

- You have the relevant consent to do so
- It is being used for its intended purpose
- It is permitted by law

Standard 3 Competence

3.1 You must be competent

3.1.1 You must always ensure that you are competent to undertake any work that you agree to do.

3.2 Act within your competence

3.2.1 You must always:

- Understand what your professional roles and responsibilities are
- Only undertake restricted activities and functions for work you are registered to do

3.2.2 You must always act within your competence and:

- Ensure that other persons in your organisation act within their competence
- Ensure that any persons in your organisation refuse any work outside their level of competence

3.2.3 You must always:

- State restrictions that apply to your registration when undertaking the role of an RBCA.

3.3 Maintain competence

3.3.1 You must ensure that:

- All persons undertaking building control work on your behalf maintain their competence.

You must provide:

- Relevant Information
- Adequate training
- Supervision
- Support
- Monitor the effectiveness of these provisions

3.3.2 You must always:

- Ensure continuous improvement in the competence of your staff.

3.4 Resourcing

3.4.1 You must not accept work if:

- You do not have the capability/capacity to meet the necessary service standards.

3.4.2 You must always ensure that your staff:

- Understand their assigned roles
- Understand their responsibilities
- Understand any restrictions that apply to them
- Are competent to perform their work.

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Standard 4 Respect

4.1 Sustainability and protection

4.1.1 You must always:

- Give precedence to public and worker safety

Unless:

- A greater public risk/consideration prevents me from doing so

4.1.2 You must always hold paramount:

- The safety of all persons undertaking building control work for you
- The safety of members of the public
- The reporting of hazards to appropriate bodies

4.1.3 You must always:

- Promote sustainability
- Adhere to environmental duties

4.2 Respect for others

4.2.1 You must always:

- Adhere to the Equality Act 2010
- Discipline any building control professionals who breach of it.
- Promote values of equality, diversity, and inclusion.

Standard 5 Indemnity

5.1 Liabilities

5.1.1 You must always ensure that any liabilities which you take on in connection with your building control work are:

- Covered by relevant and appropriate insurance arrangements
- Covered by a sufficient alternative to insurance

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Standard 6 Dispute Resolution

6.1 Deal properly with disputes

6.1.1 You must:

- Publish an online complaint's procedure
- Ensure that it can easily be accessed by members of the public and building control professionals.

6.1.2 You must always:

- Abide by your complaint's procedure
- Work to resolve any disputes in a timely and professional manner.

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Standard 7 Cooperation

7.1 Co-operate with the Regulator and other statutory bodies

7.1.1 You must always:

- Work cooperatively with the BSR
- Work cooperatively with statutory regulators
- Provide all necessary returns and information for audits.

7.1.2 You must always:

- Ensure continuing effective arrangements for working with Local Authority Building Control.

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Further information

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