



**Consultation report:  
Draft Professional Conduct  
Rules for Registered Building  
Control Approvers**

May 2023

# Contents

<b>Introduction</b>	<b>3</b>
Background	3
Breakdown of responses	4
Overview of findings	4
<b>Breakdown of responses</b>	<b>5</b>
Standard 1	5
Standard 2	7
Standard 3	9
Standard 4	10
Standard 5	11
General questions	13
<b>Health and Safety Executive response</b>	<b>15</b>
<b>The way forward</b>	<b>21</b>
Further information	22

## Introduction

The Building Safety Regulator (BSR) will be operating as part of the Health and Safety Executive (HSE) from April 2023. This report summarises the outcome of HSE's public consultation on the introduction of proposed Professional Conduct Rules (PCRs) we are developing for Registered Building Control Approvers (RBCAs). The PCRs will apply to private sector building control approvers in England from April 2024. The development of the PCRs is an iterative process. We will use the consultation responses to shape and refine our proposals. We will publish the revised PCRs in June 2023.

## Background

The Building Safety Regulator (BSR) will be operating as part of the Health and Safety Executive (HSE) from April 2023. Section 42 of the Building Safety Act 2022 requires the Building Safety Regulator to prepare and publish Professional Conduct Rules applying to registered building control approvers.

In May 2022, we published an initial draft of the proposed Professional Conduct Rules. Over summer 2022, we met representative groups for building control to discuss and further develop the draft. A revised version was then published for public consultation in January 2023.

This report summarises the outcome of the public consultation on the proposed Professional Conduct Rules, which will apply to all private sector building control approvers applying for registration with BSR from October 2023.

This public consultation ran from 9 January until 20 February 2023. The consultation was published online and promoted via HSE's building safety e-bulletin and through representative groups. There were **1,358** page views of the consultation online. **A total of 17 responses were received.**

Respondents were encouraged to reply using the online questionnaire: However, 3 responses were received separately by email. These responses were also included in our analysis as follows:

- emails referring to specific questions were included in the online response analysis framework
- emails providing general narrative were analysed by theme, i.e., PCRS standards

Not all online respondents answered every question, and not all gave comments to support their response. A proportion of the consultation was left unanswered by some respondents.

## Consultation report: Draft Professional Conduct Rules

This report includes a summary of responses to the multiple-choice questions and free text fields, which were analysed to find common themes. The summary reflects the views offered, but it is not possible to describe all responses in detail, for example, care has to been taken to respect the wishes of respondents who did not want their details to be made public. The results of this analysis represent the views of respondents and cannot be generalised across the broader building control profession. However, the large number of hits the consultation received provides a level of reassurance that people were reasonably content with what was published, as only a very small number felt the need to respond. Every response has been considered as we further develop the PCRs. Thank you to all respondents for taking the time and effort to provide this valuable feedback.

### Breakdown of responses

A mix of people provided responses either as an individual or a representative of an organisation:

- 11 people responded on behalf of an organisation
  - 5 on behalf of a private building control organisation
  - 3 on behalf of Local Authority organisations
  - 3 on behalf of a professional body
  - 1 on behalf of an organisation (unspecified)
- 6 responded as an individual
  - 1 individual respondent represented consultancy
  - 1 individual respondent represented private sector building control
  - 2 individuals worked in Local Authorities
  - 1 individual classified as 'other'
  - 1 individual chose not to classify their response any further

### Overview of findings

Quantitative and qualitative analysis of the consultation responses show overall, broad support for BSRs proposals, with some useful issues brought to our attention for consideration as well. The responses to the individual questions and themes from the comments are summarised in more detail in this report.

# Breakdown of responses

## Standard 1

### Considering standard 1: complying with your legal, regulatory and professional obligations, is the wording of the standard clear?

Most respondents agreed that the wording of Standard 1 is clear. Of the 17 respondents 10 agreed that the wording of the standard was clear. One email respondent was generally supportive of the PCRs but made suggestions for some revisions and considerations.

Six respondents felt the standard was not worded clearly; six respondents provided comments which related to the following themes:

- a need for clarification of specific aspects of Standard 1
- operationalisation of Standard 1

### Summary of detailed responses to Question 1, Standard 1:

Most of the respondents who felt the wording of the standard was not clear commented on aspects of the standard which needed clarification, specifically:

- clarity on Registered Building Control Approvers' (RBCA) role and responsibilities
- the fact that it is the organisation that is accountable under the PCRs
- highlighting Building Control Approvers' and Registered Building Inspectors' information and guidance needs which this consultation sought to establish

The respondents who raised issues around operationalisation of Standard 1 commented on:

- RBCA enforcement powers and timescales for reversions back to the Local Authority
- the implications of meeting industry standards and best practice versus boundaries of legal powers, and whether this could lead to being in breach of the PCRs

### Question 2, Standard 1. Are there any issues you feel are missing or not covered in complying with your legal, regulatory and professional obligations?

There was broad support for the current standard with only 5 of the 17 respondents feeling specific issues were missing from this standard. Detailed comments highlighted:

- the standard is currently too broad, and guidance is required
- omissions included reference to fairness as well as honesty and integrity
- signposting to BSI Flex 8670/other standards for specific aspects of this standard

### **Question 3, Standard 1: With reference to Standard 1, how do you define 'work activities'?**

All respondents provided an answer to this question. The following headline themes emerged from our analysis of detailed responses:

- most responses related to work activities being clearly associated with specific parts and/or general scope of the regulations, depending on the role/work type
- some felt they related to the whole building control process, including inspections and decision making
- other views contrasted with identification with what is already in the draft PCRs vs. a call for a definition

### **Question 4, Standard 1: Are there any behaviours within Standard 1 that you would find it difficult to comply with?**

Nine of the 17 respondents provided comments on their ability to meet certain behaviours in Standard 1. They covered:

- the need for guidance to supplement the high-level overview of standards in the PCRs to clarify what is necessary
- the need for further consideration and clarity around conflicts of interests in different scenarios, including actions short of reversion and who appoints a BCA
- that promotion of equality, diversity and inclusion are a new additional responsibility
- further clarity is requested to ensure there is clear delineation between design advice and carrying out the regular duties of the building control function
- feasibility and impacts of proposed timescales under Rule 1.6 in Annex 1
- industry standards and best practice vs. boundaries of legal powers

### **Question 5, Standard 1: What aspects of complying with your legal, regulatory and professional obligations would benefit from further guidance? Please explain**

All but one respondent provided an answer to this question. Five headline themes emerged from our analysis with further diverse themes included within them:

- clarification on the scope of advice which can be provided, particularly in relation to design advice
- guidance on the level of autonomy and interpretation of the legislation would be beneficial
- information and guidance on the Building Inspector Competence Framework (BICoF) and verification which are separate to the PCRs but connected
- the need for clarifications and definitions in certain aspects of the PCRs and in relation to specific terminology

## Consultation report: Draft Professional Conduct Rules

- one respondent required 'complete guidance' while others required no further guidance

### Summary of detailed responses to Question 5, Standard 1:

Respondents made suggestions for further guidance and highlighted benefits, which included:

- further guidance and definitions could reduce ambiguity and limit what could currently be wide interpretation- requests for clarifications and definitions included the following statements, descriptors or aspects of building control:
  - standards, timescales and conditions (where referred to/relevant)
  - professional independence and impartiality
  - acceptable supervision
  - scope of advice which can be given, particularly around design advice, which could help avoid inconsistency across building control
- guidance on the boundaries of supervision and of powers, and guidance on cooperation between RBCAs, and between RBCAs and statutory bodies, including time-sensitivities, execution of notices and reversions to LAs
- taking a reasonable approach to compliance of buildings, including making decisions without resorting to enforcement.

## Standard 2

### Question 1, Standard 2: Is the wording of the standard clear?

Most respondents were supportive of the clarity of *Standard 2*. Eleven of the 17 respondents agreed that the wording is clear; those who provided more detailed responses and disagreed that Standard 2 is worded clearly, commented within these two headline themes:

- Clarifications needed
- Further thought and clarification around conflicts of interest

### Summary of detailed responses to Question 1, Standard 2:

Comments focused on the benefits of further thought and clarifications in particular areas:

- applicability of the PCRs- although the PCRs cover RBCA responsibilities, further clarification was sought where the delineation of RBCA and RBI accountabilities was felt to be less clear in the standard
- where the wording of the standard is more 'high-level' it was felt that clarifications are needed to ensure responsibilities are fully met
- some wording was felt to be less clear or ambiguous – suggestions included removing wording like 'where appropriate/relevant' which could be open to varied interpretations
- further guidance was requested on fair and proportionate professional costs

## Consultation report: Draft Professional Conduct Rules

- further guidance on what constitutes a conflict of interest

### **Question 2, Standard 2: Are there any issues and risks you feel are missing or not covered in complying with relevant business requirements?**

Most respondents felt that there were no issues or risks covered by complying with relevant business requirements missing from Standard 2. Five of the 17 respondents made suggestions which included:

- applicability of the PCRs could be made clearer
- the Standard is too broad and could align better with the Operational Standards Rules (OSRs)
- consideration of mandatory reporting of conflicts of interests and solutions short of reversions and cost incursion

### **Question 3, Standard 2: Are there any behaviours within the standard that you would find it difficult to comply with**

The majority of the 17 respondents foresaw no issues with complying with the behaviours set out in Standard 2. Comments made by 3 respondents covered the following:

- imposing a mandatory reporting duty could reduce risks of potential disruption and cost of reversions
- the applicability and breadth of the standard were raised with further clarity and guidance requested to operationalise the PCRs

### **Question 4, Standard 2: Are there any scenarios where you would believe it would appropriate to manage conflict of interests?**

Nine of the 17 respondents believed that there were scenarios where it would be appropriate to manage conflict of interests: six disagreed. The following themes emerged in responses:

- some scenarios may require a simple solution, for example, deployment of a different RBI
- compliance with existing standards, and alignment with BCA standards would avoid conflicts of interests
- multi-disciplinary teams, commercials (who appoints), and Local Authority properties and land could present conflicts of interests

### **Question 5, Standard 2: What aspects of complying with relevant business requirements would benefit from further guidance? Please explain**

Six of the 17 respondents thought no further guidance was needed; conversely, 1 respondent requested guidance on all aspects of the standard. Seven respondents provided comments and suggestions. With conflicts of interests being most mentioned, further guidance was required on:

- conflicts of interests in general and including (but not limited to) informed consent and dual-purpose visits
- demonstrable/tangible expectations



## Consultation report: Draft Professional Conduct Rules

- GDPR and sharing information with enforcing bodies
- principles of impartiality
- benchmarks for professional costs

### Standard 3

#### Question 1, Standard 3: Is the wording of the standard clear?

The majority of the 17 respondents either agreed that the wording of Standard 3 was clear or provided no comments relating to this standard in their email response. Respondents who provided more detailed responses and disagreed that Standard 3 is worded clearly, commented within these 3 headline themes:

- clarity, definition and supplementary guidance are needed
- aligning the PCRs to the OSRs, the BICoF and existing quality management accreditation
- verification of competence

#### Summary of detailed responses to Question 1, Standard 3:

Comments focused on:

- providing greater consistency with the OSRs and the BICoF, including around requirements for records keeping
- aligning standards/requirements with existing quality management standards
- repeated requests for supplementary guidance and clarifications of specific terms as the PCRs are currently high-level and the implications of the requirements would benefit from contextual explanation, including:
  - addressing ambiguities relating to responsibilities which lie with RBCAs vs. individuals
  - clarification of the scope of supervision
  - clarification of whether the term 'employees' is limited to RBIs or extends to the rest of the workforce

#### Question 2, Standard 3: Are there any issues and risks you feel are missing or not covered in complying with relevant business requirements?

The majority of the seventeen respondents either felt there were no issues or risks missing or did not provide a response to this question.

The 3 respondents who provided a detailed response commented on aspects including:

- appropriate methods of verification of competence
- CPD hours requirements
- widening out the applicability of this standard to partners and directors

### Question 3, Standard 3: Are there any behaviours within the standard that you would find it difficult to comply with

Most respondents felt that they would not find it difficult to comply with any of the behaviours in this standard. Those who did provide a detailed response commented on:

- the need for guidance to be able to comply with the outline regulatory CPD requirements
- their corresponding comments on the BICoF<sup>1</sup>

### Question 4, Standard 3: What aspects of the maintaining professional competence and continuing professional development would benefit from further guidance?

Nine of the 17 respondents provided a comment: some on aspects of this standard which would require further guidance, while two respondents felt this standard is adequate in its current form. Detailed responses included reference to previous answers or their response to the BICoF consultation; others commented on:

- appetite for BSR-led online CPD sessions, like the approved documents session
- scenario-based and example-based guidance on aspects including, acceptable supervision (for example, remote and in-person), CPD records keeping and planning, and other sections with clear alignment to the Code of Conduct

## Standard 4

### Question 1, Standard 4 Is the wording of the standard clear?

The majority of the 17 respondents agreed that the wording of this standard was clear. Five respondents disagreed, four of which provided detailed comments alongside the comments made in the email response received. These responses covered the following two headline themes:

- requests for clarifications and definitions
- disagreement with intent in the wording, and suggestions for re-wording or re-drafting of specific elements

### Summary of detailed responses to Question 1, Standard 4:

Comments focused on:

- the emphasis of upholding the interests of the public first then the interests of the profession
- requests for re-wording and clarification on 4.1 to avoid confusion; suggestion to align wording of 4.1 to Principle 5 Code of Conduct; and concerns regarding delineation of accountabilities, i.e., RBCA vs. individuals with 4.2(b) needing to articulate clear accountability on organisations
- contextual guidance needed for consultancy and self-employed RBCAs/RBIs

### Question 2, Standard 4: Are there any issues and risks you feel are missing or not covered in standard of service?

The majority of the 17 respondents felt that there were no issues or risks missing from this standard. One person did not provide an answer and 3 respondents provided detailed comments on:

- their view that HSE and LABC should combine into one organisation
- the standard being very broad and needing supporting guidance

### Question 3, Standard 4: Are there any behaviours within the standard that you would find it difficult to comply with

Most respondents felt that they would not find it difficult to comply with any of the behaviours in this standard. Those who did provide a detailed response commented on:

- disagreement with a specific aspect of the standard and their first duty being to the public, not the profession
- aspects of 4.5 relating to financially driven decisions
- aspects of 4.7 and enabling RBCAs to adopt suitable processes and practices which are appropriate considering workloads and variations in project-type
- workloads, resource constraints and range of tasks undertaken in LAs compared to private sector which does not have an enforcement role

### Question 4, Standard 4: What aspects of standard of service would benefit from further guidance?

Nine of the 17 respondents provided a comment: some on aspects of this standard which would require further guidance, while three respondents felt this standard is adequate in its current form. Detailed responses included one respondent referring to a previous answer; others commented on:

- the whole of the standard requiring supporting guidance
- guidance on specific elements, including:
  - expectations of governance arrangements and how will be evidenced
  - guidance on calculating additional fees when more resource is required on a project due to poor building standards (LA response)
  - clarity on insurance requirements

## Standard 5

### Question 1, Standard 5 Is the wording of the standard clear?

Ten of the 17 respondents agreed that the wording of this standard was clear. Six respondents disagreed, all of whom provided detailed comments alongside the comments made in the email response received. These responses covered the following two headline themes:

- requests for definitions and supplementary guidance

## Consultation report: Draft Professional Conduct Rules

- requests and suggestions for clarity, re-wording and removing ambiguity in specific aspects of the standard

### Summary of detailed responses to Question 1, Standard 5:

- suggested alignment to the RBI Code of Conduct
- requests for guidance, clarification and revised wording more generally, and more specifically relating to:
  - 5.1
  - 5.4/Annex 2 with a specific question on its application and interpretation
  - 5.6 to ensure it is applied sensibly and proportionately
  - definition of the term 'client'
  - clarification on the release and retention of information

### Question 2-Standard 5: Are there any issues and risks you feel are missing or not covered in engaging with clients?

The majority of the 17 respondents felt that there were no issues or risks missing from this standard. One person did not provide an answer and 3 respondents provided detailed comments on:

- though supportive of the standard it is felt to be too high-level and requires supporting guidance- once the implications are understood it will be easier to assess risks and issues which may or may not be missing
- specific suggestions relating to additions and the need for clarity in aspects 5.1, 5.6 and 5.10, including a suggestion to help ensure dutyholders know RBCAs' lines of accountability and answerability via creation of universal terms and conditions

### Question 3-Standard 5: Are there any behaviours within the standard that you would find it difficult to comply with

Ten of the 17 respondents felt that they would not find it difficult to comply with any of the behaviours in this standard. Those who did provide a detailed response commented on:

- 5.1, which is unclear to that individual
- difficulties in practically achieving point 4 in Annex 2 and points 5.4 and 5.5 in the standard, for example, change in named RBI, and in situations where the client has not informed the RBCA of changes in their programme for time/cost
- some aspects of this standard and the Annex belonging in the OSRs

### Question 4-Standard 5: What aspects of the engaging with clients would benefit from further guidance?

Eight of the 17 respondents felt that the standard did not require further guidance or was sufficient. Six respondents provided comments on:

- all aspects of the standard requiring supplementary guidance
- guidance on application in context of specific aspects of Annex 2 and standards 5.1, 5.4, 5.5, 5.9 and 5.10

## Consultation report: Draft Professional Conduct Rules

- clarity and definitions required, including for the terms, 'client' and 'end-user'

### General questions

#### **Do you think that the principles and standards set an appropriate level of professional ethical practice?**

Ten of the 17 respondents felt that the principles and standards set an appropriate level of ethical practice. Four respondents disagreed and provided comments on:

- Their views that the standards are overreaching and disproportionate
- Making amendments to better align with the BCoF and OSRs
- Their view on insufficient detail on the demonstration of ethical practice

#### **Do you think the Professional Conduct Rules is going to disproportionately affect anyone with protected characteristics? Yes/No If you selected yes, then please explain which group of people is likely to be affected and how.**

The majority of the 17 respondents felt that the PCRs is not going to disproportionately affect people with protected characteristics. One respondent felt it would and commented on:

- Potential over-reach into moral rather than ethical issues; and disproportionate effects of aspects covered in 1.10 and 2.3 which relate to responsible management personal finances and whether their relativity or relevance to professional finance matters is proportionate

#### **Are there any other standards that should be included in the Professional Conduct Rules? Yes/No - If you selected yes, then please specify the standards that should be included.**

The majority of the 17 respondents felt that there are no other standards that should be included in the PCRs. Three respondents felt there are and commented on inclusion of:

- elements of the RICS rules
- supplementary guidance to enable consistent interpretation of the PCRs, and specifically, supplementary guidance already in Building Control Performance Standards (Jan 2017) to enable consistent interpretation

#### **Is there anything in the Professional Conduct Rules that is a deterrent to you registering? Yes/ No if you selected yes, please specify the deterrent to registering**

Four of the 17 respondents felt there is something in the PCRs (or related to it) which is a deterrent to them registering; three respondents felt there is not something in the PCRS but commented on other matters. Comments focused on:

- how dependencies on supplementary guidance and flexibility regarding application of standard 4.7 may influence future decision-making regarding registration verification and assessment of competence

## Consultation report: Draft Professional Conduct Rules

- perceptions of bureaucracy adding to existing pressures and demands brought about by poor construction industry standards
- concerns about aspects of the PCRs which are beyond individuals' control when commencing and running work projects

### Is there anything further you would like to add?

Eleven respondents provided general comments which related to the following issues:

- barriers to effective building control, including perceived bureaucracy and lack of resources- and a need to educate the public on building control and its importance
- confusion and a need for contextual guidance regarding some aspects of the PCRs which appear to be an individual's responsibility vs. an RBCA's responsibility; and where an individual operates as an RBCA (for example, a consultancy)
- the value of PCRs as standards already apply, and perceived bureaucracy and burden which won't be reflected in pay which is driving thoughts of leaving building control
- the PCRs being high-level and containing some inconsistencies which brings about a need for guidance and greater alignment to the law and other BSR products, i.e., the OSRs and BICoF
- suggestions for proofing and edits, including clearer wording, clarifications and definitions
- transition, readiness, short lead-in time and the need for guidance ahead of implementation of PCRs
- concerns with obligations, internal investigation turnaround times, and requirements for provision of information in requirements 1.6, 1.7b, 1.9, 1.12, and Annex 2

## Health and Safety Executive response

The Health and Safety Executive has considered the views of the respondents. We respond to those views by making the following observations on the draft Professional Conduct Rules (PCRs). We will take all matters into consideration as we continue to develop the PCRs and associated guidance. We continue to engage with the building control profession and have made great progress in developing the PCRs and shaping ideas for supporting guidance.

**Table 1 – Summarises response themes identified in the consultation and the Health and Safety Regulator’s response**

PCRs theme	Theme summary	HSE response
Clarity on applicability of PCRs	<ul style="list-style-type: none"> <li>• The fact that it is the organisation that is accountable under the PCRs</li> <li>• Highlighting RBCA and Registered Building Inspectors’ information and guidance needs which this consultation sought to establish</li> </ul>	<ul style="list-style-type: none"> <li>• The PCRs will only apply to private sector Registered Building Control Approvers. Responses about the effect of the PCRs on Local Authorities are not addressed in this report as the PCRs do not apply to LAs</li> </ul>
Clarity of boundaries of responsibilities	<ul style="list-style-type: none"> <li>• Clarity on Registered Building Control Approvers role and responsibilities</li> <li>• Further clarity is requested to ensure there is clear delineation between design advice and carrying out the regular duties of the building control function</li> </ul>	<ul style="list-style-type: none"> <li>• The redrafted PCRs will ensure that there is clear delineation between the accountability of Registered Building Control Approvers and the building inspectors who work for them.</li> <li>• Since the draft PCRs were shared “design advice” has been under review. Comments have been noted. Details will be updated in secondary legislation</li> </ul>
Clarity on reversions	<ul style="list-style-type: none"> <li>• Specifics requirements relating to reversions to the Local Authority, including:                             <ul style="list-style-type: none"> <li>• Standards which need to be met</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Standards regarding the management of reversions can be found in the Operational Standards Rules</li> </ul>

## Consultation report: Draft Professional Conduct Rules

	<ul style="list-style-type: none"> <li>• Timescales which need to be met</li> <li>• Guidance on the boundaries of supervision and of powers, and guidance on cooperation between RBCAs, and between RBCAs and statutory bodies, including time-sensitivities, execution of notices and reversions to LAs</li> </ul>	
Best practice	<ul style="list-style-type: none"> <li>• Industry standards and best practice vs. boundaries of legal powers</li> </ul>	<ul style="list-style-type: none"> <li>• The regulator does not expect RBCAs to go beyond the boundaries of their legal powers</li> </ul>
Conflicts of interest	<ul style="list-style-type: none"> <li>• The need for further consideration and clarity around conflicts of interests in different scenarios, including actions short of reversion and who appoints an RBCA</li> <li>• Difficulty in the management of risk due to inherent structures and multidisciplinary roles in the building control sector</li> </ul>	<ul style="list-style-type: none"> <li>• Guidance will be developed regarding management of the risk of conflict of interest in the course of business</li> </ul>
Clarity on data retention periods	<ul style="list-style-type: none"> <li>• GDPR and sharing information with enforcing bodies</li> <li>• Data retention is not aligned across the Registered Building Inspector obligations in the code of conduct and the building control approver obligations in the PCRs</li> </ul>	<ul style="list-style-type: none"> <li>• Retention periods were initially drafted to reflect RBI and RBCA registration periods</li> <li>• Data retention obligations will be aligned to GDPR regulations of 15 years from the date of the engagement in the redrafted PCRs and similar products</li> </ul>
Clarity of data release obligations	<ul style="list-style-type: none"> <li>• Clause 5.6; to ensure it is applied sensibly and proportionately</li> </ul>	<ul style="list-style-type: none"> <li>• RBCAs are under the same legal obligations as LAs in relation to the disclosure of confidential information</li> </ul>
Clarity on Inclusivity	<ul style="list-style-type: none"> <li>• That promotion of equality, diversity and inclusion are a new additional responsibility</li> </ul>	<ul style="list-style-type: none"> <li>• This will be addressed in supporting guidance</li> </ul>



## Consultation report: Draft Professional Conduct Rules

	<ul style="list-style-type: none"> <li>• Clarity on the implementation of an “inclusive culture”</li> </ul>	
Alignment with OSRs	<ul style="list-style-type: none"> <li>• Aspects of 4.7 and enabling RBCAs to adopt suitable processes and practices which are appropriate considering workloads and variations in project-type</li> </ul>	<ul style="list-style-type: none"> <li>• The PCRs will be reviewed in their redraft considering OSRs- however, it is important to note that the OSRs will provide mandatory standards to LAs and RBCAs on their building control functions, whereas the PCRs provide mandatory standards on professional conduct of RBCAs</li> <li>• Comments around flexibility in the application of OSRs have been passed to the OSR workstream for their consideration</li> </ul>
Standard 3 – Maintaining competence	<ul style="list-style-type: none"> <li>• Widening out the applicability of this standard to partners and directors</li> <li>• Scenario-based and example-based guidance on aspects including, acceptable supervision (e.g., remote and in-person), CPD records keeping and planning, and other sections with clear alignment to the Code of Conduct</li> </ul>	<ul style="list-style-type: none"> <li>• Comments have been taken into consideration and have been passed on to the workstream developing the guidance</li> </ul>
Definitions around competence	<ul style="list-style-type: none"> <li>• Definition and implementation of ‘necessary competence’, ‘supervision’, ‘under supervision’, ‘employee’ and ‘Continuing Professional Development requirements’</li> </ul>	<ul style="list-style-type: none"> <li>• Guidance on CPD requirements is being developed and comments around this have been passed onto the relevant workstream</li> </ul>
Definitions around “impartiality”	<ul style="list-style-type: none"> <li>• Clarity around “impartiality” and the operationalisation of the principle</li> </ul>	<ul style="list-style-type: none"> <li>• This will be addressed in supporting guidance</li> </ul>
Clarity on the use of the word “client”	<ul style="list-style-type: none"> <li>• Wording is unclear and suggests a commercial relationship rather than a dutyholding/compliance relationship</li> </ul>	<ul style="list-style-type: none"> <li>• The use of word ‘client’ is being reviewed for the next draft of the PCRs</li> </ul>

## Consultation report: Draft Professional Conduct Rules

<p>Parity with Local Authority practices</p>	<ul style="list-style-type: none"> <li>• Oversight of BSR and LAs</li> <li>• And a suggestion to help ensure dutyholders know RBCAs' lines of accountability and answerability via creation of universal terms and condition</li> <li>• Further guidance was requested on fair and proportionate professional costs</li> <li>• Benchmarks for professional costs</li> <li>• Guidance on calculating additional fees when more resource is required on a project due to poor building standards (LA response)</li> </ul>	<ul style="list-style-type: none"> <li>• The PCRs do not apply to Local Authorities as they are subject to other standards, including codes of practice and the Nolan principles, that provide parity</li> </ul>
<p>Amendments to reporting obligations</p>	<ul style="list-style-type: none"> <li>• Flexibility in reporting when engaging with clients due to unknowns in project delivery and requests for guidance, clarification and revised wording more generally, and more specifically relating to 5.4/Annex 2 – 'client engagement letter' with a specific question on its application and interpretation. Difficulties in practically achieving point 4 in Annex 2, 5.5 in the standard, e.g., changed in named RBI, and in situations where the client has not informed the RBCA of changes in their programme for time/cost</li> <li>• Feasibility and impacts of proposed timescales under Rule 1.6 in Annex 1 Concerns with and requirements for provision of information in requirements 1.6, 1.7b, 1.9, 1.12, and Annex 2</li> </ul>	<ul style="list-style-type: none"> <li>• The next draft of the PCRs will take into consideration uncertainty when calculating project deliverables and amend accordingly</li> <li>• In addition, reporting timescales detailed in Annex 1 will be reviewed prior to the next draft of the PCRs and guidance will be developed where appropriate</li> </ul>

## Consultation report: Draft Professional Conduct Rules

Guidance around accessibility	<ul style="list-style-type: none"> <li>• Requests for guidance, clarification and revised wording more generally, and more specifically relating to 5.1, definitions around 'accessibility'</li> </ul>	<ul style="list-style-type: none"> <li>• Guidance on accessibility of services for the public is being developed</li> </ul>
Impact reporting personal financial status might have on people groups with protected characteristics	<ul style="list-style-type: none"> <li>• Potential over-reach into moral rather than ethical issues; and disproportionate effects of aspects covered in 1.10 and 2.3 which relate to responsible management personal finances and whether their relativity or relevance to professional finance matters is proportionate</li> </ul>	<ul style="list-style-type: none"> <li>• The PCRs govern how Registered Building Control Approvers conduct themselves professionally- HSE believes personal conduct of financial practices may have a bearing on the professional conduct of financial practices</li> </ul>
Request to extend lead-in time for publication of the Professional Conduct Rules	<ul style="list-style-type: none"> <li>• Transition, readiness, short lead-in time and the need for guidance ahead of implementation of PCRs</li> </ul>	<ul style="list-style-type: none"> <li>• Registration is not mandatory until April 2024 and the Professional Conduct Rules will not come into force until April 2024. The Professional Conduct Rules will be published in June 2023</li> </ul>
Clarity around the verification of competence	<ul style="list-style-type: none"> <li>• Verification and assessment of competence</li> </ul>	<ul style="list-style-type: none"> <li>• Comments around the way verification of competence will be assessed have been passed on to the relevant workstream</li> </ul>
Omissions	<ul style="list-style-type: none"> <li>• Omissions included reference to fairness as well as honesty and integrity</li> </ul>	<ul style="list-style-type: none"> <li>• The PCRs are written in such a way that they are 'principle based' that breaking of the clauses is tantamount to not operating in honesty, integrity, fairness and transparency in professional conduct please visit page 3 of the PCRs for further details of principles 1, 3 and 6</li> </ul>
Standard 4	<ul style="list-style-type: none"> <li>• Clarity on insurance requirements</li> </ul>	<ul style="list-style-type: none"> <li>• This will be covered in supporting guidance</li> </ul>

## Consultation report: Draft Professional Conduct Rules

Suggested Amendments	<ul style="list-style-type: none"> <li>• Requests for re-wording and clarification on 4.1 to avoid confusion; suggestion to align wording of</li> <li>• Aspects of 4.5 relating to financially driven decisions</li> </ul>	<ul style="list-style-type: none"> <li>• The PCRs will be redrafted to reflect the emphasis of RBCAs upholding the interests of the public in the first instance and then the interests of the profession</li> <li>• Guidance will be developed around PCR clause 4.5 to ensure that there is clarity in its application particularly around personal interest rather than organisational interest</li> </ul>
Suggested Amendments	<ul style="list-style-type: none"> <li>• Specific suggestions relating to additions and the need for clarity in aspects 5.10</li> </ul>	<ul style="list-style-type: none"> <li>• The Regulator maintains that all evidence be retained by Registered Building Control Approvers; guidance around “all evidence” will be developed</li> </ul>

## The way forward

The Building Safety Regulator acknowledges the support from all who contributed to this consultation. All responses have been considered within the overall analysis. The consultation findings will feed directly into the development of the Professional Conduct Rules and supporting guidance products. They will also influence the development of the registration process and other registration products.

The Professional Conduct Rules will be published in June 2023, so that people have time to familiarise themselves with it before registration opens in October 2023.

From April 2024, only Registered Building Approvers will be able to undertake restricted functions, as defined in legislation.

The introduction of the Professional Conduct Rules is a new requirement and supporting guidance is being developed. Once introduced, the Building Safety Regulator will periodically review the Professional Conduct Rules, updating them where necessary and appropriate and considering the views of the profession.



## Further information

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