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Building Inspector Registration and Supervision

Professional Information Note

cbuilde.com

v1 February 2024



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Section 1 – Building Inspector Registration and Supervision



1.0 – Introduction

CABE has issued this further commentary to its members, and company partners, on how to prepare for Building Inspector Registration including what to do if you, or the people you employ, are unable to become registered with the Building Safety Regulator (BSR) by the 6 April 2024 deadline.

1.1 – CABE Members and Building Inspector registration

New regulations coming into force on 6 April 2024 will require restricted activities and functions to be carried out by a suitably registered building inspector.

CABE's priority is to support its members through the registration process whilst helping to maintain capacity in the building control profession. However, it is now clear that a substantial number of people requiring registration will not achieve this by the first week in April.

This information sets out CABE's view as to how best to prepare for the 6 April 2024 deadline, but in particular we are providing advice to members who are not ready to become fully registered, or believe they are unlikely to complete an approved assessment in time.

1.2 – Registration and supervision

There is no statutory transition period beyond 6 April 2024 for the restricted activities and functions that apply to building inspectors to come into force – legal requirements set out in the Building Safety Act will apply from that date forward.

However, it is important to remember that registration does not close on 6 April 2024 and that approved schemes will continue to provide assessments and certifications after that date. If members cannot obtain certification by 6 April 2024, it is important that they take appropriate action to comply as far as possible and work under supervision. The following information sets out CABE's view of an appropriate framework for supervision.

1.3 – Working under supervision

Any building inspector not registered at Class 2, 3 or 4 will need to be registered at Class 1 and work under the supervision of a registered building inspector.

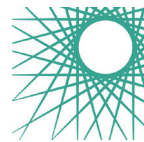
In CABE's view supervision by a registered building inspector is appropriate for:

- the work of an early-stage trainee in development; being mentored and working through a planned and documented development programme towards registration
- a registered inspector undergoing training, development and gaining experience with a view to extending the scope of their work or registering at a higher class; or
- inspectors who are in the process of being assessed for registration but who have not been able to achieve this prior to 6 April 2024.

Working under supervision means supporting the work of a building inspector who has the appropriate class of registration for the type of building work being inspected. The supervising building inspector will have sole legal responsibility for discharge of all of the restricted activities and functions in accordance with the Building Safety Act and supporting regulations. It is important that organisations put in place suitable policies and procedures to manage supervision so that the legal discharge of relevant functions and activities is restricted to the registered inspector and properly recorded.

Supervision enables individual building inspectors and their employers to agree sensible and proportionate supervision measures to ensure continuity of service whilst developing staff in order to achieve registration at Class 2, 3 or 4. Putting in place suitable arrangements for supervision will also enable CABE Members who are registered at Class 1 to continue to support delivery of building control services in the short to medium term as they work through their assessment and certification process.

In CABE's view, sensible arrangement for supervision would include the following:



- the ratio of supervising inspectors to supervised inspectors being minimised in the period immediately following 6 April 2024 and then managed down to a business-as-usual level as soon as practicable by supporting competent building inspectors to complete registration at Class 2, 3 or 4
- building control managers targeting a maximum ratio of 1 supervising building inspector to 4 supervised inspectors post 6 April 2024 and then agreeing and documenting their plans to ensure all competent inspectors are registered within the following 12-month period. Where this ratio is exceeded additional management and quality control measures should be agreed and recorded
- employers putting in place documented procedures to ensure that supervision is consistently managed in a way which is proportionate to risk and where responsibility for discharge of restricted functions and activities are undertaken by the supervising inspector; and
- employers and individual building inspectors having due regard to any further guidance issued by the BSR overtime and adapting their approach accordingly as this guidance is issued.

NOTE:

1. *In this context, a supervised inspector is either a Class 1 registered inspector in development or progressing through assessment; or a Class 2, 3 or 4 inspector working beyond the class and scope of their registration with a view to developing additional experience prior to extending their scope of registration or applying to register at a higher class.*
2. *A personal development plan and records of training etc. should always be recorded in writing and updated as necessary where Class 2, 3 or 4 inspectors are developing experience under supervision to extend scope or apply for a higher class of registration.*

1.4 – Mental health and wellbeing

CABE is aware that the registration process is creating exceptional pressure on building inspectors and building control staff. It is, therefore, vital that employers put in place measures to support staff through this period to reduce anxiety, to safeguard the mental health, physical health and wellbeing of employees and to help in retaining skilled and competent people in the building control profession.

Putting in place sensible supervision policies will help to reassure building inspectors that their employment is safeguarded beyond 6 April 2024 and that there is time to complete their assessment after that date.

The **CABE Benevolent Fund** can provide additional support if needed including referrals to Anxiety UK to help members manage their mental health – further details can be found at cbuide.com/benfund.

1.5 – Is this approach approved by the BSR?



We understand that the BSR will issue guidance on supervision in due course. but that this is unlikely to be available in the short term. This is why CAGE has decided to provide further information for members and employers to consider, particularly in planning for the period after 6 April 2024.

We do know that the BSR's intended approach to enforcement is proportionate, based on risk and will consider mitigating factors where these can be evidenced.

Further detail can be found in the BSR enforcement policy statement which can be found at www.hse.gov.uk/building-safety/assets/docs/enforcement-policy.pdf.

Particular reference should be made to section 12.0 which explains the factors that the BSR is likely to take into account when deciding if enforcement is appropriate.

In CAGE's view this means that:

- where CAGE Members and employers make every practicable effort to comply with legal requirements and document how they have decided on what actions are necessary it is likely that the BSR will act proportionately in response. In CAGE's view, it is unlikely that the BSR will act punitively where individuals and organisations engage positively including taking the steps set out above and below; and
- failure to make reasonable efforts to comply or to game the system (e.g. by overextending flexibility or scope of supervision) is likely to be detected through market surveillance and mandatory reporting arrangements and will be sanctioned retrospectively.

CAGE's discussions with the BSR consistently emphasise that putting in place a plan to achieve registration, documenting this and then making best efforts to follow that plan will be looked upon favorably, even after the 6 April 2024 deadline. This includes as a minimum members registering at Class 1, working under supervision in a structured manner and working within their limits of competence (see below) during that period.

Early discussions with employers to ensure that supervision is managed in line with the information in this note are therefore recommended. The BSR has had the opportunity to comment on this information note and has not raised any specific concerns.

Section 2 – What to do now



2.0 – Actions for individual building inspectors

Step 1 – All members should get registered at Class 1 immediately.

Any CABA members intending to register, or work under supervision, (who is not already registered with the BSR) should immediately register at Class 1 online at gov.uk/guidance/register-as-a-building-inspector. This is a vital first step in demonstrating positive compliance.

You do not require any assessment to register at Class 1 and it only takes a few minutes. Once you have registered at Class 1 you can upgrade your registration at any time without incurring additional charges (subject to obtaining appropriate certification and by submitting self-declared information to the BSR).

Step 2 – Getting registered at Class 2, 3 or 4 as soon as possible.

If you are already working as a building inspector and intend to become registered at Class 2, 3 or 4, but haven't yet been assessed you should:

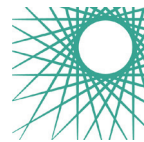
1. review all three **approved building inspector competence assessment schemes*** and choose the one that suits your preferred method of assessment
2. commit to one of the **three schemes*** and start your assessment pathway and application as soon as you can
3. set out a realistic timescale to prepare for and progress through that assessment pathway, record what your plan is and why it is appropriate and agree this with the assessment scheme provider and your line manager. If you need longer to prepare or progress through an assessment process, record why this is the case. CABA's view is that it is better to prepare properly for an assessment than rush and risk failure; and
4. follow through on your registration plan and once you have succeeded in obtaining certification get registered online at gov.uk/guidance/register-as-a-building-inspector website as soon as practical.

Step 3 – if you intend to stay at Class 1 for a period, or don't believe you will have time to be assessed before the 6 April 2024 deadline you should also:

- share this information note with your employer
- agree suitable supervision requirements with your employer and record these in writing, including a plan and timeline to be assessed; and
- challenge any pressure to work beyond the limits of your competence.

**The three schemes are: CABA Building Inspector Competency Assessment Scheme (CBICAS); Building Safety Competence Foundation (BSCF) and Building Control Competence Assessment (BCCA).*

2.1 – Actions for building control bodies and employers



Step 1 – Check how your staff are progressing.

Employers have a duty of care to their staff and should make sure that they are sensitive to the pressures that the registration process is creating. Employers should be proactive in putting in place measures to support mental health in the workforce including training mental health first aiders and creating an environment where there is space and time to raise concerns.

Employees should not be pressurised to apply for classes of registration beyond the limits of their competence or experience.

Applying pressure to obtain registration by threatening change to future employment terms or continuity of employment is likely to create conditions that may give rise to serious harm to employees. Employers should put in place suitable measures for supervision instead.

Step 2 – Develop, agree and record management procedures for supervision.

- You should develop robust procedures for supervision, record these in writing, and provide training to registered inspectors acting as supervisors.
- Review the BSR's Operational Standard Rule and ensure your policies are aligned with these requirements.
- Put in place a risk-based process to determine how projects/case work are allocated to ensure that the person inspecting the work is suitably competent and has the correct registration. Record decisions and reasoning in writing for each case allocation. This includes decisions relating to the level of supervision required for building inspectors with differing levels of experience.
- Review and update your policies and procedures periodically, or as and when further guidance is issued by the BSR.

Step 3 – Agree arrangements for supervision with your staff.

- Ensure that all your staff who undertake or support restricted activities and functions are registered at Class 1 as a minimum. This includes trainees as well as more experienced inspectors preparing for registration.
- Find out where all your staff are in terms of obtaining registration. Keep this under review but be as flexible around timings as possible.
- Where staff may be at risk (or are unlikely) to complete registration before 6 April 2024 agree a suitable supervision framework. This will vary depending on the experience of the inspector being supervised (with more experienced inspectors requiring less supervision than new trainees), but you must always ensure that the supervisor is discharging restricted activities and functions.
- Support staff through the process of applying for and being assessed for registration purposes. Ensure that managers have leeway to allow employees time for these activities. Always set a realistic timeline that gives the inspector the best chance of success.
- Minimise management spans – supervising inspectors have sole responsibility for checking the compliance of building work using information supplied by those they supervise and may be subject to elevated levels of work pressure.
- Monitor supervisor's workload to ensure they have sufficient time to undertake and record their discharge of restricted activities and functions. Modify the supervisor ratio to reduce pressure if necessary.

2.2 – Working within limits of your competence



CABE has been made aware of instances where CABE members are being put under pressure by their employers to register for a Class, or Scope, of registration that is beyond the sensible limits of their experience or competence.

In CABE's view this constitutes unethical behaviour by the employer. Working beyond the limits of competence could constitute a breach of both the BSR Code of Conduct and CABE Code of Professional Conduct and CABE Members should highlight their concerns to employers in writing if asked to do so.

This includes referring to Section 2 of the Operational Standards Rules published by the BSR which require building control bodies to allocate competent persons to any given task and clearly sets out that the building control body has responsibility for ensuring that individuals act within the limit of their competence. Employers requiring individual inspectors of any level to work unsupervised beyond the limits of their competence are, in CABE's view, likely to be in breach of these operational standard rules.

2.3 – Whistleblowing

If you raise concerns, and they are not properly addressed, you may need to consider how to escalate matters. Your employer should have suitable whistleblowing policies in place, and these should be followed in the first instance.

Further guidance on whistleblowing is provided in ANNEX F of CABE's Building Inspector Competence Frameworks cdn.ymaws.com/cbuilde.com/resource/resmgr/membership/bsr/building_inspector_competenc.pdf

Ultimately you may need to consider referring these issues to the BSR clearly invoking protections offered by the Public Interest Disclosure Act. More information can be viewed at gov.uk/government/publications/guidance-for-auditors-and-independent-examiners-of-charities/the-public-interest-disclosure-act--2

2.4 – Status of this information note

The information in this communication reflects CABE's best interpretation and understanding of the position and intent of the BSR and if followed we believe will demonstrate best efforts to comply with legal requirements. However, we cannot accept liability for compliance with the law and members are ultimately responsible for their own registration status and the operation of their building control functions.

Disclaimer

The information above reflects CABE's interpretation, at the time of publishing, of the operation of the Building Inspector Registration regime. CABE does not warrant or represent that the information is free from errors or omission, nor that its opinion reflects those held by the Building Safety Regulator. Changes in circumstances after the time of publication may impact on the accuracy of the information contained within.

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It is your responsibility to ensure that you are up to date with any relevant changes in legislation and/or changes made by the Building Safety Regulator (BSR) to its guidance, registration criteria, scheme approval criteria and/or registration deadlines, which may have occurred since the date of publishing. CABE accepts no liability for any way the information contained/accessible above is interpreted and/or used.

No responsibility is accepted by CABE for any loss or damage arising in any way from the interpretation of the information contained above or for any work you carry out. It is your responsibility to ensure that you have the correct PI Insurance in place to cover the work that you carry out, that you only undertake work that is within the scope of your competence and to perform your role in accordance with the Class of Registration you are operating in. It is your responsibility to ensure that you are acting in accordance with all relevant legislation.

We're here to help

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