

Building Inspector Registration and Supervision

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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 Building Inspector Registration and supervision.

1.1 - Building Inspector registration

Regulations came into force on 6 April 2024 requiring restricted activities and functions to be carried out by a suitably registered building inspector.

1.2 - 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; or
- 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.

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 businessas-usual level as soon as practicable by supporting competent building inspectors to complete registration at Class 2, 3 or 4
- building control managers typically targeting a 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.

1.3 – Is this approach approved by the BSR?

More information on supervision has been published by the Government and is available at: www.gov.uk/guidance/registered-building-inspectors#supervision.

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.

Members should also be aware of the BSR's letter to Local Authority Chief Executives of 1 March 2024, which confirms that the BSR will focus on higher risk individuals i.e. anyone acting as a Building Inspector who has not (at the least) registered at Class 1 and enrolled in an assessment scheme.

In CABE's view this means that:

- where CABE 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 CABE'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.

CABE'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 building control bodies and employers

Step 1 – Check how your staff are progressing.

Employers should put in place suitable measures for supervision and Employees should not be pressured 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.

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 polices 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 and keep this under review.
- 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.

2.1 - 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.



2.2 - 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: https://www.gov.uk/government/publications/guidance-for-auditors-and-independent-examiners-of-charities/the-public-interest-disclosure-act--2

2.3 - 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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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.

ANNEX A – BSR Draft Guidance on Supervision



Supervision of Building Inspectors

Draft guidance released by the Building Safety Regulator, March 2024

Supervision can take different forms but must be completed under appropriate supervision and support. You must not supervise the work of others unless you have the necessary technical competence and registration class for this.

Supervision is a process of professional learning and development that enables individuals to reflect on and develop their skills, knowledge, experience, and behaviours to build competence, through agreed and regular support with a competent professional. For the purposes of the building control profession supervision will include the overseeing or directing of a task, activity, or process to ensure it is undertaken appropriately, correctly and to required standards.

Building control professionals can develop their competence through training under effective supervision, as explained in the **Building Safety Regulator's** (BSR) **Building Inspector Competence Framework** (BICoF). The level of supervision should be appropriate to the individual being supervised and will vary depending on the individual's competence and tasks assigned.

The BSR's Code of Conduct (the Code) sets clear expectations of a Registered Building Inspector (RBI):

- you must take appropriate steps to ensure that work undertaken by individuals under your supervision complies with relevant legal and regulatory requirements (the Code 1.5); and
- in the conduct of your work, you must be accountable for work activities undertaken under your supervision, taking steps to record activities you carry out (the **Code 4.2**).

The Operational Standards Rules (OSR) set out the expectations of organisations:

• you must resource your building control functions appropriately and effectively target your activities by considering the risk and potential severity of contraventions of the **Building Safety Act** and **Building Regulations**. This must include the allocation of competent persons to any given task.

Supervision may be required across the RBI classes

Examples of working under supervision include, but are not limited to:

Example of supervision of Class 1: Trainee Building Inspectors

- Checking plans for compliance with building regulations where the plans are re-checked by an appropriately registered RBI of Class 2-4, feedback given, and corrections made as appropriate. This would form part of their development and portfolio of achievement.
- Inspecting building work alongside a suitably qualified RBI of a **Class 2-4**. This would include discussing findings and all decision-making being overseen.
- Gather information for presentation to an RBI for decision on compliance.

Examples of supervision of Class 2: Building Inspectors

- Checking plans and specifications for compliance with a suitably competent and registered RBI against building regulations for Class 2 work; for which you do not have the competence or registration.
- Checking plans and specifications for Class 3 work where the plans are re-checked by a suitably competent and registered Class 3 RBI, feedback given, and appropriate changes made forming part of their development and portfolio of achievement.
- Inspecting building work alongside a suitably competent RBI, discussing findings with all decision making overseen by a suitably competent and registered Class 2 or Class 3 RBI.
- Gather information for presentation to an appropriately registered RBI for decision on compliance.

Further reading:

BSR's Professional Codes and Standards (England)

https://www.gov.uk/ government/publications/ registered-buildinginspectors-professionalcodes-and-standards

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BSR's Operational Standards Rules (England)

https://www.gov.uk/ government/publications/ building-controlbodies-professionalcodes-and-standards/ operational-standards-rules

BSR's Profession Standards, Codes and Rules (Wales)

https://www.gov.wales/building-control-profession-standards-codes-and-rules



We're here to help

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