

Building Safety Competence Foundation

Guidance to the BSCF
Code of Conduct for Certificated
Persons

Part 2 - Guidance

This guidance is issued to support those persons or entities required to comply with the Code of Conduct.

The guidance cannot cover every eventuality but sets out common considerations relevant for those undertaking day to day building control functions

Individuals are expected to use their professional judgment in meeting the Code and should take this guidance into account. Failure to do so does not, by necessity, indicate a breach of the Code but could be relevant in any disciplinary investigation.

Standard 1 - Honesty and Integrity

The fundamental purpose of professional regulation is to ensure standards of competence and conduct which maintain public confidence that construction professionals are acting in the public interest. To achieve this, construction professionals must engage with the public, including their clients, in a manner which reflects high standards of honesty, integrity, probity and trustworthiness.

Honesty and integrity are closely interlinked. Dishonesty is defined by the courts as conduct which, based on the actual state of the individual's knowledge or belief as to the facts, was dishonest when applying the objective standards of ordinary decent people. Individuals should always ensure that they represent facts accurately and honestly.

While honesty is the act of being truthful, integrity is a broader concept to apply in undertaking professional activities. An individual can act without integrity without being dishonest by – for instance – purposefully failing to disclose information that is relevant to a client when providing advice. Integrity expresses the higher standards that society expects from professionals and reflects the need to do the right thing setting aside personal and commercial interests.

The most fundamental purpose of professional regulation is to maintain the reputation of a profession as one which can be trusted. A profession's most valuable asset is this trust, its collective reputation, and the confidence which that inspires. The essential issue is the need to maintain, among members of the public, a well-founded confidence that any construction professional with whom they interact will be of unquestionable integrity, probity, and trustworthiness.

The reputation of the construction industry is more important than the fortunes of any individual. Accreditation brings many benefits but with these benefits comes a responsibility to act in an appropriate manner.

Specific areas to be given consideration include the following:

Compliance with statutory provisions

Individuals have a legal duty to comply with all applicable current statutes or statutory provisions. An individual should not give any Statutory Notice or Certificate which contains a statement that they know, or ought to know, to be false or misleading. Any individual who gives any such Notice or Certificate may in doing so be guilty of a criminal offence which may also constitute a breach of the

Code of Conduct. Similarly, individuals should not deliberately withhold or fail to complete any such notice.

Reporting of criminal offences or other sanctions

All offences that result in a conviction or regulatory sanction by another body should be declared to BSCF as soon as the individual becomes aware of the conviction or sanction. Any relevant criminal offence potentially constitutes a breach of the Code. In considering whether any such offence or sanction necessitates disciplinary action, BSCF will always consider how this relates to the competence and ongoing suitability of the person to act whilst giving priority to the need to protect the public interest.

Managing fairness and impartiality

Individuals should always act fairly and impartially in performing their functions and should aim to continually improve standards and operating procedures to ensure that this is the case.

Individuals should ensure that agreements for the provision of services are evidenced in writing (which can include by electronic methods), and clearly define the terms for the provision of such services. Individuals must make all reasonable endeavours to carry out contractual obligations fairly and honestly and should keep clients and any other party joined in agreement informed of any changes that may be necessary in the execution of those obligations.

Conflict of interest

Avoiding conflict of interest, or where unavoidable managing any such conflict of interest, is key to maintaining trust and confidence. Individuals should operate independently of interest in the building work they are appointed to and avoid any other real or perceived conflict on all projects to which they have been engaged.

Individuals must be mindful of conflict of interest arising from financial impropriety or advantage. They should not make payment of, nor accept any trade commission, discount, allowance, indirect profit, inducement payment or benefit in connection with any works pursuant to the requirements of the Bribery Act 2010. Individuals should ensure they adhere to any organizational processes that require staff to report and keep records of any gifts or hospitality that could be considered a bribe or inducement.

Individuals should not take part in practices that are anti-competitive, involve any form of price fixing or collusion.

Individuals should act with honesty and integrity where it is necessary to act because of misconduct by another body. No individual should falsely injure the professional reputation of another directly or indirectly. This shall include any attempt to discredit or damage the reputation of another organisation or professional or mislead any party with false or unfair information. This does not preclude an individual acting as an expert witness in legal proceedings involving another Body or professional or raising legitimate concerns through appropriate channels.

Standard 2 - Respect for Life, Law, the Environment and Public Good

Construction Professionals have a duty to protect public safety and the public interest, treat people and the environment with respect and maintain public confidence in their profession.

Construction Professionals should always give precedence to the protection of public safety and the creation and maintenance of safe buildings and maximise public health and safety and minimise both actual and potential adverse effects for their own and succeeding generations.

Professionals have a responsibility to draw hazards to the attention of appropriate bodies using appropriate whistleblowing routes.

Construction Professionals have a responsibility to protect, and aim to improve, the quality of built and natural environments whilst respecting the limited availability of natural resources.

Standard 3 - Competency, Accuracy and Rigour

Construction Professionals shall maintain the required knowledge to demonstrate a satisfactory level of professional competence in relation to the work that they undertake.

Organisations and where relevant professionals within those organisations should:

- Ensure that they have robust systems in place to ensure appropriate standards of technical competency and consistency is achieved across their organisation.
- Ensure, prior to entering into an agreement for the provision of services, that it has the necessary level of competence and experience to service the works, and that adequate resources are available to fulfil the work as specified in the agreement.
- Organisations must ensure that their appointments are made in an open and transparent way. Whilst it is recognised that referrals for works from architects, contractors and others is an accepted practice, organisations shall ensure that where work is referred to them from such third parties, that this is done in a professional manner and that the person carrying out the work is advised of their options if they do not wish to use the services.

Construction Professionals shall carry out their duties with professional skill, care, and diligence at all times, working to secure reasonable standards of health, safety, welfare and convenience for persons in and about buildings and any others who may be affected by buildings, or matters connected with buildings, insofar as this relates to their function.

Construction Professionals must undertake necessary professional development to maintain their competence and to develop additional competence where necessary. Individuals should maintain a detailed record of CPD activities in line with requirements set by both their professional body and by BSCF. These records shall be supplied to the BSCF on request and must be kept for a period of four years.

Standard 4 - Responsibility for Direction, Conduct and Communication

Construction Professionals have a general responsibility for the work undertaken under their instruction or authority. They should ensure that those who undertake work conduct themselves in a professional and responsible manner and that roles and responsibilities are clearly communicated with all parties.

Construction professionals should ensure that:

- Where external consultants are used, an appropriate agreement is in place and that processes are in place to select, appoint, monitor, review and audit the work undertaken.
- All relevant parties are clear about their involvement.
- Where Specialist Consultants are used, Construction Professionals must take all reasonable steps to be satisfied that the consultant has the appropriate competence and experience to undertake the assigned work and does not have any financial or professional interest in the work that may conflict interests.

- Where appropriate, they hold the necessary public and professional indemnity insurances for them to undertake their functions.

Standard 5 - Responsibility for Technical and Operating Standards and Integrity

Construction Professionals have a duty to maintain high levels of technical and operating integrity in the provision of services by following commercial practices that protect the interests of those commissioning work and the eventual occupiers or purchasers of buildings.

Individuals should operate in an ethical manner, ensuring that the quality of service, technical standards and decision making are not affected by commercial pressures.

Those providing services must have the appropriate qualifications, practical knowledge, sufficient experience, and demonstrable competency to match the type of work they undertake in accordance with the competencies determined by BSCF.

Professionals must compete fairly and legally and should refrain from misusing any form of public or social media.

DRAFT