



BUILDING REGULATIONS: COMPETENT PERSON SELF-CERTIFICATION SCHEMES¹

CONDITIONS OF AUTHORISATION

APRIL 2016²

	Conditions of Authorisation	Notes on how to demonstrate meeting the conditions
		<i>N.B. In all cases the demonstration shall be sufficient to meet the relevant requirements in BS EN ISO/IEC 17065:2012.</i>
No.	Section 1 The scheme operator³	
1.	Scheme operator to achieve/maintain UKAS (United Kingdom Accreditation Service) accreditation to standard BS EN ISO/IEC 17065:2012 (or latest version). Scheme operator to meet all the relevant requirements in this standard, whether or not separately specified in these conditions of authorisation.	Scheme operators and potential scheme operators shall obtain a UKAS pre-assessment to be submitted as part of an application for authorisation as a favourable report is more likely to help achieve a successful application. UKAS accreditation to be achieved within one year from the date of authorisation for an extension to an existing scheme or within two years of the date of authorisation for a new scheme operator.
2.	Scheme operator to have a robust and non-discriminatory management, quality and administrative system.	The scheme operator's management, quality and administrative system (including surveillance) shall be documented so as to meet the requirements of ISO/IEC 17065:2012.

¹ Schemes are authorised under paragraph 4A of Schedule 1 to the Building Act 1984 and are named in Schedule 3 to the Building Regulations 2010 (as amended).

² These Conditions come into force on 1 April 2016 in respect of any UKAS assessment begun on or after this date.

³ Referred to as a "certification body" in BS EN ISO/IEC 17065:2012.

3.	Scheme operator, including assessors and inspectors that it employs, to have the technical ability to assess the competence of prospective and existing registrants ⁴ to deliver compliance with the requirements of the Building Regulations.	<p>The scheme operator shall document how the relevant technical requirements of the Building Regulations are to be met, in relation to the types of building work undertaken. This includes where a scheme operator acquires the competence from, or sub-delegates the assessment process to, a third party. Any outsourcing of assessment activities shall be undertaken in line with the requirements of ISO/IEC 17065:2012 section 6.2.2.</p> <p>Assessors and inspectors must be competent at least to the equivalent level in the relevant sector Minimum Technical Competence (MTC) assessment procedure (see condition 9).</p>
4.	Scheme operator to ensure that the scheme is financially viable and self-sufficient within a reasonable timescale.	<p>The scheme operator shall:</p> <p>(a) have a transparent fee structure showing income from registrants and how the scheme will be self-financing with a sufficient surplus for development;</p> <p>(b) ensure that the scheme is self-financing, within a period of not later than five years after authorisation by DCLG;</p> <p>(c) use scheme funds received from registrants from registration and notification fees etc. only for the benefit of registrants of the scheme, either directly or indirectly. For example, this can include use of funds for the general benefit of the sector in which the scheme operates.</p>
5.	Scheme operator to have an absence of, or methods for avoiding, conflicts of interest between the commercial interests of any sponsoring or parent organisations and management of the scheme.	<p>The scheme operator shall document how any conflicts of interest will be managed and demonstrate how risks to impartiality can be minimised or eliminated, as required by ISO/IEC 17065:2012 sections 4.2 and 5.2.</p> <p>For example: possible conflicts of interest may arise where a scheme is part of or owned by a larger commercial, trade or professional body.</p> <p>Where a parent or subsidiary company provides financial protection for scheme registrants, this may be acceptable provided there is no conflict of interest with the certification activities performed by the scheme operator.</p>

⁴ Registered businesses, including sole traders.

6.	Scheme operator to promote the development and growth of the scheme to potential registrants and its use to consumers.	<p>The scheme operator shall advertise the scheme, explaining its purpose and benefits, to encourage potential registrants to join and to encourage its use by consumers. This includes distributing promotional literature provided by DCLG.</p> <p>The scheme operator shall document how the scheme proposes to develop and grow and from where new registrants covering the relevant types of work would be derived for at least the first five years following authorisation. This requirement will be met if it can be demonstrated that further registration growth is not practicable.</p> <p>The target for registration growth shall comprise competent businesses not already in a competent person scheme for the same type of work.</p>
7.	Scheme operator to provide annual accounts, independently audited, for the scheme itself.	<p>This condition will support conditions 4 and 5 as the accounts will help show that a scheme is financially viable and self-sufficient. It will also help demonstrate that there is not a financial conflict of interest.</p> <p>To be ‘independently audited’, accounts must have been checked by someone who is competent to check them and independent of the preparation of the accounts.</p> <p>Where a scheme is authorised for more than one type of work the audited accounts shall cover all the types of work for which the scheme is authorised.</p>
	<p>Section 2 The scheme operator and its registrants</p>	
8.	Scheme operator to establish and publish scheme rules, including its application and certification processes and fee structure.	The scheme rules shall be published on the scheme operator’s public website as a minimum.
9.	Scheme operator to assess applicants as technically competent against agreed minimum competence requirements. For applicants this should be before registering them with the scheme. The assessment must include an on-site assessment.	<p>The agreed <i>Minimum Competence Requirements for work undertaken through competent person schemes</i> can be found at https://www.gov.uk/competent-person-scheme-current-schemes-and-how-schemes-are-authorised.</p> <p>Annexed to this document are sector-specific Minimum Technical Competence (MTC) assessment procedures for assessing competence against National Occupational Standards for specific types of work.</p>

		<p>The scheme rules shall set out details of how the technical competence of applicants (including those moving from one scheme to another) will be assessed. The assessment shall cover all the types of work for which they are applying.</p> <p>Scheme applicants cannot be certificated until they have been assessed against the technical competence requirements of the MTCs. If the initial assessment of practical technical competence is to be based on simulated work until such time as actual work is available for on-site assessment, such an approach is acceptable provided this is clearly described in the scheme, the simulated assessment is demonstrated to be robust and there is a mechanism in place for the installer to notify the scheme operator when the first job giving a representative sample of the registrant's work is available.</p> <p>Where ISO/IEC 17024 certification is used to evidence individual competence, the on-site assessment may take place after registration provided it takes place within three months.</p> <p>UKAS will assess any such alternative approaches by scheme operators on a case by case basis.</p>
10.	Scheme operator to ensure that its registrants' competencies are kept up to date, for example as a result of changes to the Building Regulations and/or BS/EN standards or technical approvals.	This may be by means of formal generic training courses, seminars, distance learning, etc., as appropriate, which shall be equally available to all registrants.
11.	Scheme operator to provide ongoing technical help and advice to registrants as required (i.e. post registration), provided such help/ advice does not cause any conflicts of interest with certification activities of the scheme operator.	This must cover all areas of work that the scheme is registered for and may be accomplished by setting up telephone and e-mail helplines available to all registrants.

<p>12.</p>	<p>Scheme operator to undertake surveillance of its registrants' work⁵, including carrying out periodic random assessments of a representative sample of each registrant's work, during or after completion, to check compliance with the Building Regulations.</p>	<p>If scheme operators operate a risk-based approach to the surveillance of their registrants' work, except in the circumstances noted below, this will involve a minimum of one on-site assessment of each existing registrant's work every three years where they have a clean track record, as defined and documented by the scheme operator. This definition will need to be based on factors such as ongoing maintenance of competence, assessment outcomes, significant complaints and major changes in personnel.</p> <p>Registrants without such a record shall be inspected at a minimum on an annual basis until they have such a record. New registrants will need to be assessed annually for the first two years following initial assessment to establish a clean track record. This applies also to new registrants who have been certified under ISO/IEC 17024.</p> <p>It is open to scheme sector or individual scheme operators to adopt more frequent assessment periods, should they wish to do so.</p> <p>In respect of existing registrants with a clean track record, where it is a requirement of a scheme (a) for individual installers to be certified under ISO/IEC 17024 or an equivalent independent assessment regime and (b) for this certification/assessment to be renewed every five years, the requalification assessment may count as one of the three year assessments with the other being carried out on site, i.e. two assessments every five years.</p> <p>Where surveillance is being conducted for other schemes (e.g. MCS or Green Deal) it may also be used for the purpose of this condition provided that the assessment demonstrates compliance with the Building Regulations.</p> <p>UKAS will expect scheme operators to demonstrate to them the appropriateness of the risk-based approach they have adopted.</p> <p>The scheme operator shall document its surveillance process and keep records of all surveillance made in line with the requirements in ISO/IEC 17065:2012.</p>
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⁵ "Registrants' work refers to work that falls within the scope of the scheme.

13.	Scheme operator to have effective sanctions in place for dealing with non-compliance with the Building Regulations and/or a breach of scheme rules by registrants of the scheme.	<p>The scheme rules shall set out the range of sanctions to be applied in particular circumstances, including referral to the local authority where appropriate and, in the last resort, termination of registration for refusal to comply.</p> <p>Provision shall also be made for an appeal against sanctions that affect the registrant's status (e.g. suspension or reduction in scope).</p>
14.	Scheme operator to use an agreed mechanism to make available to other competent person schemes and other interested parties (e.g. LABC & relevant Government Departments) the names of former registrants whose registration has been terminated by the scheme and the reason for termination.	<p>The currently agreed mechanism for scheme operators to use is a restricted area on the Competent Persons Register http://www.competentperson.co.uk/</p> <p>This condition applies where the reasons for termination of registration relate to (a) non-compliance with the Building Regulations or (b) a breach of scheme rules.</p> <p>The names of such former registrants shall remain available for a period of at least two years.</p> <p>All registrants must be made aware of this condition on initial registration and/or renewal of registration.</p>
	<p>Section 3 The scheme operator and consumers</p>	
15.	Scheme operator to keep and publish registration lists and the type(s) of work for which registrants have been assessed as competent.	<p>This information shall be published on the scheme's public website and the Competent Persons Register http://www.competentperson.co.uk/ so as to allow consumers to find a competent installer to carry out work or to check if an installer is registered with a scheme.</p> <p>Publication is subject to the agreement of registrants, as a condition of registration, which must be sought on initial registration and/or renewal of registration (e.g. via a tick box).</p>
16.	Scheme operator to have a robust and publicised process for handling complaints.	<p>The process shall comply with ISO/IEC 17065:2012 section 7.13. It must cover complaints relating to non-compliance with the Building Regulations, but may include other types of complaints from consumers (and registrants) relating to the scheme.</p> <p>The scheme operator must</p> <ul style="list-style-type: none"> • Maintain a speedy, responsive, accessible and user-friendly complaints handling process which is free of charge to the consumer up to the point of (but not including) mediation/arbitration. • Ensure that any process for reviewing the

		<p>handling of complaints is not undertaken by those originally handling the complaint.</p> <ul style="list-style-type: none"> • Ensure an adequate level of technical expertise is used when necessary in complaints investigation and disputes resolution process.
17.	<p>Scheme operator to ensure consumers are provided with appropriate financial protection to put work to dwellings⁶ right, which is non-compliant with the Building Regulations, where the original installer cannot do so (because they are no longer trading).</p>	<p>Financial protection must be provided for a minimum of six years from the date of completion for work to dwellings, except where the client is a local authority or housing association in which case financial protection does not need to be provided but must be offered. Financial protection does not need to be offered or provided for work to buildings other than dwellings.</p> <p>No protection is needed where scheme registrants are sub-contractors and the main contractors' liabilities cover the requirements of this condition, for example new house warranties.</p> <p>Possible mechanisms include guarantees, insurance-backed warranties or, where appropriate, professional indemnity insurance.</p> <p>Financial protection will be deemed appropriate if:</p> <p>(a) the fund supporting it is of a size commensurate with the risks involved; and (b) the consumer has direct access to it even if the scheme operator is no longer running a scheme.</p> <p>Where a manufacturer's product guarantee is for a shorter period than six years, this period will take precedence for that product.</p>
18.	<p>Scheme operator to require its registrants to remain responsible for ensuring that all work within the scope of the scheme and carried out under a contract with the consumer is compliant with the Building Regulations.</p>	<p>This applies in particular where some of the work is sub-contracted to a third party and shall be stated in the scheme rules.</p> <p>The scheme rules shall also state that registrants must ensure that sub-contractors are competent to carry out the work they are sub-contracted to do.</p> <p>It is recommended that contracts between registrants and consumers are written and include a provision that they will rectify any work that is non-compliant with the Building Regulations for a minimum of six years from the date of the completion of the work.</p>

⁶ i.e. work that has been self-certified under the scheme.

19.	Scheme operator to take measures to ensure that it is notified by registrants of all completed work within the scope of the scheme and to forward to the relevant consumers a certificate of Building Regulations compliance.	The scheme operator shall have documented systems in place to ensure that registrants are notifying all jobs carried out under the scheme, in line with regulation 20 of the Building Regulations 2010. The scheme operator should receive notifications well within time to ensure that it meets the 30 calendar day deadline for giving compliance certificates to consumers.
Section 4 The scheme operator and DCLG / local authorities		
20.	Scheme operator to provide the information DCLG requires in order to carry out its oversight functions, both on a regular basis or <i>ad hoc</i> as required.	DCLG will specify with all scheme operators the regular information needed for its purposes, some of which may be published on its website. This is likely to include: <ul style="list-style-type: none"> • provision of a periodic report on: registration numbers; number of work notifications made to local authorities; and number of formal consumer complaints and their outcomes; • financial information annually from the scheme's audited accounts, as appropriate; and • information from UKAS reports on the scheme accreditation, as appropriate. DCLG may request this direct from UKAS and each scheme operator will therefore need to agree a waiver of confidentiality to enable UKAS to provide the contents of their assessment reports to DCLG.
21.	Scheme operator to take measures to ensure that it is notified by registrants of all completed work within the scope of the scheme and to forward this information to the relevant local authority in the format agreed with LABC.	As under condition 19, scheme operators shall have documented systems in place to ensure that registrants are notifying all jobs carried out under the scheme, in line with regulation 20 of the Building Regulations 2010. The scheme operator should receive notifications well within time to ensure it meets the 30 calendar day deadline for transfer of information to the local authority.

Department for Communities and Local Government (DCLG)

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