

CIS 7

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UKAS Approach to Accreditation of Competent Person Scheme Operators

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Changes since last edition

Minor updates to reflect current standards, departments and procedure.

1. Introduction

In October 1997, the then Department of the Environment, Transport and the Regions (now the Ministry for Homes, Communities, and Local Government - MHCLG) issued proposals for reducing the administrative burden of the Building Regulations by allowing self-certification of compliance by enterprises and individuals assessed as competent. There followed a lengthy process of consultation during the course of which Government asked building industry representatives, consumer associations and other interested parties for their opinions of the proposed competent persons schemes (CPS). The consultation showed general support for the proposals for schemes in sectors where the health and safety risk to people was low.

The rationale behind the schemes is to authorise, on the basis of low incidence of risk to health and safety, schemes whose members are adjudged sufficiently competent to self-certify that their work has been carried out in compliance with all applicable requirements of the Building Regulations. The first schemes were introduced in 2002.

The schemes offer benefits to consumers, industry and building control bodies. Consumers benefit from lower prices for building work as building control charges are not payable and from the ability to identify competent firms. Firms who join these schemes avoid the time and expense of notifying in advance and paying a building control body (either a local authority or a private sector approved inspector) to check/inspect the work. The schemes also allow building control bodies to concentrate their resources on the areas of highest risk.

Membership of these schemes is voluntary. Businesses carrying out work covered by the Building Regulations may choose to join one of the schemes if they consider membership to be beneficial. Alternatively they may choose to continue to use a building control body.

If a registered business (which could be a sole trader) chooses to join a scheme, they are assessed to ensure they meet the scheme's rules and conditions of membership, including appropriate and relevant levels of competence. If they meet these requirements they are classified as 'competent persons'. The work of registered companies accepted as members of a scheme is not subject to Building Control checking/inspection. Instead, the competent person self-certifies that the work is in compliance with the Building Regulations. They report the work when completed to the scheme organisers who in turn notify the local authority that work has taken place and issue a completion certificate to the consumer.

The current schemes are authorised by the Department for Communities and Local Government for England and for Wales by the Welsh Government under the Building Regulations 2010 (SI 2010/2214) as amended, using powers in Schedule 1 of the Building Act 1984.

Competence of installers should be assessed by scheme operators against National Occupational Standards under a Minimum Technical Competence (MTC) assessment procedure, having regard to qualifications and experience.

2. Scope of Accreditation

The scope of UKAS accreditation is the certification of the service provided by installers for the types of work defined by *Building Regulations 2010 (as amended)*. The criteria used by UKAS for accreditation is ISO/IEC 17065 *Conformity assessment - Requirements for bodies certifying products, processes and services*. In addition to ISO/IEC 17065 UKAS also assesses CPS operators against the DCLG & Welsh Government Conditions of Authorisation.

Only those CPS operators who are authorised by the MHCLG and / or the Welsh Government and whose names are in the Schedule 3 are eligible to apply for accreditation under the terms of this scheme. The 'types of work' for which the CPS operators are authorised are also defined in Schedule 3 of the Building Regulations (as amended) and once accredited, should be reflected in the UKAS accreditation schedule.

3. Scope of Certification

The function of the CPS operator certification body (CB) is to evaluate the competence of registered installers to self-certify their work against the requirements of the Building Regulations 2010. The CB evaluates the installer's competence to provide this service, of which installed building work is an integral part, against the requirements of the published document *Minimum Competence Requirements for Work Undertaken Through Competent Person Schemes Approved Under Schedule 3 of the Building Regulations* and by undertaking periodic surveillance of their work.

The accredited certificate issued by the CB to the organisation that installs the work shall make the following statement:

This is to certify that the installation service provided by XYZ (name of the organisation) has been assessed as competent to self-certify that the following type(s) of building work have been installed to meet the requirements of Regulations 4 and 7 of the Building Regulations 2010.

(List type(s) of work)

XYZ (name of the entity) is subject to periodic surveillance and is licensed to use the mark of the CB (name of the CB).

4. Assessment Criteria

The following criteria are used for assessment of CPS operators certifying services of installers.

- ISO/IEC 17065 *Conformity assessment - Requirements for bodies certifying products, processes and services*
- *Minimum Competence Requirements for Work Undertaken Through Competent Person Schemes Approved Under Schedule 3 of the Building Regulations (England and Wales) - DCLG owned publication*
- DCLG Conditions of Authorisation (CoA)
- Welsh Government Conditions of Authorisation
- *Individual Competent Person Schemes operated by certification bodies*

5. Assessment Approach

To enable UKAS to manage assessments of CPS operators, the assessment scope (types of work) are generalised into 9 categories, as follows:

1. Installation of insulation in existing buildings
2. Installation of Combustion appliances
3. Electrical installations
4. Installation of heating and hot water systems
5. Installation of mechanical ventilation and air-conditioning systems
6. Installation of plumbing and water supply systems
7. Installation of replacement windows, doors, roof windows or roof lights
8. Installation of replacement of roof covering on a pitched and flat roofs as necessary additional work (not including the installation of solar panels)
9. Installation of micro generation and renewable technologies.

At the initial assessment of a CPS operator each of the scopes for which they have applied is assessed. UKAS will use various assessment techniques including review of documents, interviewing staff, examining records, verifying reports, vertical audits, horizontal audits, process audits and witnessing audits / inspections performed by the certification body.

Normally, a minimum of two of the above categories of scopes will be witnessed at the initial assessment. The other scopes will be assessed using a combination of other assessment techniques. UKAS reserves the right to increase or decrease the number of witnessed audits / inspections performed on site depending on the results of the assessment activities.

The installation activities that come under each of the above nine scope categories will be assessed by sampling. The sample size will depend on the level of activity of the CPS operator and other factors such as findings reported at previous assessment, complaints etc.

Some CPS operators are also assessed for certification of Green Deal installation work. In those cases, the assessments of CPS and Green Deal may be combined, and common aspects assessed together.

The extent of sampling and witnessing during surveillance activities is detailed in UKAS Forward Plans. Generally, all the CPS categories are assessed during the accreditation cycle and at least one category is witnessed at each surveillance assessment.

6. DCLG & Welsh Government Conditions of Authorisation

DCLG and Welsh Government Conditions of Authorisation are identical as far as its assessment content is concerned. Therefore, at this stage, it is not necessary for UKAS to assess against Welsh Government COA separately.

DCLG Conditions of Authorisation are published on the MHCLG website.

DCLG in consultation with the Welsh Government has provided further clarification on the interpretation of some of the COA as follows:

Condition 3

Where a CPS operator sub-contracts inspection activities to another organisation, then it is the responsibility of the CPS operator to demonstrate to UKAS how they have assessed the sub contractor's competence. The CPS operator must also demonstrate they have the technical competence to manage the subcontractor and make certification decisions.

Condition 4

If a CPS operator has not been able to demonstrate that they have broken even or made a surplus from the funds of the scheme within 5 years from the authorisation by MHCLG, or if the funds have not been used for the benefit of members of the scheme, this condition is not fulfilled.

If the scheme has not been operating for 5 years then the business forecast must reflect that they should be able to break even or make a surplus within 5 years.

Condition 5

Some CPS operators may have parent / subsidiary companies (related bodies) that may provide insurance cover for their members. This may be acceptable provided there is no conflict of interest with the certification activities performed by the accredited CPS operator. It may however not be acceptable if CPS operators make the purchasing of insurance cover from their parent / subsidiary company a condition of application for certification.

Condition 7

The annual accounts must be demonstrated for the scheme itself.

Condition 9

Accredited certificates cannot be issued to members until the members are assessed against 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 would be acceptable provided this is clearly described in the scheme, the robustness of such a mock assessment is demonstrated to UKAS and there is a mechanism in place for the installer to notify the scheme operator when the first job is available. Clearly UKAS will need to assess any such alternative approaches by scheme operators on a case by case basis.

Condition 14

The competent persons register <http://www.competentperson.co.uk/> has a restricted area which is the 'agreed mechanism' for scheme operators to use for the purpose of this condition.

There are two possible reasons for termination of membership:

1. Noncompliant with Building Regulations
2. Breach of scheme rules

Condition 15

This is done by scheme operators sending their membership lists in an agreed format to be automatically uploaded on the Competent Person Register website.

Condition 17

Financial protection must be provided not just offered. This can be provided by the CPS operator or by the members. The condition is that appropriate financial protection must be provided and it is the responsibility of the CPS operator to arrange it. The purpose of this condition is to protect the consumer in the event of installer going out of business. All Building Regulation work for which the CPS operator is authorised must be covered by the protection provided.

DCLG has further clarified (Reference communique issued by DCLG on 10th December 2013) that the financial protection referred to in condition 17 should be offered as an option to local authorities and housing associations. This offer must be made to ensure that those organisations that may wish to take up this financial protection have the opportunity to do so.

References to 'work' in DCLG and Welsh Government Conditions of Authorisation

Various references in the conditions of authorisation to "work", "members' work" (condition 12), "work to dwellings" (17), "scheme work" (18), "completed work required under the scheme" (19 & 21) all refer to dwellings that falls within the scope of the scheme.

However, if a scheme operator undertakes a periodic random inspection of a member's work under condition 12 and notices that any controlled work (outside the scope of the scheme) is not compliant with the Building Regulations DCLG and the Welsh Government would at least expect the CPS operator to point it out to the scheme member.

7. Assessment Reporting

The UKAS assessment report is to clearly indicate how the assessment team has established the competence of the certification body to inspect and certify each of the scopes that UKAS assess. The assessment techniques used for assessing each scope, i.e. witnessing, interviews, review of past reports, examination and verification of competence records etc., as well the conclusions of the assessment team against each of the scopes assessed shall be reported.

A special report format with UKAS reference number F516 and the title 'Template for DCLG Conditions' has been established to report against each DCLG conditions and is made available to UKAS assessment team members. This report may be attached to the UKAS assessment report as part of the report or as an attachment. The same report form could be used at subsequent surveillance visits to update the status of continuing compliance with each condition.

8. Confidentiality

UKAS is required to agree with each CPS operator a waiver of confidentiality to enable UKAS to provide contents of UKAS assessment reports to MHCLG and the Welsh Government. The confidentiality waiver has UKAS Reference Number F515 and the title 'Competent Persons Scheme (CPS) - Confidentiality Waiver'.