

CERTIFICATION OF CONSTRUCTION

(ELECTRICAL INSTALLATIONS TO BS 7671)

SCHEME GUIDE



S B S C

Scottish Building Services Certification

GUIDE TO THE SCHEME FOR CERTIFICATION OF CONSTRUCTION (ELECTRICAL INSTALLATIONS TO BS 7671)

In accordance with the requirements of the:
Building (Scotland) Act 2003
Building (Procedure) (Scotland) Regulations 2004

The scheme for Certification of Construction (Electrical Installations to BS 7671)
was approved by Scottish Ministers on 7th December 2004.

The Scottish Building Standards Agency (SBSA) on behalf of the Scottish Ministers
appointed SELECT and NICEIC Group Ltd as Scheme Providers.

This guide published jointly by the Scheme Providers describes the Scheme and its operation.

From the 1st April 2008 the Scottish Building Standards Agency (SBSA) will be integrated within the
core Scottish Government as part of the new Directorate for the Built Environment and will be known
as Building Standards Division, referred to in this guide as BSD.

Scottish Building Services Certification (SBSC) is a single portal owned by both Scheme Providers
for the production of Certification under the Scheme.

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A. GLOSSARY OF TERMS AND ABBREVIATIONS

The Act	The Building (Scotland) Act 2003 establishes the Building Standards System in Scotland.
Approved Body	An enterprise registered in a Certification Scheme to employ and support Approved Certifiers of Construction.
Approved Certifier of Construction	An individual registered in a Certification Scheme to determine compliance of electrical installations with the Scottish Building Standards Technical Handbooks and provide Certificates of Construction.
Building Regulations	The Building (Scotland) Regulations 2004 apply to the Design, Construction and Demolition of Buildings in Scotland.
Building Standards	The functional standards that a conversion or completed building must fulfil to comply with Building Regulations.
BSD (Building Standards Division)	The organisation which is part of the Scottish Government, Directorate for the Built Environment appointed by the Scottish Ministers to fulfil their responsibilities under the Act.
Building Warrant	Authorisation from a Verifier to carry out work where the Building Regulations apply. Building Regulation 5 Schedule 3 shows the work which is exempt from requiring a Building Warrant.
Certificate of Construction	The certificate provided by an Approved Certifier to confirm that work carried out under a Building Warrant complies with the Building Regulations.
Certification Co-Ordinator	An individual employed by an Approved Body to administer certification activities and countersign Certificates of Construction.
Completion Certificate	The certificate submitted to the Verifier to confirm that a building has been constructed or converted in accordance with the Building Warrant and Building Regulations.
Enterprise	A sole trader, partnership, private limited company, public limited company, public body or other legal entity.
ECS	The Electrotechnical Certification Scheme is the health and safety assessment individuals must successfully complete to qualify for an SJIB Grade Card.
JIB	The Joint Industry Board for the electrical contracting industry in England, Wales, Northern Ireland, the Isle of Man and the Channel Islands.
The Procedure Regulations	The Building (Procedure) (Scotland) Regulations 2004 detail the procedures set up by the Act.
Relevant Person	The building owner, tenant or developer who submits a Completion Certificate for work carried out under a Building Warrant.
SBSC	Scottish Building Services Certification is a single portal owned by both Scheme Providers for the production of Certificates of Construction (Electrical Installations to BS 7671).
The Scheme	Scheme for the Certification of Construction (Electrical Installations to BS 7671).
Scheme Provider	An organisation that operates one or more Certification Schemes and register Approved Certifiers of Design and/or Construction and Approved Bodies.
SJIB	The Scottish Joint Industry Board for the electrical contracting industry.
Technical Handbooks	Guidance issued by Scottish Ministers on compliance with The Building Standards technical requirements.
Verifiers	Bodies appointed by Scottish Ministers to oversee the Building Standards System. For the foreseeable future these Bodies will be the 32 Scottish Local Authorities.

B. LEGISLATION & GUIDANCE

Legislation

Building (Scotland) Act 2003
Building (Scotland) Regulations 2004
Building (Procedure) (Scotland) Regulations 2004
Building (Fees) (Scotland) Regulations 2004

Guidance on The Scottish Building Standards

The Scottish Building Standards Technical Handbook: Domestic (2007)
The Scottish Building Standards Technical Handbook: Non-Domestic (2007)
The Scottish Building Standards Procedural Handbook (2007)
The Scottish Building Standards Certification Handbook (2007) for schemes approved under Section 7(2) of the Building (Scotland) Act 2003

BSD Guidance for Verifiers on Electrical Installations not Certified by an Approved Certifier.

All the above legislation and guidance is available online at www.sbsa.gov.uk Hard copies of the legislation and Technical Handbooks may be obtained from the Stationery Office (the Handbooks are also available from Blackwells and other major booksellers). Copies of the procedural and certification handbooks are available from the BSD.

Industry Guidance

BS 7671 Requirements for electrical installations (IEE Wiring Regulations).

BS 5839-1 Fire detection and fire alarm systems for buildings - Part 1: code of practice for system design, commissioning and maintenance.

BS 5839-6 Fire detection and fire alarm systems for buildings - Part 6: code of practice for the design, installation and maintenance of fire detection and fire alarm systems in dwellings.

BS 5266 Emergency lighting.

The SELECT and NICEIC Group Ltd Guide to the scheme for Certification of Construction (Electrical Installations to BS 7671) available at www.select.org.uk or www.niceic.com or by telephone on 0131 445 9228.

C. INTRODUCTION

C.1

OVERVIEW OF CERTIFICATION SCHEMES

- C.1.1** The Building (Scotland) Act 2003, includes provisions for organisations to provide Schemes to register Approved Certifiers of Design and Approved Certifiers of Construction. This system allows qualified and experienced building professionals and tradesmen to be responsible for ensuring compliance with the Building (Scotland) Regulations 2004 without detailed scrutiny by local authorities. These Approved Certifiers must be employed by reputable organisations and be able to demonstrate that they meet the criteria to be registered in a relevant Scheme.
- C.1.2** Persons who perform the function of certification are known as Approved Certifiers of Design or Approved Certifiers of Construction. To register and operate as an Approved Certifier an individual must gain entry to an appropriate Certification Scheme and be employed by an Approved Body.
- C.1.3** An Approved Body is an enterprise that employs and supports one or more Approved Certifiers, and meets the conditions for registration in a Certification Scheme operated by a Scheme Provider.
- C.1.4** Scheme Providers are trade associations or other professional bodies appointed by Building Standards Division (BSD) to provide and operate a Certification Scheme.
- C.1.5** An Approved Certifier must therefore be employed by an Approved Body to carry out and/or supervise the Design or Construction, and provide the appropriate Certificate of Design or Construction for work which is the subject of a Building Warrant. A sole trader can operate as an Approved Body and Approved Certifier.
- C.1.6** This Guide has been produced jointly by the two Scheme Providers, SELECT and NICEIC Group Ltd, to explain the operation and criteria for registration in the Scheme for certification of electrical installations in accordance with Building Regulations.

C.2 BACKGROUND

- C.2.1** The purpose of Building Regulations, as defined by the Building (Scotland) Act 2003, is to secure the health, safety, welfare and convenience of people, to further the conservation of fuel and power, and to further the achievement of sustainable development, with respect to design, construction, demolition and conversion of buildings and the provision of services, fittings and equipment in or in connection with buildings.
- C.2.2** A new building standards system was introduced under the Act. An alternative to detailed scrutiny of designs or inspections by local authorities was introduced, based on the principle that qualified and experienced building professionals and tradesmen can be made responsible for ensuring compliance with Building Regulations, provided they are employed by reputable enterprises that operate a system of careful checking.
- C.2.3** The SBSA was established in June 2004, and replaced by Building Standards Division(BSD) on the 1st April 2008, to fulfil the duties placed on Scottish Ministers in the Act. Among its functions it recommends approval of Certification Schemes to Scottish Ministers and appoints Scheme Providers. It also audits the delivery of the Scheme on a regular basis. It keeps the Certification Register of Approved Bodies, Approved Certifiers of Design and Approved Certifiers of Construction.
- C.2.4** The Building (Procedure) (Scotland) Regulations 2007 make provision for organisations, termed ‘Scheme Providers’, to provide schemes to register Approved Certifiers who are responsible for ensuring compliance with Building Regulations. For an organisation to gain acceptance as a Scheme Provider, an application must be made to BSD. Applicants are required to demonstrate that they possess the expertise and capacity to administer a Certification Scheme.
- C.2.5** On 7th December 2004, Scottish Ministers approved a Certification Scheme for Certification of Construction (Electrical Installations to BS 7671) allowing Approved Certifiers of Construction to certify the compliance of all aspects of electrical installation construction and commissioning work with the Building (Scotland) Regulations 2004. Each Scheme Provider is responsible for operating the Scheme and is subject to regular audit by BSD.
- C.2.6** In order to establish the competence of those certifying the construction of electrical installations, qualified individuals will be assessed by the Scheme Provider and if approved for registration with the Scheme, placed on the Certification Register. An individual registered with the Scheme who is permanently employed by an Approved Body, or sub-contracted by another Approved Body for the duration of a project, (see D.3.3.1 iic.) may perform the functions of an Approved Certifier of Construction (Electrical Installations to BS 7671).
- C.2.7** To fulfil their role properly Approved Certifiers of Construction must have adequate support from their employers, or the enterprises to whom they are contracted to certify a project. In order to provide certification services, an enterprise must meet the conditions to be registered with the Scheme as an Approved Body. Enterprises will also be assessed by a Scheme Provider and if approved for registration with the Scheme, placed on the Certification Register.
- C.2.8** The Scheme Provider will regularly re-assess Approved Certifiers of Construction and Approved Bodies to ensure that they are continuing to meet the criteria for appointment.
- C.2.9** Any enterprise that chooses not to be registered is not precluded from carrying out electrical installation work related to a building warrant. Whilst the earlier system of self-certification has been discontinued, it is still possible for a building warrant applicant to submit a Completion Certificate that is not supported by a Certificate of Construction. It is however up to the Verifier to decide how it will fulfil the requirement for ‘reasonable enquiry’ with regard to any electrical installation work. This is an onerous requirement and it is anticipated that it will take longer for the Verifier to accept a Completion Certificate that is not supported by a Certificate of Construction. Guidance for Verifiers on electrical installations not certified by an Approved Certifier is published by BSD at www.sbsa.gov.uk (see Appendix B).
- C.2.10** The current building standards system came into effect on the 1st May 2005 and applies to all projects where a warrant application is lodged after that date.

D. THE SCHEME

D.1 AUTHORITY AND SCOPE OF THE SCHEME FOR CERTIFICATION OF CONSTRUCTION (ELECTRICAL INSTALLATIONS TO BS 7671)

D.1.1 The authority for the Scheme for Certification of Construction (Electrical Installations to BS 7671) is derived from section 7(2) of the Act. The Scheme places responsibility for certification of electrical installation work in accordance with the Building Regulations on those registered.

D.1.2 The scope of the Scheme is the certification of the installation and commissioning of electrical installations to BS 7671 as complying with the Building Regulations.

D.1.3 For this Scheme, certification of construction is deemed to cover all work on the consumers' side of the origin of the electrical installation. In this context, the origin of the electrical installation should be considered as the position at which electrical energy is delivered to the premises.

D.1.4 The Scheme also includes designations for:

- i) fire detection and fire alarm systems to BS 5839-1
- ii) fire detection and fire alarm systems to BS 5839-6
- iii) emergency lighting systems to BS 5266

D.2 CODE OF CONDUCT

D.2.1

Approved Certifiers of Construction and Approved Bodies registered with the Scheme and members of any board or panel intended to further the purposes of the Scheme are required to:

- i) act with integrity and fairness; and
- ii) have regard to the public interest and to the interests of all those affected by their activities; and
- iii) not maliciously or recklessly injure or attempt to injure the reputation of another person; and
- iv) declare conflicts of interest; and
- v) uphold the reputation of the Scheme.

D.2.2

Approved Certifiers of Construction are also required to:

- i) exercise appropriate skill, care, diligence and judgement in undertaking the certification of construction with respect to the Building Regulations; and
- ii) not misrepresent themselves as having expertise and experience that they do not possess; and
- iii) maintain and broaden their expertise; and
- iv) undertake only those tasks for which they have the appropriate expertise and experience; and
- v) not certify work carried out by others without carrying out necessary checks to satisfy themselves of the adequacy of the work and compatibility within the whole structure; and
- vi) acknowledge that for some projects they may lack appropriate experience to enable them to act as the Approved Certifier of Construction.

D.3 APPROVED CERTIFIERS OF CONSTRUCTION

D.3.1 Functions of Approved Certifiers of Construction

- D.3.1.1** The function of an Approved Certifier of Construction (Electrical Installations to BS 7671) is to determine whether any electrical installation to BS 7671 complies with the Building Regulations and, where appropriate, to certify that it complies.

D.3.2 Responsibilities of Approved Certifiers of Construction

- D.3.2.1** The Approved Certifier of Construction should be satisfied that their knowledge and experience enables them to discharge the responsibility of certifying particular work, bearing in mind the nature of the project. If appropriate, the Approved Certifier of Construction should call on other suitably qualified and experienced persons for advice. Certification, however, is the sole responsibility of the Approved Certifier of Construction who signs the Certificate of Construction.

- D.3.2.2** Only Approved Certifiers of Construction who possess sufficient technical knowledge and experience may certify projects that include:

- i) fire detection and fire alarm systems to BS 5839-1
- ii) fire detection and fire alarm systems to BS 5839-6
- iii) emergency lighting systems to BS 5266

D.3.3 Requirements for Approved Certifiers of Construction

- D.3.3.1** Individual registration with the Scheme is open to any person who is eligible to qualify for an SJIB Approved Electrician (ECS) Grade Card (See Appendix A), and is a principle or full-time employee of an Approved Body.

- i) In addition to the above the individual should:
 - a. have a minimum of two years supervisory experience in the electrical installation industry; and
 - b. have evidence of having passed an *assessed course in all relevant requirements in the Scottish Building Standards Technical Handbooks and Building (Scotland) Regulations (within the previous three years); and
 - c. have evidence of having passed an *assessed course in BS 7671 (IEE Wiring Regulations) within the previous five years; and
 - d. demonstrate current knowledge of the Scottish building standards system and a sufficient understanding of the role of Approved Certifier of Construction (Electrical Installations to BS 7671) to act as a Certifier of Construction.

*details of suitable assessed training courses can be obtained from the relevant Scheme Provider.

- ii) In addition to the above agree to work to the relevant Scheme Rules which are to:
 - a. adopt appropriate procedures to satisfy themselves of the compliance or non-compliance of electrical installations with the Building Regulations; and
 - b. only certify work as compliant with the Building Regulations if they have sufficient knowledge and understanding of the Building (Scotland) Regulations 2004, relevant codes of practice and of the Technical Handbooks applicable to that work; and
 - c. only issue Certificates of Construction if permanently employed by an Approved Body, but may be sub-contracted to another Approved Body for the duration of a project; and
 - d. undertake certification in a methodical manner, record the process by which compliance with Building Standards is assessed using checklists as prescribed by the Scheme Provider; and

D.3 APPROVED CERTIFIERS OF CONSTRUCTION

- e. take account of the impact of their work and ensure it does not impinge on the overall integrity of the building; and
- f. compile and sign certificates in the form prescribed by the Scheme Provider, using certificate numbers as designated; and
- g. conform to the Scheme Code of Conduct detailed in D.2.1 and D.2.2 of this Guide; and
- h. keep a record of all certificates issued together with client contact information, a record of the basis of decisions on compliance and details of any third party relied on in making decisions on compliance; and
- i. accept audits of their certification activities by the Scheme Provider, and if applicable BSD on request and provide facilities for auditing including documents, records, equipment, tools, test instruments, sufficient for assessment purposes; and
- j. hold records for at least five years and make them available to the Scheme Provider on request, for auditing. Records shall include checklists, appropriate certification in accordance with applicable British Standards, Certificates of Construction, confirmation of test instrument accuracy, training and development undertaken, complaints and any action taken to resolve them; and
- k. not to:
 - i) issue any Certificates of Construction for work that has not been checked for compliance with the Building Regulations; nor
 - ii) issue any Certificates of Construction for work which a Building Warrant has not been issued ; nor
 - iii) issue any certification for incomplete installations; nor
 - iv) act as Approved Certifier of Construction where the Verifier is the same organisation as the Approved Body or is the Approved Certifier of Construction's employer; nor
 - v) make false or misleading statements in certificates; nor
 - vi) recklessly issue certificates.

D.4 APPROVED BODIES

D.4.1

Functions of Approved Bodies

D.4.1.1

The functions of an Approved Body are to support the Approved Certifiers of Construction employed or contracted by them and to maintain the conditions under which the Approved Body was approved.

D.4.2

Requirements for Approved Bodies

D.4.2.1

Registration with the Scheme is open to any enterprise that:

- i) has been in business for a minimum period of six months and employs at least one Approved Certifier of Construction (Electrical Installations to BS 7671); and
- ii) undertakes to comply with the Rules, which include to:
 - a. support the work of Approved Certifiers of Construction by providing access to documentation (including legislation, handbooks, codes of practice, or other guidance) that is necessary for the certification activities; and
 - b. support the work of Approved Certifiers of Construction by providing access to training and development in support of certification activities (including both technical and procedural training) to an appropriate level; and
 - c. hold public liability insurance to a value of at least £2m and, where appropriate, employers' liability insurance; and
 - d. designate a Certification Co-ordinator to countersign certificates completed by an Approved Certifier of Construction who is employed by the Approved Body, (the Certification Co-ordinator may also be an Approved Certifier of Construction); and
 - e. only offer certification services under the scheme if it employs at least one Approved Certifier of Construction and a Certification Co-ordinator; and
 - f. be directly engaged in certifying electrical installation work for compliance with the Building Regulations; and
 - g. operate an appropriate system of checking compliance with the Building Regulations in accordance with the Scheme Provider's requirements to assure the quality of certification activities; and
 - h. report any change to the Scheme Provider within seven days of the change occurring, where an Approved Certifier of Construction (Electrical Installations to BS 7671) or a Certification Co-ordinator cease to be employed in that capacity; and
 - i. report changes of registration particulars (e.g. change of name, address or legal constitution of the enterprise), to the Scheme Provider within seven days of the change occurring; and
 - j. accept audits of their certification activities by the Scheme Provider, and if applicable BSD on request and provide access and facilities for auditing including documents, records, equipment, tools, test instruments, sufficient for assessment purposes; and
 - k. complete Certificates of Construction in the form prescribed by the Scheme Provider, using certificate numbers designated by the Scheme Provider. All Certificates of Construction shall be signed by an Approved Certifier of Construction and counter-signed by the Approved Body's Certification Co-ordinator; and
 - l. hold records for at least five years and make them available to the Scheme Provider for auditing. Records shall include checklists, appropriate certification in accordance with applicable British Standards, Certificates of Construction, training and development of Approved Certifiers of Construction, complaints and any action taken to resolve them, confirmation of test instrument accuracy; and
 - m. allocate adequate time and resource to the certification process; and
 - n. conform to the Scheme Code of Conduct as described in D.2.1 of this guide.
 - o. Approved Bodies with more than one trading title or address are required to make a separate Scheme application for each office or trading title that wishes to offer certification services. Only offices that employ at least one Approved Certifier of Construction are eligible for registration.

D.5 CERTIFICATION CO-ORDINATORS

D.5.1 Responsibilities of Certification Co-ordinators

- D.5.1.1 The Certification Co-ordinator is responsible for ensuring that the conditions under which the Approved Body was approved are fulfilled and maintained, except in the case of a change of Certification Co-ordinator.
- D.5.1.2 To countersign Certificates of Construction on behalf of the Approved Body that employs them.
- D.5.1.3 The Certification Co-ordinator is responsible for advising the Scheme Provider of any changes of Approved Certifiers of Construction, or changes of the Approved Body's name, address or legal constitution of the enterprise, within seven days of the change occurring.
- D.5.1.4 The Certification Co-ordinator shall act as the contact point for the Approved Body.

D.5.2 Requirements for Certification Co-ordinators

- D.5.2.1 Certification Co-ordinators shall conform to the Scheme Code of Conduct as described in D.2.1 of this guide.
- D.5.2.2 Certification Co-ordinators shall not countersign Certificates of Construction for any period during which the Approved Body does not employ an Approved Certifier of Construction.
- D.5.2.3 Certification Co-ordinators shall only countersign certificates on behalf of the Approved Body that employs them.

D.6 CERTIFICATION

D.6.1

The Certification Process

Building Warrant Applicant

Notifies Verifier of intention to use an Approved Certifier of Construction to certify the Electrical Installation under the Scheme.

**Approved Certifier of Construction**

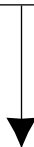
Carries out and/or supervises the electrical installation work during construction and on completion to ensure compliance with the Building Regulations. The Certificate of Construction, produced from the SBSC website, the relevant BS certification including a schedule of inspections and schedule(s) of test results are submitted to the person ordering the

**Scheme Provider**

Notifies BSD of issue of Certificate of Construction (Electrical Installations to BS 7671).

**Building Warrant Applicant**

Submits the Completion Certificate and Certificate of Construction to the Verifier.

**Verifier**

Checks the validity of the Certifier of Construction using the online Certification Register.

D.6 CERTIFICATION

D.6.1.1

No reduction of Building Warrant application fees will be made if the Verifier has not been notified of the intention to use an Approved Certifier of Construction.

D.6.1.2

The issue of Certification must be preceded by appropriate inspection and testing, carried out by the Approved Certifier of Construction to ensure compliance with the relevant standards. The results of the inspection and testing should be accurately recorded on the appropriate forms including the Scheme Checklist prescribed by the Scheme Provider. The checks should include appropriate Building Standards non-electrical items, such as structure, energy saving, fire warning etc. The Approved Certifier of Construction must be aware that it is compliance with the Building Regulations that is being certified, not only compliance with BS 7671, or Building Standards 4.5 and 4.6.

The Scheme Checklist is retained by the Approved Certifier of Construction as their record of how compliance was determined. Following determination that the work is compliant with Building Regulations, the Approved Certifier of Construction completes a Certificate of Construction. This is countersigned by the Certification Co-ordinator of the Approved Body. It is imperative that, when certifying an electrical installation in compliance with the Building Regulations, the assessment process is recorded in writing and placed on file for auditing purposes.

D.6.1.3

Only Approved Certifiers of Construction who possess sufficient technical knowledge and experience may certify projects that include:

- i) fire detection and fire alarm systems to BS 5839-1
- ii) fire detection and fire alarm systems to BS 5839-6
- iii) emergency lighting systems to BS 5266

D.6.1.4

If the work is not compliant with Building Regulations, the Approved Certifier of Construction must ensure that the work is brought up to a compliant level before completing and signing the Certificate of Construction.

D.6.1.5

An Approved Certifier of Construction will only sign Certificates of Construction if they are a principle or full-time employee of an Approved Body, or sub-contracted by another Approved Body for the duration of a project. The Approved Body can only offer certification services under the Scheme if it employs at least one Approved Certifier of Construction and a Certification Co-ordinator.

D.6.1.6

Certificates of Construction will be issued only in the standard form available from the Scheme Provider that has been agreed with BSD.

D.6.1.7

Certificates of Construction will be issued with a unique number designated by the Scheme Provider in accordance with a format agreed with BSD.

D.6.1.8

Certificates of Construction issued under the Scheme must be signed by an Approved Certifier of Construction and counter-signed by the Certification Co-ordinator of the Approved Body that employs them and holds public liability insurance to cover the work certified.

D.6.1.9

An Approved Certifier of Construction must not certify any work that has not been checked for compliance with the Building Regulations. The Certificate of Construction must only relate to work that has been completed and complies with the Building Regulations and is not a statement that the work, after it is finished, will comply with the Building Regulations.

The signing of a Certificate of Construction in respect of work that has not been completed is contrary to the intentions of both the Building Regulations and the Scheme and may lead to disciplinary action or prosecution. Assessing compliance is not a retrospective activity and must precede the signing of the Certificate of Construction.

D.6.1.10

The Certification Co-ordinator of an Approved Body must not countersign Certificates of Construction for any period during which the Approved Body does not employ an Approved Certifier of Construction.

D.6.1.11

The Scheme Provider is required to report to BSD all Certificates of Construction issued by those registered in their Scheme as Approved Certifiers of Construction.

D.6 CERTIFICATION

D.6.2

Certificate of Construction (Electrical Installations to BS 7671)

D.6.2.1

The Certificate of Construction is confirmation that the work certified has been checked and is compliant with all applicable Building Regulations. It is also a record of how the compliance was checked. A Certificate of Construction must be in the standard format that has been agreed with BSD and provided by the Scheme Provider. The Approved Certifier of Construction completes the form, which is to be signed by the Approved Certifier of Construction and the Certification Co-ordinator on behalf of the Approved Body that employs or contracts them. The resulting Certificate of Construction is provided to the building owner, developer or other Relevant Person who submits the Completion Certificate for the building to the Verifier.

The Certificate of Construction must include a certificate number issued by the Scheme Provider, the project address and building warrant number. Approved Certifiers of Construction are responsible for checking the accuracy of project details recorded on the Certificate of Construction.

Part A of the Certificate is a declaration by the Approved Certifier of Construction:

- i) of the nature of the work certified; and
- ii) that the electrical installation work complies with the Building Regulations current at the date the warrant was granted, for all relevant standards; and
- iii) that he/she is registered under the approved Scheme.

The Certificate of Construction also includes a declaration of how specific aspects of the project were certified, which serves as a checklist and will be used in the auditing process.

The Approved Certifier of Construction states:

"I certify that the electrical installation included in the construction work described in this certificate complies with the Building (Scotland) Regulations 2004. I am registered by Building Standards Division (BSD) as competent to certify the construction of such work."

Part B of the Certificate is a statement by the Certification Co-ordinator of the Approved Body:

"I confirm the person who signed Part A of this Certificate is an Approved Certifier of Construction (Electrical Installations to BS 7671) and is employed by this body. This Body is registered by Building Standards Division (BSD) to provide Certification of Construction (Electrical Installations to BS 7671) and currently employs at least one Approved Certifier under the Scheme. I am registered as Certification Co-ordinator for this Body."

Model Certificates of Construction and Checklists are shown in the Scheme Providers' Technical Guides.

D.7 REGISTRATION WITH THE SCHEME

D.7.1

What Registration Means

D.7.1.1

An individual registered with the Scheme may perform the function of Approved Certifier of Construction (Electrical Installations to BS 7671) and is referred to in this document as an Approved Certifier of Construction.

D.7.1.2

An enterprise that is registered with the scheme may offer certification services as an Approved Body for the Certification of Construction (Electrical Installations to BS 7671) and is referred to in this document as an Approved Body.

D.7.1.3

An Approved Certifier of Construction may describe himself or herself as an Approved Certifier of Construction (Electrical Installations to BS 7671). An Approved Body may describe itself as an Approved Body for the Certification of Construction (Electrical Installations to BS 7671).

D.7.1.4

Registration with the Scheme entitles Approved Certifiers of Construction and Approved Bodies to use designations approved by their Scheme Provider.

D.7.1.5

No registration certificate is issued in connection with registration. Registration of Approved Certifiers of Construction and Approved Bodies can be checked at www.sbsa.gov.uk

D.7.1.6

Registration numbers for Approved Certifiers of Construction and Approved Bodies are issued by the Scheme Provider in accordance with a format agreed with BSD.

D.7.2

The Scheme Application Process

D.7.2.1

All those applying to be registered with the Scheme must complete application forms providing the information required by the Scheme Provider. Potential applicants should refer to www.niceic.com or www.select.org.uk or www.sbsc.uk.net for details.

D.7.2.2

All those applying must sign a declaration that they will abide by the Rules.

D.7.2.3

A sole trader can be an Approved Certifier of Construction, a Certification Co-ordinator and an Approved Body, and must submit the required application information for all three roles.

D.7.2.4

An application will be considered as soon as it is received by the Scheme Provider. The following items need to be provided by the enterprise before the application can proceed:

- The completed application forms,
- Declarations that they will abide by the Rules,
- A payment covering the application fees.

D.7.3

Assessment of Scheme Applicants

D.7.3.1

All scheme applicants will be assessed. Assessment of applications for registration with the Scheme is undertaken by persons with appropriate expertise and experience according to documented, quality-assured procedures that are robust, consistent, and fair.

D.7.3.2

Scheme applicant assessments will be undertaken at the premises of those applying for scheme registration and at least one site. These assessments may be audited by a representative of BSD. Audits will:

- assess the compliance of the Approved Body and Approved Certifier of Construction with the Scheme and Rules requirements;
- assess any proposed Approved Certifier of Construction's knowledge of the Scottish Building Standards system and understanding of the role of Approved Certifier of Construction

(Electrical Installations to BS 7671) and whether it is sufficient to act as an Approved Certifier of Construction.

- assess at least one sample of work previously inspected by any proposed Approved Certifier of Construction and its overall compliance with the Scottish Building Standards Technical Handbooks.

D.7 REGISTRATION WITH THE SCHEME

D.7.3.3

The initial assessment will be undertaken by the Scheme Provider. This will check that:

- The correct paperwork is available and complete; and
- There is an application for registration of a proposed Approved Certifier of Construction, or the application identifies an individual who has already achieved Approved Certifier of Construction status with another Approved Body but who has transferred their employment to the scheme applicant's permanent staff; and
- Any proposed Approved Certifier of Construction has the necessary qualifications.

The above assessments will need to have been successfully completed before any visit to the Scheme applicant's premises takes place.

D.7.3.4

At the Scheme applicant's premises the Assessor will establish whether:

- The enterprise supports their Approved Certifier(s) of Construction with regard to documentation, checking that the current, appropriate documents are available to Approved Certifiers; and
- The enterprise has appropriate test equipment available for the number of Approved Certifiers of Construction that is planned and that there is a record of confirmation of test instrument accuracy; and
- The original qualification certificates of any proposed Approved Certifier of Construction are available; and
- Originals of the public liability insurance and, if appropriate, employers' liability insurance documents are available.

D.7.3.5

An appropriate site, or sites, will be selected to continue the assessment, where the Assessor will establish any proposed Approved Certifier of Construction's knowledge of Scottish Building Standards. To do this the Assessor will ask a proposed Approved Certifier of Construction to:

- Inspect all or part of the electrical installation(s);
- Carry out tests of all or part of the installation(s);
- Assess all or part of the installation(s) for overall compliance with the Building Regulations.

D.7.3.6

The Assessor will compile an assessment report and a copy will be issued to the applicant following the visit. The report will indicate the level of the enterprise's compliance with the Scheme requirements and the Rules. Any non-compliance will be recorded for action by the enterprise.

D.7.3.7

A completed application assessment will result in the Assessor making one of the following recommendations:

- Acceptance will be recommended if the enterprise is compliant with the Scheme requirements and the Rules.
- Deferment will be recommended if the enterprise does not currently satisfy the Scheme requirements and/or the Rules but is likely to do so after it has addressed the non-compliances identified in the Assessment Report. Should the enterprise wish to continue with its application following a period of deferment, a further scheme application assessment would be necessary, for which an additional fee may be charged.

D.7 REGISTRATION WITH THE SCHEME

- Rejection will be recommended if it is considered that the enterprise will be unable to comply with the Scheme requirements or the Rules even after deferment. If the business is eligible to re-apply, a fresh application may be considered after a period stipulated by the Scheme Provider.

The decision on the outcome of a scheme application rests with the Scheme Provider, although the enterprise may appeal against the decision if it considers it to be unfair.

The enterprise will be advised of the outcome, and if accepted, must pay the registration fee prior to registration. When the fee is paid, the enterprise will be added to the BSD register of Approved Bodies. The enterprise must also pay a registration fee for each individual who will carry out inspections and provide Certificates of Construction. When the fee is paid the individual will be added to the BSD register of Approved Certifiers of Construction.

D.7.4 Continuing Registration

D.7.4.1 Those registered are subject to audit at any time to be decided necessary by the Scheme Provider, and there may be occasions when audits include an auditor from BSD. Audits may be undertaken in the following circumstances:

- i) for all those registered, audits at a normal interval of between one year and a maximum of three years from the latest approval of registration, the extent of which shall be prescribed by the Scheme Provider having regard to the range, scale and geographical spread of the work carried out by the Approved Body;
- ii) Special inspections at the request of the Scheme Provider, following the discovery of poor practice or complaints received regarding an Approved Body's or Approved Certifier of Construction's conduct in connection with certification;
- iii) on change of registration particulars or change of Approved Certifier of Construction;
- iv) random audits.

D.7.4.2 Audits will normally begin at the premises of those registered and then normally progress to at least one site. They will:

- i) consider the record of the previous certification work (that includes copies of certificates and checklists and notes on the procedures used);
- ii) consider evidence of support (appropriate documents and update training) provided by the Approved Body to the Approved Certifier of Construction;
- iii) consider any complaints together with the response to complaints;
- iv) assess the Approved Body and Approved Certifier(s) of Construction for continued compliance with the Scheme and Rule requirements;
- v) assess the Approved Certifier of Construction's knowledge of the Scottish building standards system and understanding of the role of Approved Certifier of Construction (Electrical Installations to BS 7671) and whether it is current and sufficient to continue to act as an Approved Certifier of Construction;
- vi) assess at least one sample of work certified and its overall compliance with the Scottish Building Standards Technical Handbooks.

D.8 SCHEME PROVIDERS

D.8.1 Function of the Scheme Provider

D.8.1.1 The function of the Scheme Provider is to administer the Scheme, deal with any complaints and appeals, and report to BSD on updates to registration with the Scheme and the certificates issued.

D.8.2 Requirements of the Scheme Provider

D.8.2.1 The Scheme Provider will provide sufficient resources to undertake the assessment and auditing of those registered and the reporting to BSD of details of registration with the Scheme.

D.8.2.2 The conduct of technical assessments that form part of the audit process will be robust, consistent and fair.

D.8.2.3 The Scheme Provider will conform to the Scheme code of conduct as described in D.2.1 of this Guide.

D.8.2.4 The Scheme Provider will advise Approved Certifiers of Construction and Approved Bodies of any updates to the conditions of registration and the operation of the scheme at least two months prior to the annual re-registration date.

D.8.2.5 Scheme Providers may add requirements including changes to scheme costs if agreed with BSD, but will not impose any requirement that can only be fulfilled by membership of any one organisation.

D.8.2.6 The Scheme Provider will give at least ten working days notice of an audit and five days notice of a complaint inspection.

D.8.2.7 The Scheme Provider will report to BSD all Certificates of Construction issued by those registered as Approved Certifiers of Construction.

D.8.2.8 The Scheme Provider will ensure that access to Certificates of Construction is secure and only available to registered Approved Bodies, e.g. by electronic means.

D.8.2.9 The Scheme Providers are responsible collectively for setting registration fees and certificate costs.

D.8.3 Duties of the Scheme Provider

D.8.3.1 The Scheme Provider will administer the scheme in conformity with the Building (Procedure) (Scotland) Regulations 2004, and with due regard for the guidance given in the Scottish Building Standards Procedural Handbook and Certification Handbook.

D.8.3.2 Auditing will be undertaken by persons, employed by the Scheme Provider, with appropriate expertise and experience according to procedures that are robust, consistent, and fair. Auditors will be paid for their work. Technical assessors will be qualified to MIET level or equivalent and have a minimum of five years experience at senior level in the electrical installation industry.

D.8.3.3 The Scheme Provider will audit the certification practice of those registered with the Scheme and the certificates issued. Audits may be undertaken in the following circumstances:

- i) for all those registered, audits at a normal interval of between one year and a maximum interval of three years from the latest approval of registration;
- ii) special inspections following the discovery of poor practice or complaints received regarding an Approved Body's or Approved Certifier of Construction's conduct in connection with certification;
- iii) on change of registration particulars or change of Approved Certifier of Construction;
- iv) random audits.

D.8 SCHEME PROVIDERS

D.8.3.4 Registration numbers for Approved Certifiers of Construction and Approved Bodies are issued by the Scheme Provider in accordance with a format agreed with BSD.

D.8.3.5 The Scheme Provider will manage and administer complaints and appeals as required by the Scottish Building Standards Certification Handbook as described in this guide.

D.8.3.6 The Scheme Provider will advise BSD and appellants, Approved Certifiers of Construction, Approved Bodies, complainants, as appropriate, of the relevant grounds for deferment or rejection of registration, grounds for rejections of renewals, grounds for cancellation of registration, findings of audits or grounds for finding complaints invalid.

D.8.3.7 The Scheme Provider will accept audit by BSD on behalf of the Scottish Ministers, including auditing of registration assessment and approval processes.

D.8.3.8 The Scheme Provider will make arrangements to facilitate certification by another Approved Certifier of Construction where the original certifier is unable to provide certification, for instance where the Approved Body ceases to trade.

D.8.4 Scheme Management

D.8.4.1 The Scheme for Certification of Construction (Electrical Installations to BS 7671) is at present operated independently by two Scheme Providers, SELECT and NICEIC Group Ltd.

D.8.4.2 NICEIC Group Ltd is an independent UK certification company.

D.8.4.3 SELECT is the trade association for the electrical contracting industry in Scotland.

D.8.4.4 Both Scheme Providers support the introduction of certification as part of the building standards system in Scotland including its aim to ensure compliance with Building Regulations and the recognition of competent individuals and enterprises to carry out the Certification of Construction (Electrical Installations to BS 7671).

D.8.4.5 Although the two Scheme Providers operate the same Scheme as agreed by Scottish Ministers, and deliver certification through a jointly owned website, www.sbsc.uk.net the management structures of these two organisations are different and taking this into consideration the Scheme management procedures for each Scheme Provider are shown as follows:

D.8.5 NICEIC Scheme Management

D.8.5.1 The operation of the Scheme is managed and administered by NICEIC Group Ltd employees as follows:

- Chief Operating Officer;
- Head of Certification;
- Customer Operations Manager – Electrotechnical;
- Operations Engineers;
- Customer Relations Manager;
- Administrative staff;
- Senior Regional Engineers;
- Area Engineers.

Who are responsible for:

- Assessment of scheme applications, including assessment of Approved Certifiers of Construction and technical inspections of installations inspected;
- Auditing of certification activities of registered individuals;
- Auditing of certification activities of Approved Bodies, including assessment of Approved Certifiers of Construction and technical inspections of certified installations;
- Recommendations on Scheme registration;
- Operation of certain IT and other administrative systems.

D.8 SCHEME PROVIDERS

D.8.5.2

Responsibility for and administration of complaints received regarding an Approved Body or an Approved Certifier of Construction's conduct in connection with certification will be as follows:

- i) The Head of Certification, who will be responsible for co-ordinating the response to these complaints and recording it in the complaints register.
- ii) The Customer Relations Manager, who will organise the investigation and carry out the administration of these complaints, and act as secretary to Certification Disciplinary Panels.
- iii) The Certification Conduct Panel will consist of the Head of Certification and the Customer Relations Manager. This panel is responsible for hearing and determining the outcome of complaints and will decide:
 - a. whether the complaint is valid,
 - b. whether an inspection will be carried out and what form any inspection should take,
 - c. whether the complaint alleges breach of the Rules,
 - d. whether the complaint alleges a breach of Section 19(4) of the Act,
 - e. whether the Certification Disciplinary Panel should hear the complaint.
- iv) In the absence of the Head of Certification or the Customer Relations Manager the above tasks will be carried out by their deputies.
- v) The Certification Disciplinary Panel consists of three members of the Electrical Contracting Certification Council. The Customer Relations Manager will attend Panel meetings in order to minute and provide any necessary secretarial support.

D.8.5.3

Responsibility and administration of complaints about the conduct of the NICEIC Group Ltd or its staff whilst engaged in carrying out their duties in connection with the Certification of Construction (Electrical Installations to BS 7671) Scheme will be:

- i) The Head of Certification will be responsible for co-ordinating the responses to these complaints and recording in the complaints register.
- ii) The Customer Relations Manager will carry out the investigation and administration of these complaints.
- iii) All of these complaints will be reviewed by the Electrical Contracting Certification Council.

D.8.5.4

Responsibility for and administration of appeals will be:

- i) The Head of Certification, who will be responsible for co-ordinating the response to appeals.
- ii) The Secretary to the Enrolment Committee, who will carry out the administration of appeals and act as secretary to the Appeals Committee.
- iii) The Appeals Committee of three members will be drawn from an Appeals Panel, which will be made up of at least six members who are independent of the Scheme and the NICEIC. The Secretary to the Enrolment Committee will attend Appeals Committee meetings in order to minute and provide any necessary secretarial support.
- iv) All appeals will be monitored by the Electrical Contracting Certification Council.

D.8.5.5

The commercial operation of the Scheme is the responsibility of NICEIC Group Ltd Board. The Board comprises of independent members of the Electrical Safety Council Board, NICEIC Group Ltd executive Directors and is chaired by a non executive independent member.

D.8 SCHEME PROVIDERS

D.8.5.6

NICEIC Group Ltd is responsible, with regard to the Scheme, for:

- i) Setting fees (see D.8.2.9);
- ii) Scheme finances;
- iii) Appointment of NICEIC employees;
- iv) Continuing review of the operation of the Scheme;
- v) Implementation of the Scheme code of conduct;
- vi) Appointment of the Independent Certification Board;
- vii) Operational support of the Enrolment Committee;
- viii) Reporting on the Scheme to BSD.

D.8.5.7

The Electrical Contracting Certification Council is a sub-committee of the Independent Certification Board; and comprises independent members and has an independent chairman.

D.8.5.8

The Electrical Contracting Certification Council is responsible, with regard to the Scheme, for:

- i) Reviewing of registration criteria;
- ii) Monitoring applications for registration;
- iii) Reviewing audit criteria;
- iv) Monitoring audit criteria;
- v) Ratification or investigation of recommendations made by NICEIC Group Ltd employees concerning applications for Scheme registration;
- vi) Monitoring appeals;
- vii) Monitoring complaints regarding Approved Certifiers of Construction and Approved Bodies;
- viii) Monitoring complaints about NICEIC Group Ltd as a Scheme Provider;
- ix) Monitoring numbers registered as Approved Certifiers of Construction and Approved Bodies;
- x) Monitoring timescales for registration, complaints, changes, cancellation of registration and appeals;
- xi) Monitoring quality system audits;
- xii) Monitoring external body audit findings, such as those conducted by UKAS and BSD, and subsequent corrective actions;
- xiii) Make recommendations with regard to the above matters.

In the event that the Electrical Certification Council is not satisfied by the response of NICEIC Group Ltd to one of its recommendations, the chairman of the ECCMC may inform the relevant accrediting body.

D.8.5.9

All NICEIC Group Ltd employees and committee panel, panel council and board members must declare any commercial and other interests, which may influence the manner in which they carry out their duties for or on behalf of NICEIC Group Ltd. They must also declare any current and/or past interest with regard to scheme applicants, Approved Certifiers of Construction or Approved Bodies.

D.8.5.10

Building Regulations and certification training support for Approved Bodies and Approved Certifiers of Construction will be managed and administered by NICEIC Training.

D.8.6

SELECT Scheme Management

D.8.6.1

The operation of the Scheme is managed and administered by SELECT employees as follows:

- Managing Director;
- Head of Certification;
- Certification Scheme Co-ordinator/Member Services Adviser;
- Head of Technical Services;
- Technical Advisers;
- Technical Services Administrator;
- Administrative staff;

D.8 SCHEME PROVIDERS

Who have responsibilities as follows:

- The Managing Director has overall responsibility for the Scheme.
- The Head of Certification oversees the day-to-day operation of the Scheme.
- The Certification Scheme Co-ordinator/Member Services Adviser, assisted by administrative staff, is responsible for administration, database management and IT system control relating to the scheme, including the registration of new scheme participants, renewals of existing members of the scheme. Also monitoring and actioning of training expiry dates and ensuring that all data is accurate and passed to BSD at the required reporting periods.
- The Head of Technical Services is responsible for technical assessment (auditing) of Scheme applicants and existing Approved Bodies and Approved Certifiers of Construction. These assessments will include technical inspections of completed installations.
- The Head of Technical Services is also responsible for provision of Approved Certifier of Construction support and the technical content and delivery of Building Standards Training Courses.
- The Technical Advisers carry out the assessment (audit) of scheme applicants and existing Approved Bodies and Approved Certifiers of Construction to ensure continuing compliance with the Scheme. They also deliver and assess the Building Standards Training Courses.
- The Technical Services Administrator is responsible for day-to-day administration of Building Standards Training Courses.

D.8.6.2 All employees must declare any conflict of interest with regard to applicants for membership or members of the Scheme.

D.8.6.3 Responsibility and administration of complaints regarding the conduct of SELECT or its staff whilst engaged in carrying out their duties in connection with the Certification of Construction (Electrical Installations to BS 7671) Scheme will be:

- i) The Managing Director, who will be responsible for co-ordinating the responses to these complaints.
- ii) The Head of Certification, who will carry out the investigation and administration of these complaints including recording of the complaints in a register.
- iii) All of these complaints will be reviewed by the SELECT Registration Board.

D.8.6.4 Responsibility for and administration of complaints received regarding an Approved Body or Approved Certifier of Construction's conduct in connection with certification will be as follows:

- i) The Head of Certification, who will be responsible for co-ordinating the response to these complaints, and act as secretary to the Certification Disciplinary Panel.
- ii) The Head of Technical Services, who will organise the investigation and carry out the administration of technical complaints.
- iii) The Certification Conduct Panel will consist of the Head of Certification and The Head of Technical Services. This panel is responsible for deciding:
 - a. whether the complaint is valid;
 - b. whether an inspection will be carried out and what form any inspection should take,
 - c. whether the complaint alleges breach of the Rules;
 - d. whether the complaint alleges a breach of Section 19(4) of the Act;
 - e. whether the Certification Disciplinary Panel should hear the complaint.
- iv) In the absence of the Head of Certification or Head of Technical Services the above tasks will be carried out by appointed deputies.

D.8.6.5 Responsibility for and administration of appeals will be:

- i) The Head of Certification, who will be responsible for co-ordinating the response to appeals, carry out the administration and act as secretary to the Appeals Panel.
- ii) All appeals will be monitored by the Appeals Panel.

D.8 SCHEME PROVIDERS

D 8.6.6

The Commercial operation of the scheme is the responsibility of the SELECT Central Board. The Central Board comprises:

- i) Between two and four contractor representatives from each of SELECT's eight geographical Branches.
- ii) The Office Bearers of SELECT (President, Vice-President, Immediate Past President, Managing Director and Association Secretary).

D 8.6.7

The SELECT Central Board is responsible, with regard to the Scheme, for:

- i) Continuing review of the operation of the Scheme;
- ii) Implementation of the Scheme Code of Conduct;
- iii) Operational support to the SELECT Registration Board;
- iv) Appointment of SELECT employees;
- v) Appointment of auditors;
- vi) Appointment of the Registration Board;
- vii) Fees for membership on joining, annual renewal of membership, certificate fees, and remuneration to auditors (see D 8.2.9);
- viii) Approval of reports on Scheme finances;
- ix) Reporting on the Scheme to BSD;
- x) Implementation of an industry Code of Practice.

D 8.6.8

The SELECT Registration Board oversees conduct of the operation of the Scheme. Members are not paid for their work on the Registration Board. The Registration Board comprises:

- i) An independent Chairman;
- ii) Five representatives of independent organisations, currently;
CIBSE (Chartered Institution of Building Service Engineers);
ROSPA (Royal Society for the Prevention of Accidents);
ACE (Association of Consulting Engineers);
Scottish Engineering;
Health & Safety Executive;
- iii) Five Contractors.

D 8.6.9

The quorum of the Registration Board is six, comprising a minimum of three independent representatives and three contractors.

D 8.6.10

The Registration Board is responsible, with regard to the Scheme, for:

- Review of membership criteria;
- Monitoring application of membership and audit criteria in the operation of the Scheme;
- Ratification or investigation of recommendations made by SELECT employees concerning applications for membership of the Scheme;
- Review of the audit criteria.

D 8.6.11

The Certification Disciplinary Panel comprises five persons, who are members of the Registration Board: the independent chairman, two representatives of independent organisations and two contractors;

D 8.6.12

The Certification Disciplinary Panel is responsible for hearing and determining the outcome of complaints.

D 8.6.13

The Appeals Panel comprises the independent chairman, two others nominated by the chair that are members of the Registration Board and one independent person.

D 8.6.14

The Appeals Panel is responsible for determining any appeal against a decision made by the foregoing panels, or any decision regarding membership of the scheme.

D.9 COMPLAINTS PROCEDURES

D.9.1

Complaints Received by Approved Bodies or Approved Certifiers of Construction.

D.9.1.1

When an Approved Body or Approved Certifier of Construction receives a complaint concerning their conduct in connection with their certification of construction under the Act, Procedure Regulations or Building Regulations they shall respond to that complaint in writing without delay, take remedial action as appropriate and advise the complainant in writing of any remedial action taken.

D.9.2

Complaints regarding Scheme Providers

D.9.2.1

The Scheme Provider will investigate any written complaint concerning the conduct of a Scheme Provider or its staff whilst engaged in carrying out their duties in connection with the Certification of Construction (Electrical Installations to BS 7671) Scheme received from:

- i) an Approved Body or Approved Certifier of Construction registered in the Scheme;
- ii) an enterprise or individual applying to the Scheme Provider for registration;
- iii) BSD;
- iv) a member of the public.

D.9.2.2

The procedure following receipt of such a complaint will be:

- i) to acknowledge the complaint to the complainant within five working days of receipt of the complaint;
- ii) to commence investigation at the same time as i) above;
- iii) to advise the complainant on the outcome of the complaint within a further four weeks, with a timescale for any corrective action if appropriate. In the unlikely event that circumstances do not permit the Scheme Provider to be able to advise the outcome within that time, the complainant will be advised of the circumstances and given a date by which the Scheme Provider will respond;
- iv) for the Scheme Provider to take corrective action within the timescale advised, if appropriate.

D.9.3

Complaints Received by the Scheme Provider Regarding Approved Certifiers of Construction or Approved Bodies Registered in the Scheme.

D.9.3.1

Providing those concerned have already attempted to resolve the complaint in writing with the Approved Body or Approved Certifier of Construction concerned, the Scheme Provider will investigate any written complaint received by them concerning the conduct of an Approved Body or Approved Certifier of Construction from:

- i) an applicant for a building warrant; or
- ii) a member of the public; or
- iii) a building owner, a building owner's agent, a developer; or
- iv) a Verifier; or
- v) a local authority; or
- vi) an Approved Certifier of Construction or an Approved Body; or
- vii) another Scheme Provider; or
- viii) BSD.

D.9.3.2

The procedure for complaints regarding Approved Bodies or Approved Certifiers of Construction will be in accordance with Appendix A of the Scottish Building Standards Certification Handbook.

D.9.3.3

i) The Scheme Provider will decide:

- a. whether the complaint is valid (the Scheme Provider may reject a complaint on the grounds that it does not directly concern certification of construction under the Act or is outside the scope of the Scheme),

D.9 COMPLAINTS PROCEDURES

- b. whether an inspection will be carried out and what form any inspection should take,
 - c. whether the complaint alleges a breach of the Rules,
 - d. whether the complaint alleges a breach of section 19(4) of the Act,
 - e. whether the Certification Disciplinary Panel should hear the complaint. The Scheme Disciplinary Panel shall hear the complaint in all cases where a breach of section 19(4) of the Act is alleged. The Certification Disciplinary Panel will normally hear the complaint where a breach of the Rules is alleged.
- ii) Receipt of the complaint will be acknowledged to the complainant and the complainant will be advised whether the complaint appears to be valid or not within five working days of receipt of the complaint. The complainant will be notified of the reasons if the complaint does not appear to be valid.
- iii) The Approved Body will be notified of the complaint within five working days of receipt.
- iv) The Approved Body or Approved Certifier of Construction that is the subject of the complaint shall co-operate with the Scheme Provider in resolving the complaint and respond within five working days of receipt of all correspondence from the Scheme Provider regarding any complaint.
- v) If the complaint is to be heard by the Certification Disciplinary Panel:
- a. The Panel will meet within seventeen working days of receipt of the complaint, and
 - b. BSD, the relevant local authority, the complainant and the subject of the complaint will be given at least one weeks notice of the Panel meeting.
- vi) All valid complaints will be appropriately investigated by the Scheme Provider. This may involve visits to inspect the work certified, the certification practice, system, documentation, records, equipment, and/or any other relevant items.
- vii) Any inspection of the substance of a valid complaint will be carried out within fifteen working days of receipt of the complaint. For complaints of a technical nature, the complainant or their representative and the subject of the complaint may be invited to be present with a representative of the Scheme Provider. No other person shall attend without written permission from the Scheme Provider.
- viii) The Approved Certifier of Construction concerned and Certification Co-ordinator of the Approved Body concerned will be given at least five working days notice of any inspection, one of which may attend the inspection.
- ix) Following the investigation, a report will be produced which will be available for any Certification Disciplinary Panel meeting.
- x) If a valid complaint does not allege a breach of section 19(4) of the Act, is not substantiated by investigation and is not to be heard by the Certification Disciplinary Panel the complainant and the subject of the complaint will be advised in writing of the investigation outcome.
- xi) If a valid complaint does not allege a breach of section 19(4) of the Act, is substantiated by investigation and is not to be heard by the Certification Disciplinary Panel:
- a. the complainant and the subject of the complaint will be advised in writing of the investigation outcome, and
 - b. an appropriate action plan, with a timescale for actions, may be sent to the Approved Body or Approved Certifier of Construction concerned and actions will be monitored by the Scheme Provider. The action plan may include corrective work, additional auditing visits, of training requirements for the Approved Certifier of Construction and/or the staff employed by the Approved Body; or
 - c. cancellation of registration may be initiated.
- xii) If it has been decided that the complaint should be heard by the Certification Disciplinary Panel:
- a. the Certification Disciplinary Panel will hear and determine the complaint taking into account any correspondence and/or documents provided by the complainant, any correspondence and/or documents provided by the subject of the complaint and the report of the investigation,

D.9 COMPLAINTS PROCEDURES

- b. if the complaint is determined to be a simple mistake, the Certification Disciplinary Panel may recommend an action plan as described in item xi.b,
- c. the Certification Disciplinary Panel must always cancel registration if they determined that an Approved Certifier of Construction or Approved Body has acted in breach of section 19(4) of the Act,
- d. the Certification Disciplinary Panel may either cancel registration or recommend an action plan as described in item xi.b, if they determine that an Approved Certifier of Construction or Approved Body has acted in breach of the Rules,
- e. decisions of the Certification Disciplinary Panel are, subject to appeal, binding on the subject of the complaint,
- f. the only grounds for appeal against a decision of the Certification Disciplinary Panel are that the Panel was not properly constituted or conducted,
- g. the determination of the Certification Disciplinary Panel and the grounds for the determination will be advised in writing to the complainant and the subject of the complaint within three working days of the Panel meeting.

D.10 DISCIPLINARY PROCEDURE

D.10.1

Registration will be cancelled if an Approved Certifier of Construction or an Approved Body is found to have breached section 19(4) of the Act. Any alleged breach of section 19(4) of the Act will be reported to the relevant local authority, which is a reporting agency for the Procurator Fiscal.

D.10.2

If an Approved Certifier of Construction, Certification Co-ordinator or Approved Body fails to comply with the Rules, or has made a wilful misrepresentation to the Scheme Provider in connection with their registration, their registration may be cancelled or an appropriate action plan, with timescales for actions, may be sent to the Approved Body or Approved Certifier of Construction concerned and actions will be monitored by the Scheme Provider. The action plan may include corrective work, additional auditing visits, or training requirements for the Approved Certifier of Construction and/or the staff employed by the Approved Body.

D.10.3

Failure of an Approved Certifier of Construction or Approved Body to comply with an action plan provided under items D.9.3.3 xi.b, xii.b, xii.d or D.10.2 within the set timescale might result in cancellation of registration.

D.10.4

Failure of an Approved Certifier of Construction to have successfully completed a course in current Scottish Building Standards and Regulations within a timescale specified by the Scheme Provider may result in cancellation of registration.

D.10.5

Registration may be cancelled if Approved Certifiers of Construction or Approved Bodies:

- i) have culpably (blameworthy) or negligently created or caused to be created a risk of death or injury or serious hazard through the use, in electrical installation, inspection or testing work, of faulty or unsuitable materials or by faulty design or workmanship; or
- ii) have failed to comply with an applicable statutory requirement; or
- iii) have performed any act which in the opinion of the Scheme Provider is contrary or prejudicial to the object or reputation of the Scheme Provider; or
- iv) are unable or admit inability to pay their debts as they fall due, or suspend making payment of any of their debts, or any action, legal proceeding or other procedure or step is taken in relation to them concerning:
 - a. the suspension of payments, a moratorium of any indebtedness, winding up, dissolution or reorganisation (by way of voluntary arrangement, scheme of arrangement or otherwise, but excluding a members winding up for the purposes of reconstruction) of them and in the case of a wind up petition, such petition is not discharged or stayed within 14 days or, if earlier, prior to its advertisement; or
 - b. a composition, assignment or arrangement with any of their creditors; or
 - c. the appointment of a liquidator, receiver, administrator, administrative receiver, compulsory manager or other similar officer in respect of them or any of their assets; or
 - d. the enforcement of any mortgage, charge, pledge, lien, or other security interest securing any obligation of them or any other agreement or arrangement having similar effect; or
 - e. any attachment, sequestration, distress or execution that affects any of their assets and is not discharged within seven days.

D.10.6

Registration of an Approved Body that does not employ at least one Approved Certifier of Construction will be suspended until such time as they do employ an Approved Certifier of Construction. If they do not employ a registered Approved Certifier of Construction within 120 days of the previous one ceasing to act in that capacity, they will cease to be an Approved Body and their registration will be cancelled. This means that an Approved Body who notifies the Scheme Provider that they no longer employ an Approved Certifier of Construction will be suspended from the BSD register but they will not be removed from registration with the Scheme Provider unless they fail to employ another registered Approved Certifier of Construction within 120 calendar days.

D.10 DISCIPLINARY PROCEDURE

D.10.7

Registration of an Approved Body that does not employ a Certification Co-ordinator will be suspended until such time as they do employ a Certification Co-ordinator. If they do not employ a Certification Co-ordinator within 30 days of the previous one ceasing to act in that capacity, they will cease to be an Approved Body and their registration will be cancelled. This means that an Approved Body who notifies that they no longer employ a Certification Co-ordinator will be suspended from the BSD register but they will not be removed from registration with the Scheme Provider unless they fail to employ another Certification Co-ordinator within 30 calendar days.

APPENDIX A

GUIDANCE ON REQUIREMENTS FOR SJIB APPROVED ELECTRICIAN (ECS) GRADE CARDS

To be eligible to qualify for an SJIB Approved Electrician (ECS) Grade Card, an individual requires to have completed a recognised apprenticeship in electrical installation work and hold one of the following electrical qualifications:

- i) City & Guilds A and B Certificates
- ii) City & Guilds 231, Parts 1 and 2
- iii) SCOTVEC Modules Stage 1 and 2 including successful completion of the AM2 Test
- iv) SVQ Level III

(Note: An individual who holds a JIB Approved Electrician (ECS) Grade Card would be eligible to qualify for an SJIB Approved Electrician (ECS) Grade Card).

In addition to the above, the individual should have evidence of the following:

- i) Successful completion of the ECS Health and Safety Assessment within the previous three years, (or other approved equivalent); and
- ii) Successful completion of an approved, assessed Electrical Installation Design and Verification or Inspection and Testing Training Course within the previous five years, where the apprenticeship was completed before 1995; or
- iii) Successful completion of the Distance Learning Course, the Enhanced College Week and the Advanced Competency Assessment (ACA), where the apprenticeship was completed after September 1995.

Notes:

- 1) Equivalent training, qualifications and experience may be considered acceptable by the SJIB as eligibility for an Approved Electrician (ECS) Grade Card.
- 2) More details of grading qualifications can be obtained from the Scottish Joint Industry Board (SJIB) website www.sjib.org.uk
- 3) The above guidance should assist in assessing the eligibility of persons to qualify for an SJIB Approved Electrician Grade Card, which is one of the requirements for Approved Certifiers of Construction.
- 4) A Verifier need not check the qualifications or grading eligibility of an Approved Certifier of Construction, as these checks will have been carried out by the Scheme Provider prior to their registration.

APPENDIX B

BSD GUIDANCE FOR VERIFIERS

Options Where Installations are not Certified by an Approved Certifier of Construction

Electrical installations:

- i) The verifier may seek the submission of a relevant certificate from a competent installer (as described below) that the installations are designed, constructed, inspected and tested in accordance with the requirements of BS 7671: 2001 as amended (electrical installation certificate or minor works certificate).

“Competent installer” is deemed to be an installer having current membership of an accredited registration scheme operated by a recognised professional body. This could include a UKAS accredited registration scheme operated by NICEIC Group Ltd or SELECT or an equivalent body.

- ii) Alternatively, where the guidance in clause 4.5.1 of the Technical Handbook supporting functional standard 4.5 is not followed the verifier may determine that “reasonable enquiry” will require that an independent inspection and test is carried out under their direction by either:
 - a. a consultant who has the training and expertise equivalent to that required of members of an Approved Scheme in terms of Section 7(2) of the Building (Scotland) Act for the Certification of Electrical Installations, or
 - b. an employee of the verifier who has the relevant qualifications and experience of electrical installations related to the requirements of building regulations.
- iii) In any case, the verifier may seek from the relevant person an independent inspection and test in accordance with Section 41 (2) (c) of the Building (Scotland) Act 2003.
- iv) In circumstances where the verifier is satisfied that the electrical installation is certified under the submission of the completion certificate no further reasonable enquiry is necessary. It is anticipated that this option will be unusual but may be used at the discretion of the verifier.

Notes:

- It is the responsibility of the verifier to decide whether proposed building work meets the mandatory Building Standards, which are set out as functional requirements in schedule 5 of the Building (Scotland) Regulations 2004.
- In instances where none of the above can be confirmed the verifier may reject the completion certificate in accordance with Section 18 of the Building (Scotland) Act 2003 and Regulation 44 of the Building (Procedure) (Scotland) Regulations 2004. This would be quite rare and should only occur if all of the options described above have been exhausted.
- Contact details for further information:
UKAS – The United Kingdom Accreditation Service. Access the UKAS site at www.ukas.com
SELECT – www.select.org.uk Telephone 0131 445 5577 or email to admin@select.org.uk
NICEIC Group Ltd – www.niceic.com Telephone 0131 317 8444 or email enquiries@niceic.com

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