



Llywodraeth Cymru
Welsh Government

Building Regulations Wales

Circular

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Competent Person Self-Certification Schemes: Terms of Authorisation and Accreditation 2013

Background

1. The Competent Person Self-Certifications Schemes, commonly known as Competent Persons Schemes (CP Schemes) were introduced by the UK Government in 2002 to allow registered installers (i.e. businesses, mostly small firms or sole traders), who are competent in their field, to self-certify certain types of building work as compliant with the requirements of building regulations.
2. These schemes offer benefits to both consumers and the building industry. Scheme members save time by not having to notify in advance and use a building control body (i.e. a local authority or a private sector approved inspector) to check/inspect their work and consumers benefit from lower prices as building control charges are not payable. The schemes help to tackle the problem of cowboy builders by raising standards in the industry and enabling consumers to identify competent installers. They also allow building control bodies to concentrate their resources on areas of higher risk.
3. Following the transfer of powers to make building regulations to the Welsh Ministers on 31 December 2011, the authorisation of the CP Schemes in Wales now falls to the Welsh Ministers.
4. CP Schemes in England are authorised by the Department for Communities and Local Government (DCLG) and the schemes are required to meet conditions of authorisation set by DCLG. DCLG introduced new conditions of authorisation for all CP Schemes operating in England on 6 June 2012.
5. The new conditions have been developed following a public consultation in 2009/10 (England and Wales) and extensive subsequent discussions with CP Scheme operators, the United Kingdom Accreditation Service (UKAS) and officials in the Department of Energy and Climate Change. Welsh Government officials have been party to these discussions as members of the Competent Persons Forum.

6. The Welsh Government has decided to adopt the same terms of authorisation and accreditation in Wales:

- In order to maintain continuity, to minimise cost and to provide clarity for the scheme operators, members and consumers in Wales;
- To deal with concerns about how the conditions were applied and interpreted by different schemes; and
- To facilitate the Green Deal as some CP Scheme operators are being authorised to certify Green Deal installers.

7. The **key changes** are:

- All schemes to be UKAS accredited to BS EN 45011 (a quality assurance standard). UKAS will carry out periodic surveillance of schemes to make sure that they maintain standards. (This is also a Green Deal requirement).
- Drawing on new sector led Minimum Technical Competence Documents and National Occupational Standards as a means for CP Scheme members to demonstrate their competence to meet building regulations (Also a Green Deal requirement)
- Strengthened ongoing training to make sure member competences are kept up to date when building regulations or other standards change (also a Green Deal requirement).
- Introduction of a flexible, risk-based surveillance of scheme members, rather than a rigid time bound approach as now.
- Compulsory financial protection for consumers where work is found not to comply and the installer is unable to return to put it right (e.g. if no longer trading). (Also a Green Deal requirement).

8. Compulsory financial protection is a new condition whereby scheme operators are required to arrange to provide customers with appropriate financial protection to put right work which is non-compliant with building regulations, where the original installer cannot do so (particularly where the firm has gone out of business through death, retirement or insolvency). Currently scheme operators are only required to *offer* but not provide such protection.

9. To apply to operate a new Competent Persons Scheme, or an existing scheme operator wishes to extend its authorisation to include one or more further types of building work, for

which it has not been previously authorised, an organisation must submit a formal application to both the Welsh Government and DCLG.

10. The accreditation of scheme operators will be/is carried out by the United Kingdom Accreditation Service (UKAS), with accreditation having effect throughout the UK. Therefore, the UKAS accreditation will apply equally in England and Wales.

Implementation

11. The new terms of authorisation will apply in Wales from the date of publication (February 2013).

Further Advice

12. If you have any queries regarding this circular, please contact the Construction Unit on 0300 062 8141 or e-mail enquiries.brconstruction@wales.gsi.gov.uk.