



Department for Communities and Local Government

BUILDING REGULATIONS: AIR TIGHTNESS TESTING SCHEMES¹ - CONDITIONS OF AUTHORISATION

	Conditions of Authorisation	Notes on how to demonstrate meeting the conditions
No.	Section 1 The scheme operator	
1.	Scheme operator to have a robust and non-discriminatory management, quality and administrative system	The scheme operator's management, quality and administrative system (including surveillance) may draw upon ISO 9001 for its components. The system shall be documented.
2.	Scheme operator to appoint an independent third party acceptable to DCLG to audit periodically their performance against these conditions of authorisation.	Before appointing an independent body to undertake the audit, the scheme operator shall consult DCLG on their suitability and terms of reference. The audit shall be undertaken annually for the first two years. Thereafter a programme of audit should be submitted to DCLG for approval.
3.	Scheme operator, including assessors and inspectors that it employs, to have the technical ability to assess/inspect the competence of prospective and existing members ² to certify compliance with the relevant requirements of the Building Regulations.	The scheme operator shall document how the assessment process will be undertaken and what level of competence each assessor and inspector has, which must be at least to the equivalent level required of members in the Minimum Technical Competence (MTC) assessment procedure (see condition no 8).
4.	Scheme operator to ensure that the scheme is financially viable and self-sufficient within a reasonable timescale.	The scheme operator shall: (a) have a transparent fee structure showing income from members and how the scheme will be self-financing with a sufficient surplus for development; (b) ensure that the scheme is self-financing, within a period of not later than five years after

¹ Schemes are authorised under paragraph 4A of Schedule 1 to the Building Act 1984 and are named in Regulation 43 of the Building Regulations 2010 (as amended).

² Registered businesses, including sole traders

		<p>authorisation;</p> <p>(c) use scheme funds received from members from registration and notification fees etc only for the benefit of members of the scheme. This can include use of funds for the general benefit of the sector in which the scheme operates.</p>
5.	<p>Scheme operator to have an absence of, or methods for avoiding, conflicts of interest between the commercial interests of any sponsoring or parent organisations and management of the scheme.</p>	<p>The scheme operator shall ensure that testers acting under their scheme do not certify work undertaken by employees of sponsoring or parent organisations.</p> <p>The scheme operator shall document how any conflicts of interest will be managed.</p> <p>For example: possible conflicts of interest may arise where a scheme is part of or owned by a larger commercial, trade or professional body.</p>
6.	<p>Scheme operator to provide annual accounts, independently audited, for the scheme itself.</p>	<p>This condition will support conditions 4 and 5 as the accounts will help show that a scheme is financially viable and self-sufficient. It will also help demonstrate that there is not a financial conflict of interest.</p> <p>To be ‘independently audited’, accounts must have been checked by someone who is competent to check them and independent of the preparation of the accounts.</p>
	<p>Section 2 The scheme operator and its members</p>	
7.	<p>Scheme operator to establish and publish scheme rules, including its application and certification processes and fee structure.</p>	<p>The scheme rules shall be published on the scheme operator’s public website as a minimum.</p>
8.	<p>Scheme operator to assess applicant members as being organisationally compliant with the scheme requirements, and their testers as technically competent, against National Occupational Standards (NOS) under the relevant Minimum Technical Competence (MTC) assessment procedure, before registering them with the scheme. The assessment</p>	<p>The relevant MTC assessment procedure must be used.</p> <p>The scheme rules shall set out details of how the technical competence of applicants will be assessed.</p>

	must include witnessing individual testers carrying out on-site inspection and testing and completing appropriate documentation.	
9.	Scheme operator to ensure that its members' competencies are kept up to date (for example as a result of changes to the Building Regulations and/or BS/EN standards or technical approvals).	This may be by means of formal generic training courses, seminars, distance learning, etc, as appropriate, which shall be equally available to all its members.
10.	Scheme operator to issue photo ID cards to the testers listing the competences of the certifier concerned.	The ID card should include the following as a minimum: photo & name of tester, name of company, name of scheme, registration number with scheme, contact point for queries.
11.	Scheme operator to ensure that all members have a copy of the relevant approved procedure for pressure testing, and to provide ongoing technical and other help and advice as required post registration.	Provision of ongoing advice may be accomplished by setting up telephone and e-mail helplines available to all members.
12.	Scheme operator to undertake surveillance of its members' work, including carrying out periodic random checking of a representative sample of each tester's tests, to check compliance with the Building Regulations.	<p>Inspections will be undertaken annually for the first two years following initial assessment. Thereafter, a scheme operator shall, under a risk-based approach, undertake a minimum of one on-site witnessed assessment every three years for each individual tester with a clean track record, as defined and documented by the scheme operator. The decision on whether or not to inspect more frequently will need to be based on factors such as inspection outcomes, significant complaints and changes of testers within a business.</p> <p>The scheme operator shall document its surveillance process and keep records of all surveillance activity undertaken.</p>
13.	Scheme operator to have effective sanctions in place for dealing with scheme members and/or testers who fail to take all reasonable steps to determine non-compliance with the Building Regulations and/or a breach of scheme	The scheme rules shall set out the range of sanctions to be applied in particular circumstances, including requiring the member to re-do their testing at no additional cost to the customer; referral to the local authority if a certificate is incorrect; and, in the last resort, termination of membership for refusal or inability to comply.

	rules by members of the scheme.	Provision shall also be made for an appeal against any sanctions imposed.
14.	Scheme operator to use an agreed mechanism to make available to other scheme operators and other interested parties (e.g. LABC & relevant Government Departments) the names of former members and individual testers whose membership has been terminated by the scheme and the reason for termination.	<p>This applies where the reasons for termination of membership relate to non-compliance with the Building Regulations or a breach of scheme rules. The names of such former members shall remain available for a period of at least two years.</p> <p>All members and individual testers must be made aware of this condition on initial registration and/or renewal of membership.</p>
	Section 3 The scheme operator and its customers	
15.	Scheme operator to publicise the existence of its scheme and to keep and publish membership lists and lists of individual testers who have been assessed as competent.	<p>This information shall be published on the scheme operator's public website as a minimum.</p> <p>Publication is subject to the consent of members and individual testers, as a condition of registration, and must be sought from members and testers on initial registration and/or renewal of registration.</p>
16.	Scheme operator to have a robust and publicised complaints procedure.	<p>The complaints procedure must cover those relating to the activity of checking for non-compliance with the Building Regulations, but may include other types of complaints from customers (and members) relating to the scheme (e.g. complaints relating to negligence, incompetence or dishonesty on the part of the member and/or their testers). It should also cover complaints against the scheme operator.</p> <p>The stages of the scheme's complaints procedure shall be set out in detail, at a minimum on its public website, so that those wishing to use the procedure are aware of the stages. The procedures shall be consistent with the principles relating to complaints management of the Trading Standards Institute Consumer Codes Approval Scheme.</p>
17.	Scheme operator to require members to carry professional indemnity insurance.	Members must have professional indemnity insurance to cover liabilities up to the level prescribed in the relevant MTC.
18.	Scheme operator to require its members to remain responsible for ensuring that	<p>This shall be stated in the scheme rules.</p> <p>The scheme rules shall also state that work should</p>

	all scheme work is carried out under a contract with the customer and is compliant with the Building Regulations.	only be undertaken by a tester registered by the scheme.
	Section 4 The scheme operator and DCLG / local authorities	
19.	Scheme operator to provide the information DCLG requires in order to carry out its oversight functions, both on a regular basis or <i>ad hoc</i> as required.	DCLG will specify with all scheme operators the regular information needed for its purposes, which may be published on its website. This is likely to include: <ul style="list-style-type: none"> • provision of a periodic report on: membership numbers; and number of formal consumer complaints and their outcomes; • financial information annually from the scheme's audited accounts, as appropriate; and • information from the appointed auditors (DCLG may request this direct from the auditors).

**Department for Communities and Local Government
23 May 2014**