

NICEIC Competent Persons Scheme Rules

Introduction

The NICEIC Competent Person Scheme (CPS) provides Certification for enterprises that undertake Installation work in accordance with the Building Regulations in England and Wales, national standards and related codes of practice.

The scope of the Installer Scheme is solely certification for those enterprises that are, and continue to be, assessed as competent to self-certify that their installation work is compliant with the requirements of Building Regulations.

Definitions

1. In these Rules

Annual renewal date means Anniversary of original invoice date.

Applicant means a potential enterprise applying to NICEIC to attain certification.

Available full-time means available in person to the enterprise during the enterprise's normal working time.

Building Regulations means In England and Wales, the Building Act 1984 (as amended) and all subsequent Building Regulations (Amendment) Regulations.

Certification Body means NICEIC.

Competent means in possession of the necessary technical knowledge, skill and experience for the nature of the work undertaken and ability prevent danger or where appropriate injury as defined in the Minimum technical competence document.

Competent Person means a person assessed by the Certification Body and found compliant with Rule 2.3.

Directly engaged means carrying out installation work, including the certification of that work in accordance with the requirements of standards and Building Regulations.

Employee means paid by the enterprise to carry out installation work other than sub-contract arrangement.

Enterprise means a sole trader, partnership, private limited company, public limited company, public body or other legal entity carrying out installation work.

NICEIC means Certsure LLP trading as NICEIC.

NICEIC Registered Installer means an enterprise which has been assessed in accordance with the scheme criteria and the NICEIC Competent Person Scheme Rules for Registration which is included in the NICEIC Approved Installer Register.

Proposed Competent Person means a person who has been proposed by the enterprise as competent but not yet accepted by the Certification Body.

Register means the register of enterprises who have been assessed and found acceptable by the Certification Body and included in the Register of Installers.

Registered Installers means an enterprise which is included in the Certification Body's Register.

Rules mean The Certification Body's Rules for Registration.

Scheme means Competent Persons Scheme.

Sub-contracting means engaging another enterprise to carry out installation work.

Trading address means a place of business from which an enterprise carries out installation work and certifies it.

Trading Title means the legal name including, where applicable, the trading style of the enterprise.

Application for Certification

2. Method of Application

2.1 Conditions for Initial application

The enterprise shall:

- a. make an application for registration under the scheme for each trading title and each trading address that wishes to self-certify installation work with any organisation, declare that fact to the Certification Body on application for registration.
- b. have and maintain additional registrations in compliance with Rule 2.10.

2.2 Conditions for Initial and Continuing Registration

The enterprise shall:

- a. be directly engaged in installation work which shall all be designed, installed, inspected, tested and verified to a standard not less than that affording compliance with the Building Regulations; and
- b. compile certification that is no less comprehensive than that detailed in the standard against which they are being assessed for all installation work undertaken; and
- c. hold and make available to the Certification Body, within 15 days of a request, records, as prescribed by the Certification Body, installation work subject to Building Regulations; and
- d. have the level of public liability insurance cover prescribed by the Certification Body for the range of installations undertaken by the enterprise and make evidence of this available for assessment; and
- e. have and make available for assessment sufficient installation work to enable an assessment to be completed; and
- f. accept the extent of assessment decided by the Certification Body, based on the scale and geographical spread of installation work carried out by the enterprise; and
- g. have test instruments as prescribed by the Certification Body appropriate to the range and scale of installation out and maintain and record the accuracy and consistency of all test instruments used for certification purposes; and
- h. provide documents, equipment, tools, test instruments, facilities and access to the Certification Body sufficient for assessment purposes; and
- i. employ persons to carry out installation work who are competent and/or adequately supervised to ensure safety during and on completion of the work; and
- j. have sufficient persons, compliant with Rule 2.3, who will be proposed by the enterprise, assessed by the Certification Body and, if acceptable, have their role confirmed by the Certification Body as 'Competent Person(s)'. All installation work shall be under control of one or more Competent Persons; and
- k. have and maintain additional registrations in compliance with Building Regulations; and
- l. maintain and make available for assessment a record of:
 - i) complaints they receive about their installation work not complying with Building Regulations; and
 - ii) remedial action, if any, taken to resolve complaints received; and

- m. have a written health and safety policy statement and carry out risk assessments as appropriate; and
- n. provide to the Certification Body within 15 days of a request, a list of all installation work in progress at the time and completed by the enterprise in the preceding twelve months; and
- o. provide documents, equipment, tools, test instruments, access and facilities to those assessing and/or monitoring the scheme, e.g. the United Kingdom Accreditation Service, Government body, when requested by the Certification Body, and
- p. provide a warranty as prescribed by the Building Regulations to persons ordering installation work; and
- q. accept that whilst the Certification Body uses all reasonable care to assess the technical standard of the enterprise's work, the Certification Body is not responsible or to be held liable for the technical standard enterprise's work.

2.3 Personnel required for Registration

- a. A Competent Person is a person who:
 - i) is a principal or employee of the enterprise having responsibility for the technical standard of installation work undertaken by the enterprise; and
 - ii) is available on a full-time basis; and
 - iii) satisfies the training and/or experience requirements prescribed by the Building Regulations or Certification Body; and
 - iv) has demonstrated to the Certification Body adequate knowledge and understanding of the requirements of the Building Regulations and relevant standards applicable to each scheme relevant to installation work, including inspection, testing, verification and certification procedures as appropriate; and
 - v) is proposed by the enterprise, assessed by the Certification Body and, if acceptable, has been confirmed in the role following satisfactory assessment(s) by the Certification Body; and
 - vi) has an understanding of the health and safety and other statutory requirements relating to the installation work carried out by the enterprise; and
 - vii) is well acquainted with the relevant Work Regulations applicable to each scheme
- b. The obligations of a Competent person are to:
 - i) ensure that the results of inspection and testing are accurately recorded on the appropriate forms of certification, and to confirm the results are acceptable; and
 - ii) ensure that completed forms of certification are issued to the appropriate parties within 25 days of completion of the installation work; and
 - iii) be the focal point for all communication between the Installer and the Certification Body; and
 - iv) be present throughout all visits by the Certification Body's representatives; and
 - v) maintain the overall standard and quality of the installation work carried out or managed by the enterprise and ensure that it meets the relevant standards; and
 - vi) ensure that work is carried out in compliance with the health and safety and all other relevant statutory requirements.

2.4 Fees and Charges

Fees shall be paid for Application and annual renewal. Items that may result in additional charges are:

- i) re-assessments considered necessary by the Certification Body sufficient to confirm the enterprise's compliance with these Rules.
- ii) changes of registration details or legal constitution of the enterprise.
- iii) assessments considered necessary by the Certification Body due to changes by enterprise as detailed in (ii) above.
- iv) assessment/administration required due to failure to provide documents, equipment, test instruments, facilities or access required by the Certification Body in accordance with these Rules.
- v) failure of the Competent Person to be present throughout a visit by the Certification Body.
- vi) cancellation by the enterprise of visits giving less than 21 days written notice before the visit is due.
- vii) building Regulations Compliance Certificates issued by the Certification Body on behalf of Registered Installers.
- viii) any costs or expenses incurred by the Certification Body resulting from a complaint against the Registered Installers.

Registration

2.5 Additional Conditions for Continuing Registration

The Registered Installers shall continue to meet the requirements for registration as detailed in Rule 1.2 and in addition shall:

- a. notify the Certification Body of any changes to registration particulars within 30 days of occurring. The Certification Body shall decide if a new application or any additional assessment will be necessary, and
- b. notify the Certification Body within 5 days any Competent Person ceasing to be employed in that capacity. A replacement Competent Person shall be proposed within 60 days of a previous Competent Person ceasing to be employed in that capacity. A replacement Competent Person shall be in post within 120 days of a previous Competent Person in that capacity, and
- c. accept surveillance visits, the frequency of which shall be as decided from time to time by the Certification Body taking into account the level of the Registered Installers compliance with the Rules and quantity of work completed, and
- d. provide a warranty as prescribed by the Certification Body to persons ordering installation work, and
- e. compile certification in the form required to comply with Building Regulations for installation work. All Building Regulations compliance certificates shall be verified and authenticated by the Registered Qualified Supervisor(s), and
- f. carry out remedial action as required by the Certification Body for items which do not with these Rules.

2.6 Subcontracting

- a. A Registered Installer shall not subcontract installation work:
 - i) without first informing the person ordering that work, and
 - ii) unless it is to an enterprise which is registered under this scheme or an equivalent approved Building Regulations Self-certification scheme.
- b. A registered Installer that subcontracts installation work to another enterprise shall remain fully responsible for that work.

2.7 Use of Certification Body's Trade Marks

- a. The Certification Body is the owner of the Installer Trade Marks. All right, title and interest in the Installer Trade Marks including any reputation and goodwill as may accrue as a result of use of those Marks by a Registered Installer are reserved and belongs absolutely to the Certification Body.
- b. Each registered Installer is granted a nonexclusive, non-transferable, royalty free license to use the Registered Installer Marks only whilst registered and only as designated in guidance available. When the certification of an enterprise ends, its license to use the Registered Trade Mark shall cease with immediate effect. The enterprise shall immediately cease all use of the Registered Installers Trade Marks and it shall not use, display or permit to be used or displayed any reproduction, print or replica of any of the Registered Installers Trade Marks in form or on any material prepared by or the enterprise.
- c. Registered Installers shall not use any Trade Marks in conjunction with any trading title or trading address other than registered with the Certification Body.
- d. Registered Installers shall not use NICEIC's or Certification Body's Trade Marks or any part of them to imply approval or registration with NICEIC or the Certification Body for any work outside the Registered Installers scope of registration.
- e. Enterprises shall not use NICEIC's or the Certification Body's corporate logos.
- f. Applicants shall not use NICEIC or the Certification Body's Trade Marks.

2.8 Use of Certification Body's Forms

- a. The Certification Body's forms of certification shall be issued only for installation work that is carried out by the issuing Registered Installer from the trading address and with the trading title registered with the Certification Body.
- b. Registered Installers shall safeguard all unused Certification Body's forms of certification so as to prevent their loss, theft or misuse

- c. Registered Installers shall notify the Certification Body in writing immediately on discovery of any loss, theft or misuse of Certification Body's forms.
- d. When a Registered Installer resigns or is removed from the approved Register, it shall immediately destroy all unused Certification Body's forms of certification.

2.9 NICEIC Registered Installers

- a. Non-contracting addresses are not eligible for certification. Contracting addresses of NICEIC Registered Installers having a scope of installations for self-certification under Building Regulations and wishing to be registered with the scheme shall:
 - i) apply for certification; and
 - ii) designate which Competent Persons are responsible for installation work; and
 - iii) comply with the relevant requirements of these Rules.

2.10 Special Registration

- a. It is a mandatory requirement that some competent person scheme registrations also require on-going registrations with external bodies, any removal for any reason from said schemes will need to be communicated to NICEIC in writing and will lead to the suspension of current NICEIC registration in the affiliated areas until on-going registration has been re-established. Installers wishing to be registered for certain works may also belong to the following certification bodies if working within these areas:
 - (i) Gas – Gas Safe Register
 - (ii) Microgeneration Certification Scheme

3. Complaints against Installers

3.1 Complaints

- a. When an Installer receives a complaint alleging that its installation work does not comply with Building Regulations, the Installer shall respond to that complaint in writing without delay, and take remedial action as appropriate.
- b. When the Certification Body receives a complaint alleging that installation work carried out by an Installer does not comply with Building Regulations, the Installer shall co-operate with the Certification Body in resolving the complaint.
- c. If the Registered Installer fails to co-operate with the Certification Body, the Certification Body may appoint another Installer carry out an inspection and/or undertake remedial action. The original Registered Installer shall be liable to pay all costs incurred by the Certification Body.

3.2 Complaint Investigations

- a. The Certification Body shall investigate any complaint alleging that Registered Installers work carried out by a Registered Installer does not comply with Building Regulations. The Registered Installer shall respond promptly to queries from the Certification Body relating to a complaint. An investigation may require submission documentation and/or a site inspection to be carried out.
- b. If an investigation shows that a Registered Installer's installation work does not comply with Building Regulations, the Registered Installer shall, at its own expense, complete remedial action as required by the Certification Body.
- c. If a site inspection is required, the Installers shall:
 - (i) provide documents, equipment, facilities and access to enable assessment of the installation work, and
 - (ii) ensure that appointed Competent Person currently responsible for the installation work is present throughout the assessment.

4. End of Registration

4.1 Cancellation of Registration by the Certification Body

The Certification Body may cancel the registration of a Registered Installer that:

- a. fails to comply with these Rules; or
- b. is removed from a required scheme, see Rule 2.10
- c. resigns from the alternative NICEIC Register without providing written confirmation of requiring continuing registration with the Competent Person Scheme; or
- d. has made a wilful misrepresentation in connection with its registration; or
- e. has culpably or negligently created or caused to be created a risk of death or injury or a serious hazard through the use, in installation work, of faulty or unsuitable materials or by faulty design or workmanship; or
- f. has failed to comply with an applicable statutory requirement; or
- g. has performed any act which in the opinion of the Certification Body is contrary or prejudicial to the objects or reputation of the Certification Body or the NICEIC; or
- h. is unable or admits inability to pay its debts as they fall due, or suspends making payment on any of its debts, or any action, legal proceeding or other procedure or step is taken in relation to it concerning:
 - (i) 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 without insolvency) of it and in the case of a winding up petition, such petition is not discharged or stayed within 14 days or, if earlier, prior to its advertisement; or
 - (ii) a composition, assignment or arrangement with any of its creditors; or
 - (iii) the appointment of a liquidator, receiver, administrator, administrative receiver, compulsory manager or other similar officer in respect of it or any of its assets; or
 - (iv) the enforcement of any mortgage, charge, pledge, lien, or other security interest securing any obligation of it or any other agreement or arrangement having similar effect; or
 - (v) any attachment, sequestration, distress or execution that affects any of its assets and is not discharged within 7 days.

4.2 Cancellation of Registration by an Installer

- a. Any resignation by a Registered Installer must be made to the Certification Body by the Registered Installer
 - i) in writing by post or email
 - ii) verbally by contacting NICEIC direct

5. Appeals

- a. An enterprise may make a written representation to the Certification Body against any decision made by the Certification Body to refuse the enterprise's application for registration or to cancel the enterprise's as a Registered Installer. The representation including grounds for such representation must be sent to the Certification Body, by recorded delivery within 14 days of the date of notification of the decision from the Certification Body. The Certification Body shall make a ruling on the representation submitted.
- b. If the enterprise does not accept the Certification Body's ruling, it may make a written appeal which shall be heard by an Appeal Committee. The appeal, grounds for appeal including all supporting documentation, together with the monetary deposit prescribed by the Certification Body, must be sent to the Certification Body, by recorded delivery, within 25 days of the date of notification of the ruling.
- c. The Appeal Committee shall be three persons who have no prior involvement with, or any vested interest in; the decision under appeal. The Chairman of the Board shall appoint the committee which shall comprise one member of the Board (who shall act as Chairman of the Appeal Committee) and two persons who are not members of the Board.
- d. The prescribed deposit shall be applied in such manner as the Appeal Committee will decide. Each party shall bear its own appeal costs.

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- e. The decision of the Appeal Committee shall be final, conclusive and binding on the Certification Body and the enterprise.

5.1. Notice of Changes the Certification Body shall:

- a. Prescribe and publish fees and charges, informing Registered Installers at least 30 days prior to implementation, and
- b. have the authority to revise these Rules, and also inform Registered Installers at least 60 days prior to implementation date of revisions to the Rules, and
- c. inform Registered Installers at least 60 days prior to the annual renewal date of revisions to prescribed requirements, such as training and experience requirements, and
- d. inform Registered Installers of changes to 'Marks and Logos', 'Complaints against Registered Installers process' and 'Removal, Representation and Appeals process' processes.

5.2. Confidentiality

The Certification Body shall hold in confidence all information acquired and held about an enterprise, other than that published in the Register of Registered Installers and that required to confirm compliance with Building Regulations. Confidential information shall not be disclosed to a third party without the prior written agreement of the enterprise concerned except as required by an accreditation or monitoring body, or by law.

5.3. Impartiality

The Certification Body's policies and procedures shall be administered in non-discriminatory manner.

5.4. Complaints about the Certification Body

- a. The Certification Body shall investigate any written expression of dissatisfaction about the Certification Body received from a Registered Installers or an enterprise applying registration.
- b. The Certification Body shall advise the complainant of the outcome of the investigation.
- c. If appropriate, the Certification Body shall take corrective action.

6. Data Protection

The Certification Body may:

- a. Keep and use personal data about personnel of Registered Installers for all purposes that the Certification Body requires to maintain properly the Register and to ensure compliance with the Rules, including, but not limited to, the disclosure to third parties of the identity of such personnel.
- b. Share personal data provided by Registered Installers with DCLG/LABC for purposes above.
- c. Unless the enterprise requests otherwise, authorise the distribution to registered personnel of communications of sales and marketing materials that the Certification Body believes would be of interest to them. These distributions may be made by the Certification Body or by other persons authorised by it. If an enterprise does not wish to have its information used in this way, then at any time it may inform the Certification Body in writing and the Certification Body shall not use that enterprise's information for such marketing purposes

7. Law and Jurisdiction

The registration process and the validity, construction and performance of these Rules be governed by English Law.

Useful Contact Details

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