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BM TRADA

Competent Persons Scheme Document



BM TRADA Certification Limited



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1. INTRODUCTION

The BM TRADA Competent Person Scheme is a third-party certification scheme operated by BM TRADA Certification Ltd (BM TRADA). The Scheme is operated in order to confirm the competence of Members to comply with Building Regulations. The scheme is applicable to work which is carried out on site, confirming competence to comply with the Building Regulations both for the work undertaken and the selection of the correct specification for products which are fitted.

As the intention of the scheme is to confirm competence to comply with the Building Regulations, it does not infer any performance in terms of the quality of either the product supplied or the actual installation. It also does not imply or offer any guarantee that individual buildings will meet the Building Regulations. BM TRADA has not set any performance levels additional to the Building Regulations as requirements of the Scheme.

The certification includes initial verification of competence and appropriate documentation being held, followed by sampling Audits to verify the compliance of sites which have been worked on or are being worked on by the Member. As the Scheme is based on reviewing performance evidence on a sampling basis, it does not imply, or provide a guarantee of the performance of the services provided by its Members.

The Scheme has been developed to satisfy DCLG requirements, and BM TRADA has agreed for the Scheme to be monitored by the DCLG in order to confirm ongoing compliance to their requirements.

2. DEFINITIONS & ABBREVIATIONS

The following definitions and abbreviations are used throughout the document. Other definitions are as given in the relevant standards.

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| Audit | Visit by BM TRADA or other certification body to examine the processes of a company or individual, to determine appropriate compliance to the Scheme. |
| Building Regulations | The current approved documents and building regulations which are applicable in England and Wales. |
| Declaration of Building Regulations Compliance | A certificate provided by BM TRADA to the End User, confirming that the work carried out at their premises has been conducted by a Member of the Scheme, and has been declared to BM TRADA as complying with the Building Regulations. |
| Database | The system operated by BM TRADA which logs all of the installations that are carried out by the Member |
| Desktop Assessment | An assessment of documentation relating to a Member to determine appropriate compliance to the Scheme. |
| DCLG | Department for Communities and Local Government |
| End User | A person or entity who has entered or is entering into a contract with the Member to procure work which falls under the scope of the Scheme. |
| LABC | Local Authority Building Control |
| Member | Company holding membership of the Scheme. |
| Nominated Contact | A nominated person to whom the Member gives responsibility for ensuring that the Scheme requirements are met. |



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| On-site Audit | Visit by BM TRADA or other certification body to an End User's site to determine appropriate compliance to the Scheme. |
| Product | A component, element, or system which the Member installs. |
| QMS | Quality Management System (e.g. one meeting BS EN ISO 9001). |
| Schedule | The certification schedule which identifies the scope and range of work that is covered by the membership certificate, which summarises the results of the assessment. |
| Scheme | The BM TRADA Competent Person Scheme |

3. SCOPE

This Scheme is applicable to the installation or replacement of manufactured products within a building.

Further details of the Scheme requirements for each type of work which is covered by the Scheme can be found in the Appendices.

This document gives an overview of the Scheme. The way in which BM TRADA handles client applications, compiles quotations, conducts the product assessment and carries out the certification process is detailed in the BM TRADA Product Certification Procedure Manual.

4. APPLICATION PROCESS

4.1. Membership Requirements

In order to join the Scheme, a Member must meet the following requirements:

- Commit to comply with all aspects of the Building Regulations which are appropriate to the work for which the Member is covered under the Scheme.
- Commit to keep themselves up to date with all aspects of the Building Regulations which are appropriate to the work for which the Member is covered under the Scheme.
- Ensure that suitable training is provided for staff who are to carry out work under the Scheme
- Maintain suitable training records, and have a documented process for providing and monitoring training.
- Demonstrate an understanding of the Building Regulations which are appropriate to the work for which the Member is covered under the Scheme
- Provide a warranty of compliance to the Building Regulations for all customers who contract work which the Member is covered for under the Scheme and provide a guarantee to rectify any non-compliance issues.
- Offer insurance to cover the above warranty, in the event the Member becomes insolvent and / or ceases to trade.
- Provide to the End User appropriate indemnity insurance to cover any deposits taken.
- Maintain appropriate employer's liability and public liability insurance to cover any work which is undertaken as part of the Scheme.
- Provide a Nominated Contact, who is responsible for dealing with all issues regarding the Scheme (including complaints). A mobile telephone number must also be provided for the Nominated Contact.

The Member must commit to use reasonable endeavours to resolve any complaints from their customers directly, without any requirement for intervention by BM TRADA.

Where attendance at a site inspection is requested by BM TRADA, the Member undertakes to send the Nominated Contact, or an appropriate alternative contact if the Nominated Contact is not available.

In order to gain entry to the Scheme and to remain certified, it is a requirement that all applicable invoices from BM TRADA are settled within the indicated timescales.



4.2. Desktop Assessment

Once a potential Member has catered for all of the above requirements, they can apply to join the Scheme. A BM TRADA application form for the Scheme must be submitted, along with the appropriate fee for registration, and documented evidence that the Membership Requirements have been met. BM TRADA will conduct a review of the documented evidence supplied by the Member to confirm compliance with the Scheme.

4.3. Initial Site Audit

Following a successful Desktop Assessment, the potential Member must supply details of all sites where work which is typical of work which will be covered under the Scheme has been completed within the previous 3 months, or is in the process of being undertaken by the potential Member. BM TRADA will select an appropriate site from this list and conduct a site inspection, in order to gain supporting evidence for the initial certification assessment to be carried out. In the event that no appropriate sites are available, membership cannot commence until suitable sites are provided by the Member.

In some cases, BM TRADA may require a repeat initial site inspection in order for a Member to be granted certification. This would occur if in BM TRADA's opinion, the issues raised during the inspection are serious and there is a lack of confidence of ongoing compliance with the Scheme once the Member has been certified.

Upon successful completion of the initial site inspection and verification by BM TRADA that the Membership requirements have been met, BM TRADA will award certification to the Member.

4.4. Transfer of Certification

Where a potential Member wishes to transfer their certification from another recognised competent person scheme, they must complete an application in the normal way, providing evidence that they have met the Scheme requirements, along with documentation which demonstrates that their previous certification is up to date, with no problems. BM TRADA will review the information supplied, and decide whether certification can be transferred, or whether an initial site Audit is necessary.

4.5. Surveillance Audits

In order to remain a member of the Scheme, a Member must allow periodic on site Audits to be conducted by BM TRADA. This will usually consist of an Audit of at least two installations or 1% of the installations carried out by the Member, whichever is greater, every year. A Member will not be required to undertake more than 100 periodic on-site Audits under the Scheme per calendar year (note that re-visits are not included as periodic on-site Audits).

5. SITE INSPECTIONS

The purpose of site inspections is to verify compliance with the Scheme and compliance with the Building Regulations. Quality issues will not usually be taken into account as part of the Scheme, unless the issue will have an effect on compliance with the Building Regulations either at the time of installation, or in the future. When BM TRADA has determined that an inspection is due, a suitable site will be selected from the Database. Unless specified in the Appendix relating to the type of work to be covered, site inspections will usually be unannounced. However, in some cases, BM TRADA will notify the Member in advance of the inspection, and require attendance by the Member during the inspection.

BM TRADA may also require site inspections to be conducted whilst the work is being undertaken. In order to facilitate this, BM TRADA will require the Member to provide a list of sites which may be inspected. Where a site inspection is to be conducted whilst work is being undertaken, attendance by the Member will be required.



6. BUILDING REGULATIONS COMPLIANCE

It is the responsibility of the Member to ensure that all work carried out under the Scheme complies with all relevant sections of the Building Regulations. This includes cases where some or all of the work is subcontracted. As part of the Scheme, BM TRADA will monitor samples of the work with a view to confirming compliance. Whilst a Member is certified under the Scheme, BM TRADA will provide Declarations of Building Regulations Compliance to End Users for all work notified to BM TRADA as being carried out under the Scheme (unless the Member is suspended). The Declarations of Building Regulations Compliance will confirm that the work done on the property has been carried out by a Member of the Scheme and declaration has been made by the Member that the installation complies with the Building Regulations.

6.1. Tracking of Installations

All work carried out within the scope of the Member's certification must be notified by the Member to BM TRADA within 3 working days of completion of the work, but preferably prior to commencement of the work, through direct entry by the Member onto the Database, via the internet.

All entries will be chargeable and any entry which is not submitted through the method outlined above will not be recognised, and the Member will therefore not be compliant with the Scheme requirements.

The Member must ensure that all entries correctly identify the address of the work. This is particularly important as the entries will be used to populate Declarations of Building Regulations Compliance to End Users, as well as providing notification of the work to the relevant Building Control department. Where BM TRADA identifies that a submission has been made incorrectly, BM TRADA will notify the Member by e mail and the Member will be required to re-submit the work within 2 working days. A charge will be made for both submissions in this case.

The Member must always submit details of the work to BM TRADA as outlined above, and may not use the submission as a tool for negotiation with the End User (for example by withholding the submission where payment has not been received).

6.2. Declarations of Building Regulations Compliance

BM TRADA will supply Declarations of Building Regulations Compliance to End Users for all work which has been correctly entered onto the Database. It is a DCLG requirement that these certificates are sent to the End User within thirty (30) days of completion of the work. The member shall enter the data within 3 days of completing the work and BM TRADA will send the certificate within 10 days of submission by the Member.

6.3. Building Control Notification

BM TRADA will periodically output the details from the Database and notify LABC of all work that has been carried out under the Scheme.

6.4. Non-Compliant Works By Other Parties

Where a Member becomes aware that another party is carrying out notifiable works that do not fall under a competent persons scheme and the work is not covered by an assessment by LABC, this shall be reported to LABC via their confidential reporting hotline, to allow local authorities to take action against illegal work being carried out.



7. COMPLIANCE WITH THE SCHEME REQUIREMENTS

7.1. Non-Compliances Raised During Audits

Initial Audits and ongoing surveillance Audits will be carried out to confirm compliance to the Scheme requirements.

This may result in the raising of non-compliances or observations, which are categorised as 1, 2 or 3.

Any category 1 or 2 non-compliance raised during an initial Audit must be rectified prior to certification being granted by BM TRADA. Where non-compliances are raised during a surveillance Audit, the following action must be taken.

Category 1 major non-compliance: This shall be cleared directly with BM TRADA head office within a maximum of 4 weeks of the Audit date. It is likely that a re-visit will be required to verify that the issues raised during the Audit have been resolved. This re-visit will be at additional cost to the Member.

Category 2 minor non-compliance: The Member shall respond to the Auditor within a maximum of 8 weeks of the Audit date, with proof that either a procedure has been changed or an action taken to ensure conformity.

Category 3 Observations: These shall be cleared within a reasonable timescale, and will be checked during the next Audit.

Non-compliances must be dealt with in the timescales indicated. Failure to do this will be viewed seriously, and BM TRADA will not proceed with certification if the issues are not resolved or shall withdraw certification in the case of a surveillance Audit.

8. TECHNICAL SUPPORT TO MEMBERS

8.1. Telephone Line

Technical support will be offered to Members on a two tier basis, whereby those who are paying an annual management fee for their certification will have telephone support included. Where an annual management fee is not charged, support service will be offered via a premium rate telephone line.

8.2. Training

Where BM TRADA identifies changes to the Building Regulations which will have an impact on the Members, it will decide whether it is appropriate to provide training sessions, or a bulletin to update Members. Training sessions may be held in a seminar format, or through on-line webinars or a combination of both and will incur a charge.

Where in BM TRADA's opinion training is required in order to keep Members up to date, BM TRADA will stipulate that a training course is mandatory. An example of this would be as a result of changes to Building Regulations and/or BS/EN standards.

It is a requirement of the Scheme that all Members ensure that the Nominated Contact or an appropriate alternative representative attends any training which is stipulated by BM TRADA as being mandatory.



9. COMPLAINTS

9.1. Member Complaints Handling Procedures

When a complaint is received by BM TRADA, from a Member, specifier, manufacturer, or referred by the Member, BM TRADA will provide independent assessment of the complaint using BM TRADA's complaints procedure which can be found on BM TRADA's website. (www.bmtrada.com).

9.2. End User Complaints Handling Procedures

Due to the requirements by DCLG of the Scheme, it is not appropriate to use BM TRADA's normal complaints procedure to deal with End Users. Therefore, End User complaints will be dealt with using the procedures outlined below, unless otherwise stated in the appendix relevant to the work that is to be covered by the Scheme.

9.2.1. Notification of a Complaint from an End User

It is not the responsibility of BM TRADA to act as a first point of contact for any complaints from the End User. Therefore prior to any action being taken (or acceptance of a complaint via the website), the complainant will be asked to confirm that they have attempted to resolve the complaint directly with the Member and give details of the response.

Complaints will be accepted from the End User via one of the following means:

- Entry onto the Scheme website, using a pre-determined complaints form*
- By telephone
- By fax
- By letter

*End users will be encouraged to use the website method, in order to reduce costs. The incentive will be a faster turnaround of the complaint.

Details of the complaint will be entered into the Database, and an e mail outlining the complaint will be sent to the Member's Nominated Contact, together with a text message stating that a complaint has been forwarded.

BM TRADA will send a response to the complainant confirming receipt of the complaint, stating that it will be investigated.

9.2.2. Action by the Member Upon Receipt of a Complaint

The Member is required to respond in writing to BM TRADA within two (2) weeks of receipt of the complaint, detailing what has been done to resolve the issue and stating whether the End User is satisfied with the outcome. It is in the Member's interest to resolve the complaint directly with the End User, to avoid a site inspection being required.

9.2.3. Complaint Handling

Once BM TRADA has received a response from the Member regarding the complaint, it will review the evidence provided, in order to determine whether a site inspection is required. If the Member has failed to respond to the complaint within the required period, a site inspection will be conducted (which will be chargeable to the Member) to gain the necessary information regarding the complaint. The decision to carry out a site inspection is the responsibility of BM TRADA.

When reviewing the complaint, BM TRADA's remit will be to determine whether there is a non-compliance with the Building Regulations. Where a non-compliance is found, the Member will be required to rectify the issue within a maximum of 4 weeks.

Where it is found that the complaint does not relate to a non-compliance to the Building Regulations, BM TRADA will write to the End User, explaining that the complaint has not been upheld.



9.2.4. Charges for Complaint Handling

Where an additional site inspection is required as a result of a complaint, a charge will be made for the inspection (at the same rate as for a re-visit following a non-compliant visit). This will be the case regardless of the outcome of the complaint.

9.2.5. Excessive Levels of Complaints

Where (in BM TRADA's opinion) a Member is having an excessively high level of complaints made against them by End Users in proportion to the number of installations conducted, BM TRADA reserves the right to conduct additional (chargeable) site inspections, and ultimately to suspend or withdraw the certification. (An example of an excessively high level of complaints would be 5% of the installations conducted over a period of 2 months)

With the exception of cases that BM TRADA deems to be severe, written notice will be given stating that there is a problem, with a timeframe for resolution being notified to the Member before the decision is made to suspend the Member. BM TRADA will then continue to monitor the level and nature of complaints received, and suspend or withdraw certification where sufficient improvement has not been made

9.2.6. Appeals.

Any appeals against BM TRADA's decisions will be dealt with using BM TRADA's Appeals and Disputes procedure which can be found on BM TRADA's website www.bmtrada.com.

10. WITHDRAWAL & SUSPENSION OF CERTIFICATION

Failure to comply with the requirements of the Scheme will result in the suspension or withdrawal of certification. Examples of failure to comply include:

- Failure to comply with the requirement for on-site Audits
- Failure to register any work carried out within the required timescales.
- Failure to implement improvements requested at any Audits within the agreed timescales
- Misuse of the logo
- False claims regarding services covered by the Scheme.
- Failure to settle any invoices levied in association with the Scheme (e.g. BM TRADA membership, Audit fees, within the agreed settlement time.

When a member is suspended, activities that would normally be carried out under the Scheme must cease until the suspension has been removed.

On suspension of certification, the Member must make all possible attempts to rectify any breaches of the Scheme rules within a timescale stated by BM TRADA. The suspension timescale will be set by BM TRADA and will be no longer than six months. Failure to rectify any breaches will result in withdrawal of certification (pending completion of any appeal).

On withdrawal of certification, the Member must immediately cease to promote or claim compliance with the Scheme. Any reference to the Scheme in promotional or other literature (e.g. leaflets, brochures, website, letterhead etc) must be immediately removed.

Where certification has been withdrawn, the Scheme website shall display the company whose certification has been withdrawn and the reasons for withdrawal.

11. MEMBERS LISTINGS

A list of Scheme Members will be made publicly available on the BM TRADA website. This will outline the type of work that each Member is approved to undertake. Where a Member's certification has been suspended, the website will indicate the suspension. If the certification is withdrawn, the reason(s) for withdrawal will be shown for a period of up to 6 months, after which the Member's entry will be removed from the website.



Where certification has been withdrawn, it is a DCLG requirement that the Scheme provides a mechanism to make available to other schemes and LABC the names of former members whose membership has been terminated by the Scheme and the reason for termination. This will be made available by an entry on the website, which will remain active for a period of three months following withdrawal of certification.

12. USE OF THE BM TRADA MARKS

Guidelines for the use of the marks will be provided separately for each service that is covered under the Scheme. BM TRADA will actively monitor the use of marks in the market and will take action where it is found that marks or certification are used in a misleading or inappropriate manner.

13. AMENDING THE SCHEME

The Scheme will be periodically reviewed, and amended where BM TRADA deems it appropriate to do so. Requirements will be amended in line with product certification guidelines and based on requirements from DCLG. Technical requirements will be amended in line with the latest Building Regulations, and industry best practice.

BM TRADA retains the final decision on all amendments.

14. PUBLICATION OF SCHEME FEES AND RULES

BM TRADA will publish the fees that are to be charged under the Scheme on its website.

The Scheme requirements will also be published on the website.

15. WITHDRAWAL & SUSPENSION OF A SCHEME

BM TRADA reserves the right to withdraw the Scheme at any point in time without consultation. Where the Scheme is withdrawn a 6 month notice period will be given to all Members.

After the 6 month period the Scheme will no longer be active, and no longer be supported by BM TRADA. On withdrawal of the Scheme Members must immediately cease to promote or claim compliance with the Scheme. Any reference to the Scheme in promotional literature (e.g. leaflets, brochures, website etc) must be immediately removed and the use of the marks must cease immediately.

16. NORMATIVE REFERENCES

ISO 17024:2003 General requirements for bodies operating certification of persons



APPENDIX 1 – WINDOW AND DOOR INSTALLATION

Scope of Application for the Scheme

Installation, as a replacement, of a window, rooflight, roof window or door in an existing dwelling.

Additional Requirements to the Scheme:

None

Sample Mark:



REPLACEMENT WINDOWS
AND DOORS IN DWELLINGS