



COMPETENT PERSON SCHEME

BESCA CODE OF CONDUCT

BESCA

INTRODUCTION

This Code of Conduct identifies the requirements that a BESCA Accredited Competent Person must achieve and maintain in accordance with the Ministry of Housing, Communities and Local Government (MHCLG) Conditions of Authorisation and BESCA's Scheme Terms of Registration.

BESCA may publish amendments to the Code of Conduct from time to time and will inform all members in advance of any changes to the published information. Members are also encouraged to keep themselves updated on the changes made, and these will be published on the BESCA website.

The BESCA Code of Conduct does not take precedence over national law. Members shall take its provisions as a minimum requirement and fulfil any other responsibility set down by law or by nationally agreed standards.

BESCA CODE OF CONDUCT

This Code of Conduct applies to all members of BESCA's Competent Person Scheme. The purpose of this Code of Conduct is:

- ✓ To support all those engaged in the Competent Person Scheme and the self-certification process with BESCA
- ✓ To reassure the general public and other interested parties that the *controlled services work is carried out in a professional and ethical manner and adhere to current legislation.
- ✓ To ensure that all **Accredited Certifiers are provided with guidance relating to the latest Building Regulations, and Technical Standards, through this Code of Conduct and other scheme documentation – Terms of Registration, Scheme handbook.

BREACH OF THE CODE OF CONDUCT

- ✓ If a Competent Person is found to be in breach of any requirements of this Code of Conduct, disciplinary action may be taken against them as detailed in the Terms of Registration.
- ✓ If a Competent Person is considered to not be a 'fit and proper' person then BESCA will reject or revoke Competent Person scheme membership as outlined in the Terms of Registration.

MONITORING OF COMPLIANCE WITH THE CODE OF CONDUCT

- ✓ BESCA shall carry out surveillance checks of customers with self-certified certificates to ensure that the Competent Person adhered to this Code of Conduct.
- ✓ BESCA shall engage with all customers who make a complaint about a Competent Person, specifically checking that the Competent Person met and adhered to the conditions of this Code of Conduct, and that the member of the Competent Person Scheme has the appropriate level of insurance cover required.

ACCREDITED COMPETENT PERSON/CERTIFIERS

Be qualified and/or competent for the installation and/or modification of controlled services work in dwellings and non-dwellings:

This can be attained by either the achievement of a Government approved qualification, or by Accredited Prior Experiential Learning (APEL), which is relevant to the specific type of installation/modification being undertaken. The qualification, or APEL, must meet the requirements of the National Occupational Standards (NOS) and Minimum Technical Competence (MTC) specified by the Qualifications and Curriculum Authority (QCA).

- ✓ Must not use their certification in such a manner which may bring the Competent Person scheme into disrepute.
- ✓ Ensure any claims made regarding their certification with BESCA are consistent with the scope of the certification granted, nor make any statement regarding their certification which BESCA may consider misleading or unauthorised.
- ✓ Meet other non-technical scheme requirements, such as being “a fit and proper person”, and acting honestly and fairly in all dealings relating to the Competent Person scheme.
- ✓ Agree to co-operate with BESCA and provide access to any relevant documentation, records and process during any audits carried out by BESCA or Government department.
- ✓ Restrict work activities to those within their personal competence and the scope of activity that BESCA has accredited them to undertake.
- ✓ Comply with the requirements of the General Data Protection Regulations (GDPR) for all administration of personal details in connection with the Competent Person scheme, including the collection or recording of any details as required by the Building Regulations.
- ✓ Comply with BESCA's legally enforceable Terms of Registration and operational procedures for the installation/modification and reporting of controlled services work.
- ✓ Identify and disclose to BESCA any financial and/or conflicts of interest between the commercial interests of any sponsoring or parent organisations and management of the Competent Person scheme. Accredited Competent Person scheme members are expected to have an absence of, or process for avoiding, any such conflicts of interest, and any disclosure will be fully investigated by BESCA.
- ✓ Comply with BESCA's quality assurance and external monitoring procedures that ensure BESCA's scheme requirements have been met.

BESCA will undertake on-site conformity checks to establish the business is operating to the required processes which support the commercial and business capabilities set by BESCA, and, that the work done by the business meets the statutory requirements, including Building Regulations, technical standards and other published guidance that relates to the work they do. These checks will verify that the quality standards set by BESCA are being met and that the Competent Person is operating in a professional manner.

- ✓ Co-operate with BESCA when random monitoring and on-site conformity checks are carried out by making any information or procedures that are required available on request.

TECHNICAL

- ✓ Take full responsibility for any work carried out and the quality of work undertaken by employees and subcontractors, in accordance with the Competent Person scheme Terms of Registration and legal requirements.
- ✓ Know and comply with the requirements of all Acts of Parliament and regulations, e.g. Health and Safety at Work Act and Building Regulations so far as they are applicable to the work being done, this includes compliance with all the requirements of the Energy Act, Energy Performance of Buildings (Certificates and Inspections) Regulations in England and Wales, the Building (Scotland) Regulations for Scotland, and the Energy Performance of Buildings (Certificates and Inspections) Regulations in Northern Ireland.
- ✓ Only carry out controlled services work on those work types that comply with Competent Person scheme requirements and instructions.
- ✓ Accredited Certifiers must provide details of those operatives they may use on site if requested, including details of any relevant qualifications and competences for the work they carry out.
- ✓ Remain current and up-to-date in their knowledge by completing any BESCA recommended training and Continuous Professional Development (CPD) activity. Records of relevant training and qualifications undertaken by all personnel, including contractors and subcontractors must be maintained in signed and dated records.

RELATIONSHIP WITH CLIENTS

- ✓ Make sure that the commissioner of the controlled services work is made aware that it is being carried out by a BESCA member.
- ✓ Deal ably and effectively with the public and other professionals, e.g. clients, building owners, or the person from whom instructions have been received, when explaining the purposes of work to be carried out.
- ✓ Identify and resolve, or withdraw from, any circumstance that might lead to an actual or perceived conflict of interest with the client or building owner from whom instructions have been received.
- ✓ Accredited Competent Person scheme members must provide customers with a certificate of building regulations compliance on completion of work, where appropriate.
- ✓ It is recommended that a written contract exists between accredited Competent Person scheme members and their clients to include a provision that they will rectify any work that is non-compliant with the Building Regulations for a minimum of six years.
- ✓ Accredited Competent Person scheme members carrying out work in dwellings must provide an insurance backed warranty. The warranty must as a minimum, include financial protection to put right any work that is found to be non-compliant with Building Regulations.
- ✓ When promoting the Competent Person scheme to clients, an accredited Competent Person must abide by the conditions laid out in the BESCA Quality Mark Guide with regards to advertising and promotion.
- ✓ Clients must be made aware of their right, in writing or orally, to terminate any visit or contact or cooling off period which applies.

INSTALLATION AND REPORTING

BESCA Competent Person Scheme member must ensure:

- ✓ Prior to commencement of controlled services work take all reasonable steps to ensure that condition of property is sufficient to begin work and that there are no existing issues which might affect any work being carried out.
- ✓ There are suitable arrangements for accessing the whole of the building, documents and other records are agreed with the building owner.
- ✓ Any information collected regarding the client or occupier of the building that is likely to be classified as 'Personal Data' is retained in a way which satisfies the General Data Protection Regulation (GDPR).
- ✓ Make accurate and legible records of the data gathered during the work. These must be of sufficient detail to enable BESCA to monitor and review the work, should this be required.
- ✓ Ensure that all personnel including contractors and subcontractors are competent to carry out the work in keeping with the Competent Person Terms of Registration.
- ✓ Take responsibility for those operatives that carry out work on your behalf. Make sure that such assistants are 'fit and proper', have the correct insurances, and the technical ability to undertake those duties, including relevant qualifications and competencies for the work to be carried out. Details of persons working on-site must be provided by the Competent Person.

During controlled services work:

- ✓ Notify BESCA of all completed work under the Competent Persons Scheme within 30 days of work completion.
- ✓ Retain records of all completed jobs, queries, communications, etc. related to the work carried out for a period of not less than six years.

COMPLAINTS

- ✓ Have in place a working complaints procedure that satisfies BESCA's requirements and complies with good practice. As part of the client's conditions of certification they must identify to whom complaints should be made to, what the customer should do if they are not satisfied, and the timescales according to which any complaint will be processed.

This will normally:

- ✓ Include a written Statement setting out in unambiguous terms the procedures and timescales that will be followed in the case of a complaint;
- ✓ Include details of BESCA's independent arbitration processes that are available to the complainant;
- ✓ Be available on request.

BESCA will provide an independent complaint / arbitration service. Where a complainant is dissatisfied with the results of a complaint made to the Accredited Certifier, BESCA will conduct its own review of the Accredited Certifier's conduct, activity, and/or installation.

- ✓ Certified Competent Person scheme members and their nominated Accredited Certifier(s) will meet by the terms of the Statement and use their best endeavours to resolve complaints.
- ✓ Must agree to comply with the requirements for handling, recording and reporting on any complaints. Any breach of the conditions on complaints will be investigated by BESCA following documented procedures. Competent Person scheme members must co-operate with any investigations.
- ✓ Agree to co-operate with the Ombudsman service should any investigations be carried out regarding complaints to redress an issue on behalf of a Competent Person customer.
- ✓ Notify BESCA of details of any complaint made against a Competent Person and/or their Accredited Certifier within seven days of the commencement of the complaint. This shall include:
 1. Details of any complaint;
 2. In due course, the outcome of the complaint.
 3. The Competent Person scheme member must co-operate with BESCA while the complaint is investigated and accept the decisions made by BESCA's independent Complaints and Appeals Panel.
- ✓ It is BESCA's legal responsibility to report to the police any complaints, or other information received, that involved a criminal activity.

AGREEMENT

I (Competent Person) agree to abide by the terms and conditions contained in this Code of Conduct

Signed:

Print
Name:

Name of
Business:

Position in
Business:

Date:

DEFINITIONS

- * **Controlled Services Work** Any work that involves the provision or extension of a heating, hot water, mechanical ventilation and/or cooling system in a domestic dwelling or in a non-dwelling.
- ** **Accredited Certifier** One or more persons within the business that have the necessary technical competent and knowledge of the Building Regulations to undertake self-certification work under the scheme.

BESCA is committed to ensuring that your privacy is protected. To find out more about how we process your data and your rights, please see our online privacy policy.