

Building Consent Authority Accreditation - Procedures and Conditions

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Scope

Building Consent Authority Accreditation - Procedures and Conditions (P&C) explains the procedures for Building Consent Authority (BCA) accreditation, as defined in the Building Act 2004 (the Act). After briefly introducing International Accreditation New Zealand (IANZ), Section A discusses the accreditation procedures in detail. Section B describes the rights and duties of accredited Building Consent Authorities.

Section A: Accreditation Procedures

1 Introduction

International Accreditation New Zealand is the national technical accreditation body, appointed, under section 248 of the Act, by the Department of Building and Housing as a Building Consent Accreditation Body. Accreditation is required by the Act as a pre-requisite to registration by the Department of Building and Housing (DBH) as a BCA.

To achieve accreditation, Building Consent Authorities must meet the requirements of the Building (Accreditation of Building Consent Authorities) Regulations 2006.

Building Consent Authority accreditation entails examination of the organisation's consenting and inspection systems (both management and technical), involving a detailed on-site assessment of the organisation's competence in key technical areas such as: consenting and inspection staff, consenting and inspection processes and procedures, information resources, equipment resources, and the like. Assessment teams normally consist of one IANZ assessor (the Assessment Coordinator (AC)) and at least one Technical Expert to evaluate the technical systems. Larger teams are used in bigger organisations.

IANZ maintains a panel of specialised technical experts who are chosen for their personal knowledge and expertise in building consenting functions. They are drawn from the Department of Building and Housing and industry. When acting on behalf of IANZ, the Technical Expert does not represent their employer or any other organisation with which they may be associated.

1.1 Structure of IANZ

Established by Act of Parliament in 1972, the Testing Laboratory Registration Council is IANZ's governing body. The Council is a not-for-profit, user-funded Crown entity that promotes the highest possible technical standards in New Zealand's industrial, technical, commercial, regulatory, health care and administrative sectors.

The Act establishes a Council of nine members who are responsible to the Minister of Commerce for the administration of its programmes. The Council works very much as a board of directors, responsible for the broad strategic management of IANZ activities. Day to day supervision is delegated to the Council's Director, the Chief Executive of IANZ.

The General Manager - Accreditation Services, Programme Managers and Accreditation Assessors hold appropriate qualifications in science, engineering and technology and are experienced in management system operation and assessment.

The Accreditation Advisory Committee (AAC) is a Council-appointed committee of experts assisting IANZ in the operation of the accreditation programmes. Its functions are:

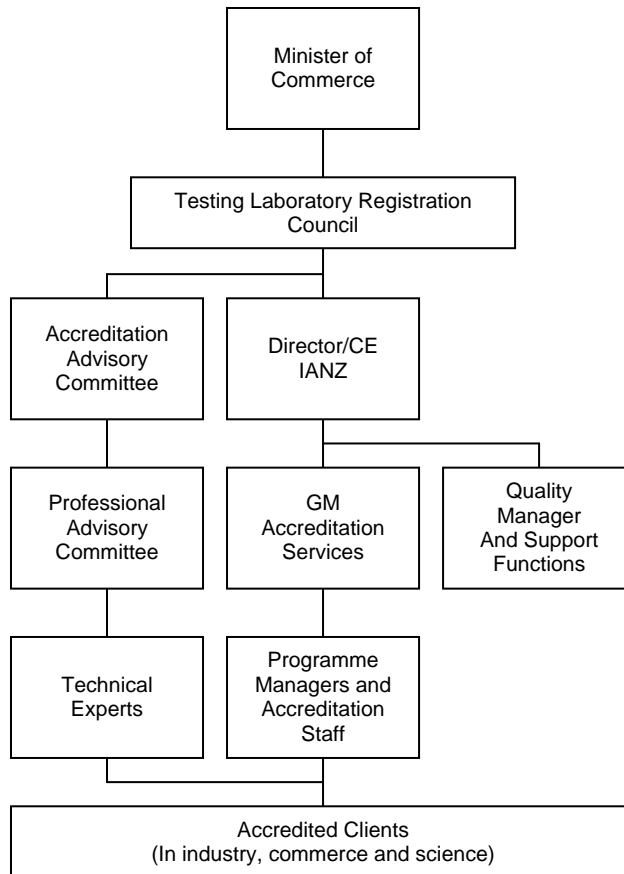
- (a) To provide IANZ with liaison and feedback from the New Zealand technical community

- (b) To review with IANZ, the general criteria for accreditation in all fields of technology, as well as maintain consistency across specific technical documents for each field
- (c) To consider with IANZ, national and international developments in accreditation
- (d) To function as an independent expert body which can be consulted by the Council for decisions on any appeals arising from accreditation activities
- (e) To assist the General Manager-Accreditation Services, where required, in the establishment of ad hoc professional advisory committees in response to particular technical questions.

Technical advice and review of the accreditation programmes are also provided by Professional Advisory Committees (PAC) for each broad area of technology. Key PAC functions are similar to those of the AAC, but also include:

- (a) Technical review of assessment reports and responses from applicants for accreditation
- (b) Approval of specific criteria documents
- (c) Approval of technical experts
- (d) Providing general technical advice in the area of technology concerned.

Organisation Chart

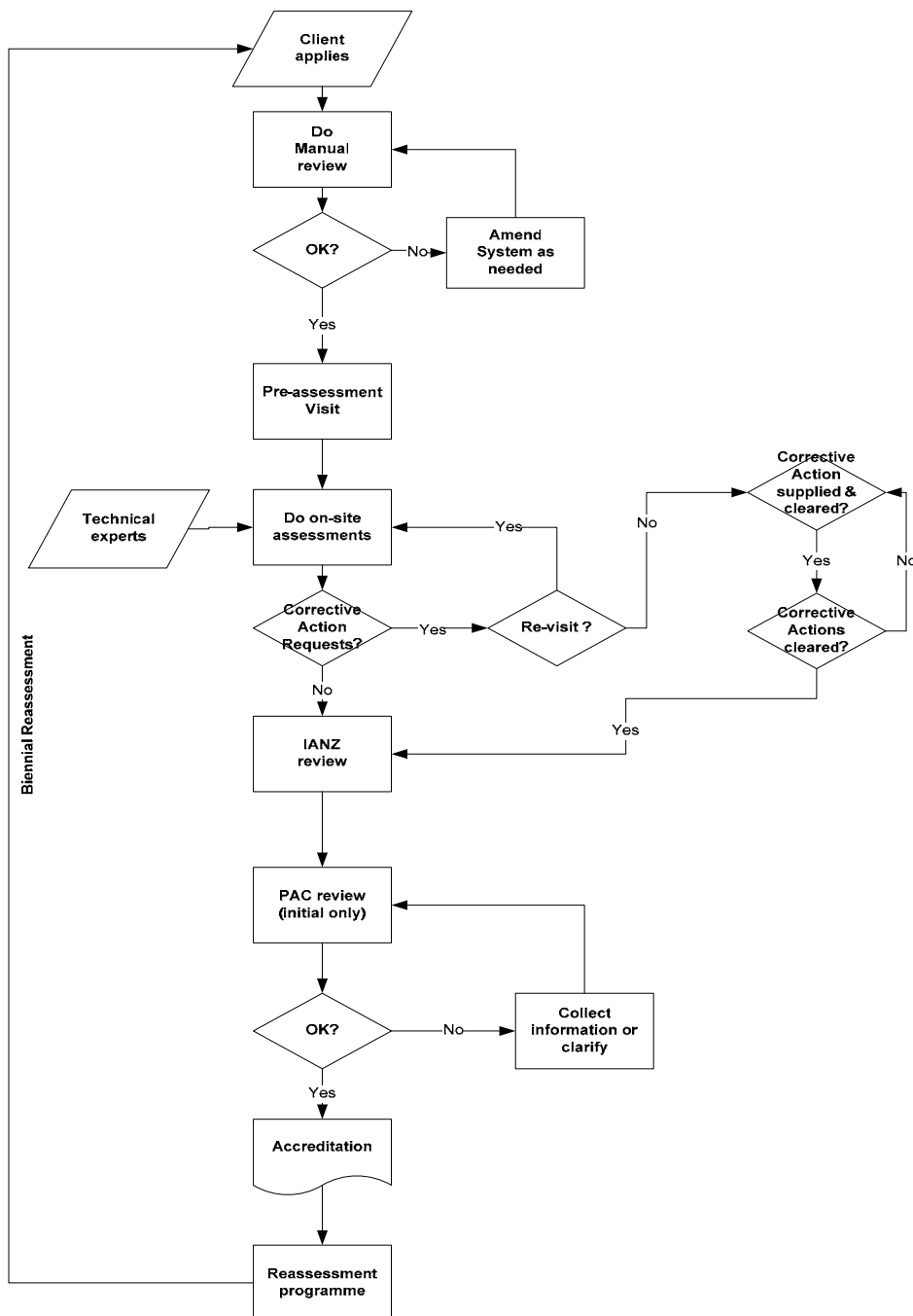


2 Accreditation Process

2.1 Overview

BCAs seeking accreditation will need to document their technical and management systems in a manual (or other alternative format). The content of this document has to meet the requirements of the Building (Accreditation of Building Consent Authorities) Regulations 2006. A schematic overview of the accreditation procedure is shown in the flowchart below.

BCA Accreditation Process



2.2 Application for Accreditation

Applications must be accompanied by the fee prescribed by regulation. Applications will only be accepted if they are complete in all respects, containing all the information outlined in the application for accreditation document available from IANZ.

Application is made to the Programme Manager - Inspection Bodies (PM). The PM designates an appropriate Assessment Coordinator (AC) who will lead the assessment team and guide the BCA through the accreditation process. The application will be acknowledged.

2.3 Authorised Representative

In their application, the BCA must nominate a senior staff member to represent it in all dealings with IANZ. This person is the IANZ point of contact with the organisation and is known as the Authorised Representative.

The Authorised Representative may be any senior staff member from either the technical or managerial staff. It is important that they are in a position of sufficient authority to ensure their BCA complies with the criteria for accreditation at all times. There are advantages in nominating a person who is not closely involved in the day-to-day operation but has authority over it.

The Authorised Representative is expected to be present at on-site assessment entry and exit meetings or to formally nominate a deputy. All correspondence, invoices, etc which IANZ sends to the organisation will be addressed to the Authorised Representative. It is the responsibility of the Authorised Representative to pass relevant information from IANZ to other staff members in a timely manner.

If an Authorised Representative resigns, or if an organisation wishes to replace that person, then IANZ must be informed as soon as possible of the name of the new Authorised Representative.

2.4 Documentation Review

The manuals and supporting documents making up the technical and management systems, provided with the application, will be reviewed to ensure compliance with the requirements for accreditation and other criteria as detailed in this publication. Written notification of any significant shortfalls identified during the document review will be provided to the applicant BCA. It is the responsibility of the BCA to satisfactorily address the issues raised in the report before the next stage of the accreditation process can occur.

2.5 Pre-assessment visit

The pre-assessment visit is the opportunity for IANZ personnel to develop an understanding of the practical considerations of the BCA's activities, to meet with BCA personnel and discuss the forthcoming assessment process. Subjects covered normally include, but are not limited to:

- (a) Implementation of management aspects of practices and processes
- (b) Logistical considerations, assessment dates, locations and team members
- (c) Actions to be taken, both by IANZ and the BCA, prior to the initial assessment
- (d) Briefing BCA staff who will be involved in the assessment.

A pre-assessment visit will normally involve only the AC, for a maximum of one day. During the pre-assessment visit there may be the opportunity to assess the implementation of some aspects of the documented policies, procedures and systems.

2.6 Assessment Team Briefing

After the pre-assessment meeting, the assessment team will be organised.

Briefing papers are prepared for all team members. These papers include copies of technical procedures, work instructions, examples of worksheets and reports, names and training records of key personnel. Technical Experts may request additional information from the BCA through the AC at this point.

2.7 Initial Assessment

The assessment is a fact-finding exercise undertaken jointly by the organisation's staff and the assessment team. The objective of the assessment is to confirm that the organisation is actually doing what their manuals say they do and that the required outcomes are achieved. During its on-site visit, the assessment team will focus on the technical operations, the management system, the competence of key personnel, and on the methods and procedures used in the consenting and inspection activities. Information gathering will include, but is not limited to, review of records, discussions with management and technical and support personnel and the observation of consenting and inspection activities. The team will witness inspections and other work relevant to the consenting and inspection processes.

Most assessments will take two or three working days to complete but visits to larger BCAs will take longer. BCAs will be advised of the expected length of the assessment following the pre-assessment visit.

The assessment will begin with an entry meeting between the assessment team and the senior staff of the organisation. This meeting provides an opportunity for:

- (a) Introductions of the team members and BCA personnel
- (b) The timetable to be finalised
- (c) Witnessing arrangements to be finalised
- (d) Resolution of any immediate queries that the assessors or staff may have.

Organisations will be asked to provide a guide(s)/escort(s) for each assessment team member for the duration of the visit. These escorts must be staff members of the organisation who have sufficient authority to ensure that assessors have access to all documents, personnel and activities they may wish to see.

Observations of compliance as well as non compliance made during the assessment will be recorded.

Following the information gathering, the assessment team will meet to review their notes and summarise their findings. For multi-day assessments such meetings will occur daily.

The assessment will end with an exit meeting during which a summary of any areas of non-compliance that have been found will be presented. All findings will be fully discussed before the team leaves and agreement will be reached on the actions required to address the non-compliances.

The organisation will receive a written report on the assessment findings. A copy of the assessment report will also be provided to the DBH. The report will place the findings into two categories: Corrective Action Requests (CARs) and Recommendations:

- **CARs** are actions that the organisation must carry out before accreditation can be granted. CARs will relate to non-compliance with The Act, Regulations, the organisation's documented systems or related technical standards, specifications etc.
- **Recommendations** are actions that the organisation is urged to carry out in the interests of good practice, but are not considered CARs. A strong recommendation, if ignored, may lead to corrective action at a subsequent assessment.

No time limits are imposed by IANZ in respect of CARs raised at initial assessments. However, accreditation will not be granted until all CARs have been cleared.

2.8 Post Assessment Activity including the Granting of Accreditation

The IANZ lead assessor / AC will monitor the BCA's progress in carrying out any required actions. In certain circumstances this may include a follow up visit (see section 2.9) by either the AC, or the AC and a TE. Accreditation cannot proceed until all CARs have been satisfactorily cleared. Once the PM is satisfied that all conditions for accreditation have been cleared, a submission on the assessment will be prepared for consideration by the General Manager - Accreditation Services and the Building Consent Authority Professional Advisory Committee (BCAPAC). This submission will include a copy of the initial assessment report, any corrective action clearance material, and information on key personnel.

The BCAPAC members review the assessment submission. If they are satisfied that all accreditation criteria have been met the Chairman of the Accreditation Advisory Committee will recommend to the IANZ Director that accreditation may be offered.

The formal offer of accreditation will include an agreement detailing the conditions of accreditation. Upon receipt of this agreement duly signed by an appropriately authorised representative of the BCA, together with payment of any outstanding fees, a Certificate of Accreditation will be issued and the Department of Building and Housing will be formally advised.

2.9 Continuation of the Initial Assessment

Where major departures from accreditation criteria are found during an initial assessment, a further visit may be needed to confirm the assessment team's requests have been carried out and compliance has been reached. Where non-compliances remain un-cleared for more than one year after the initial assessment, another visit may also be required for accreditation to proceed.

2.10 Biennial Re-assessment

Accredited BCAs will be re-assessed on a biennial basis. The timing of the assessment is based on the anniversary of the initial assessment, not the date of accreditation. Notification, in writing, will be given by IANZ to the BCA approximately three months prior to the due date for re-assessment. The re-assessment process involves completing and submitting the same (or similar) application form and supporting documentation as previously provided for the initial accreditation application. This is required at each biennial re-assessment. This enables IANZ to become apprised of any personnel changes, additional documentation required to fulfil additional regulatory requirements, updated DBH criteria and other changes in operating practices.

Biennial re-assessments are full technical assessments and are similar to initial assessments in their scope, duration, and process. Reporting procedures also resemble those at initial assessments, except that there is a limit on the time BCAs may take to carry out any requested actions. A maximum of three months is allowed for clearance of conditions. However, the time allowed for clearance of individual CARs will depend on the significance of the non-compliance and will be negotiated during the on-site exit meeting. The fees prescribed in regulations shall apply.

2.11 Special Assessments

Where directed by the DBH or on its own initiative, IANZ may conduct a special assessment of a BCA. A Special Assessment may range in scope from being limited to a specific aspect of the BCA's activities up to and including a full technical assessment. Where the requirement for a Special Assessment has been determined, the BCA's Authorised Representative will be notified and an assessment time frame determined. The fee prescribed in regulations shall apply.

2.12 Revocation of Accreditation

Section 254 of the Act provides for the revocation of the accreditation by the Building Consent Accreditation Body (BCAB). Accreditation may be revoked if the organisation no longer meets the criteria for accreditation and after having been given reasonable opportunity to be heard. This may occur after routine reassessments or special assessments or if the organisation refuses to carry out requested corrective actions, either at all or within the agreed time.

Section B: Rights and Duties of Accredited BCAs

3 Conditions of Accreditation

3.1 Duties of Applicant and Accredited BCAs

- (a) BCAs must meet all of the requirements of the Building (Accreditation of Building Consent Authorities) Regulations 2006 and must operate in accordance with its documented policies, procedures and systems
- (b) BCAs must allow IANZ assessment teams reasonable access to their premises, facilities, resources, operations, procedures, records and staff so that IANZ can effectively complete accreditation assessments.
- (c) BCAs must pay all fees as prescribed in regulations upon application for accreditation or for a biennial or special assessment.
- (d) Accredited BCAs must not use their accreditation to imply approval by IANZ of any consented or inspected building processed as part of its consenting or inspection activity.
- (e) Accredited BCAs need to ensure that the reports or certificates issued (or parts of them) are not used in a way that could mislead clients or others.
- (f) Accredited BCAs must notify IANZ promptly of changes in their organisation's status or operations such as:
 - (i) Permanent loss of key personnel or other staff authorised to carry out technical work (where not replaced).
 - (ii) Changes in senior personnel duties and responsibilities (including change of authorised representative)
 - (iii) Significant adverse changes in accommodation and/or equipment
 - (iv) Changes in legal, commercial or organisational status
 - (v) Significant changes relating to outsourcing of consent application assessment and inspection activities
 - (vi) Significant changes in policies and procedures.

Should IANZ decide that these changes are likely to result in non-compliance of the accredited organisation with the accreditation criteria, a special assessment may be carried out to determine whether or not the requirements continue to be met.

- (g) Accredited BCAs must not materially vary the technical operations or facilities during the period between assessments, unless notice is given to IANZ in writing and IANZ has confirmed that such changes do not make the accreditation invalid.

Note: The purpose of this clause is to ensure that no amendments are introduced that will reduce the technical validity or effectiveness of the accredited operations. It should not restrict the improvement or development of systems or operations. The size or significance of changes should be considered before IANZ is informed. In any case, IANZ will review all changes at each reassessment.

- (h) IANZ may decide to revoke accreditation where a BCA is unable to carry out its building control functions e.g. if a BCA becomes bankrupt or makes any arrangements or composition with its creditors or enters into liquidation, whether compulsory or voluntary (but not including liquidation for the purpose of reconstruction), or has a receiver appointed or is sold or is taken over. Such decisions and the grounds for them will be communicated in writing by IANZ. In addition, IANZ may require the organisation to stop displaying its accreditation certificate during this period and to refrain from any reference to itself as an IANZ accredited organisation. Before revoking accreditation, IANZ will allow the BCA a reasonable opportunity to be heard.

3.2 Rights of Applicant and Accredited BCAs

- (a) IANZ will confine its requirements, assessments and accreditation decisions to the criteria for accreditation and, in respect of BCAs that are not territorial authorities, the scope of accreditation requested.
- (b) Applications will normally be acknowledged within 10 working days of receipt and applicant organisations will be sent a receipted tax invoice for the application fee paid.
- (c) Fees payable shall be limited to those defined in regulation for the particular activity engaged upon.
- (d) IANZ will normally report the results of each assessment within 10 working days of the date of the visit. Any unavoidable delays will be communicated to the BCA.
- (e) IANZ will attempt to respond to written communications within 10 working days.
- (f) Upon the granting of accreditation, IANZ will issue a Certificate of Building Consent Authority Accreditation together with details of its scope of accreditation (in respect of BCAs that are not territorial or regional authorities).
- (g) IANZ will notify accredited BCAs of any changes in the criteria for accreditation and allow at least three months to adjust procedures to meet the new requirements.
- (h) BCAs have the right to veto any PAC member or technical expert on reasonable grounds such as conflict of interest, a perceived lack of impartiality or technical competence when considering their applications or when conducting assessments. The request for a veto, together with reasons, must be made in writing.
- (i) Complaints about or appeals to IANZ can be made to the Director (see 4 below).

3.3 Confidentiality

IANZ requires its staff, technical experts, BCAPAC and Council members to abide by a code of ethics, professional standards and confidentiality. They agree in writing to keep information about applicant and accredited organisations confidential and to declare any conflicts of interest.

Until accredited, BCA applications will remain confidential to IANZ and the Department of Building and Housing, as required under the terms of appointment of IANZ as a Building Consent Accreditation Body (section 248 Building Act 2004).

3.4 Accreditation Fees

Accreditation applications attract fees prescribed in regulations.

4 Appeals and Complaints Procedures

Appeals and complaints fall into three categories:

- (a) Appeals about IANZ decisions
- (b) Complaints about the activities of accredited organisations
- (c) Complaints about IANZ activities.

If any BCA wishes to complain or appeal about IANZ activities or decisions, these should be in writing and be sent to the Director of IANZ. Verbal complaints to the Director or any other IANZ staff member may be acted upon, but a written complaint ensures that relevant information is provided in a logical manner.

4.1 Appeals about IANZ Decisions

An appeal may be made about any IANZ assessment decision or accreditation decision, such as:

- (a) Those involving the assessment process, including application
- (b) IANZ technical decisions, including CARs raised
- (c) Denial of accreditation
- (d) Revocation of accreditation
- (e) Any other action that impedes accreditation.

In the first instance, the person or organisation considering an appeal should attempt to resolve the issues with the AC or the PM of the Building Consent Authority accreditation programme.

When IANZ receives an appeal about an accreditation decision, the General Manager - Accreditation Services (GMAS) will appoint an appropriate and competent person who is independent of the subject of the appeal to investigate it. The investigation will consider whether:

- (a) Current IANZ policies and procedures in respect of BCA accreditation have been properly followed
- (b) Current IANZ policies and procedures in respect of BCA accreditation are adequate and appropriate
- (c) Accreditation decisions have been soundly based on objective evidence.

The result of the investigation and any proposed actions on the part of IANZ will be reported to the BCA who lodged the appeal.

If not satisfied with the IANZ response to the appeal, the complainant may request that IANZ refer the matter to Chair of the BCAPAC for further investigation. The Chair of the BCAPAC, following consultation, will make the final decision and recommend the appropriate action for the GMAS to take.

The results of the Chair's investigations will also be reported to the BCA that lodged the appeal.

Contact details for the Chair of the BCAPAC are available from IANZ.

4.2 Complaints about Accredited BCAs

It is the policy of IANZ that accredited BCAs are ultimately responsible for the quality of their own services. They should deal appropriately through their own complaints procedures with complaints from customers or competitors.

When IANZ receives a formal complaint about an accredited organisation e.g. from a customer or a competitor, the Director will appoint an appropriate person to investigate it. Initially, the IANZ role will be to assist the complainant and the accredited organisation to negotiate a satisfactory outcome.

IANZ will then check at the next assessment that the organisation's response and corrective actions resulting from the complaint were appropriate and effective. IANZ will also investigate the substance of the complaint to determine whether the organisation's operations, facilities and procedures continue to comply with the criteria for accreditation.

If a customer is unable to resolve a problem through liaison with the accredited organisation, this may be taken into account in deciding the need, or otherwise, for a special assessment.

The results of IANZ investigations and any proposed actions will be reported by the appointed person to the accredited organisation and to the complainant. If either the accredited organisation or the complainant is not satisfied with the IANZ response, the complaint may be referred to the BCAPAC for further investigation.

The results of this investigation will also be reported to the accredited organisation and to the complainant.

4.3 Complaints about IANZ Activities

Any complaints about the performance or behaviour of IANZ services or staff will be investigated by the Manager - Quality Improvement (MQI) on behalf of the Director. The complainant will be advised of the result of the investigation and of any corrective actions taken.