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BuildCert Certification Scheme	Issue date 22-JUN-16
	Issued by P Davis
Title: BuildCert Regulations	

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INTRODUCTION

These Regulations apply in addition to any others relating to specific BuildCert Scheme documentation requirements.

An applicant that complies with the BuildCert Scheme's requirements is entitled to a BuildCert approval. BuildCert certificates gives specific details of the product(s) certified, together with any restrictions in approval. Certificates are valid for five years from the date of issue, subject to continuing compliance with the BuildCert Scheme's requirements.

RESPONSIBILITIES OF THE CERTIFICATE HOLDER

The certificate holder may use the appropriate BuildCert Scheme logo in accordance with the conditions set out in BuildCert Guidance Document BGD 03 (Guidance on the use of the BuildCert Scheme logos), only in respect of the products which are the subject of the BuildCert certificate;

The certificate holder and / or manufacturer shall not claim or imply, either literature or by use of logos, BuildCert certification for products that it has not been certified for by BuildCert.

The certificate holder shall maintain a documented quality management system in accordance with the requirements of ISO 9001 as applicable to the product(s) certified by BuildCert. For certificate holders holding an ISO 9001 certification issued by a company accredited through a national accreditation body or ILAC; details of this certification shall be made available to BuildCert upon request.

The certificate holder has been granted BuildCert certification for products as detailed in the approval letter and accompanying BuildCert certificate. BuildCert must be informed if any of the following situations arise immediately:

- any change to the certified product's design, specification or manufacturing methods;
- any change to the manufacturing site;
- any change of ownership of the company or company name change;

Where BuildCert deems that these changes affect the current certification, the certificate holder shall not release certified products until these changes have been accepted by BuildCert;

The certificate holder shall discontinue immediately use of any literature referring to BuildCert approval and the BuildCert logo(s) which BuildCert deems misleading.

Upon termination of the BuildCert certification, for whatever reason, the certificate holder shall immediately discontinue the use of the BuildCert logo and any literature claiming BuildCert certification. Any products baring the BuildCert logo, or implying BuildCert certification, shall be removed from stock and sale immediately.

The certificate holder shall inform BuildCert immediately of any ISO 9001 certification audit findings that directly affect the certified BuildCert product and could jeopardise the BuildCert listing.

The certificate holder shall make available to BuildCert all technical data, drawings and information necessary to support certification as necessary.

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ACCESS FOR QUALITY AUDITS

BuildCert shall be granted access to all facilities and production locations of the Company, except where precluded from doing so by restrictions included in agreements between the Company and BuildCert or by government regulations, and where BuildCert has been notified in advance and is satisfied as to the validity of these restrictions. Refused or delayed access may result in withdrawal of Certification.

COOPERATION WITH BUILDCERT

Audit and sampling of Products by BuildCert is for the benefit of the Company as well as in the public interest. While engaged in the performance of these duties, BuildCert shall be given every assistance necessary, and shall have the right to examine all records, equipment, areas, personnel and Company's subcontractors; and investigation of complaints; bearing upon the duties and responsibilities of BuildCert or the Company with respect to compliance with BuildCert requirements. No BuildCert representative shall be required, nor authorized to make any agreements, waive any rights or privileges, or enter into any compromises as a condition of audit.

While in a Company's facility, BuildCert representatives shall comply with all applicable health and safety rules and be accompanied by authorized Company personnel. The Company shall notify BuildCert in advance of any health and safety equipment necessary for access to the Company's facility, or shall provide the necessary health and safety equipment for the BuildCert auditor's use during the audit, along with instructions for proper use.

BuildCert auditors may discontinue an audit at a site where their health and safety may be at risk, if they are subject to sexual harassment or discrimination, or the conduct of the Company staff hampers the completion of a valid audit. The Company may, at any time for any reason, require that an auditor of BuildCert leave the facilities of the Company. An auditor shall immediately notify executive management of the Company and BuildCert if an audit is to be discontinued. If an audit is terminated its status is "attempted."

COMPANY RECORDS OF COMPLAINTS ABOUT ITS CERTIFIED PRODUCTS

The Company shall retain a record of complaints and remedial actions taken by the Company since the last on-site audit performed by BuildCert, and shall make the record available to BuildCert upon request.

All complaints received by the Company, the subject of which is under the Company's control, and referring to Certified Products or services covered by the scope of the Certification provided by BuildCert, are included in this policy. At a minimum, the record shall include:

- The nature of the complaint;
- Identification of the Product and/or services pertinent to the complaint;
- Confirmation that remedial action(s) have been taken; and
- The status (open or closed) of the complaint, as known to the Company.

All records and other information provided to BuildCert shall remain the property of the Company and be handled by BuildCert as confidential information.

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If the complaint record required is not retained by the Company at the facility location being audited, BuildCert shall be advised by the Company in writing of the location of the record. The Company shall provide the record to BuildCert upon request by whatever means selected by BuildCert.

Certification may also be withdrawn for any of the following reasons :

- Expiry of BuildCert certificate;
- Failure of an audit test;
- Failure to maintain ISO 9001 certification, or a quality system as verified by BuildCert;
- Reported product failure in service;
- Misuse of the BuildCert approval;
- At the certificate holders request;

FAILURE TO COMPLY WITH THE BUILD CERT REGULATIONS

If a certificate holder fails to comply with these Regulations, BuildCert may take appropriate action at its sole discretion. Without in any manner limiting the scope of any such action the BuildCert may:

- revoke the certificate;
- reduce the scope of products which are the subject of the certificate;
- limit use of the BuildCert logo(s);
- refuse to confirm continued certification.
- refuse to extend the scope of products which are the subject of the certificate;

Such decisions, and the grounds for them, shall be communicated by BuildCert to the certificate holder in writing and the BuildCert Technical Assessment Panel.

RESPONSIBILITIES OF BUILD CERT

BuildCert shall make available details of its certification Scheme operations to all parties via its website;

BuildCert may conduct sample selection of products for test from stock;

BuildCert shall update certificate holders of certification changes, as applicable;

BuildCert shall not disclose, other than as required by law, information concerning the certificate holder which is of a confidential nature, other than information which is in the public domain.

BuildCert shall notify the certificate holder of any changes in the relevant standard to which the certificate relates.

COMPLAINTS

Complaints concerning BuildCert should be brought to the attention of the BuildCert Director in the first instance.

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The BuildCert Quality Manager shall be informed of all complaints received by the BuildCert Director and recorded in the BuildCert Quality System. The Quality Manager shall contact the complainant to verify the complaint and discuss the initial steps intended to be taken.

The Quality Manager shall issue an acknowledgement letter to the complainant by e.mail. The acknowledgement shall contain the following information:

- Non-conformity Action Form No;
- Summary of complaint received;
- Name of customer contact assigned at BuildCert;

The Quality Manager shall then liaise with the BuildCert staff concerned to determine an appropriate course of action and timescale.

The customer shall be notified by the Quality Manager of the outcome of the investigation and their agreement sort for close-out of the compliant.

If the customer is not satisfied with the outcome, the process is repeated until a satisfactory conclusion is reached by all parties.

APPEALS

NOTE : Appeals in the first instance shall be brought to the attention of the Technical Assessment Panel by the BuildCert Director, unless requested not to be the appellant. This is with a view to resolving the issue at an earlier stage without hopefully the need to escalate the proceeding to a full appeal process.

Formal appeal to the Advisory Committee

A company, or any other party, directly affected by a decision or action of the management of BuildCert may request a formal appeal.

The request for formal appeal shall:

- be in writing to the BuildCert Director.
- be received by the BuildCert Director within 30 days of the decision or action that is being appealed.
- indicate the reasons why the action or decision is being disputed.

The request for a formal appeal shall be acknowledged by the BuildCert Director within 30 days of receipt.

NOTE : Appeals will be reviewed with the Chairman of the BuildCert Advisory Committee in the first instance unless requested not to be the appellant. This is with a view to resolving the issue at an earlier stage without hopefully the need to escalate the proceeding to a full committee meeting.

A formal hearing of the aggrieved party's complaint shall be held with the BuildCert Director and the Advisory Committee within 60 days of receipt of the request for a formal appeal. The aggrieved party is allowed to be present at the formal appeal and to present their dispute to the committee.

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The formal appeal meeting is not a legal hearing. Each party will be represented by one person only for the purposes of oral presentations. Legal counsel may not attend.

There shall be no electronic recording or verbatim transcription of the proceedings unless agreed to in advance by both parties.

The Advisory Committee will notify the aggrieved party, in writing, of their decision within 30 calendar days of the meeting.

Final appeal to an independent arbiter

The appellant may request a final appeal by an independent arbiter if not satisfied with the decision of the formal appeal. A final appeal shall not be recognised (or acknowledged) until completion of a formal appeal.

The request for final appeal shall :

- be in writing to the BuildCert Director;
- be received by the BuildCert Director within 30 days of the receipt of written notice of the results of the formal appeal;
- indicate the reasons why the decision of the formal appeal is being disputed.

The request for final appeal shall be acknowledged in writing by the BuildCert Director within 30 days of receipt of the request, and contain the names of at least two independent arbiters from which one may be chosen by the appellant to hear the final appeal.

The appellant shall notify the BuildCert Director within 10 days of receipt of the named independent arbiters the arbiter of his/her choice.

A meeting between the independent arbiter, the appellant and one member of the Advisory Committee shall be held, within 60 days of receipt of the request for final appeal.

The final appeal meeting is not a legal hearing. Each party will be represented by one person only for the purposes of oral presentations. Legal counsel may not attend. There shall be no electronic recording or verbatim transcription of the proceedings unless agreed to in advance by both parties.

The independent arbiter will notify the appellant and the BuildCert Director in writing of their decision within 30 calendar days of the meeting.

Fees

The appellant has the right to appeal without undue financial restrictions being imposed. However, should the appeal conclude in BuildCert's favour, the appellant will be responsible for the costs of the appeal in line with BuildCert fees at the time of the appeal.

Disputes

In the event that an appeal is not resolved to the satisfaction of both parties, the situation could escalate to a dispute. In the unlikely position of this occurring the situation will be dealt with on a case-by-case basis and may involve legal proceedings as necessary.

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SUSPENSION, WITHDRAWAL OR CANCELLATION OF BUILD CERT CERTIFICATES

BuildCert may suspend, withdraw or cancel a BuildCert approval and certificate for a number of reasons including :

- failure of a product in service;
- the quality system no longer conforms to ISO 9001;
- alterations to mechanical design that haven't been assessed by BuildCert;
- alterations to materials used in construction that haven't been assessed by BuildCert;
- a change of manufacturing site;
- a change of product ownership;
- the produced is no longer produced;
- a misuse of the product from that intended;
- false claims about the product;
- failure of a BuildCert quality audit

Enforcement of withdrawal, suspension or cancellation

The Technical Assessment Panel and BuildCert shall make a decision upon the action applicable to the certificate holder, who shall be informed of the outcome.

If certification is withdrawn the certificate holder will be requested immediately to cease claiming BuildCert certification.

In the event that certification is suspended, rather than withdrawn, the certificate holder will be notified in writing that, during the period of suspension, no misleading claims are made as to the status of their certification and the BuildCert logo must not be used on products manufactured since the date of notification of suspension.

BuildCert may also request that no certified product are sold and that defective products are subject to corrective action, including product recall, if applicable.

BuildCert may bring the matter to the attention of the Advisory Committee, if deemed necessary.

Failure to comply

In the event that the certificate holder does not comply with the instructions given, BuildCert shall take whatever action is necessary (e.g. legal action, public announcement or other as deemed applicable).

BUILD CERT FEES

BuildCert shall be entitled from time to time at its sole discretion to review the level of its fees charged under these Regulations. BuildCert shall give applicants and certificate holders notice in writing of any change in fees.

The following fees apply :

- an administration fee;

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- a certification fee;
- a listing fee;
- an annual BuildCert membership fee;
- an annual listing fee per product;
- amendments to approvals and / or certification issues chargeable at the BuildCert professional rate;
- any additional administration fees incurred in the certification process as deemed necessary;

TEST LABORATORIES

BuildCert shall use laboratories either accredited to ISO 17025, or approved by BuildCert. These are confirmed with the BuildCert Advisory Committee prior to being agreed. A list of all publically available BuildCert approved laboratories is available on the BuildCert website.

AMENDMENTS TO THE BUILD CERT REGULATIONS

These Regulations may from time to time be altered by the BuildCert. No such alterations shall affect the right of any certificate holder until it has been given notice in writing of such alterations by BuildCert, who will notify the certificate holder of the date by which it must comply with the altered Regulations if necessary.