



Guidance Note 13

Guidelines for situations where there is a change of Approved Certifier during a project

Introduction

The Scheme Guide states in clause 4.6.14 that it is the intention of the legislation that the same Certifier should sign all of the design certificates on a project, including those for staged warrant applications or amendments to warrant.

However, there will be circumstances where a change of Approved Certifier (and/or Approved Body) is necessary e.g.

- Death of a Certifier
- Retirement of a Certifier
- Certifier no longer works for the Approved Body
- Dispute between the Client and the Approved Body/Approved Certifier

This Guidance Note highlights some of the issues to be considered in these circumstances.

Professional obligations

A member of the Scheme who is asked to take over the role of Approved Certifier from another member should carefully consider their professional obligations as set down in their Institution's code of conduct.

Wherever possible, the new Approved Certifier should seek the agreement of the former Certifier to take over the role of Certifier for a project.

Transferring access to project account

To maintain a link within the SER IT system between all of a project's certificates it is necessary for SER Admin to transfer access to the project accounts from the former Body and/or Certifier to the new Body and/or Certifier. Once access to the project accounts has been transferred, the new Body and/or Certifier will be able to access a duplicate version of the latest certificate for the project (allowing them to generate further certificates or a Form Q). The new Body and/or Certifier will not assume responsibility for the original certificate itself.

The Certifier intending to take over certification responsibility for a project should contact SER Admin via email. This email should include the following information:

- project's certificate number(s)
- original Certifier and Body details
- the SER numbers of the new Body and/or Certifier

Details of any correspondence with the original Approved Body/Certifier regarding the transfer should also be included.

If access to the project accounts is to be transferred between two Certifiers within the same Approved Body, it will be assumed that permission for the transfer is granted, and SER will arrange this within two working days.

If the request involves transferring access for both the Certifier and the Approved Body, SER Admin will first check the membership status of the original Approved Body and Certifier. If the original Approved Body has a status of 'withdrawn', SER will transfer access to the accounts without notifying the original Certifier and/or Body. Similarly, if the Approved Body has had a status of 'resigned' or 'suspended' for more than 12 months, access to the accounts will be transferred.

In all other circumstances, SER Admin will contact the original Approved Body's Certification Coordinator(s) via email in order to request permission for access to the project accounts to be transferred. If a response has not been received within one week of SER's email, a follow-up email will be sent, stating that if a response has not been received within three weeks (four weeks after the original request) SER will assume permission has been granted and will therefore transfer access to the project accounts. During these three weeks SER will also attempt to contact the original Approved Body by phone.

If the original Approved Body refuses permission for access to the project accounts to be transferred, SER will not do so. It should be noted, however, that there is nothing in the legislation that would prevent an Approved Certifier from creating a new certificate for the project, without the permission of the original Approved Body, or that would prevent the Local Authority from accepting that certificate. As stated previously, the incoming Approved Certifier should consider their professional obligations as set down in their Institution's code of conduct before generating a certificate without the original Approved Body's permission.

Form Q

The procedures detailed above also apply to projects for which a change of Approved Certifier (and/or Approved Body) is required in order for a Form Q to be generated for a certificate created after the new SER IT system launched in October 2016. If the original Approved Body refuses permission for access to the project accounts to be transferred, SER will not do so. However, in these circumstances there is nothing in the legislation to prevent an Approved Certifier issuing a Form Q outside of the system using the model Form Q which can be downloaded via the following link: <http://www.gov.scot/Topics/Built-Environment/Building/Building-standards/publications/publeg/formQdoc>

When issuing the Form Q to the Verifier there should be a note explaining the reasons why there has been a change of Approved Certifier and/or Body and why the Form Q has not been generated by the SER system.

The new Approved Certifier should consider their professional obligations as set down in their Institution's code of conduct before generating a Form Q without the original Approved Body's permission, as discussed above.

Obligations of the new Certifier

A new Certifier will be required to provide a certificate to accompany an application for a further stage of the project or for an amendment to the design. In either case the Certifier must be satisfied that the design of the whole project meets the requirements of the relevant standards; it is the amended design that is being certified not just any amendment to the design.

The new Certifier must therefore make reasonable inquiry as to the scope and adequacy of any previously certified work.

Where the new Certifier is working for the same Approved Body as the former Certifier it may be appropriate for the Certifier to rely, to some extent, on information used for previous certification. This may also be the case where the former Certifier has given permission for access to the project accounts to be transferred to the new Certifier.

Where permission has not been given for access to the project account to be transferred to the new Certifier, careful consideration should be given as to whether it is appropriate to place any reliance on information used for previous certification. Permission to use information for the certification by a new Certifier may be required from the relevant designers.

Finally, it should be noted that the original Approved Body and Certifier can still be audited on the original certificate(s) even after access to the project accounts has been transferred.

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