



RIAS-regs

Invalid Certificates

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RIAS
The Royal Incorporation
of Architects in Scotland

Building Standards
Approved Certifier

The Scottish
Government

1. Introduction

The production of a Section 6 Certificate is dealt with in detail in the user instructions which are downloadable from www.RIAS-regs.co.uk. The process is one of entering and then confirming both the details of the project and the method of demonstrating compliance.

This information is then presented in draft form, which the Approved Certifier of Design accepts as being accurate, immediately prior to the Section 6 Certificate being produced. Not all the information provided is reflected in the certificate as this is used to create an audit trail as part of The Schemes' QA procedures.

The on-line data system prevents an Approved Certifier of Design who is suspended or terminated from completing the process and producing a certificate. The final part of the process of producing a Certificate of Design requires an on-line payment, so for a certificate to be produced fraudulently requires both an Approved Certifier of Designs login and password details for the Schemes' website as well as their credit card details.

On production of a Certificate of Design it should be signed and dated immediately.

2. Trigger Points

An invalid Certificate of Design may be identified at one of three stages:

- An Approved Certifier of Design realises that they have made a mistake while creating the Certificate of Design and before it is lodged with the local authority
- The local authority verifier identifies a mismatch between the Certificate of Design and the warrant application to which it relates
- The RIAS-regs identifies an invalid Certificate of Design during audit.

A Certificate of Design is invalid if:

- The site address does not match that on the building warrant application
- The number of dwellings / non-domestic plots does not match that on the building warrant application
- The description of the works (alterations, extension etc) does not match that on the building warrant application
- The Approved Certifier of Design has stated that the Certificate of Design is for a staged building warrant, when in fact it is not and visa versa
- The Approved Certifier of Design has stated that there is a Schedule 1 attached, when there is none and visa versa.

It is important to remember that every Certificate of Design can only be attached to one unique building warrant application (and its subsequent stages and amendments) and the building warrant application takes precedence with regard to the details of the project etc.

It is expected that invalid Certificates of Design will occur either as genuine mistakes or when there has been a mistake in the original building warrant application details and that mistake has been copied forward to the Certificate of Design. This will necessitate both to be changed.

3. Actions

As soon as it becomes apparent that a Certificate of Design is invalid, the Approved Certifier of Design must notify the Scheme, confirming the reasons for the invalidity and whether the Certificate of Design has been issued to the Local Authority.

A local authority Verifier can also report a Certificate of Design as invalid if they have any concerns regarding its authenticity – on receipt of such a report the Schemes' Administrator will undertake an electronic check of the Scheme data base.

In the case of an invalid Certificate of Design discovered during an audit the Auditor would refer the matter to the Review Panel.

On receipt of the notification the Schemes' Administrator will:

- Record the details of the invalid Certificate of Design and whether it has been issued
- Ascertain whether the invalidity was out of the Approved Certifier of Designs control (for example the Approved Certifier of Design was given an incorrect site address)
- Check the Approved Certifier of Design's file to see whether this is a first, occasional or frequent occurrence
- In the case of a first or occasional occurrence (measured against the volume of Certificates of Design issued by the Approved Certifier of Design) the Scheme Administrator will contact Home Energy and Data Services Limited and arrange to have the Certificate of Design corrected
- Will notify the Approved Certifier of Design that the Certificate of Design has been corrected and a replacement can be downloaded from www.RIAS-regs.co.uk
- Will also notify the Approved Certifier of Design's Approved Body via their Certification Coordinator of the correction
- Add a note to the Approved Certifier of Design's file and inform the Head of Certification

Where it is felt that the invalid Certificate of Design is one of a number of occurrences then the Schemes' Administrator should bring this to the immediate attention of the Head of Certification.

The Head of Certification may choose to do one or more of the following;

- Allow the correction of the Certificate of Design on the payment of an administration fee
- Request that the Approved Certifier of Design revisit the User Guide which explains the online process for generating a certificate of design. If necessary, the Head of Certification can arrange specific training for the Approved Certifier of Design covering all of the information to be included on a certificate of design
- Bring the case to the attention of the Review Panel
- Bring the case to the immediate attention of the Audit Panel

4. Certificates of Design

It is imperative that where an invalid Certificate of Design is discovered it is either destroyed or marked as invalid and a copy of the replacement Certificate of Design is provided. A new Certificate of Design must be issued, in order to, allow the building warrant application to proceed.

Where, for whatever reason, a new Certificate of Design cannot be issued then the relevant local authority, the Building Warrant Applicant / Agent and the Scheme Provider must be informed immediately, together with the reasons why a replacement Certificate of Design cannot be provided.

5. Audits

The Audit Panel will review those instances of invalid Certificates of Design, when establishing their audit program and will look at individual cases during the audit process.

6. Record Keeping

The Schemes' Administrator will keep an overall record of the number of invalid Certificates of Design that are corrected on a quarterly basis, together with the reasons for the invalidity and the actions taken for consideration by the Head of Certification.

Where the Head of Certification considers the frequency of invalid Certificates of Design has moved from simple human error to poor practice they should propose a course of action (to be approved by the Review Panel), which may include one or more of the following:

- Require the Approved Certifier of Design to undertake additional training
- Require the Approved Certifier of Design to retake one or more of the on-line tests
- Schedule a spot audit
- Suspend the Approved Certifier of design
- Refer the Approved Certifier of Design to the Disciplinary or Conduct Panels