25th September 2017

Dear Bob,

Thank you for your letter following your Committee meeting on 13 September asking for clarification on a number of issues. I have responded to each request below.

“The Committee would welcome clarification as to whether that list will include the types of cladding used on each high rise and the associated fire resistance of that cladding.”

The aims of an inventory is to give an overview of the types of high-rise blocks, their construction and an understanding of their existing fire safety measures, in order to better understand how further improvements to fire safety in the existing stock could be made. Whilst information on the type of cladding system and construction will be requested it is not likely to include detailed information on the fire properties of the building materials due to the need for specialist assessment on how the combination of the different materials work together. However it should help us understand whether further checks on specific buildings might be necessary.

“The Committee would welcome further information from the Scottish Government on building product testing, who undertakes it, how it is funded and how public bodies reassure themselves that such testing is robust, rigorous and independent.”

In Scotland building products must meet the functional requirements (standards) of Schedule 5 of the Building (Scotland) Regulations 2004, as amended. Regulation 8 applies to all building work, and requires that materials, fittings and components used in the construction of buildings should be suitable for their purpose, correctly used or applied, and sufficiently durable, taking account of normal maintenance practices, to meet the requirements of these regulations.

It also implements European Regulation 305/2011/EU Construction Products Regulation (CPR) which requires that products covered by a harmonised European product standard or conforming to a European Technical Assessment should normally have CE marking. It should be noted that CE marking alone does not show compliance with the building
regulations, as the CE mark may be showing compliance with other Directives or Regulations applicable to certain products or constructions.

The Building Standards Technical Handbooks include guidance to support the standards to provide adequate flexibility to accommodate new techniques as well as proven traditional practices. This guidance ensures acceptance of products which satisfy the basic works requirements of the CPR to avoid barriers to trade. For example, products bearing a CE mark (European Mark of Conformity) must be accepted as meeting regulation requirements where the declaration of performance satisfies the requirement and the product is being correctly used.

The guidance in the handbooks refer to materials covered by European harmonised product standards, British Standards, and other technical specifications including requirements for fire testing of construction products. There is no obligation to adopt any particular solution contained in the Technical Handbooks in order to meet functional requirements. These are not exclusive and other materials may be suitable in the particular circumstances. Further details are provided in Annex A.

There are several independent product certification schemes in the UK and elsewhere which may be a further source of information on product performance. Such schemes certify that a material complies with the requirements of a recognised document and indicates it is suitable for its intended use. These may be in addition to, but not conflict with, CE marking. It should be noted that materials which are not certified by an independent scheme may still conform to a relevant standard.

Accreditation of a certification body by a national accreditation body belonging to the European co-operation on Accreditation (EA) provides a means of demonstrating that their certification scheme can be relied upon. In the UK, most independent certification bodies are accredited by UK Accreditation Service (UKAS), which belongs to the EA.

UKAS is independent of Government but is appointed as the national accreditation body by the Accreditation Regulations 2009 (SI No 3155/2009) and the EU Regulation (EC) 765/2008 and operates under a Memorandum of Understanding with the Government through the Secretary of State for Business, Energy & Industrial Strategy.

Accreditation determines the technical competence and integrity of organisations offering testing, inspection, calibration, verification and certification services (collectively known as conformity assessment). In short, UKAS ‘checks the checkers’. For more detailed information on the work of UKAS in the construction sector, see Annex B. It is important that the scope of the accreditation of certification body is checked, as accreditation may cover only part of the certification body’s testing or certification business.

Department for Business Innovation and Skills (BIS) sponsors UKAS and provides funding to UKAS to undertake public interest activities (ie non-fee earning activities) in representing the UK’s interests in the international accreditation infrastructure. It also provides funding to raise awareness of the benefits of accredited conformity assessment in small and medium-sized enterprises (SMEs) and government. Otherwise, UKAS is expected to be self-financing from fees charged to customers.

The Secretary of State will also consider requests from UKAS for financial assistance to assist the initial establishment of new services, where these are required to support government policy, and activities aimed at raising the awareness of accreditation, where it would be unreasonable for UKAS to meet these costs from its own resources; as well as
requests from UKAS for financial assistance on a project specific basis in respect of UKAS' international activities.

**Product testing and certification bodies are generally funded** from fees charged to customers e.g. construction product manufacturers. See Companies House for more detailed information on funding arrangements for product testing and certification bodies [https://beta.companieshouse.gov.uk/](https://beta.companieshouse.gov.uk/).

“We would welcome clarification of whether there is an approved list of building products which have met the necessary standards to be used in construction.”

Whilst there is no definitive list collated in one place, there are many UKAS accredited product certification schemes which list approved products to provide reassurance that appropriate product standards have been met. A live directory of all UKAS organisations can be searched [here](https://www.ukas.com/sectors/construction/).

- BRE Global Loss Prevention Certification Board (LPCB) – [https://www.bre.co.uk/page.jsp?id=1869](https://www.bre.co.uk/page.jsp?id=1869)
- British Board of Agreement (BBA) – All BBA testing is carried out in accordance with BS EN ISO/IEC 17025 and BBA are UKAS accredited for many of the tests they offer. [http://www.bbacerts.co.uk/wp-content/uploads/2014/04/Test-Schedule-of-Accreditation.pdf](http://www.bbacerts.co.uk/wp-content/uploads/2014/04/Test-Schedule-of-Accreditation.pdf)
- FM Global - [https://www.fmglobal.co.uk/research-and-resources/research-and-testing](https://www.fmglobal.co.uk/research-and-resources/research-and-testing)
- Exova – [https://www.exova.com/](https://www.exova.com/)

For more UKAS accredited schemes (including accredited laboratory testing, accredited certification schemes, accredited inspection programmes, accredited Notified Bodies) see [https://www.ukas.com/sectors/construction/](https://www.ukas.com/sectors/construction/)

“Finally the Committee has sought further written evidence from RICS on concerns they expressed that some building products originally tested and classed as non-combustible have subsequently been retested and identified as being of a different class. We would welcome clarification from you as to whether this has been identified as a potential issue for consideration within the Ministerial Working Group work streams.”

The Scottish Government is not aware of the background to the specific concerns raised by the RICS. However we will review the evidence RICS provide to the Committee and the role of testing will be considered in the workstream looking at the Compliance and Enforcement of Building Regulations.

**KEVIN STEWART**
WAYS OF ESTABLISHING THE FITNESS OF MATERIALS

The fitness and suitability of a material for use for a specific purpose can be assessed in the following number of ways.

• CE Marking under the CPR

The Construction Products Regulation (CPR) lays down harmonised rules for the marketing of construction products in the EU. The Regulation provides a common technical language and uniform assessment methods to assess the performance of construction products including fire testing of construction products. It ensures that reliable information is available to professionals, public authorities, and consumers, so they can compare the performance of products from different manufacturers in different countries.

Certification, inspection and testing of construction products is carried out by notified bodies who have been appointed by a Member State and whose name has been notified to the European Commission.

Annex V of the CPR sets out five systems for assessment and verification of constancy of performance for construction products. All but one of these systems require the involvement of third party bodies. The Regulation specifies three types of body:

• Product certification bodies,
• Factory production control certification bodies, and
• Testing laboratories.

See link below for list of Notified Bodies in the UK.


Mutual Recognition Agreements promote trade in goods between the European Union and third countries by facilitating market access. They are bilateral agreements, and aim to benefit industry by providing easier access to conformity assessment.

For a list of designating authorities, see Notifying authorities

For further information and background documents, see the web site: Mutual Recognition Agreements

• British Standards

The British Standards Institution is the UK national standards body and publishes British Standards. BSI also publish European standards in the UK (known as BS EN). See http://www.bsi.org.uk. Many British Standards for construction products are the British version of harmonised European Standards used for CE marking as described above.

• **Other national and international technical specifications**

An international technical specification, including those prepared by the International Organization for Standardization (ISO) [http://www.iso.org/iso/home.html](http://www.iso.org/iso/home.html), or on a national technical specification of a country other than the UK, may be used to demonstrate that a product not covered by a harmonised European standard meets the performance requirements of the Building Regulations.

• **Independent certification schemes**

There are many independent product certification schemes in the UK and elsewhere which may be a further source of information on product performance. Such schemes certify that a material complies with the requirements of a recognised document and indicates it is suitable for its intended use. These may be in addition to, but not conflict with, CE marking. It should be noted that, materials which are not certified by an independent scheme may still conform to a relevant standard.

Accreditation of a certification body by a national accreditation body belonging to the European co-operation on Accreditation (EA) provides a means of demonstrating that their certification scheme can be relied upon. In the UK, most independent certification bodies are accredited by UK Accreditation Service (UKAS), which belongs to the EA. See Annex B for more detailed information on the work of UKAS in the construction sector. [https://www.ukas.com/sectors/construction/](https://www.ukas.com/sectors/construction/)

It is important to check the scope of the accreditation of certification body, as accreditation may cover only part of the certification body’s testing or certification business.

• **Tests and calculations**

Where there is no relevant harmonised European standard or British Standard, calculation or tests by other means may be used to demonstrate that materials will be capable of performing the function for which they are intended. UKAS or an equivalent national accreditation body belonging to the EA may accredit the testing laboratories. This accreditation provides a means of showing that such tests can be relied on.

• **Past experience**

Past experience, such as in buildings in use may show that materials can perform the function for which they are intended.

For more detailed information, see Regulation 8 (0.8) in Section 0 : General Durability, workmanship and fitness of materials which is replicated in the Technical Handbooks.
UNITED KINGDOM ACCREDITATION SERVICE (UKAS)

Conformity assessment and accreditation, along with standards, are important ways to give confidence in goods, services, management systems and people. They make a significant contribution to the economy, health and safety, and environment.

The Department for Business Innovation and Skills (BIS) is responsible for conformity assessment and accreditation policy. This information is for businesses and other government departments (OGDs) that are looking for tools to:

- provide assurance to customers that their products or services meet specified requirements
- help them win contracts where conformity assessment and accreditation are required
- deliver government policy

For information on standards see the innovation standardisation guide.

Conformity assessment

Conformity provides assurance that what is being supplied actually meets the expectations specified or claimed. Conformity assessment can be applied to:

- products
- services
- processes
- systems
- bodies
- people

Conformity assessment includes activities such as testing, inspection and certification. The organisations that make these checks are called conformity assessment bodies.

Accreditation

Accreditation is given to a conformity assessment body when it is recognised as competent in accordance with recognised standards. Accreditation is used in both the regulated and voluntary sectors. In Europe, governments are required to appoint a single national accreditation body to carry out the accreditation of conformity assessment bodies.

Accreditation increases trust in conformity assessment and helps products, processes, services, systems, persons and bodies be recognised across the European Union (EU).

The UK government expects UK based conformity assessment bodies to:

- be compliant with European legislation
- seek accreditation from the United Kingdom Accreditation Service (UKAS)

UKAS is the body appointed by BIS to be the national accreditation body. As the national accreditation body, UKAS is required to be compliant with European legislation and operate within the terms of a Memorandum of Understanding with BIS.
BIS encourages and recommends UK businesses, government, and local authorities that need third party conformity assessment services to use services from conformity assessment bodies accredited by a national accreditation body.

The UKAS website has more information on what accreditation is, the benefits of accreditation for both business and government, as well as how to apply for accreditation. It also has, for those seeking to employ an accredited conformity assessment body, a list of those conformity assessment bodies that have been accredited by UKAS.

BIS sponsors UKAS and provides funding to UKAS to undertake public interest activities (ie non-fee earning activities) in representing the UK’s interests in the international accreditation infrastructure. It also provides funding to raise awareness of the benefits of accredited conformity assessment in small and medium-sized enterprises (SMEs) and government. Otherwise, UKAS is expected to be self-financing.

**Accreditation: Delivering confidence in construction materials, projects and practices**

Accredited testing, calibration, inspection and certification provide consumers, suppliers, purchasers and specifiers with assurance that construction projects run efficiently, construction sites are safe and reliable materials are used. They also provide Government and Regulators with reliable evidence that completed projects meet regulatory compliance.

Samples, products, services, or management systems can be evaluated against specified requirements by laboratories, certification bodies, and inspection bodies (collectively known as conformity assessment bodies). Accreditation is the independent evaluation of these conformity assessment bodies against recognised standards to carry out specific activities to ensure their integrity, impartiality and competence.

**Accredited Laboratory Testing to ISO/IEC 17025**

UKAS accredits construction testing laboratories to ISO/IEC 17025; General requirements for the competence of testing and calibration laboratories against a wide range of scopes. These include the testing and calibration of both raw construction materials and construction products for durability, safety, characteristics, and specification.

Accredited pre-completion testing is also provided for air leakage and noise acoustic and sound-proofing testing.

UKAS also accredits calibration laboratories to ISO/IEC 17025 to provide accurate measurements in the engineering sector. Accreditation covers areas such as temperature and humidity, pressure, vacuum and flow, magnetics, density, dimensional, force, hardness, mass and volume.

**Accredited Certification Schemes**

UKAS accredits certification bodies to provide certification to ISO 9001 Quality Management Systems (QMS), and ISO 14001 Environmental Management Systems certification (EMS) for construction related activities.

UKAS also accredits organisations to certify construction products and materials, as well as the National Highways Sector Schemes.
Accredited Inspection Programmes

Inspection bodies are accredited to ISO/IEC 17020: Requirements for the operation of various types of bodies performing inspection for construction-related activities such as welding and welding procedures, pressure vessels, piping, and gas, electrical safety, lifting equipment and the carriage of dangerous goods.

UKAS also accredits organisations providing inspection services in areas such as asbestos surveying and legionella risk assessments.

Accredited Notified Bodies

UKAS provides accreditation for organisations seeking appointment by a UK competent authority under EC Directives or UK Regulations. UKAS accredits organisations to notify against UK Building Regulations and the European Construction Directives.