

## Regulation 10 – Establishing and assessing competence of employees

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Last updated: 6 July 2017

All prospective and current building control officials performing building control functions must have their competency established.

### The objective of the regulation

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Regulation 10 of the Building (Accreditation of Building Consent Authorities) Regulations 2006 (the Regulations) is intended to ensure all prospective and current building control officials (BCOs) performing building control functions have their competency established. This is so there is confidence that all employees perform building control functions within their skill and competence.

The regulatory guidance below has been developed to support understanding of the Regulations.

[Regulation 10 \(http://www.legislation.govt.nz/regulation/public/2006/0399/latest/DLM424685.html\)](http://www.legislation.govt.nz/regulation/public/2006/0399/latest/DLM424685.html) is available on the Legislation website.

Regulation 10 must be read in conjunction with regulations 5 and 6.

The policies and procedures required by regulation 10 must be written and/or electronic, and appropriate for purpose.

A building consent authority (BCA) must ensure that the policies, procedures and system required by regulation 10 are consistently and effectively implemented. BCAs must ensure they record the decisions they make under regulation 10, including the reasons for the decisions, as well as the outcomes.

### MBIE's guidance on meeting the accreditation requirement

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[Checklist for regulation 10 \(https://www.building.govt.nz/building-officials/bca-accreditation/detailed-regulatory-guidance/checklists/\)](https://www.building.govt.nz/building-officials/bca-accreditation/detailed-regulatory-guidance/checklists/) outlines the minimum criteria for compliance.

In order to achieve the requirements of regulation 10, the Ministry of Business, Innovation and Employment (MBIE) recommends (but does not require) that a BCA link its competency assessments to its forecast workflow, and capacity and capability map required by regulation 8, and its work allocation system required by regulation 9 of the Regulations.

The policies, procedures and systems required by regulation 10 must, at minimum, cover the requirements detailed below. The assessment process should then be linked to the training needs system for employees doing a technical job as required by regulation 11.

The accreditation body will require access to some employees' assessments and decisions for the purposes of an accreditation assessment. The BCA should advise employees that their information may be shared. The assessment team have an obligation to maintain all confidences and understand the personal nature of assessments.

A BCA must have a competency assessment system and annually assess the competency of all employees performing building control function. A BCA's competency assessment system should cover:

- assessment planning
- evidence collection
- an assessment
- the making of a competency decision
- recording the competency decision.

#### Assessment planning

<http://mbie5.cwp.govt.nz/building-officials/bca-accreditation/detailed-regulatory-guidance/10-establish-assess-competence-employees/>

Assessment planning process should include engagement and interaction between an assessor and the BCO who is to be assessed. This can include agreeing:

- the evidence requirements for competency to be demonstrated
- the approach and timeframe for evidence collection
- if and how the performance of any functions by the BCO may be witnessed, and by whom
- the evidence for which the assessor will rely on attestation from others
- the date and time the assessment will be completed by.

#### Evidence collection

An assessor and BCO should collect and collate any evidence agreed as necessary to undertake the competency assessment. All the agreed evidence should be provided to the assessor. This may include, amongst other things, the:

- collection of attestations from competent staff or contractors, technical leaders or specialists
- collation of work records
- collection of feedback from colleagues, customers, or others who have interacted with the BCO.

A full list of acceptable evidence is detailed in MBIE's National BCA competency assessment system. Acceptable evidence includes the competency decision and record of outcome from a competency assessment undertaken within another BCA within the past 12 months.

#### The assessment

The assessor should review and consider all the evidence about a BCO's competency and form a view on whether their competence can be confirmed without the need for further discussion. Where this is the case, the assessor can move on to the competency decision. If not, the assessor and the BCO should meet to discuss the evidence on hand and whether further evidence is needed.

To comply with regulation 10(3) the assessment must cover the employees':

- understanding of the philosophy and principles of building design and construction
- understanding and knowledge of building products and methods
- knowledge and skill in applying the Building Act 2004 (the Act), the Building Code, and any other applicable regulations under the Act
- ability to:
  - process applications for building consents
  - inspect building work
  - certify building work
- ability to communicate with internal and external persons
- ability to comply with the BCA's policies, procedures, and systems.

#### The competency decision

At this step in the assessment, the assessor should determine the competency of the BCO. This determination can be made independently by the assessor, though it does provide an opportunity for the assessor and the BCO to meet and discuss past experiences, as well as future goals. If effective, a joint discussion at this step should contribute to the training need assessment and training plan development required by regulation 11.

#### The competency record

The final step in the assessment process is for the assessor to record the competency decision outcome and the evidence that they relied upon. The record should identify:

- the competency level the BCO has been assessed as meeting, for example, residential 1, 2 and 3, or commercial 1
- any limitations on competency at the level the BCO has been assessed as meeting, for example, 'residential 2 – inspection only – not including plumbing and drainage' or, 'residential 1 and commercial 1–3 – processing only'
- any specialist or technical competencies the BCO holds (at which level of competency), for example, 'commercial 1, fire systems consenting, inspection and code compliance certificate issue to commercial 3'
- the BCO's qualifications, relevant known experience, and training completed to comply with the accreditation requirements of regulation 11(2)(f).

The decision and record should be reviewed jointly by the assessor and BCO, jointly signed and a copy provided to the BCO's responsible manager for their personnel file.

### Approach to assessing prospective or new employees

For prospective or new employees in their first position as a BCO in New Zealand, or who have not had a competency assessment within the past 12 months, a full assessment must be undertaken.

For prospective or new employees who have previously been assessed, the competency assessment can focus on:

- confirming the currency of their competency for the building control work they perform
- assessing any new competencies that have been gained over the past 12-month period.

A new employee will also need to be trained in the policies, procedures and systems of the BCA.

### Approach to assessing current employees

As a starting point, a competency assessment should be a measure of the current competency of a BCO and should be focused on any building control functions the BCO performs. If the BCO is in the same role, and will continue to perform the same functions, the assessment should be focused on their understanding of any legislative or other changes over the past 12 months that may impact on the work they perform.

Where the BCO is seeking recognition of competency in another level, the assessment can include a focus on the additional knowledge, skills and experience required to demonstrate competency at that level.

In some cases, a BCO will be in the same role, but will be performing reduced functions. This may be as a result of changes in the building control functions performed by the BCA, changes in the nature of consent applications or changes to the role of the BCO. In this case, the assessment should be focused on the BCO's understanding of any legislative or other changes over the past 12 months that may impact the work they actually perform.

### Approach to contractors

Regulation 12 requires a BCA to have a system for choosing and using contractors to perform building control functions. This accreditation requirement includes establishing and regularly assessing contractors' competency. There are a number of ways a BCA may choose to do this and the guidance for regulation 12 should be followed.

The Building Act 2004 (<http://www.legislation.govt.nz/act/public/2004/0072/latest/DLM306036.html>) is available on the Legislation website.

National BCA competency assessment system (<https://www.building.govt.nz/building-officials/national-bca-competency-assessment-system/national-bca-competency-assessment-system-levels/>) has further information.

Technical job (<https://www.building.govt.nz/building-officials/bca-accreditation/terms-and-abbreviations/#job>) and contractor (<https://www.building.govt.nz/building-officials/bca-accreditation/terms-and-abbreviations/#contractor>) definitions can be found in the glossary.



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