

A close-up photograph of a single water droplet hitting a surface, creating concentric ripples that spread outwards. The water is a deep blue color, and the lighting creates highlights and shadows on the ripples.

Procedures and
Conditions of
Building Consent
Authority
Accreditation

Procedures and conditions of Building Consent Authority accreditation

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general criteria for accreditation

Procedures and Conditions of Building Consent Authority Accreditation

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Scope

Procedures and Conditions of Building Consent Authority Accreditation (P&C) explains the procedures for Building Consent Authority (BCA) accreditation, as defined in the Building Act 2004 (the Act). After briefly introducing International Accreditation New Zealand (IANZ), Section A discusses the accreditation procedures in detail. Section B describes the rights and duties of accredited Building Consent Authorities.

Section A: Accreditation Procedures

1 Introduction

International Accreditation New Zealand is the national technical accreditation body, appointed, under section 248 of the Act, by the Ministry of Business, Innovation, and Employment (MBIE) as a Building Consent Accreditation Body (BCAB). Accreditation is required by the Act as a pre-requisite to registration by MBIE as a BCA.

To achieve accreditation, Building Consent Authorities must meet the requirements of the Building (Accreditation of Building Consent Authorities) Regulations 2006.

Building Consent Authority accreditation entails examination of the Authority's consenting and inspection systems (both management and technical), involving a detailed on-site assessment of the organisation's competence in key technical areas such as: consenting and inspection staff, consenting and inspection processes and procedures, information resources, equipment resources, and the like. Assessment teams normally consist of one IANZ assessor (the Lead Assessor (LA)) and at least one Technical Expert to evaluate the technical systems. Larger teams are used in bigger organisations.

IANZ maintains a panel of specialised technical experts who are chosen for their personal knowledge and expertise in building consenting functions. They may be drawn from MBIE or the industry. When acting on behalf of IANZ, the Technical Expert does not represent their employer or any other organisation with which they may be associated.

1.1 Structure of IANZ

Established by Act of Parliament in 1972, (as the Testing Laboratory Registration Council) the Accreditation Council is IANZ's governing body. The Council is a not-for-profit, user-funded Crown entity that promotes the highest possible technical standards in New Zealand's industrial, technical, commercial, regulatory, health care and administrative sectors.

The Act establishes a Council of five to seven members who are responsible to the Minister of Commerce for the administration of its programmes. The Council works very much as a board of directors, responsible for the broad strategic management of IANZ activities. Day to day supervision is delegated to the Council's Director, the Chief Executive of IANZ.

The General Manager - Accreditation Services, Programme Managers and Accreditation Assessors hold appropriate qualifications in science, engineering and technology and are experienced in management system operation and assessment.

The Accreditation Advisory Committee (AAC) is a Council-appointed committee of experts assisting IANZ in the operation of the accreditation programmes. Its functions are:

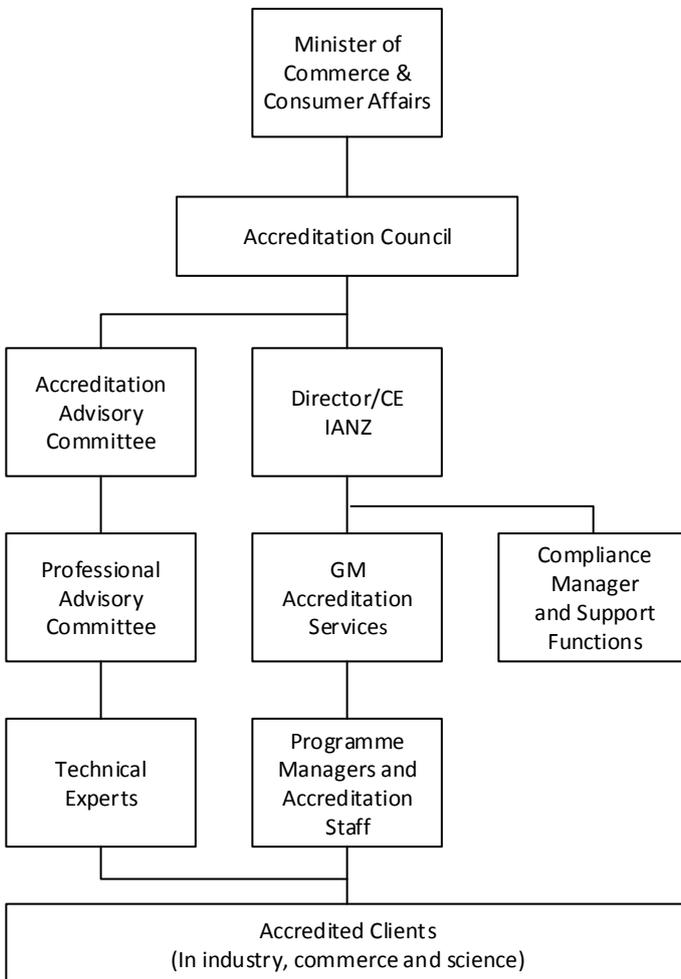
- (a) To provide IANZ with liaison and feedback from the New Zealand technical community
- (b) To review with IANZ, the general criteria for accreditation in all fields of technology, as well as maintain consistency across specific technical documents for each field
- (c) To consider with IANZ, national and international developments in accreditation
- (d) To function as an independent expert body which can be consulted by the Council for decisions on any appeals arising from accreditation activities

- (e) To assist the General Manager-Accreditation Services, where required, in the establishment of ad hoc professional advisory committees in response to particular technical questions.

Technical advice and review of the accreditation programmes are also provided by Professional Advisory Committees (PAC) for each broad area of technology. Key PAC functions are similar to those of the AAC, but also include:

- (a) Technical review of assessment reports and responses from applicants for accreditation
- (b) Approval of specific criteria documents
- (c) Oversight of the selection of technical experts
- (d) Providing general technical advice in the area of technology concerned.

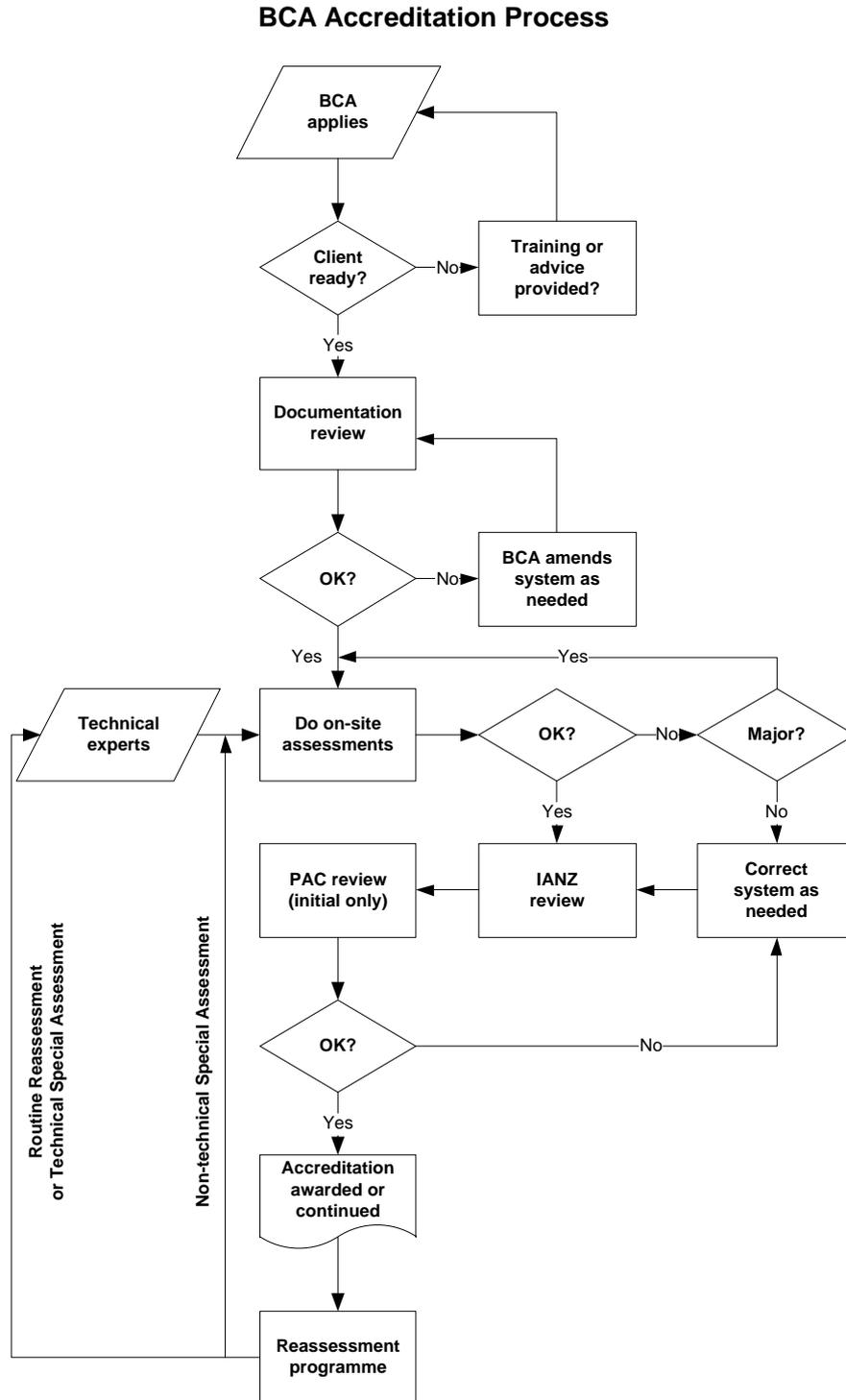
Organisation Chart



2 Accreditation Process

2.1 Overview

BCAs seeking accreditation will need to document their technical and management systems in a manual (or other alternative format). The content of this document has to meet the requirements of the Building (Accreditation of Building Consent Authorities) Regulations 2006. A schematic overview of the accreditation procedure is shown in the flowchart below.



2.2 Application for Accreditation

Applications must be accompanied by the fee prescribed by regulation. Applications will only be accepted if they are complete in all respects, containing all the information outlined in the Application for Accreditation document available from IANZ.

Application is made to the Programme Manager - Inspection Body Accreditation (PM). The PM designates an appropriate Lead Assessor (LA) who will lead the assessment team and guide the BCA through the accreditation process. The application will be formally acknowledged.

2.3 Authorised Representative

In their application, the BCA must nominate a senior staff member to represent it in all dealings with IANZ. This person is the IANZ point of contact with the organisation and is known as the Authorised Representative.

The Authorised Representative may be any senior staff member from either the technical or managerial staff. It is important that they are in a position of sufficient authority to ensure their BCA complies with the criteria for accreditation at all times. There are advantages in nominating a person who is not closely involved in the day-to-day operation but has authority over it.

The Authorised Representative is expected to be present at on-site assessment entry and exit meetings or to formally nominate a deputy. All correspondence, invoices, etc which IANZ sends to the organisation will be addressed to the Authorised Representative. **It is the responsibility of the Authorised Representative to pass relevant information from IANZ to other staff members in a timely manner.**

If an Authorised Representative resigns, or if an organisation wishes to replace that person, then IANZ must be informed as soon as possible of the name of the new Authorised Representative.

2.4 Documentation Review

The manuals and supporting documents making up the technical and management systems, provided with the application, will be reviewed to ensure compliance with the requirements for accreditation and other criteria as detailed in this publication. Written notification of any significant shortfalls identified during the document review will be provided to the applicant BCA. It is the responsibility of the BCA to satisfactorily address the issues raised in the report before the next stage of the accreditation process can occur.

2.5 Pre-assessment visit

A pre-assessment visit may be carried out before an initial assessment. This is the opportunity for IANZ personnel to develop an understanding of the practical considerations of the BCA's activities, to meet with BCA personnel and discuss the forthcoming assessment process. A pre-assessment visit will normally involve only the LA, for a maximum of one day.

2.6 Assessment Team Briefing

Before carrying out any assessment the assessment team will be organised and logistics arranged.

Briefing papers are prepared for all team members. These papers include copies of technical procedures, work instructions, examples of forms, worksheets and names and skills of key personnel. Technical Experts may request additional information from the BCA through the LA at this point.

2.7 Initial Assessment

The assessment is a fact-finding exercise undertaken jointly by the organisation's staff and the assessment team. The objective of the assessment is to confirm that the organisation is actually doing what their manuals say they do and that the required outcomes are achieved. During its on-site visit, the assessment team will focus on the technical operations, the management system, the competence of the personnel performing Building Control Functions, and on the methods and procedures used in the consenting, inspection and certifying activities. Information gathering will include, but is not limited to, review of records, discussions with management and technical and support personnel and the observation of consenting, inspection and certifying activities. The team will witness inspections and other work relevant to the consenting and inspection processes.

Most assessments will take three working days to complete but visits to larger BCAs will take longer. BCAs will be advised of the expected length of the assessment following the pre-assessment visit.

The assessment will begin with an entry meeting between the assessment team and the senior staff of the organisation. This meeting provides an opportunity for:

- (a) Introductions of the team members and BCA personnel
- (b) The timetable to be finalised
- (c) Witnessing arrangements to be finalised
- (d) Resolution of any immediate queries that the assessors or staff may have.

Observations of compliance as well as non compliance made during the assessment will be recorded.

Following the information gathering, the assessment team will meet to review their notes and summarise their findings. The assessment will end with an exit meeting during which a summary of any areas of non-compliance that have been found will be presented. All findings will be fully discussed before the team leaves and agreement will be reached on the actions required to address the non-compliances.

The organisation will receive a written report on the assessment findings. A copy of the assessment report will also be provided to the MBIE. The report will place the findings into two categories: Corrective Action Requests (CARs) and Recommendations:

- **CARs** are actions that the organisation must carry out before accreditation can be granted or continued. CARs will relate to non-compliance with The Act, Regulations, the organisation's documented systems or related technical standards, specifications, guidance documents etc. Reports will clearly state the requirements that must be met to clear any CARs. No time limits are imposed by IANZ in respect of CARs raised at initial assessments however, accreditation will not be granted until all CARs have been cleared. CARs raised during reassessments and special assessments will state the clearance date. This is the maximum timeframe for clearance (generally 2 months – no more than 3 months). This date is not the date for the BCA to submit the information but rather the date by which the CAR must be fully cleared.

Extension of CAR clearance time

An accredited BCA may request an extension of time to respond to a CAR or to implement changes required in a CAR in exceptional circumstances. Requests for extensions will be individually assessed by the LA on their merits. As a guide, an extension will only be granted in situations where the reason for failure to meet an agreed timeframe has had a direct effect on the BCA's ability to respond and where the cause of the delay is unpredictable and unmanageable. For example the unexpected serious illness of a key person or a natural disaster taking place since the assessment. The maximum extension granted will be one calendar month. Further extension of time will only be granted in very exceptional circumstances. Failure to clear CARs by the due date may lead to revocation of accreditation.

- **Recommendations** are actions that the organisation is urged to carry out in the interests of good practice, but are not considered CARs. A strong recommendation, if ignored, may lead to corrective action at a subsequent assessment.

2.8 Post Assessment Activity including the Granting of Accreditation

The IANZ LA will monitor the BCA's progress in carrying out any required actions. In certain circumstances this may include a follow up visit (see section 2.9) by either the LA, or the LA and a TE. Accreditation cannot proceed until all CARs have been satisfactorily cleared. Once the PM is satisfied that all conditions for accreditation have been cleared, a submission on the assessment will be prepared for consideration by the General Manager - Accreditation Services and the Building Consent Authority Professional Advisory

Committee (BCAPAC). This submission will include a copy of the initial assessment report, and any corrective action clearance material.

The BCAPAC members review the assessment submission. If they are satisfied that all accreditation criteria have been met the Chairman of the Accreditation Advisory Committee will recommend to the IANZ CEO that accreditation may be offered.

The formal offer of accreditation will include an agreement detailing the conditions of accreditation. Upon receipt of this agreement duly signed by an appropriately authorised representative of the BCA, together with payment of any outstanding fees, a Certificate of Accreditation will be issued and MBIE will be formally advised.

2.9 Continuation of the Initial Assessment

Where major departures from accreditation criteria are found during an initial assessment, a further visit may be needed to confirm the assessment team's requests have been carried out and compliance has been reached. Where non-compliances remain un-cleared for more than one year after the initial assessment, another initial assessment visit (with corresponding fees) may also be required for accreditation to proceed.

2.10 Biennial Re-assessment

Accredited BCAs will be re-assessed on a biennial basis or more frequently if a BCA has failed to demonstrate on-going compliance over the last assessment period. The timing of the assessment is based on the anniversary of the last assessment, not the date of accreditation. Notification, in writing, will be given by IANZ to the BCA approximately three months prior to the due date for re-assessment. The re-assessment process involves completing and submitting an application form and questionnaire and providing supporting documentation as previously provided for the initial accreditation application. This is required for each re-assessment and enables IANZ to become apprised of any personnel changes, additional documentation required to fulfil additional regulatory requirements, updated MBIE criteria and other changes in operating practices.

Biennial re-assessments are full technical assessments and are similar to initial assessments in their scope, duration, and process. Reporting procedures also resemble those at initial assessments, except that there is a limit on the time BCAs may take to carry out any requested actions. A maximum of three months is allowed for clearance of conditions. The fees prescribed in regulations shall apply.

2.11 Special Assessments

Where directed by MBIE or on its own initiative, IANZ may conduct a special assessment of a BCA. A special assessment may range in scope from being limited to a specific aspect of the BCAs management activities up to and including a partial or full technical assessment. If a BCA fails to demonstrate its ability to meet the requirements of the Regulations on an on-going basis the Programme Manager may consider requiring a Special Assessment (either technical or non-technical) or bringing forward the next planned routine reassessment. Where the requirement for a Special Assessment has been determined, the BCA's Authorised Representative will be notified and an assessment time frame determined. The fee prescribed in regulations shall apply.

2.12 Revocation of Accreditation

Section 254 of the Act provides for the revocation of the accreditation by the Building Consent Accreditation Body (BCAB). Accreditation may be revoked if the organisation fails to demonstrate that it meets the requirements of accreditation on an on-going basis and after having been given reasonable opportunity to be heard. Revocation may occur after a special assessment or a routine reassessment if the outcome of the assessment or the BCA's response to corrective action requests indicates on-going serious regulatory non-compliance or systematic failure to provide consistently technically valid decisions, records, consents or CCCs, or if the organisation refuses to carry out corrective actions, either at all, or within the agreed time.

2.12.1 Process of revocation

2.12.1.1 First notice to BCA that revocation will be recommended

If serious non-compliance or recurrences of previous significant issues are identified, the assessment report will state that fact and indicate that failure to provide timely, objective evidence that these issues have been effectively and sustainably resolved will result in a recommendation to revoke accreditation. Such comments in an assessment report indicate that the situation is critical and Council' senior management should be informed by the Authorised Representative.

2.12.1.2 Notification to MBIE

IANZ provides copies of all reports to MBIE and reports to them on the progress of each BCA with respect to CAR clearance. The PM will notify all relevant people (including MBIE, the BCA's CEO and IANZ's CEO) of any BCA raising particular concern (e.g. on-going failure to comply with the Regulations or continuing repetition of significant CARS) and that continued accreditation of the organisation is under threat.

2.12.1.3 Revocation is recommended

Assessors will make a recommendation to the PM that a BCA's accreditation is revoked when:

- A BCA fails to provide objective evidence that it is meeting the requirements of the Regulations at the time of an assessment and/or for the time up to two years prior to the assessment, and/or
- A BCA fails to provide convincing evidence that its systems are capable of continuing to meet the requirements of the Regulations until the next assessment.

The assessor will notify the BCA (both the Authorised Representative and the CEO) that this recommendation has been made. This decision will be reviewed by the PM and IANZ General Manager - Accreditation Services. Once a decision is made IANZ will formally notify the BCA that accreditation will be revoked, that the formal revocation will take place from a stated date approximately one calendar month after the notification and revocation will take effect 5 days after that. A revocation decision should not be made if there is any reasonable possibility that the BCA could prove itself fully compliant within that month.

2.12.1.4 Opportunity to be heard

During the period before revocation takes effect the BCA has a reasonable opportunity to be heard, in accordance with section 254 (2)(b) of the Building Act. This allows time for the BCA to put their case as to why accreditation should not be revoked and also allows time for them to appeal any decision(s) on which revocation depends using the IANZ appeal procedure. This time should be used by the BCA to put in place alternative plans for management of the BCA's work. **It is not an extension of time for CAR clearance.**

2.12.1.5 Formal notification that accreditation is revoked.

Any information (excluding CAR clearance material) submitted by the BCA during their 'opportunity to be heard' period will be reviewed by the PM. A final decision regarding implementation of revocation of accreditation will be made and formally communicated to the BCA that their accreditation has been revoked and will take effect in 5 working days. The NZ Gazette Notice Number 1472, 2007 Page 706 requires IANZ to give MBIE notice of intention to revoke. This notice requires IANZ to take no further action regarding revocation for 5 working days following notification during which time MBIE may provide written comment. MBIE has no right under the Gazette Notice to direct, veto or otherwise unduly influence accreditation decisions.

2.12.1.6 Final notice that revocation is in effect

Five working days later the BCA and MBIE will be formally notified that accreditation has been revoked. The BCA will be required to remove from display or destroy its accreditation certificate(s), discontinue any reference to accreditation in its advertising material and website and notify its customers and any other parties who may have interest in the BCAs accreditation.

2.13 Process for Regaining Accreditation

A BCA wishing to be accredited after accreditation has been revoked shall follow the process for initial application and assessment.

Section B: Rights and Duties of Accredited BCAs

3 Conditions of Accreditation

3.1 Duties of Applicant and Accredited BCAs

- (a) BCAs must meet all of the requirements of the Building (Accreditation of Building Consent Authorities) Regulations 2006, on an on-going basis, and must operate in accordance with its documented policies, procedures and systems.
- (b) BCAs must allow IANZ assessment teams reasonable access to their premises, facilities, resources, operations, procedures, records and staff so that IANZ can effectively complete accreditation assessments.
- (c) BCAs must pay all fees as prescribed in regulations upon application for accreditation or for a reassessment or special assessment.
- (d) Accredited BCAs must not use their accreditation to imply approval by IANZ of any consented or inspected building processed as part of its consenting or inspection activity.
- (e) Accredited BCAs need to ensure that the reports or certificates issued (or parts of them) are not used in a way that could mislead clients or others.
- (f) Accredited BCAs must notify IANZ promptly of changes in their organisation's status or operations such as:
 - (i) Permanent loss of key personnel or when other staff authorised to carry out technical work leave and are not replaced.
 - (ii) Changes in senior personnel duties and responsibilities (including change of authorised representative)
 - (iii) Significant adverse changes in accommodation and/or equipment
 - (iv) Changes in legal, commercial or organisational status
 - (v) Significant changes relating to outsourcing of consent application assessment and inspection activities
 - (vi) Significant changes in policies and procedures.

Should IANZ decide that these changes are likely to result in non-compliance of the accredited organisation with the accreditation criteria, a special assessment may be carried out to determine whether or not the requirements continue to be met.

- (g) Accredited BCAs must not materially vary the technical operations or facilities during the period between assessments, unless notice is given to IANZ in writing and IANZ has confirmed that such changes do not make the accreditation invalid.

Note: The purpose of this clause is to ensure that no amendments are introduced that will reduce the technical validity or effectiveness of the accredited operations. It should not restrict the improvement or development of systems or operations. The size or significance of changes should be considered before IANZ is informed. In any case, IANZ will review all changes at each reassessment.

- (h) IANZ may decide to revoke accreditation where a BCA is unable to carry out its building control functions e.g. if a BCA becomes bankrupt or makes any arrangements with its creditors or enters into liquidation, whether compulsory or voluntary (but not including liquidation for the purpose of reconstruction), or has a receiver appointed or is sold or is taken over or has significant changes to its composition. Such decisions and the grounds for them will be communicated in writing by IANZ. In addition, IANZ may require the organisation to stop displaying its accreditation certificate during this period and to refrain from any reference to itself as an IANZ accredited organisation. Before revoking accreditation, IANZ will allow the BCA a reasonable opportunity to be heard.

3.2 Rights of Applicant and Accredited BCAs

- (a) IANZ will confine its requirements, assessments and accreditation decisions to the criteria for accreditation and, in respect of BCAs that are not territorial authorities, the scope of accreditation requested.
- (b) Applications will normally be acknowledged within 10 working days of receipt and applicant organisations will be sent a receipted tax invoice for the accreditation fees paid.
- (c) Fees payable shall be limited to those defined in regulation for the particular activity engaged upon, although BCAs may request an advisory visit which sits outside of the requirements of the regulations and therefore the Fees Regulations. Advisory visits are charged at an hourly rate plus expenses.
- (d) IANZ will normally report the results of each assessment within 10 working days of the date of the visit. Any unavoidable delays will be communicated to the BCA.
- (e) IANZ will attempt to respond to written communications including submissions for CAR clearance within 10 working days.
- (f) Upon the granting of accreditation, IANZ will issue a Certificate of Building Consent Authority Accreditation together with details of its scope of accreditation.
- (g) IANZ will notify accredited BCAs of any changes in the criteria for accreditation and allow a maximum of three months (as defined in the Act) to adjust procedures to meet the new requirements.
- (h) BCAs have the right to veto any PAC member or technical expert on reasonable grounds such as conflict of interest, a perceived lack of impartiality or technical competence when considering their applications or when conducting assessments. The request for a veto, together with reasons, must be made in writing.
- (i) Complaints about or appeals to IANZ can be made to the CEO (see 4 below).

3.3 Confidentiality

IANZ requires its staff, technical experts, BCAPAC and Council members to abide by a code of ethics, professional standards and confidentiality. They agree in writing to keep information about applicant and accredited organisations confidential and to declare any conflicts of interest.

Until accredited, BCA applications will remain confidential to IANZ and MBIE, as required under the terms of appointment of IANZ as a Building Consent Accreditation Body (section 248 Building Act 2004).

3.4 Accreditation Fees

Accreditation applications attract fees prescribed in regulations.

4 Appeals and Complaints Procedures

Appeals and complaints fall into three categories:

- (a) Appeals about IANZ decisions
- (b) Complaints about the activities of accredited organisations
- (c) Complaints about IANZ activities.

If any BCA wishes to complain about or appeal IANZ activities or decisions, these should be in writing and be sent to IANZ CEO. Verbal complaints to the CEO or any other IANZ staff member may be acted upon, but a written complaint ensures that relevant information is provided in a logical manner.

4.1 Appeals about IANZ Decisions

An appeal may be made about any IANZ assessment decision or accreditation decision, such as:

- (a) Those involving the assessment process, including application
- (b) IANZ technical decisions, including CARs raised
- (c) Denial of accreditation
- (d) Revocation of accreditation
- (e) Any other action that impedes accreditation.

In the first instance, the person or organisation considering an appeal should attempt to resolve the issues with the LA or the PM of the Building Consent Authority accreditation programme.

When IANZ receives an appeal about an accreditation decision, the General Manager - Accreditation Services (GMAS) will appoint an appropriate and competent person who is independent of the subject of the appeal to investigate it. The investigation will consider whether:

- (a) Current IANZ policies and procedures in respect of BCA accreditation have been properly followed
- (b) Current IANZ policies and procedures in respect of BCA accreditation are adequate and appropriate
- (c) Accreditation decisions have been soundly based on objective evidence.

The result of the investigation and any proposed actions on the part of IANZ will be reported to the BCA who lodged the appeal.

If not satisfied with the IANZ response to the appeal, the complainant may request that IANZ refer the matter to Chair of the BCAPAC for further investigation. The Chair of the BCAPAC, following consultation, will make the final decision and recommend the appropriate action for the GMAS to take.

The results of the Chair's investigations will also be reported to the BCA that lodged the appeal.

Contact details for the Chair of the BCAPAC are available from IANZ.

4.2 Complaints about Accredited BCAs

It is the policy of IANZ that accredited BCAs are ultimately responsible for the quality of their own services. They should deal appropriately through their own complaints procedures with complaints from customers or competitors.

When IANZ receives a formal complaint about an accredited organisation e.g. from a customer or a competitor, the CEO will appoint an appropriate person to investigate it. Initially, the IANZ role will be to assist the complainant and the accredited organisation to negotiate a satisfactory outcome.

IANZ will then check at the next assessment that the organisation's response and corrective actions resulting from the complaint were appropriate and effective. IANZ will also investigate the substance of the complaint to determine whether the organisation's operations, facilities and procedures continue to comply with the criteria for accreditation.

If a customer is unable to resolve a problem through liaison with the accredited organisation, this may be taken into account in deciding the need, or otherwise, for a special assessment.

The results of IANZ investigations and any proposed actions will be reported by the appointed person to the accredited organisation and to the complainant. If either the accredited organisation or the complainant is not satisfied with the IANZ response, the complaint may be referred to the BCAPAC for further investigation.

The results of this investigation will also be reported to the accredited organisation and to the complainant.

4.3 Complaints about IANZ Activities

Any complaints about the performance or behaviour of IANZ services or staff will be investigated by the IANZ Compliance Manager on behalf of the CEO. The complainant will be advised of the result of the investigation and of any corrective actions taken.