
 <p>ASSOCIATION OF PLUMBING & HEATING CONTRACTORS (CERTIFICATION) LIMITED</p>	<p>Competent Persons Scheme and MCS Installer Schemes Rules</p>			<p>QMS/POL/010</p>
<p>Issued by Graeme A DRYDEN</p>	<p>Approved by John THOMPSON</p>	<p>Issue Date 01.01.2021</p>	<p>Revision 9.1</p>	<p>Page 1 of 22</p>

Competent Persons Scheme, & Microgeneration Certification Scheme


Scheme Rules



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1. Definitions

- 1.1. APHCC Ltd - Association of Plumbing and Heating Contractors Certification Limited in these scheme rules is defined as APHCC and operates certification functions to the requirements of ISO/IEC17065:2012 and is accredited by UKAS for operation of Competent Persons Scheme certification and Microgeneration Certification Scheme.
- 1.2. Competent Person Scheme (CPS) - The aim of the scheme is to provide certification for those companies that are, and continue to be, assessed as competent to install and self-certify that their domestic plumbing & heating work is compliant with the requirements of Building Regulations. APHCC is accredited under the terms of authorisation as set out by the Department for Communities & Local Government (CLG) under Schedule 3 of the Building Regulations to accredit companies to self-certify work under the regulations.
- 1.3. Microgeneration Certification Scheme (MCS) – The aim of the scheme is to provide certification to enterprises that undertake installation and associated work in compliance with the UK national standard MCS 001. The scope of the scheme includes the supply, design, installation, set to work, commissioning and handover of microgeneration technologies against Microgeneration Installation Standards (MIS). The current versions of scheme and technical standards are available at www.microgenerationcertification.org or can be obtained by contacting APHCC. The technologies available for certification are indicated on the application form.
- 1.4. Certified Company - Companies under the Competent Persons Scheme or Microgeneration Certification Scheme, when certified, can promote themselves as a ‘Certified Company’ in addition
 - CPS certified companies can promote themselves as ‘Competent Persons’ to prospective customers.
 - MCS certified companies can promote themselves as ‘Microgeneration Certification Scheme Approved Installers’ to prospective customers.
- 1.5. In order to be a certified company with APHCC the plumbing and heating business (Certified Company) must meet the minimum operating rules laid down in this document.
- 1.6. Installation Company - Means an organisation that is responsible for all or some of the following activities: supply, design or design review, installation and commissioning of plumbing and heating work, microgeneration technologies and energy efficiency measures.
- 1.7. Self-certification – this is the act of notification of installation work in accordance with Building Regulations.
- 1.8. Registration – this is the act of ‘registering’ microgeneration technologies and installations with MCS Database, under the Microgeneration Certification Scheme.


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- 1.9. Industry standards - Building Regulations, Water Regulations and appropriate supporting British Standards (BS) and British European Standards (BS EN) and key industry reference documents and materials. Installation of microgeneration technologies are against the Microgeneration Installation Standards and MCS 001. Information on the current key regulations and standards can be obtained from the APHCC Technical Services Department.
- 1.10. Quality Manager – At APHCC the Quality Manager is responsible for all scheme operations, disciplinary actions, and complaint decisions.
- 1.11. Certification Manager – At APHCC the Certification Manager is responsible for certification decisions for certified companies.
- 1.12. APHCC Impartiality Committee – This is the group of people who have a fully independent and impartial stance on APHCC affairs, this group will be called upon to form the Disciplinary Panel and Appeals Panel should the need arise.
- 1.13. Appeals Panel – Made from a group from the Impartiality Committee to consider appeals against decisions made by APHCC.
- 1.14. CPS Categories of Work – These are areas for self-certification under the Building Regulations as laid down by Communities & Local Government (CLG).
- 1.15. Technologies – The collective name for EEM, Microgeneration Technologies and CPS categories of work.
- 1.16. Qualified Engineer (QE) – An operative in the company who has been assessed for technical competence and has been approved as part of the company's certification for a particular work area.
- 1.17. Site Assessment – This as an onsite inspection of a work area installed by an applicant company or a certified company.
- 1.18. APHCC Field Assessor - A person who will conduct site assessments of applicant and certified companies.
- 1.19. Minimum Technical Competence – A series of competence standards applying to the Competent Persons and Microgeneration Certification Scheme.


2. General Requirements

The company must confirm on application:

- 2.1. The company is an installation company undertaking a range of works falling under the remit of Building Services Engineering.
- 2.2. The company has premises appropriate for its contracting address(es).

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- 2.3. For MCS Approved Installers, evidence of membership of a Consumer Code, either the Renewable Energy Consumer Code (RECC), The Home Insulation & Energy Systems Contractors Scheme (HIES) or the Glass and Glazing Federation (GGF) ensures your customers are protected by a Trading Standards Institute (TSI) Approved Code of Practice.'
- 2.4. That its key business details including business name, business address, contact telephone number are detailed on all business stationery used to communicate with customers.
- 2.5. If it is an applicant company that holds, has held or has been expelled from membership or membership with a similar building services trade body, Competent Persons Scheme, or Microgeneration Certification Scheme certification body, the applicant company must declare that fact to APHCC at the point of initial application or at any other time during membership.
- 2.6. That the company will not use its Competent Persons Scheme or Microgeneration Certification Scheme Certification in such a manner as to bring APHCC into disrepute.
- 2.7. The company will not make any statement regarding its Competent Persons Scheme or Microgeneration Certification Scheme Certification in such a way as it may be considered misleading or unauthorised.
- 2.8. Carry out its trading activities to meet the minimum standards laid down in the APHCC Customer Charter.
- 2.9. Where the company is required to provide copies of Competent Persons Scheme or Microgeneration Certification Scheme Certification documentation to others, it shall be reproduced and supplied in its entirety and must not be reproduced in such a way as to mislead others.
- 2.10. Maintain membership with the current gas registration provider where gas work is undertaken.
- 2.11. Make an application under the scheme for each trading title and each trading address (branch or depot) associated with the company.
- 2.12. The company will make positive progress towards certification, within 12 weeks of date of application, or where difficulties exist apply to the Quality Manager, for an extension of no more than 13 weeks providing an explanation for the request.
- 2.13. APHC Certification will make routine contact with the company to ensure progress is being made and signpost support if required. The company is expected to engage positively to ensure progress can be made.

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3. Business Standards

The company must confirm on application:

- 3.1. That the company directly engages in, and will continue to be directly engaged in plumbing, heating and mechanical services related work which must at all times be designed, installed commissioned and maintained to industry standards.
- 3.2. That the certificated company will demonstrate continued financial viability and agree to checks being carried out with credit reference agencies. Failure to demonstrate ongoing financial viability may result in an application being declined or withdrawal of company certification.
- 3.3. That the company is able to demonstrate a minimum of one installation for each work area being applied for certification and within scope of the appropriate scheme. The standard of workmanship shall be not less than that affording conformity with the Common MTC documents for the work area, and appropriate industry standards.
- 3.4. That the company will without exception agree to notify and self-certify all plumbing, heating and mechanical services work where required by statute law.
- 3.5. That the company will have a system in place to ensure that appropriate prescribed forms of certification, reporting, recording and issuing of all completed installation work in accordance with the scheme operating standards.
- 3.6. That the company will have access to current copies of all relevant industry standards in order to satisfactorily carry out the range of work activities that the company normally undertakes.
Note: Specific requirements for current industry standards required are described under the APHCC guidance for applications document.
- 3.7. That the company will have in their possession commissioning instruments related to the range of technologies being installed by the company and will ensure that a maintenance and calibration system for commissioning instruments (requiring calibration) is in place.
Note: The specific requirements for commissioning instruments under the CPS, MCS are detailed in the APHCC guidance for applications document.
- 3.8. That the company will hold a minimum level of insurance cover commensurate with the range and scope of plumbing, heating and mechanical services related work undertaken by the company, the minimum required insurance levels are:
 - Public liability insurance of no less than £2M.
 - Where plumbing operatives are employed have in place employer's liability insurance for the certified company of no less than £5M.
 - Where design is undertaken, it is recommended that the certified company holds a minimum of £250,000 of Professional Indemnity insurance or as appropriate to their scope of work.
- 3.9. That the company has a written health and safety policy statement and carry out risk assessments (where required by statute law).

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3.10. Additional Requirements of Ongoing Membership - The certified company must always continue to meet the requirements for membership as detailed in items 2 and 3 and in addition must:

3.10.1. Inform APHCC of any changes to membership details within 28 days of the change occurring. APHCC will decide if a new application or any additional assessment will be necessary (which may incur additional costs).

3.10.2. Carry out remedial action in order to maintain membership as required by APHCC for items which do not comply with these Rules.

3.11. Develop and maintain a management system in line with the requirements of the appropriate scheme against which accreditation is applied for or granted - CPS (Conditions of Authorisation), and MCS (MCS 001 standard).

Note: Further detail of the main requirements of a management system under each scheme is contained in the APHCC guidance for applications document.

3.12. Accept that whilst APHCC uses all reasonable care to assess the technical standard of the applicant or certified company's work, it is not responsible for, or liable for the technical standard of the company's work.

4. Personnel and Staff Competence


The company must:

4.1. Appoint a Certification Scheme Officer

The scheme officer is a person appointed by the applicant or certified company who is a principal or employee of the company who must have a detailed understanding of, and day to day responsibility for, the health and safety and other statutory requirements relating to the work undertaken.

The Certification Scheme Officer is responsible for:

- All matters relating to certification and is the contact point for all communication with APHCC.
- Maintaining the standard and quality of the installation work carried out by the company and for the assignment of qualified engineers to projects.
- Ensuring that there are systems in place whereby all work undertaken is carried out by qualified engineers and that the appropriate prescribed forms of certification and reporting have been issued for all projects.
- Only utilising APHCC approved Qualified Engineers for undertaking commissioning work under the technologies covered by the scheme certification.
- Ensuring that any notification, compliance certification and all project records are completed by approved Qualified Engineers.


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- 4.2. Employ sufficient operatives assessed by APHCC and approved as Qualified Engineers for each work area approved for certification by APHCC. Each certified company must ensure that -
- Suitable numbers of qualified engineers have been approved for the company commensurate with the company's business activities.
 - A minimum of one qualified engineer for each work area certified is in place (qualified engineers can be certified for multiple technologies).
 - All certifiable and/or notifiable domestic plumbing and heating work must be under the control of one or more Qualified Engineers.
 - The ratio of Qualified Engineers appointed by the company will be appropriate to the range, scale, geographic spread and technologies installed.
- 4.3. Ensure that all Qualified Engineers are employed in line with the details laid down in the company's Employment Policy for 'Qualified Engineers'. Operatives nominated as Qualified Engineers must;
- Be an employee of the certified company.
 - Satisfy the training and/or experience requirements as laid down in the common MTC document for the work area the qualified engineer is certifying for the company.
 - Be willing to take responsibility for the safety, technical standard and quality of the work carried out for certification.
 - Demonstrate an understanding of the relevant industry standards, inspection, testing, commissioning, certification and reporting procedures for the range of work undertaken by the company.
 - Ensure that results of inspection, testing, commissioning, certification and reporting are properly recorded on the appropriate prescribed forms of certification and reporting, and review and confirm the results for acceptability.
 - Take responsibility for ensuring full compliance with internal company document control systems.
- 4.4. Notify APHCC within ten days of any Qualified Engineer ceasing to be employed in that capacity for the certified company.
- 4.5. Propose replacement Qualified Engineers within 20 days of a previous Qualified Engineer ceasing to be employed in that capacity. A replacement Qualified Engineer shall be in post within 120 days of a previous Qualified Engineer ceasing to be employed in that capacity.

5. Standards Documentation, Tools and Equipment

The company must:

- 5.1. Have in their possession prescribed, current copies of the relevant industry standards appropriate to the work areas and scheme/Certification areas, under which they have certification.
- 5.2. Have in their possession commissioning instruments related to the range of work carried out by the company and their certification with APHCC.

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- 5.3. Ensure that a maintenance and calibration programme for tools and equipment is in place as laid out in the company's calibration and maintenance policy.
- 5.4. Ensure that standards documentation, tools and commissioning instruments are available for checking by APHCC for the purposes of initial assessment and surveillance purposes.
- 5.5. Provide standards documentation, tools, commissioning instruments, access to installation work and facilities to those third parties assessing and/or monitoring the scheme, e.g. the United Kingdom Accreditation Service, Government Body, when requested by APHCC.


6. Subcontracting

- 6.1. A certified company that subcontracts domestic plumbing & heating related work, microgeneration technology or EEM installation work to another company must remain fully responsible for that work.
- 6.2. Any work within the scope of the scheme not undertaken by employees of the contractor shall be managed through a formal subcontract agreement between the two parties in accordance with the policies and procedures employed by the certificated Contractor.
- 6.3. These procedures shall ensure that the subcontractor undertakes the work in accordance with the requirements of the relevant building regulation, code of practice, industry standard, MCS001 & MIS technology standard.
- 6.4. The certified company subcontracting the work must establish procedures to ensure that the subcontracted organisation is itself competent to carry out the work.

7. Notification and Self-Certification

General actions for notification and self-certification

- 7.1. Post installation it shall be the responsibility of the certified company to ensure that;
 - 7.1.1. The installed work area is commissioned, in accordance with the manufacturer's instructions and the design specification and in conformance with any relevant industry standards, including technology specific Microgeneration Installation Standards (for Microgeneration Certification Scheme installations). Record shall be made of commissioning action undertaken, including any performance measurement results to allow notification or self-certification to the appropriate body.
 - 7.1.2. When the work area is fully installed and commissioned, and with any operationally material defects corrected, the certified company shall undertake a handover procedure with the customer to ensure that all industry standards have been met to allow notification or self-certification to the appropriate body.
 - 7.1.3. For Competent Persons Scheme the installed work area is (separately notified for each scheme) to APHCC within 7 days of the work being completed.

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- 7.1.4. For microgeneration technology installations, all installations shall be registered by the MCS Licensee (certified company) through the MCS Installation Database. A certificate shall be obtained from the MCS Installation Database for each installation showing that the installation has been registered with the scheme and shall be provided to the customer no later than 10 working days after the date of commissioning the system; on provision of the certificate the customer shall be instructed to include it within the handover pack.

Note: All MCS installations fall under the scope of Building Regulations and as part of completion arrangements evidence must be provided of a work completion certificate issued by a local authority or self-certification of the installation works by a member of a competent person's scheme – this is a separate process from MCS notification.

- 7.1.5. Any fee levied on installers for each registration shall be payable directly to the MCS Licensee. Details of any such fee will be advised by APHCC.

For self-certification the certified company must:

- 7.2. Self-certify all work with APHCC for which the company is approved to notify, that falls under the scope of the Building Regulations, for the purposes of notification with the local building control body and the issue of a compliance certificate by APHCC to the customer.
Note: Under the scheme certified companies must process separate compliance certification with APHCC by electronic means or via the telephone.

If the company is not able to self-certify the installation work, the work should be:

- Notified directly to the building control body.
- Sub contracted to a company capable of self-certifying the work.


- 7.3. APHCC's commissioning records must only be issued for domestic plumbing & heating related work that is carried out by the certified company from the trading address and with the trading title in membership with APHCC.

- 7.4. Certified companies must safeguard all unused commissioning records so as to prevent their loss, theft or misuse. Certified companies must notify APHCC in writing immediately on discovery of any loss, theft or misuse of its commissioning records.

- 7.5. When a certified company resigns or is removed from APHCC's membership, it must immediately destroy all unused commissioning records.

For microgeneration technology installations, the certified company must:

- 7.6. Ensure that it has procedures in place to ensure that all work falling under the scope of Building Regulations is either
- Self-certified through its approval under an authorised Competent Persons Scheme, or
 - Notified to the local building control body in line with their procedures.

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- 7.7. Provide to APHCC within 30 days of a request, a list of all domestic plumbing & heating related work in progress at the time and completed by the company including the names and competencies of the installers working on the technologies.

8. Extending or Reducing Scope of Certification

- 8.1. Any extensions to the work areas that a certified company wishes to certify will be assessed and authorised at the discretion of the APHCC Certification Manager. It will require the company to undergo an application site assessment for that specific work area which will incur a fee.
- 8.2. Any reductions that a certified company wishes to make to the scope of their certification must be communicated in writing to APHCC. The correspondence should indicate the reason behind the reduction of scope.
- 8.3. If after 12 months a certified company has not notified or certified any particular APHCC certified work area they will automatically lose the ability to notify or certify that work area. To regain certification in that area will require the company to extend their scope of certification as under 8.1 above.


9. Site Assessments

- 9.1. For the purpose of determining compliance with the scheme rules and standards, all applicant companies must undergo a periodic site assessment as determined by APHCC.
- 9.2. For the purpose of determining ongoing compliance after the application is completed and the company is certified, further periodic ongoing inspection of work will be required by APHCC in order to maintain the company's certified status these are known as surveillance assessments.

Surveillance assessments are based on each work area the company is certified to install. For larger companies a total of 1% of all notifiable and certified projects will be subject to audit (the 1% being a random sample), rising to a maximum of 100 jobs per annum for the largest certified companies.

A risk based approach to surveillance will be operated by the Quality Manager for each work area certified by APHCC. In general the frequency for surveillance assessment will be

- a. For Competent Persons Scheme, certificated companies shall be inspected, annually based on notified installations, representative of the work areas within scope of certification. All work areas within scope of certification will be re-assessed within a three year period.

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- b. For the Microgeneration Certification Scheme, certificated companies shall be inspected, annually, representative of the work areas within scope of certification. All work areas within scope of certification will be re-assessed every three years.

NOTE: If the Company has not carried out installation work for a particular work area during the year, the surveillance may proceed on the basis of a desktop review of capability at the Company's office, subject to the Company agreeing to inform the Certification Body the next time they accept a contract to carry out an installation of the type concerned. When such an installation goes ahead an additional site assessment shall be required. The certificate holder will be expected to bear the costs of investigating complaints and additional surveillance visits.


If the installer still has work for a particular measure after a second certification cycle, the certification body shall consider in consultation with the member withdrawal of certification for that measure. Such activity shall be considered on a case by case basis and any decision making will be record and justified.

- 9.3. Site assessments as part of initial application and annual monitoring will include an assessment of the operation of the company management system in line with the relevant technical standards of each scheme and a technical assessment of work undertaken in work areas falling under scope of the company accreditation.
- 9.4. The site assessment will be conducted in accordance with relevant standards sufficient evidence must be demonstrated of compliance with industry standards and scheme standards.
- 9.5. The extent of site assessments shall be prescribed by APHCC taking into account the technologies being assessed, scale and geographic spread of the work carried out by the applicant company.
- 9.6. When requested by APHCC an applicant or certified company must provide access and facilitate the United Kingdom Accreditation Service (UKAS) to witness inspections by APHCC.

Application Site Assessment

The applicant company must:


- 9.7. Make available for inspection at least one installation per work area that the company is looking to have certified by APHCC. The installation location can contain multiple technologies for assessment.
- 9.8. Permit the APHCC field assessor to visit its place of business when required as part of a site assessment.
- 9.9. Make all necessary arrangements with their customer(s) for the site assessment to be carried out.
- 9.10. Ensure that the Certification Scheme Officer and the Qualified Engineer(s) for the technologies being certified are in attendance during the site assessment visit.

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- 9.11. Provide all appropriate facilities for the inspection, including tools, plant and test equipment in safe working order.
- 9.12. After a completed site assessment, the assessor produces a report for the Certification Manager. This report will be discussed during the closing of the site assessment and subsequently in written correspondence. It must be noted that the assessor only creates the report on the site assessment, which is always subject to independent review and certification decision. In the event that non-compliant work undertaken by the applicant company is identified during the visit then this work must be rectified at no cost to the customer and APHCC may as a result of identifying non-compliances reject the application for scheme approval.
- 9.13. Any non-compliance(s) identified during the site assessment visit may necessitate a subsequent and chargeable site assessment visit unless the identified non-conformity(s) can be rectified via correspondence. APHCC's decision will be final in respect of appropriate rectification of non-compliance(s). Additional visits will incur an additional charge.

Surveillance Site Assessment

- 9.14. The certified company shall in conjunction with APHCC formulate a list of all projects completed and notified (and of all projects in progress) since the previous surveillance assessment and a suitable number of projects will be selected for the surveillance assessment.
- 9.15. The certified company must make all necessary arrangements with their customer(s) for the site assessment to be carried out.
- 9.16. The nominated Certification Scheme Officer and the Qualified Engineer(s) completing works at the property(ies) must be available during the site assessment visit.
- 9.17. The certified company must be able to demonstrate to the APHCC assessor that all items as listed as a requirement in section 5 are available for use by all operatives of the certified company.
- 9.18. Every certified company must permit the APHCC field assessor to visit its place of business when required as part of a surveillance assessment.
- 9.19. The certified company must also make available all documentation and records for all projects undertaken since the last site assessment (either application or surveillance assessment). During the surveillance assessment, the APHCC assessor will sample evidence of any building work notifications and/or MCS registrations carried out since the last APHCC assessment. Failure to demonstrate sufficient evidence of correct notification will result in a non-compliance being reported.
- 9.20. The applicant company shall provide all appropriate facilities for the inspection, including tools, plant and test equipment in safe working order.

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- 9.21. After a completed surveillance assessment, the assessor produces a report for the Certification Manager; this report will be discussed during the closing of the surveillance assessment and subsequently in written correspondence. It must be noted that the assessor only creates the report on the surveillance assessment, which is always subject to independent review. Where a certified company is found not to comply with the requirements of the scheme rules or standards it shall be included in the surveillance assessment report. In the event that non-compliant work undertaken by the certified company is identified during the visit then this work must be rectified at no cost to the customer and APHCC may as a result of identifying non-compliances instigate action under the APHCC disciplinary procedure.
- 9.22. Any non-compliance(s) identified during the surveillance assessment visit may instigate a subsequent surveillance assessment visit unless the identified non-conformity(s) can be rectified via correspondence. APHCC's decision will be final in respect of appropriate rectification of non-compliance(s). Additional visits will incur an additional charge.
- 9.23. Records of evaluations shall be retained for a minimum of six years.

10. CPS and MCS Warranty Requirements


- 10.1. The company must:

Offer a warranty (or similar) to all customers against defective design and installation work by the certified company. Where the work falls under the scope of the Building Regulations, Microgeneration Certification Scheme and the Installer Scheme (excluding product failure outside the manufacturer warranty period that cannot be attributed to defective design or installation work by the certified company). Any work notified but not complying with Building Regulations must be rectified by the installer in line with the scheme rules. APHCC's financial protection scheme only covers defective workmanship that is non-compliant with the building regulations and directly attributed to installation work. It only covers rectification of the work that does not comply and not any associated costs, liabilities or loss. Any financial protection does not seek to replace a certified companies obligation to the customer. It is the certified companies' responsibility to make any such arrangements' known to the customer.

- 10.2. Complete a Benchmark form or manufacturer's warranty card (where available), with the customer at the time of the installation.

11. Company Records

- 11.1. The certified company shall keep records of all installations and evaluations under the Competent Persons Scheme, Microgeneration Certification Scheme for a period not less than 6 years.
- 11.2. Records of certification, suspensions or withdrawals will be retained for a minimum of 25 years.

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12. Customer Complaints

The company must:


- 12.1. Have a customer complaints procedure meeting the minimum requirements as laid down in the APHCC Guidance for Applicant Companies Document.
- 12.2. Maintain a log of all customer complaints received, relevant paperwork associated with the complaint and the resolution action taken by the certified company.
- 12.3. Investigate all complaints of a technical nature related to breaches of regulation/standard requirements and also those related to poor standards of customer service under the requirements of the APHCC Customer Charter.
- 12.4. When a certified company receives a complaint then the complaint must be dealt with using procedures designed to meet the minimum requirements laid down in the APHC Guidance for Applicant Companies Document. In the event that the certified company cannot resolve the complaint then the certified company should refer the consumer to APHCC who operate a complaint service.
- 12.5. When APHCC receives a complaint alleging that plumbing, heating & mechanical services related work carried out by a certified company does not meet with CPS and MCS requirements or demonstrates poor levels of customer service, the certified company must co-operate with APHCC in resolving the complaint.
- 12.6. If the certified company fails to co-operate with APHCC, the certified company will face disciplinary action under scheme disciplinary arrangements.

Complaint investigations

- 12.7. APHCC personnel will investigate any complaint alleging that plumbing, heating & mechanical services related work carried out by a certified company does not comply with scheme technical requirements or demonstrates poor levels of customer service.

The certified company shall respond promptly to queries from APHCC (within a 14-day period) relating to a complaint. An investigation may require submission of documentation and/or a site inspection (in the case of technical complaints) to be carried out, the site investigation will be met at APHCC expense, and the certified company will ensure that the appointed scheme officer is present during any site investigation.

- 12.8. If a complaint investigation and subsequent report discovers a technical deficiency in the certified company's domestic plumbing & heating related work (or it does not comply with CPS and MCS requirements), the company's certification will be suspended and the certified company will, at its own expense, complete any remedial action as required by APHCC -
 - Arrangements must be put in place to do remedial work within a 14 day period; or
 - Lodge an appeal against the decision with the APHCC appeals panel.

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12.9. In the event that arrangements to progress the remedial work are not established during the 14 day period, or are not progressed within a 14 day period following an appeal hearing during which the APHCC appeals panel uphold the schedule of remedial works to be carried out, the certified company will have their certification removed.

12.10. In the event that the complainant does not agree with the findings of an investigation conducted by APHCC personnel into a complaint raised over work carried out by a certified company, then he/she will have the right of appeal which should be made directly to the APHCC appeals panel see section 14. The appeal must clearly state the grounds for the appeal and the reasons why the appeal has been made. The decision of the APHCC appeals panel will be final.

Complaints about APHCC operations

12.11. APHCC will undertake to investigate any complaint about the organisation received from a certified company, a company applying for membership or a consumer related to its complaints procedures. The complaint must be in writing.

12.12. The Quality Manager will undertake the investigation and make a report on the complaint to the company/individual making the complaint. APHCC will advise the complainant of the outcome of an investigation into their complaint. If appropriate, APHCC will take corrective action.

12.13. Should the complaint be about the impartiality of any of the aspects of the scheme operation, the complaint will be referred directly to the Impartiality Committee for review and action.

13. Disciplinary Action

13.1. APHCC may implement disciplinary action against the certified company. Any disciplinary action will be based on a four-tier action level approach. Examples of disciplinary action:

1st action level - Insufficient detail or case unfounded

The Quality Manager on reviewing a disciplinary case concludes the case is unfounded or there is insufficient information to make a decision.


Example outcome – no extra disciplinary action taken.

2nd action level – Advisory notice

The Quality Manager on reviewing a disciplinary case concludes that minor infringements have taken place, examples include –

- Minor technical issues related to work carried out.
- Minor issues related to poor customer service standards.
- Work has been undertaken under the scheme(s) that has not been notified/self-certified.

Example outcome – verbal instruction of business improvement actions to be made by the certified company, confirmed in writing to the company.

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3rd action level – Serious warning notice

The Quality Manager on reviewing a disciplinary case concludes that major infringements of the scheme requirements have taken place or a number of 2nd action notices have been issued. Examples include –

- Major technical issues related to work carried out.
- Major issues related to poor customer service standards.
- The issue of two or more second action level notices in a 12 month period.
- Failure to provide required information to confirm the company's ability to comply with the APHCC Membership Scheme Rules.

Example outcome – recommendation to the Certification Manager that suspension of certification takes place followed by formal written notice of urgent business improvement actions to be taken emphasising the need to take remedial action with the result of a re-occurrence/non-provision of information being removal of certification and expulsion.

4th action level – Membership termination


The Quality Manager on reviewing a disciplinary case concludes that very serious infringements of scheme requirements have taken place. Examples include

- Very serious technical issues such as those posing a threat to life.
- Very serious customer service issues – insolvency in which there is a failure to communicate with the customer, criminal conviction relating to the company's business activities e.g. fraud.
- Failure under the complaints procedure (and following the issue of standard correspondence) by the certified company to undertake remedial action as outlined under the scheme requirements.
- Failure to make progress through application of surveillance processes

Example outcome – Removal of certification and expulsion from membership.

Note: In 3rd and 4th action level cases APHCC will, at the discretion of the Quality Manager, (who will recommend to the Certification Manager) that the company's certification is placed in suspense during the period in which disciplinary action is being considered.

Where technical deficiencies exist, and disciplinary action has been taken following a complaint investigation, APHCC will notify the relevant agencies overseeing the scheme(s) of the matter.

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Common disciplinary offences

APHCC may take disciplinary action against certified companies in the event that the company:

- 13.2. Designs, installs or commissions plumbing & heating systems components and equipment in breach of industry standards

If within any 12 month period a complaint is found against a certified company, this will require immediate review by the Quality Manager. As an outcome, of disciplinary action being taken and the certified company being retained in membership, this will automatically increase the risk level of a company for surveillance purposes, placing them back at the start of the risk process for surveillance visits i.e. requiring more frequent surveillance visits.

Should there be 2 or more complaints found against a certified company this will require immediate review by the Certification Manager. This situation will immediately generate follow up surveillance visits within 6 months for the technologies the technical complaint was based upon, these additional surveillance visits will be at the company's expense. Overall this situation will increase the risk level of a company for surveillance purposes, placing them back at the start of the risk process for surveillance visits i.e. requiring annual surveillance.

- 13.3. Failure to comply with the scheme rules

13.3.1. Breaches these scheme rules, the Quality Manager will identify the level of action required (including potential disciplinary action) which will be based upon the size and type of breach of the rules.

13.3.2. Makes a willful or negligent misrepresentation on its initial application documentation or surveillance assessment documentation.


When this is found against a certified company this will require immediate review by the Quality Manager, who will identify the level of action required (including potential disciplinary action).

13.3.3. Has performed an act which is contrary or prejudicial to the objectives of APHCC including issues related to customer care.

When this is identified this will require immediate review by the Quality Manager who will identify the level of action required (including potential disciplinary action).

- 13.4. Is unable to pay its debts or becomes insolvent.

When this is identified for a certified company it will require immediate review by the Quality Manager. It will be considered to be disciplinary, the Quality Manager will action this as a level 4 disciplinary offence.

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13.5. In circumstances where it becomes apparent that there may have been a breach of CPS or MCS certification requirements, beyond the compliance procedure this will also be acted upon.

When this is found against a certified company it will require immediate review by the Quality Manager who will identify the level of action required (including potential disciplinary action).

13.6 Records of suspensions or withdrawals will be retained for a minimum of 25 years.

14. Appeals Against APHCC Decisions

14.1. A company may make written representation to APHCC against decisions made by APHCC. The items that can normally be appealed by an applicant or certified company include:

Certification decisions

- Application
- Surveillance
- Disciplinary

Complaints


- Technical decision found against the company
- Non-technical decision found against the company
- About APHCC
- About a GDP or other third party

Suspension or termination of certification

All complaints must be forwarded to APHCC in writing marked for the attention of the Quality Manager. The written representation must include full reasons (or grounds) for such representation and must be sent within 14 days of the date of the APHCC decision. APHCC will make a ruling on the representation submitted.

14.2. If the company/individual does not accept the ruling, it may make a written appeal to the APHCC Impartiality Committee Appeals Panel. The grounds for appeal including all supporting documentation must be sent to the APHCC Impartiality Committee Appeals Panel, within 14 days of the date of the ruling.

14.3. An appeal against disciplinary action taken by APHCC may be made directly to the APHCC Impartiality Committee Appeals Panel. The grounds for appeal including all supporting documentation must be sent to the Appeals Panel within 14 days of the disciplinary action being taken.

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15. Use of Certification Marks and Certification Logo

- 15.1. APHCC Ltd. is the owner or licensee of;
 - 'Competent Persons Scheme' Trade Marks.
- 15.2. All rights, title and interest in the APHCC scheme Trade Marks is reserved and belongs absolutely to APHCC.
- 15.3. No certified company is permitted to use the UKAS Certification Mark following certification under the CPS or MCS Certification.
- 15.4. Each certified company is granted a non-exclusive, non-transferable, license to use the scheme Trade Marks only whilst a certified company of the CPS scheme to which the certified company is approved and as designated in the leaflet use of APHC brand guidelines. When a company terminates or has its certification cancelled, its license to use scheme Trade Marks ceases with immediate effect. The company must immediately cease all use of the Trade Marks including their complete removal from all stationery materials and the company's equipment such as company vehicles.
- 15.5. Certified companies must not use the scheme Trade Marks in conjunction with any other trading title or trading address other than those listed with APHCC.
- 15.6. A certified company offering to undertake the design, construction, inspection or certification of installation work, is permitted to confirm registration by the use of advertisements, business stationery, invoices, certificates or report forms etc. bearing the appropriate APHCC's Certification Mark(s).
- 15.7. APHCC may from time to time issue further binding instructions on the use of APHCC's Certification Mark and those of MCS scheme providers MCS and CPS Certified Approved Installers.

16. Fees and Charges

Fees Payable

- 16.1. Fees shall be paid for initial application and annual ongoing renewal. Items that may result in additional charges specific to the certification under CPS & MCS schemes are -
 - Re-assessments considered necessary by APHCC sufficient to confirm the certified company's compliance with these Rules.
 - Assessments and administration activities considered necessary by APHCC due to changes by the company, such as an acquisition by, or merger with another company.
 - Failure to provide standards documentation, equipment, tools, commissioning instruments, facilities or access required by APHCC in accordance with these Rules.
 - Failure of a Qualified Engineer to be present throughout a visit by APHCC's representatives.
 - Cancellation by the company of assessment/inspection visits giving less than 5 full working days' notice before the visit is due.
 - Building Regulations Compliance Certificates issued by the APHCC on behalf of certified companies.

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- Extensions to scope of accreditation.
- If the radius of a site assessment is greater than 25 miles, one hour drive time additional charges may be included

16.2 The scale of fees for activities highlighted in 16.1 are as those published from time to time by APHCC, these are available on request from APHCC.

16.3 Payment and Automatic Renewal - Certified companies shall pay fees for any initial application and annual ongoing renewal, and additional charges by any of the methods of payment permitted from time to time by APHCC.

16.4 APHCC will keep certified company payment details secure on file so that a certified company may elect to take advantage of the process for automatic renewal.

16.5 On initial application the certified company agrees via the terms and conditions of sale to a membership period of at least 12 months, the renewal of membership will occur on the 12 month anniversary of membership, and annually thereafter.

16.6 APHCC will advise certified companies in writing at least 21 days prior to the date on which the certified company's membership under the scheme will expire (the "membership date") that renewal is due, and of the fee payable by the certified company on renewal. APHCC will also advise the certified company of how payment of the renewal fee will be taken or should be made if that certified company is renewed automatically.

17 Cancellation of Membership by a Certified Company

17.1 Any resignation of a certified company must be made to APHCC in writing by the certified company and any outstanding fees for the annual membership period must be paid in full.

18 Obligations of APHCC

With changes to the Scheme APHCC shall:


18.1 Determine and publish fees and charges, informing certified companies at least 21 days prior to any change occurring

18.2 Have the authority to revise these scheme rules without individual notification to each member unless deemed a major change to the scheme requirements, in which APHCC will inform certified companies at least 30 days prior to the change occurring. The latest version of the Scheme Rules is available from APHCC Certification Ltd.

18.3 Inform certified companies at least 30 days prior to any change occurring to identified scheme requirements, such as training and experience requirements

18.4 Inform certified companies of changes to supporting scheme documentation.

18.5 Inform the Oversight and Registration Body of changes to the business and the MCS management organisation.

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19 Confidentiality

- 19.1 APHCC will hold in confidence all information obtained and held about a currently approved certified company and applicant companies, other than that published via the listing of certified companies in APHCC publications or via its website. Confidential information will not be disclosed to any third party without the prior written agreement of the certified company concerned except as required by an accreditation or monitoring body, or by law.
- 19.2 When the Certification Body is required by law or authorized by contractual arrangements to release confidential information, the current certified company or person concerned shall unless prohibited by law, be notified of the information provided.
- 19.3 Information provided about the client from sources other than the client will be treated as strictly confidential.
- 19.4 APHCC's policies and procedures shall be administered in a non-discriminatory manner in line with statutory requirements.

20 Data Protection

APHCC may:

- 20.1 Keep and use personal data about personnel of certified companies for all purposes that APHCC requires.
- 20.2 Maintain properly a listing of certified companies and ensure compliance with the Rules, including disclosure to third parties for the purposes of operation of the scheme.
- 20.3 Share personal data provided by certified companies with APHCC for the purposes detailed above.
- 20.4 Unless the company requests otherwise, authorise the distribution to certified company personnel of communications of sales and marketing materials that APHCC believes would be of interest to them. These distributions may be made by APHCC or by other persons authorised by it. If a certified company does not wish to have its information used in this way, then at any time it may inform APHCC in writing and APHCC will cease to use the information for marketing purposes in this way.

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Declaration

I can confirm that I have read and understood this document and will abide by the scheme rules as laid out in the document

Company name: _____

Authorised signature _____

Printed Name _____

Date _____