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Terms of Certification

This document shall be read in conjunction with the following:

- *Commission Regulation (EC) No 303/2008 of 2 April 2008 published in the Official Journal of the European Union, reference number L92*
- *Regulation (EC) No 842/2006 of the European Parliament and of the Council of 17 May 2006 on certain fluorinated greenhouse gases.*
- *Environmental Information Regulations 2004 (SI 2004/3391) as amended from time to time.*
- *Fluorinated Greenhouse Gases Regulations 2009*

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This document sets out the terms of the Quidos FGAS Company Certification Scheme (to be known as “FGASREGISTER”).

PREAMBLE

The SRAC industry and the world as a whole, now understand that F-Gas fluorinated gases have a potentially devastating global warming effect when released into the atmosphere. F-Gas regulations have been implemented in order to contain, prevent and thereby reduce emissions of F-Gas fluorinated greenhouse gases.

The FGASREGISTER is specifically for businesses working with F-Gas refrigeration, air-conditioning and heat pump equipment containing or designed to contain fluorinated greenhouse gases.

1. COMPANY CERTIFICATION REGISTRATION

1.1 To apply to become a member of the FGASREGISTER, the following information shall be available from the FGASREGISTER website:

- 1.1.1 How to Apply for Membership;
- 1.1.2 The Application Form;
- 1.1.3 The FGASREGISTER Terms of Certification (this document);
- 1.1.4 The FGASREGISTER Payments and Charges schedule.

1.2 The FGASREGISTER website shall collate the following data:

- 1.2.1 the Application Form, via an online form.

2. PRELIMINARY CHECKING OF APPLICATIONS RECEIVED

2.1 Upon receipt of an application, the following preliminary checks shall be carried out:

2.1.1 Check that all required information has been received, completed correctly, and all relevant agreements are signed. If not, the applicant will be contacted by telephone and/or email, highlighting the errors or omissions;

2.1.2 The application will not be completed until full payment arrangements have been made (i.e. online payment confirmed/cleared funds);

2.1.3 Check that the Applicant holds the relevant qualification(s) and policies to operate as a full FGASREGISTER member.

2.4 If the “other Scheme” declaration, on the application form, indicates that the Applicant has either been refused membership of another Certification Scheme, or had membership withdrawn, that Scheme will be contacted to establish the history and current status of the applicant.

3. CHECKING ON APPLICANTS SUITABILITY

3.1 Applicants shall be rejected only if there are grounds for concluding that they do not meet the requirements as defined in the Commission Regulation 303/2008.

3.2 If there is any ambiguity regarding an applicant’s suitability, particularly with regard to Criminal Records, the application shall be subject to an appropriate investigation, seeking external advice if necessary.

3.3 Applications meeting all of the FGASREGISTER’s requirements shall be approved forthwith.

3.4 The newly-accepted Member shall be formally entered on the Register, and notified of this fact via email.

3.5 Where an application is rejected, the Applicant shall be give written feedback with the reason for such action.

4. FGASREGISTER RECORDS KEPT ON ITS MEMBERS

4.1 All details and documentation relating to every applicant shall be entered onto the FGASREGISTER management system, regardless of the final outcome.

4.2 FGASREGISTER is regulated under the Data Protection Act 1998 (as registered members of the Information Commissioners Office) and undertakes to process Members’ and Applicants’ data in accordance with the legal requirements of the Act.

4.3 The data from the member or applicant shall be used solely by the FGASREGISTER for internal administrative purposes. All data is treated in confidence and shall not be disclosed to any third parties, other than when we are required to or permitted to by law, or when you have given consent.

4.4 The FGASREGISTER shall maintain an online public register whose information can be viewed at any time.

4.5 The FGASREGISTER shall respond to any other Certification Scheme enquiry of a particular member or applicant; limited to the following data: the Membership Status. Further information may be provided if deemed appropriate to do so.

4.6 The FGASREGISTER shall allow the Regulatory Body (or agreed nominated agents) full access, and co-operation, to all data it holds with regard to the members database. All data will be constantly backed up, and contingency plans are in place in case of emergency.

5. TRI-ANNUAL MEMBERSHIP RENEWAL

5.1 RENEWAL

5.1.1 Renewal of membership takes place every three years.

5.1.2 Members are required to complete the renewal online through the F-GAS Register Website.

5.2 MEMBERSHIP STATUS CATEGORIES

5.2.1 During the period of certification, the following statuses shall be applied:

5.2.1(a) Pending: waiting for approval to the Scheme;

5.2.1(b) Archived: company does not meet current membership requirements, or the company has ceased to trade;

5.2.1(c) Active: the normal status for an operating company;

5.2.1(d) Suspended: Temporarily barred from the FGASREGISTER;

5.2.2 If a company is declared as Archived or Suspended by the FGASREGISTER, the reason for this status change must be given in writing to the member.

5.2.3 The FGASREGISTER will inform other Certification Scheme operators of a change in status as per 5.2.2. This may be caused by overdue monies owed, or illegal practices.

5.3 CANCELLATIONS

5.3.1 If a member cancels their membership with the FGASREGISTER for any reason, neither the Application nor Membership fee shall be refunded.

6. COMPANY CERTIFICATION COMPLIANCE

6.1 By agreeing to comply with these FGASREGISTER Terms of Certification, and all subsequent versions, the applicant has undertaken to:

6.1.1 Read and understand any specific requirements defined by the FGASREGISTER;

6.1.2 Have the appropriate internal procedures in place to ensure Customer protection;

6.1.3 Accept that if the applicant does not fully comply with these requirements, the FGASREGISTER reserves the right to cancel the application or certification and the company shall have no claim against them.

6.2 The FGASREGISTER will operate a number of audits to ensure that members abide by its rules and so ensure customer protection. The FGASREGISTER will undertake the following actions, based upon the Regulatory Bodies requirements, which sets out an absolute quality standard that all Schemes are expected to maintain amongst the certified companies.

6.3 If FGASREGISTER has reason to believe that any person has given false information or has omitted any information requested in the instruction or application form or made any misrepresentation, FGASREGISTER will take whatever steps necessary to establish the authenticity of the application details

6.4 The FGASREGISTER will undertake desk-top audits amounting to approximately 5% annually of all members. These audits will:

6.4.1 Request information to verify that there are certified employees in sufficient numbers to cover the expected volume of activities referred to in Article 2.2 of Commission Regulation 303/2008

6.4.2 Request information to verify that the necessary tools and procedures are available to certified employee(s) engaged in the activities for which a Stationary Equipment Qualification Company Certificate is issued

6.4.3 Check the validity of the Stationary Equipment Qualification with the relevant awarding body

6.5 If, in the occurrence that a company cannot provide the required documentation to pass the audit, the Company certificate will be Suspended, until the outstanding issues are resolved.

6.7 If a member refuses to respond to reasonable requests for audit information from FGASREGISTER, the audit shall be marked as a fail. The member will be Suspended, and the Environment Agency, DEFRA and other F-Gas Registration bodies will be informed, meaning that the member could be susceptible to civil penalties. No refund for any membership fees will be due.

6.8 In the event that the desk-top audit does not sufficiently verify the accuracy of the information provided by a company, FGASREGISTER may undertake an on-site audit in respect of that company.

6.9 Failure to comply with desk-top audits will result in a site-based audit, which may incur a fee of up to 50% of the current company certification cost.

6.10 A desk-top audit shall, at all times, precede an on-site audit.

6.11 FGASREGISTER shall promptly investigate any complaint referred to it about the eligibility of a company holding a Stationary Equipment Qualification Company Certificate by undertaking a desk-top audit.

7. HANDLING CUSTOMER COMPLAINTS

7.1 This policy shall be based upon a process of escalation, commencing with attempts to resolve the issue at a local level, then escalation to senior management, however the FGASREGISTER will make it clear to the customer that these deliberations do not in any way prevent or obstruct their recourse to Law.

7.2 The total process of customer complaints may impose a form of cost on the complainant. Overall complaints related costs should be borne by the complainant. An initial administration charge may be made by the FGASREGISTER to the complainant.

7.3 Upon receipt of a complaint, the FGASREGISTER shall keep full and accurate records of all Customer complaints and queries received, and all subsequent actions taken on them. The complainant shall be notified in writing electronically, and shall also be kept updated as to resolution progress, by way of copy record updates.

7.4 The FGASREGISTER shall review all of the facts related to the complaint. Further clarification may be requested from the various parties, and the FGASREGISTER may seek the advice of technical experts. (If technical experts are to be used, the FGASREGISTER will charge the complainant for their advice).

7.5 The FGASREGISTER shall seek to resolve the complaint to the customer's satisfaction and this may involve some sort of redress.

7.6 The decision of the FGASREGISTER will be final, and is binding on the Registered Company.

7.7 If the complaint cannot be resolved by the FGASREGISTER, the Complainant is to be referred to an independent third party panel who will assess the complaint and provide an outcome. All costs will be borne by the complainant. Refer to Section 8.2 of this document for further details.

8. DISCIPLINARY PROCESSES

8.1 DISCIPLINARY PROCESSES RESULTING FROM SURVEILLANCE PROCEDURES

8.1.1 The FGASREGISTER has surveillance procedures in place that provide checks that all registered members are carrying out their activities in accordance with defined performance criteria.

8.1.2 If the member is found to be in breach of these defined performance criteria, the duties as defined by the FGASREGISTER, or found to be acting outside the inspecting and reporting requirements, the infringement will be reviewed by the FGASREGISTER.

8.1.3 In instances of minor infringement, the FGASREGISTER will issue a written informal warning containing clear instruction on how the codes have been breached, and what action is required to avoid future breaches. This being designed to prevent the matter

developing into a serious infringement. The rights of the member to appeal against such a warning are set out below).

8.1.4 In instances of serious infringement, the FGASREGISTER will inform the Member of all actions to be taken, which may include suspension of the Member's certification whilst the infringement is considered further.

8.1.5 Following consideration, the FGASREGISTER will take one of the following actions, depending on the background and severity of the infringement:

8.1.5(a) In the case of a minor infringement that becomes a serious infringement, issue a formal warning containing clear instructions on how the codes have been breached, Or;

8.1.5(b) In the case of a serious infringement, issue a formal warning containing clear instruction on how the codes have been breached and what is required to avoid future breaches of the codes. If the member fails to comply with the instructions included in the formal warning letter, a second formal warning will be issued. If the member still fails to comply, the member's membership will be revoked and/or the matter will be referred to the Independent Third Party Disciplinary Panel. Or;

8.1.5(c) Automatically refer the case directly to the Independent Third-Party Panel.

8.2 REFERRAL TO INDEPENDENT THIRD-PARTY PANEL

8.2.1 The Independent Third-Party Panel will be responsible for providing an independent review and decision to any complaints and/or disciplinary procedures and any appeal made against them.

8.2.2 Members of the Independent Third-Party Panel shall be bound by their duties and terms of employ whilst undertaking any independent adjudicating.

8.2.3 The Independent Third-Party Panel will be composed of three persons. Two members will be independent, technically qualified individuals drawn from a register kept by the FGASREGISTER. The third person will be a senior executive of the FGASREGISTER. The panel will have a Secretary who will record their deliberations.

8.2.4 The conduct of Independent Third-Party Panels will be in accordance with published rules as outlined in this document.

8.2.5 The date of a hearing by the Independent Third-Party Panel will not be more than twenty eight days from the date of referral.

8.2.6 Full details of the allegations made against the Member together with copies of all the relevant information to be presented by the FGASREGISTER to the Panel will be made available in advance of the hearing.

8.2.7 The Member can elect to be represented at the hearing.

8.2.8 Decisions reached by the Panel are by way of a majority vote, and are binding on both parties, subject to the right of Appeal, which is set out below.

8.2.9 In order to initiate an appeal, Members may be required to pay a deposit that will be refunded in the event that the appeal decision is in their favour.

8.3 APPEALS PROCEDURE

8.3.1 In the instance where Members have been warned by the FGASREGISTER for minor infringements, and where they do not accept the warning and wish to appeal, they should place, in writing, the full details related to the matter, including the reasons for their appeal, and send this to the FGASREGISTER.

8.3.2 The Scheme will review the matter, and either confirm or modify its warning. This review is final, but does not prevent the member from proceeding to Law.

8.3.3 The FGASREGISTER's Independent Third-Party Panel will review the matter, and will formally advise the member of the findings. These findings are final but do not prevent the member from proceeding to Law.

8.3.4 In the instance where members have been formally warned by the FGASREGISTER for serious infringements, and where they do not accept the warning and wish to appeal, they should place, in writing, the full details related to the matter, including the reasons for their appeal, and send this to the FGASREGISTER.

8.3.5 In the instance where members wish to appeal against the decisions made by a convened Disciplinary Panel, the External Registrar will review the matter, and will formally advise the member of the findings. These findings are final but do not prevent the member from proceeding to Law.

8.3.6 The Appeals Process is not designed to detract from the rights of an F-Gas Engineer under Human Rights Legislation, or other Legal Statutes.

9. THIRD PARTY APPEALS / DISCIPLINARY PANEL PROCEDURE

9.1 The Panel will be composed of three persons. Two members will be independent, technically qualified individuals drawn from a register kept by the FGASREGISTER. The third person will be a senior executive of the FGASREGISTER. The Panel will have a Secretary who will record their deliberations.

9.2 None of those, appointed to the Panel, should have personal knowledge or previous relationships with any member brought before them. The findings of the Disciplinary Panel are determined by a majority vote of the appointed members.

9.3 The Panel will have a Secretary responsible for recording the proceedings reached. The Secretary does not have a vote in reaching decisions.

9.4 When a Panel is convened, each member is to be notified of the time and place of the hearing, given the names of the members being considered, and copies of the documents comprising the allegations made by the FGASREGISTER. If any member of the Panel identifies a potential conflict of interest or prior association with any of the Inspectors being considered, they must notify the FGASREGISTER and withdraw from the Panel.

9.5 In order to initiate an appeal, members may be required to pay a deposit that will be refunded in the event that the appeal decision is in their favour.

9.6 The member s referred to a Disciplinary and/or Appeals Panel will be given formal notice of the hearing. This notice will not be more than twenty-eight days from the date of referral.

9.7 The formal notice will be accompanied by copies of the allegations made against the member, the key documents upon which these allegations depend, and the names and relevance of any witnesses called. The allegations against each member shall cite:

9.7.1 the name and Membership number of the member;

9.7.2 the specific performance criteria that the FGASREGISTER considers have been breached;

9.7.3 the specific instance(s) when such breaches have occurred;

9.7.4 The nature of the evidence supporting the allegation.

9.8 Members are requested to attend the Disciplinary and or Appeals Panel, but cannot be compelled to do so. Members can choose to be formally represented at hearings, and may elect to call witnesses in their defence. (Provided such are pre-notified to the FGASREGISTER).

9.9 Members may dispute the relevance of key documents, during the course of the hearing.

9.10 The members of the Panel shall make such enquiries of all persons appearing before them, as they consider proper. They shall conduct the hearing in such a way, as they consider most appropriate for the clarification of the issues, and generally for the just handling of the proceedings.

9.11 If a party concerned with the hearing wishes to submit written representations for consideration these must be presented to the FGASREGISTER not less than 7 days before the hearing. The FGASREGISTER will distribute copies of such to all the parties concerned.

9.12 At a hearing, the Panel members, the member and/or the member 's representative are entitled to make all relevant representations to the Panel, and to call and question witnesses, (always provided that these have been prior notified to all parties), and to examine documentary evidence.

The program and sequence of the hearing shall be determined by the Panel with due regard to the wishes of the member. If any party required to attend the hearing fails to attend, or to be represented, at the time and place fixed for the hearing, the Panel may dismiss or dispose of the proceedings in the absence of that party, or may adjourn the hearing to a later date.

9.13 A hearing or part of one may be conducted in private for the purpose of gathering representations which in the opinion of the Panel is likely to consist of information:

9.13.1 which has been communicated in confidence, or which has otherwise been obtained in consequence of confidence placed by another person; or

9.13.2 The disclosure of which would cause substantial injury to the member. Where a hearing, or part of one, is held in private, reasons for doing so should be given.

9.14 The Secretary will still record matters held in private.

9.15 Once the Panel has received all submissions it will discuss the issues raised in private, and arrive at a decision, by a process of majority voting. The decision may include any or all of the following;

9.14.1 a statement on whether the Panel considers the allegations against the member to be valid;

9.14.2 the award of costs which may include preparation time and any loss of earnings;

9.14.3 a requirement on the member to undertake further training;

9.14.4 a requirement on the FGASREGISTER to modify its procedures or improve staff training;

9.14.5 a requirement on the FGASREGISTER to suspend or revoke the registration of the member ;

9.14.6 Recommendations to the Regulatory Body, the FGASREGISTER, the member's employer or the member regarding changes required to improve the overall reliability and accuracy of their activities.

Decisions that involve compensation, costs, suspension or revocation of membership should include a clear statement of the time by which such matters are to be completed.

9.15 If the decision is made against the member then the relevant rights of appeal shall be clearly explained, and confirmed in writing.

9.16 The Secretary shall compile a complete record of the proceedings and all judgements reached by the Panel. This Minute must be certified as being accurate by all of the members of the Panel and a copy sent to the member, member's Employer, and FGASREGISTER.

10. MEMBERSHIP APPEALS

Members have the right to appeal against disciplinary sanctions involving suspension or withdrawal of membership. In this instance the member should follow Quidos' appeals procedure and the matter will be review and dealt with as outlined above. The Appeals Panel will formally advise the member of the findings. These findings are final but do not prevent the member from proceeding to Law.

The Appeals Processes is not designed to detract from the rights of an Energy Assessor under Human Rights Legislation, or other Legal Statutes.

11. GOVERNANCE

The FGASREGISTER follows governance standards to ensure that it registers members in accordance with relevant legislation, and without any conflict of interest with any member panel it may run, or with any subsidiaries or associated joint ventures.

FGASREGISTER will co-operate with any authorised officer of an enforcement authority making enquiries of the Scheme for the purposes of carrying out the authority's duties under the legislation.

12. USE OF TRADEMARK

12.1 "Trademark" means any Quidos or FGASREGISTER registered trademarks, other branding and identification marks;

12.2 Members must not use the Trademarks in a manner which states or implies that FGASREGISTER have endorsed, own or have any other involvement with members products

12.3 All rights in the Trademarks will remain FGASREGISTER property, and members agree not to take any action to jeopardise, limit or interfere in any manner with such rights.

12.4 The right to use the Trademarks will terminate immediately and without notice and the member shall immediately cease to use the Trademarks in any manner whatsoever and shall have no further right to use them if their certification is revoked.

APPENDIX A: CONDUCT OF FGASREGISTER MEMBERS

Under this section, Members shall mean any registered Engineer or Company under the FGASREGISTER.

A1. Members shall conduct themselves in a professional manner at all times.

A2. Members shall not act in a manner which shall bring the Scheme and/or the Industry into dispute.

A3. Members shall work within their remit under the F-Gas Regulations.

A4. Members shall ensure their compliance with other appropriate regulatory instruments, including, but not limited to:

A4.1 Data Protection Act;

A4.2 Health & Safety at Work etc. Act;

A4.3 Waste Regulations

A4.4 Advertising Standards Agencies guidelines;

A4.5 Relevant and current consumer protection legislation.

A5. Members shall be suitably insured to undertake the works required of them as an active FGASREGISTER Member.

A6. Members shall ensure that they deal with any customer queries, questions and/or complaints in a timely fashion and within their own policies.

A7. Members shall endeavour to instil best practice techniques, and continue to develop these skills throughout their period of Registration.

A8. Members shall submit themselves for audit in line with FGASREGISTER policies and ensure such requests are dealt with promptly, and as fully as possible.

A9. Members shall take appropriate steps when dealing with special needs and vulnerable adults whilst undertaking work.