

**TERMS & CONDITIONS FOR THE CERTIFICATION OF AN INSTALLERs UNDER THE
MICROGENERATION CERTIFICATION SCHEME, MCS**

1. Definitions

MCS Installer scheme

The “Microgeneration Certification Scheme” or “the scheme” for installers, operated by an accredited UKAS Certification Body, HETAS, for the independent certification of installer company’s , installing Microgeneration products in accordance with MCS standards.

The Scheme Administrator

Means the organisation responsible for the administration of the Microgeneration Certification Scheme standards, and listing of approved installers for MCS (Currently Gemserv).

"UKAS"

The United Kingdom Accreditation Service. The sole national accreditation body recognised by government to assess, against internationally agreed standards, organisations that provide certification, testing, inspection and calibration.

The Applicable MCS Scheme standards

MCS001 Installer certification scheme requirements

MIS3004 Requirements for Contractors undertaking the Supply, Design, Installation, Set to Work, Commissioning and Handover of Solid Biofuel Heating Systems.

MIS3001 Requirements for Contractors undertaking the Supply, Design, Installation, Set to Work, Commissioning and Handover of Solar Heating Microgeneration Systems.



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"The MCS Installer Company"

The company, (or sole trader), who has the capability to undertake the supply, design, installation, set to work, commissioning and handover of systems in line with the MCS standards.

The 'Nominee' or the applicant, with reference to MCS001

The named individual and main contact for HETAS in respect to the MCS scheme, and the person on whose behalf a signature appears for the installer company on either the application form, modification or declaration for on-going certification.

"HETAS"

means HETAS Limited, the certification body, accredited to carry out certification approvals of installer companies against the requirements of the MCS installation standards..

"HETAS CPS"

means the HETAS Competence Persons Scheme (CPS). A scheme authorised by DCLG for installing engineers self-certifying work under building regulations. installainginvolved in the installation and maintenance of wood, biomass and solid fuel

"Forms"

means the MCS Forms issued to gather and document information used by HETAS to manage the application and on-going certification process..

"the Certification Fee

means the charge set out in the Form HMCSI04 to cover the approval and certification process for MCS,

"Additional Charges"

means any charge resulting from work necessary and agreed by the Installer company over and above that allowed in the calculation of the Certification Fee;



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"Approved Appliance"

means an appliance which has been assessed and gained MCS appliance approval or approval under the Keymark for Solar Thermal Products

"RECC Assurance scheme Consumer Code"

A requirement for compliance with the MCS scheme standard MCS001, is that the MCS company is a member of and, when dealing with domestic customers, shall have agreed to comply with a code of practice (consumer code) which is relevant to the scope of business in the Microgeneration sector, and which is approved by the office of fair trading. The RECC assurance code meets these requirements.

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2. Acceptance of an Application for Approval

This scheme is open to companies installing Biomass and Solar heating systems covering the requirements under MCS standards.

2.1 Criteria for Application is assessed against:

- an application, form HMCSI01, signed by the nominee and supplied with any required supporting documents.
- the appropriate fees.
- evidence of a quality management system in place that meets the requirements of MCS001, Installer certification scheme requirements, in conjunction with the relevant MIS technology standard requirements
- an installation available for inspection, no older than 12 months, meeting the requirements of MIS3004 or MIS3001.
- Being a member of, and complying with a consumer code of practice, code), such as the RECC assurance scheme.

2.2 The Installer Company's offer may be accepted in writing at any time by HETAS and there shall be a binding contract between the Installer Company and HETAS on these terms.

2.3 The consideration for HETAS's obligations under these Conditions are the payments referred to in clause 7, and the obligations of the Installer Company under these Conditions.

2.4 This agreement shall be governed by and construed under English Law.

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3. Approval process

- 3.1 A desk audit of the submitted application and supporting documents will be carried out by the HETAS registration department prior to the arrangement of any office or installation audits.

The nominee will be the main point of contact during the whole approval process and should be available for clarification of any matters arising so that every opportunity is afforded for the applicant to correct any issues arising prior to the office and installation inspection. During this stage we are trying to ensure no major non-conformities will be raised during the installer's office based audit.

- 3.2 Once this initial review confirms that the installer has systems in place with reference to the requirements of MCS001 and the MIS technology standards, then an audit visit of the installer office(s) and at least one installation inspection* shall be arranged.

The office audit and site inspection shall verify the working activities of the installer business against the MCS standards. Any Non conformities raised shall be reported to the applicant, and corrective action is expected prior to continuation of the approval process.

- 3.3 Once the audit assessments, and correction of any non-conformances, has been completed to the satisfaction of the HETAS registration department, an approval request is forwarded to the HETAS Ltd Director of Approvals and Certifications. The Director of Approvals and Certifications shall remain impartial to the application process and shall, on behalf of HETAS, decide whether the installer company is eligible for approval.

*Notes

- Should the applicant fail the office or installation audit, and further reassessment is considered necessary, then this shall be charged at the relevant daily rate.
- The number of installation inspections will depend on the number of installers and the size of the operation. Ongoing surveillance visits will seek to review all installers.

- 3.4 The Director of Approvals and Certifications may at his sole discretion consult with appropriate independent experts in making his decision.

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- 3.5 HETAS shall notify the Installer Company in writing of the Director's decision. Where this decision is to approve the company, a MCS certificate of approval and a MCS licence agreement shall be issued to the applicant and the details of the Installer Company shall be sent to the MCS administrators for inclusion on the MCS website list.
If the decision has been not to approve, then the applicant will be informed of their right of appeal against the decision made by HETAS. (See section 12).
- 3.6 Upon successful approval, the Installer Company may state in advertising and other publications that the company has been certified under the MCS. The Installer Company may attach the MCS mark of conformity, in accordance with the guidelines as described in the Brand Guidelines available on the MCS website.

4. On-going Maintenance

- 4.1 Following a new approval, certification and listing will be maintained in accordance with MCS001 on an annual basis from the date of approval. (Subject to any other requirements agreed during the surveillance process).
- 4.2 The Installer Company will be contacted and reminded of the renewal anniversary, with a view to carry out a surveillance audit between 2 months prior to and 4 months beyond the anniversary of the certificate issue date.
- 4.3 The installer company must co-operate in receiving office audits, and arranging site installation inspections in a timely manner.
A technical representative of the company must be present throughout the assessment process.
- 4.4 On-going surveillance may be provided by an approved third party inspection body arranged by HETAS where appropriate.
- 4.5 The Installation inspections will depend on the number of installers employed. There will be a minimum of one installer inspection within a 12 month period. New or un-assessed installers will be given priority.
This inspection criteria will also cover the requirements of the HETAS CPS if applicable.

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4.6 Where a non-conformity is raised in the company's quality system or at the installation inspection, the failure will be reported to the nominee and suitable corrective and preventative action(s) must be completed and returned to HETAS within 8 weeks of the assessment report.

Where a major non-conformance is found, or where a minor non-conformance is not adequately discharged, certification may be suspended immediately. Major non-conformance could include issues such as failure to demonstrate installation competence, or there is a significant breakdown in the quality management system. A partial re-assessment or re-visit may be required, and will be conducted within 12 weeks to close out the non-conformance(s) raised.

4.7 Re-assessment of the company's quality system or installation inspection will be charged at the relevant rate.

4.8 The scope of the associated fees for application and ongoing maintenance are listed in section 7 below.

5. Changes to the scope of approval

Changes within the installers business shall be managed through the internal management system in place. This process shall be periodically reviewed during routine surveillance visits.

But where a significant change in the business takes place, such as:

- Where the Installer Company moves their association from one manufacturer to another, especially where the manufacturers responsibilities for design is relied upon.
- Where a 'Key' person leaves, that would have a negative impact on the business, (such as the only technical competent person in the business)

Then the company is expected to inform HETAS and confirm the actions to maintain compliance. A response to any concerns raised by HETAS is required within 14 days, otherwise the MCS company may be suspended whilst remedial action is taken. (See 9 below).

Alternatively, where HETAS feels the changes may compromise the requirements of the standards, the process defined in 3.1 above may apply, and an advance surveillance audit visit may be planned.

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6. Amendments to Standards or Other Requirements

In the event of any revisions or changes of the appropriate MCS scheme standards and/or other standards or legislation that may be relevant to the certification requirements then, the Scheme administrator or HETAS shall notify the Installer Company of these changes.

Unless the scheme administrators advise otherwise, the Installer Company shall be allowed a reasonable time, not exceeding twelve (12) months from the date of notification, to ensure that processes comply with such amendments, during which period HETAS will continue to certify the installer company. Following expiry of such period the Installer Company shall confirm in writing to HETAS that the amendments have been complied with and any changes to procedure or process have been made. If the Installer Company fails to confirm in writing that changes in standards or other requirements, have been meet, then, HETAS may remove the installer company in accordance with clause 9.

In this case the Installer Company may wish to appeal as detailed under clause 12.

7. Payment

7.1 The Installer Company is liable for the following fees and shall make the following payments to HETAS Ltd as appropriate: Current fees are listed on the form HMCSI04 and may be revised from time to time. The fees cover:

(a) The initial application and Assessment Fee in force at the date of the applicant signature on Application HMCSI01.

Assessment includes an initial audit of the companies Quality Management System, and installation inspection visit(s) (in accordance with MCS001 section 5 Assessment), For companies with multiple offices or employing more than 5 installers, this fee will be calculated with reference to the operational size of the company and the number of installers.

(b) Annual ongoing assessment and listing Fee.

Annual assessment includes both office and site surveillance visits (in accordance with MCS001) The number of installers inspected will be determined independently. For companies with multiple offices or employing more than 5 installers, this fee will be calculated with reference to the operational size of the company and the number of installers.

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- (c) The MCS levy collected by HETAS in force at the date of the Installer Company's signature on Application HMCSI01.
- (d) Any additional site visit, installer assessment, modification / additional technology shall be based on a payment equal to a proportion of the Assessment Fee calculated on HETAS's estimate of the time likely to be spent on re-assessment.

NOTES:

HETAS reserve the right to make a refund or further charge if the estimate proves inaccurate.

Where a visit is cancelled within 21 days of the arranged date, a cancellation or re-arrangement fee will be imposed.

- 7.2 The charges payable under clause 7.1 shall be deemed payable by the Installer Company on submission of an application or notification of modification
- 7.3 All of the charges payable under these Conditions are exclusive of Value Added Tax which shall be payable by the Installer Company in the manner and at the rate from time to time prescribed by law.
- 7.4 HETAS reserves the right to charge the Installer Company interest in respect of the late payment of any charge due under these Conditions, after as well as before judgement, at a rate of 2% per annum above the base rate from time to time, of the National Westminster Bank plc from the due date thereof until payment.

8. Liability and Indemnity

- 8.1 While HETAS will carry out its obligations under these conditions with all reasonable skill and care, their liability in respect of a failure to do so shall be limited as set out in this clause.
- 8.2 HETAS's liability for breach of contract or for negligence, except in the case of liability for death or personal injury resulting from negligence, shall be limited to the total sum payable by the Installer Company under clause 7.
- 8.3 Under no circumstances shall HETAS be liable to the Installer Company for any indirect or consequential loss, including but not limited to loss of profits, loss of production or wastage of labour.

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- 8.4 The Installer Company shall indemnify HETAS against all claims brought against HETAS whether or not HETAS have been negligent, except in the case of liability for death or personal injury resulting from negligence, to the extent that such claims exceed the total sum payable by the Installer Company under clause 7. HETAS shall provide at the request of the Installer Company reasonable assistance in defending any third party claim against the Installer Company and HETAS in respect of which the Installer Company is indemnifying HETAS, provided that the Installer Company shall pay for such assistance calculated in accordance with the up-to-date HETAS charges set out in Form HMCSI04 Fees.

9. Removal from the List

HETAS may withdraw approval and listing with the MCS administrator if the Installer Company:-

- (a) commits any breach of its obligations under these Conditions and fails to remedy such breach within fourteen days of being requested in writing to do so by HETAS or;
- (b) makes any composition with its creditors generally other than for the purposes of reconstruction or amalgamation or (being a company) has a receiver or Liquidator appointed or (being an individual or partnership) becomes bankrupt.

In either case the Installer Company shall cease to be Approved. Withdrawal of certification shall be notified to the Installer Company in writing by HETAS Ltd.

10. Confidentiality

HETAS and its employees or Consultants undertake to maintain confidence in all matters concerning the approval process and documents or information supplied by the Installer Company to HETAS.

11. Delegation by HETAS

All decisions taken by HETAS under these Conditions may be delegated to the Director of Approvals and Certifications or the Chief Executive Officer at the time for HETAS Ltd.

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12. Appeals against a decision.

The following is a brief outline of the appeal process. On request or should an appeal be made, the appellant will be sent HETAS's appeals procedure in full.

12.1 *Registration of Appeal:*

If an Installer wishes to appeal against a decision by HETAS, which is considered to have a material effect on the operation directly or indirectly of his business, he shall register this appeal in writing within two calendar months of receiving the decision by HETAS.

The appeal shall be addressed to HETAS Ltd and marked for the attention of the Head of Quality and Certification, giving details of the reasons for the appeal.

There may be a small deposit payable by the appellant to avoid vexatious appeals.

12.2 *Process review:*

A first stage review by HETAS shall be formally recorded and its decision shall be given to the Applicant

If the appeal is accepted an impartial Appeal Panel will meet and hear the case

The result of the appeal may not be limited to a decision on approval alone and will be binding on all parties. The decision may include directions as to further work within the prescribed processes. The parties will be notified of the result of the panel's deliberation within two weeks of the hearing.

12.3 HETAS reserves the right to publish, advertise, or share the details of the results of its appeals procedures as it considers necessary to protect the image of HETAS, the appellant and/or the industry.