



***PLUMBING INDUSTRY LICENSING SCHEME
(SCOTLAND AND NORTHERN IRELAND)***

DUTIES OF A LICENSED BUSINESS

January 2010

INTRODUCTION

This document has been prepared to provide Licensed Business with a guide to their obligations and responsibilities under the Plumbing Industry Licensing Scheme (Scotland and Northern Ireland).

Principals, partners, directors or others responsible for running a Licensed Business should read this document carefully prior to signing the Declaration confirming that the business will meet the requirements of a Licensed Business.

SNIPEF members are reminded that the Licensing criteria has been adopted by the SNIPEF Council as part of the requirements of membership and all existing and new members are expected to meet the criteria in full.

LICENSED BUSINESS CRITERIA

All Licensed Businesses must meet the following criteria at all times:

a) USE OF COMPETENT OPERATIVES

The majority of operatives (i.e. properly qualified plumbers) carrying out plumbing work should hold a current SNIJIB Registration Card (or provide other evidence of competence acceptable to the Licensing Board).

When a Licensed Business recruits a new plumber they should **either** ensure that the individual holds a current SNIJIB registration card (**or** notify the Licensing Board by returning Form AA (copy contained in Appendix A of this document)).

b) WATER BYELAWS/REGULATIONS QUALIFICATIONS

Each Licensed Business must employ at least one operative who holds an approved certificate in Water Byelaws/Regulations training. The ratio of trained operatives is as follows:-

Total No. of Plumbing Employees in Licensed Business	No. of Plumbing employees who require Water Regulations Qualification (minimum)
1 - 5	1
6 - 10	2
11 - 15	3
16 - 20	4
21 - 25	5
26 - 30	6
31 +	8

If at any time this ratio is not met (for example due to an employee leaving or going on long term sick leave) the Licensed Business must take action to remedy the situation within 3 months, failing which they must advise the Scheme which may suspend their Licensed Business status until the correct ratio is re-established.

c) GAS WORK

Licensed Business carrying out gas must be registered with the appropriate Gas Safety Registration organisation and ensure that all operatives who undertake gas work hold the appropriate ACS qualifications.

d) PUBLIC AND EMPLOYERS' LIABILITY INSURANCE

Licensed Business are required to hold Public Liability Insurance of at least £2m and Employers' Liability Insurance where necessary. You should advise the scheme of the name of your insurer/broker and Insurance Policy number. An annual check will be made to ensure your business holds appropriate insurance.

e) COMPLIANCE WITH STATUTORY REQUIREMENTS

Licensed Businesses will be required to carry out work in accordance with the following:-

- i) Water Supply (Water Fittings) Regulations 1999.
- ii) Water Byelaws (Scotland) 2000 and/or Water Supply (Water Fittings) Regulations (Northern Ireland) 2009.

- iii) Gas Safety (Installation and Use) Regulations 1998.
- iv) The Building (Scotland) Act 2003. The Building Regulations (Northern Ireland) 1990/994, as amended and the Building Regulations (Northern Ireland) Order 1979, as amended.
- v) Health & Safety at Work Act 1974 / Health & Safety at Work Northern Ireland Order 1978.
- vi) Equal Opportunities, Race Relations etc.,
- vii) Any other Regulations relevant to work undertaken.

f) WATER BYELAWS/REGULATIONS APPROVED CONTRACTOR SCHEMES

Licensed Businesses automatically become Approved Contractors under the terms of the Water Byelaws/Regulations and must act as an Approved Contractor in every case where work is being carried out which is covered by the Water Byelaws/Regulations*.

g) COMPLAINTS PROCEDURES

Licensed Businesses are required to comply with the Scheme's Complaints Resolution Procedure – full details are contained in Appendix B.

Any complaints received may be referred to the Licensing Board Complaints Panel for consideration and resolution.

Licensed Businesses must advise customers of the complaints procedure before taking any other action such as reference to court or debt collectors. Licensed Businesses are also required to respond in writing to any customer complaint. Licensed Businesses are also required to abide by the decision of the Complaints Panel.

h) SERVICE CHARTER

Licensed Businesses are required to carry out work in accordance with a Service Charter – a copy of which is contained in Appendix C.

i) USE OF STANDARD AND FAIR CONDITIONS OF CONTRACT

SNIEF is developing a set of standard conditions for domestic work which are recommended for use by Licensed Businesses. In commercial contracts, it is recommended that Licensed Businesses use the standard forms available from the Scottish Building Contracts Committee (SBCC) or Joint Contracts Tribunal (JCT).

j) INSPECTION OF WORK

A proportion of all Licensed Businesses will be subject to a technical inspection by a technically qualified individual on a random basis. The number and frequency of inspections will reflect the value, type of work and the geographical spread of Licensed Businesses. Inspections will also be undertaken in response to customer complaints.

k) DISCIPLINARY CODE

Licensed Businesses will be subject to the terms of the Scheme's Disciplinary Code – a copy of which is contained in Appendix D.

**PLUMBING INDUSTRY LICENSING SCHEME
(SCOTLAND & NORTHERN IRELAND)**

NOTIFICATION OF NEW PLUMBING EMPLOYEE(S)

The following individual(s) has/have been employed as Plumbers since the completion of our last Annual Return:

<i>Full Name of Operative</i>	<i>Date of Birth</i>	<i>National Insurance Number</i>	<i>Grade</i>	<i>Plumbing Qualifications Held</i>

Firm's Name

Contact

Address

Telephone

.....

Fax

.....

Please return to: Plumbing Industry Licensing Scheme, Bellevue House, 22 Hopetoun Street, Edinburgh, EH7 4GH (fax 0131 557 8409)

Please photocopy form if additional space is required

APPENDIX B

PLUMBING INDUSTRY LICENSING SCHEME (SCOTLAND & NORTHERN IRELAND)

COMPLAINTS RESOLUTION PROCEDURE – DOMESTIC CUSTOMERS

1. INTRODUCTION

The Licensing Board's complaints mechanism can be used to resolve disputes between domestic customers and members of the Licensing Scheme.

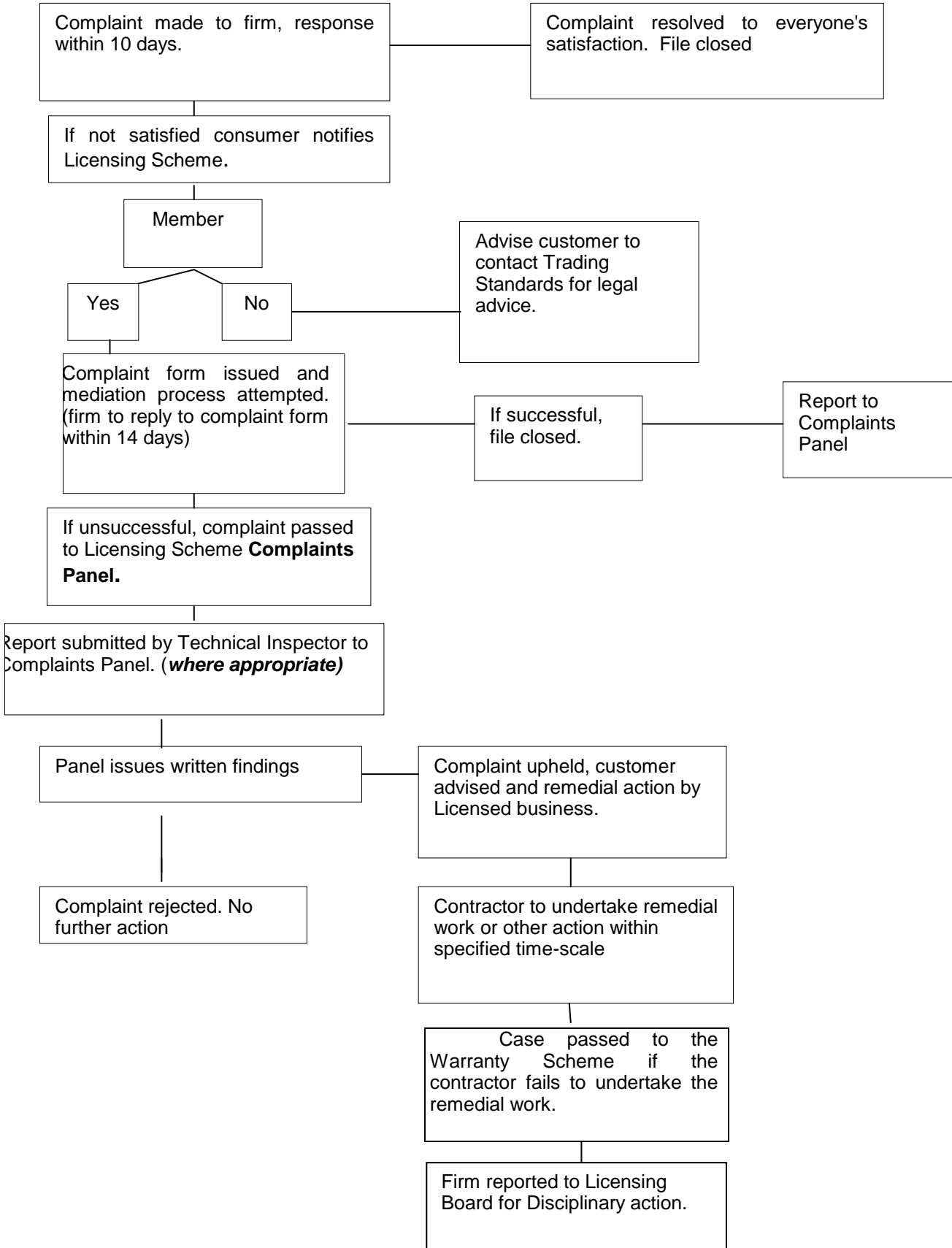
Licensed Businesses should advise customers of the complaints resolution procedure before taking any other action eg reference to legal system etc.

2. COMPLAINTS PROCEDURE

- 2.1 The initial complaint must be made by the customer (preferably in writing) to the Licensed Business. The Licensed Business should be allowed a reasonable period of time to resolve such a complaint. It would be anticipated that an initial response would be provided within 10 days.
- 2.2 If the complaint cannot be resolved between the customer and the Licensed Business the customer or Licensed Business may then contact the Licensing Board's Customer Liaison Officer for assistance.
- 2.3 In the first instance, a Conciliation Request Form will be issued to the customer for completion. This will allow the Customer Liaison Officer, who will deal with the complaint, to consider the issues in detail. The Licensed Business will be sent a summary of the complaint or a copy of the form and should respond to the complaints within 10 days.
- 2.4 The Customer Liaison Officer will thereafter mediate between the parties to resolve the dispute.
- 2.5 If mediation fails to resolve the matter the complaint would then be referred to the Licensing Scheme's Complaints Panel who would have the authority to either:-
 - a) uphold the complaint and issue guidance on resolution
 - b) reject the complaint
 - c) appoint a Technical Inspector to carry out an inspection of the work and report back to the Panel who would then uphold or reject the complaint.
- 2.6 Once the Complaints Panel had made their decision both parties would be advised. Under the terms of the Scheme, Licensed Businesses are required to abide by the Complaints Panel decision.

If a Licensed Business fails to or refuses to accept the decision the Warranty Scheme may be invoked and the Licensed Business may be subject to disciplinary action.

**PLUMBING INDUSTRY LICENSING BOARD (SCOTLAND & NORTHERN IRELAND)
COMPLAINTS SCHEME**



APPENDIX C
PLUMBING INDUSTRY LICENSING SCHEME (SCOTLAND & NORTHERN IRELAND)

SERVICE CHARTER

Firms who wish to become members of the Plumbing Industry Licensing Scheme must satisfy a number of entry requirements. For example, they must employ properly qualified operatives, maintain Liability insurance of at least £2million and produce a Financial Integrity Statement from their Auditor or Accountant.

Firms are also inspected on a regular basis to ensure that they carry out work properly.

The Plumbing Industry Licensing Board operates a registration scheme for businesses and individuals. It also operates an independent complaints procedure to resolve complaints against Licensed Businesses. Work undertaken by Licensed Businesses is also covered by a warranty scheme.

This leaflet tells you what to expect when you ask a member of the Plumbing Licensing Scheme to carry out plumbing or central heating work in your home.

Good Practice

- Before work starts, you and the firm should both agree what work is to be carried out. This agreement should be in writing and a quotation which will include fair conditions of contract should be issued by the Licensed businesses.
- Once the price has been accepted, the Licensed business will then carry out the work that has been agreed. On completion, you will then pay the agreed amount.
- On some occasions it may not be possible to complete an agreement before work starts. On these occasions, both parties should agree the labour charge which will be made together with any incidental costs, such as travelling.
- Licensed Businesses will use their skill and knowledge to undertake work properly.
- Licensed Businesses should also agree with you when the work will be carried out, and, give an estimate of how long the work will take. They should also advise you if there will be any delays or changes to these timings.

Cost of Work

- The quotation provided by the Licensed Business will give details of the work which will be undertaken together with the costs. Any additional work will be subject to either a separate agreement or will be charged on a labour and material basis.
- The cost of the work is due on completion and should be made within the terms of payment as set out on the contract.

General Guarantee

- The Licensed Business will guarantee that all goods and materials supplied by them shall correspond to the description as required by the Sale of Goods Act 1979 (as amended).
- All materials supplied by the Licensed Business will be of satisfactory quality and will be fit for the purpose for which they are supplied and installed in accordance with all appropriate regulations.

- The Licensed Business will guarantee that all works carried out by them will be done in accordance with all statutory and industry standards which are in place at the time the work is carried out.

What if things go wrong?

- If there is a complaint either about the cost of the work undertaken by the Licensed Business or the quality of work these should be raised in the first instance with the Licensed Business.
- The Licensed Business will investigate any complaints made and take the necessary action to resolve the complaint.
- If contact with the Licensed Business fails to resolve the matter, then the Plumbing Licensing Board operates an independent complaints mechanism. Full details of the complaints mechanism are available on request.

Further Information

- For further information contact:

Plumbing Industry Licensing Scheme
Bellevue House
22 Hopetoun Street
EDINBURGH EH7 4GH

Tel: 0845 2240391
Fax: 0131 557 8409

Appendix D

PLUMBING INDUSTRY LICENSING SCHEME (SCOTLAND & NORTHERN IRELAND)

DISCIPLINARY CODE

1. STATEMENT OF POLICY

- 1.1 The maintenance of discipline is essential to ensure the effective conduct of the Plumbing Industry Licensing Scheme and to secure the well being and economic interests of those affected by the activities of Licensed Businesses.
- 1.2 To maintain discipline, the Licensing Board expects Licensed Businesses to conduct themselves within the law, any code of practice associated with the industry; any rules specifically relating to workplace activities and within generally accepted standards of social and moral behaviour.
- 1.3 The Licensing Board will assist Licensed Businesses so far as practicable in achieving acceptable standards by bringing to their attention any legislation or guidance which will affect them.
- 1.4 The Licensing Board will, however, not hesitate to take appropriate disciplinary action if a Licensed Business fails to meet required standards of conduct or behaviour generally referred to in 1.2 above. In order to ensure the fair and equitable treatment of Licensed Businesses subject to disciplinary action, the Licensing Board has prepared and issued this disciplinary procedure, in consultation and agreement with all members of the Licensing Board. The procedure will be used by the Board as necessary and will apply to all Licensed Businesses within its scope.
- 1.5 Licensed Businesses are responsible for the management and discipline of their employees. They should ensure that all employees are made aware of the standards of conduct, safety and job performance required of them, and of any disciplinary rules applying to them.

2. SCOPE OF THE PROCEDURE

The Disciplinary procedure will apply to all Licensed Businesses under the Plumbing Industry Licensing Scheme.

3. GENERAL PRINCIPLES

- 3.1 The operation of the procedure will depend upon the adoption of certain general principles, which are in accordance with recognised good practice;
 - a) a thorough investigation of all the circumstances of a case will be made before a course of disciplinary action is commenced;
 - b) at all stages, Licensed Businesses will be given a fair hearing, to include representation if desired, and ample opportunity to explain the reasons for their alleged failure to meet the required standards. A warning will not be given without an interview/hearing being held, even if the factual evidence appears indisputable. Failure to attend an interview/hearing and failure to co-operate in the disciplinary process may be deemed to constitute serious or gross misconduct subject to the provisions of para 3.3 below.
 - c) an accurate record of any disciplinary hearing and action taken will be maintained;
- 3.2 The procedure allows for a series of stages, ranging from the issuing of a warning through to removal from Scheme. Frequently, the issue of a warning will resolve the problem. In

other circumstances it might be necessary to pursue several or all of the stages of the procedure in order to resolve the matter. On other occasions, an instance of serious or gross misconduct will require the immediate operation of an advanced stage of the procedure, including at times removal from the Licensing Scheme, which may be with or without notice as appropriate.

3.3 As an indication, the following types of misconduct could, after due inquiry as detailed elsewhere in this procedure, lead to expulsion without notice:-

- Failure to co-operate in the Board's complaints procedure
- Failure to carry out work directed in a Complaints Panel decision
- Actions bringing Licensing Board Membership into disrepute
- Failure to attend a disciplinary interview/hearing without good reason

This list is prepared for the purposes of illustration, and is not intended to be exhaustive, in any way.

3.4 The procedure takes account of the rules of natural justice and in particular, it provides for rights of representation at each formal stage of the procedure and for rights of appeal against warnings and serious action.

4. THE PROCEDURE

4.1 Formal Stages

The formal stages of the procedure, short of serious action, consist of a series of warnings described below, the authority to issue such warnings will be delegated by the Licensing Board to the Disciplinary Panel. Rights of representation and of appeal are set out under section 6.

The Disciplinary Panel will consist of at least one Representative from a minimum of four member organisations of the Licensing Scheme Board. The representatives will not be named members of the Board but can be alternate members.

In each case, the member should be made fully aware of the reasons for the warning and of the consequences of repetition. Normally a review date well within the life of the warning should be fixed to consider the member's monitored progress.

a) First Written Warning

This will be used where the member's work or conduct is unsatisfactory where either the member has already been subject to the informal stage or the offence is of a more serious nature. A record will be kept of the warning, and a note, confirming the conditions attaching to the warning, will be sent to the member within 14 calendar days.

b) Second Written Warning

This will be used for a further offence within the time limit of a first written warning, or for a first yet serious breach. The warning will be confirmed in writing within 14 calendar days.

c) Final Warning

A final written warning will be appropriate where a formal written warning has failed, or for a more serious offence. Again the warning will be confirmed in writing within 14 calendar days. The written confirmation should leave the member in no doubt as to the consequence of a further breach.

The written confirmation of a warning (b) & (c), when posted to a member, will be sent by recorded delivery.

4.2 *The Life of Warnings*

Records should be kept, detailing the nature of any breach of disciplinary rules, the action taken and the reasons for it, whether an appeal was lodged, its outcome and any subsequent developments. These records should be carefully safeguarded and kept confidential.

Except in agreed special circumstances, these records should be expunged after a specified period of satisfactory conduct. This period will be clearly explained to the Licensed Business and will be used as a period during which any further breach could lead to action under the next stage of the procedure. A record will be expunged after the following periods:-

First Written Warning	-	12 months
Second Written Warning	-	18 months
Final Written Warning	-	24 months

In exceptional circumstances, where a final warning is issued either instead of serious action, or in addition to serious action short of expulsion, a longer period may be specified depending upon the case.

5. *SERIOUS ACTION, INCLUDING EXPULSION*

5.1 Serious action means either action which imposes a financial penalty, and/or termination of membership of the Scheme. It will be appropriate where formal action under section 4 has failed to resolve the problem or in the case of misconduct where action a step beyond formal action is required.

5.2 The type of serious action taken, including removal from the Licensing Scheme, will depend upon the circumstances of the case. Serious action may only be taken by the Board, following a full enquiry and interview.

5.3 Serious action includes:-

- a) expulsion, with or without notice;
- b) suspension for a specified period;

5.4 Serious action, short of expulsion, may also be linked with a final warning under 4.1 above. Serious action must be confirmed in writing within 14 calendar days with the letter specifying the action taken, the reasons for it and the member's response.

5.5 In certain cases, where serious action is contemplated, it may be necessary to suspend the member pending the completion of investigations into the facts surrounding the complaint. Such a suspension will communicate the severity with which the complaint is viewed; permit enquiries to proceed unhindered by the continued membership of the member; and allow the member time to arrange to be represented at a hearing if he so wishes.

6. *RIGHTS OF APPEAL*

6.1 Rights of appeal exist against warnings and serious action.

6.2 An appeal against a written warning (excluding a final warning) should be made to the Licensing Scheme Board.

- 6.3 An appeal against a final warning should be made to the Plumbing Industry Licensing Board.
- 6.4 An appeal against serious action should be made to the Plumbing Industry Licensing Board which shall hear the appeal in the manner specified in the scheme.
- 6.5 A member shall have the right to be represented at any appeals hearing.
- 6.6 Should any disciplinary action be effectively withdrawn as a result of reconsideration, any written reference thereto shall be expunged from the member's record and the member notified accordingly.

Lodging of Appeals

- 6.7 An appeal against disciplinary action should be made by the member or, where appropriate, through their representative in the manner specified in the letter confirming the disciplinary action taken.
- 6.8 An appeal should be lodged in writing within 21 calendar days of receipt of notification of the action.
- 6.9 An appeal hearing shall normally be arranged within 21 calendar days of receipt of the notice of appeal, unless otherwise mutually agreed.

Appeals Hearing

- 6.10 Appeals against oral or written warnings will be heard by the Plumbing Industry Licensing Board.
- 6.11 Appeals against a final warning will be heard by the Plumbing Industry Licensing Board.
- 6.12 Appeals against serious action will be heard by the Plumbing Industry Licensing Board.