

Water Industry Approved Plumbers Scheme (WIAPS) Disciplinary Code

In this code, unless the context requires otherwise, the following expressions shall mean:

Appeals Committee	a committee that will be independent of the Disciplinary Committee
Approved Contractor	has the meaning set out in the Regulations
Approved Plumbing Business	a plumbing business (whether conducted on a sole trader basis, as a partnership or as a company) which has been approved by WRAS as a WIAPS Member in accordance with these terms and conditions
Approved Sector Worker Business	a Sector Worker business (whether conducted on a sole trader basis, as a partnership or as a company) which has been approved by WRAS as a WIAPS Member in accordance with these terms and conditions
Approved Sector Worker	an individual Sector Worker who has been approved by WRAS as a WIAPS member in accordance with these terms and conditions
Business	an Approved Contractor business whether operating as a sole trader, partnership or any corporate entity
Business Member	an Approved Plumbing Business or an Approved Sector Worker Business
Code of Conduct	The Water Industry Approved Plumbers Scheme Code of Conduct.
the Customer	users or potential users of Members' services
Disciplinary Committee / Disciplinary Panel	a committee / panel made up of Water Regulations Inspectors
Individual Member	an Approved Plumber or an Approved Sector Worker who has been allocated a unique WIAPS membership number
Member	an Individual Member or a Business Member
Membership	membership of the Scheme
the Regulations	The Water Supply (Water Fittings) Regulations 1999
the Scheme	The Water Industry Approved Plumbers Scheme, which shall include all Sector Worker schemes
Sector Worker	water installers who are not qualified plumbers but are recognised by WIAPS for their competency in undertaking a limited scope of work in the following sectors: <ul style="list-style-type: none"> • Ground Workers (External Services)

	<ul style="list-style-type: none"> • Catering Installers • Point of Use (Chilled Water) Installers • RPZ Valve Testers
Terms and Conditions	the Water Industry Approved Plumbers Scheme Terms and Conditions of Membership
Water Company	the water company responsible for supplying water in a particular region of the UK
Work Completed Certificate	A certificate issued by a Member stating that the installation meets the requirements of the Regulations.
WRAS	The Water Regulations Advisory Scheme Limited Registered No. 06663930 Registered Office: 6D Lowick Close, Hazel Grove, Stockport, SK7 5ED
WRAS Website	https://www.wras.co.uk

1. Policy Statement

- 1.1 The maintenance of discipline is essential to ensure the effective conduct of the Scheme and to secure the well being and economic interests of those affected by the activities of Scheme Members. This applies to Individual Members, Business Members, and their other operatives as governed by the requirements of the WIAPS Scheme.
- 1.2 To maintain discipline, WIAPS expects Members to conduct themselves within the law and any code of practice associated with the industry; the Terms and Conditions of the Scheme; any rules specifically relating to workplace activities and within generally accepted standards of social and moral behaviour.
- 1.3 WIAPS will assist Business Members and their Individual Members so far as practicable in achieving compliance with the Regulations by bringing to their attention any guidance which will affect them.
- 1.4 WIAPS will, however, not hesitate to take appropriate disciplinary action if, following a complaints investigation, a Member has been adjudged to have failed to meet required standards of competency, conduct or behavior generally referred to in 1.2 above. In order to ensure the fair and equitable treatment of Members subject to disciplinary action, WIAPS has prepared and issued this disciplinary procedure. The procedure will be used by WIAPS as necessary and will apply to all Members within the scope of the Scheme.
- 1.5 Business Members are responsible for the management and discipline of their employees. They should ensure that all Individual Members are made aware of the standards of conduct, safety and job performance required of them, and of any disciplinary rules applying to them.
- 1.6 WIAPS must ensure that all Members comply with the Regulations and will hear any complaint made against Members in respect of their obligations under the Scheme.

1.7 The Disciplinary Procedure is the formal process and has three stages:

- a) formal complaints investigation process to ascertain whether a complaint is bona fide and supported by enough evidence or enough evidence to justify a hearing by the Disciplinary Committee.
- b) a separate disciplinary committee, preferably including consumer representation, to adjudge whether a complaint is to be upheld and if so to agree the relevant disciplinary sanctions subject to appeal.
- c) independent appeal process.

2. Scope of Procedure

The Disciplinary procedure will apply to all Scheme Members.

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, Members will be given the opportunity of 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, save where the Member does not respond to communications from the Disciplinary Committee, in which case a decision may be made without a hearing;
- (c) a hearing may be held by tele conference;
- (d) failure to attend an interview/hearing and/or failure to co-operate in the disciplinary process may be deemed to constitute serious breach of the Disciplinary Code 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 sanctions, ranging from the issuing of a reprimand (warning) through to removal from the Scheme. Frequently, the issue of a reprimand will resolve the problem. In other circumstances it might be necessary to pursue several or all of the sanctions of the procedure in order to resolve the matter. On other occasions, an instance of serious or gross misconduct may require escalation of the matter an advanced stage of the procedure which may result in immediate expulsion without notice from the Scheme.

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:-

For an Individual Member:-

- a) Failure to co-operate in the Scheme's customer redress arrangements.
- b) Failure to carry out work directed in a Disciplinary Panel decision (where relevant).
- c) Failure to adhere to the Scheme's Terms and Conditions or Code of Conduct
- d) Actions bringing the Scheme into disrepute.
- e) Failure to attend a disciplinary interview/hearing without good reason.
- f) Failure to comply with all relevant laws, regulations, standards and codes.
- g) Failure to carry out their own work or supervise the work of others with due regard to technical quality, appropriate insurance cover and the interests of employers, employees and clients; communicating and performing to an acceptable standard; and with a duty of care to employers, employees and clients.
- h) Expulsion from another Approved Contractors' Scheme
- i) Failure to comply with an audit request

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

3.4 The procedure takes into account of the rules of natural justice and aims to avoid bias and ensure the right to a fair procedure. It provides for rights of representation at each formal stage of the procedure and for rights of appeal against warnings and serious action.

3.5 If the Disciplinary Panel is satisfied that a breach of the Code has been proved, the Disciplinary Panel shall be empowered to agree one or more of the following sanctions and convey its findings in writing to the Member(s):

- (a) warn/reprimand the Member(s) as to their future conduct with reasonable conditions the Disciplinary Panel wish to impose

For a Business Member:-

- a) Failure to co-operate in the Scheme's customer redress arrangements.
- b) Failure to carry out work directed in a Disciplinary Panel decision (where relevant).
- c) Failure to adhere to the Scheme's Terms and Conditions or Code of Conduct
- d) Actions bringing the Scheme into disrepute.
- e) Failure to attend a disciplinary interview/hearing without good reason.
- f) Failure to notify the Scheme where Individual Members have left the Business.
- g) Failure to comply with all relevant laws, regulations, standards and codes.
- h) Failure to ensure the work of Individual Members is carried out with due regard to technical quality, appropriate insurance cover and the interests of employers, employees and clients; communicating and performing to an acceptable standard; and with a duty of care to employers, employees and clients.
- i) Expulsion from another Approved Contractors' Scheme

- (b) suspend the Member(s) from membership of the Scheme for such a period and under such conditions as the Disciplinary Panel shall determine;
- (c) terminate the Member's membership of the Scheme forth with or from such date as the Disciplinary Panel shall specify.

4. Formal Sanctions - Warnings

4.1 Issue of warnings

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 Scheme to a Disciplinary Panel. Rights of representation and of appeal are set out under section 6.

The Disciplinary Panel will consist of Water Regulations Inspectors of Water Companies not in the area where the complaint arose, supported by the WIAPS Manager.

In each case, the Member(s) 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. A record will be kept of the warning, and a note, confirming the conditions attaching to the warning, will be sent to the Member(s) 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 serious breach, which, in the reasonable opinion of the Disciplinary Panel, merits immediate escalation to this stage of the procedure. A record will be kept of the warning, and a note, confirming the conditions attached to the warning, will be sent to the Member(s) within 14 days.

c) Final Warning

A final written warning will be appropriate where a formal written warning has failed, or for a very serious offence, which, in the reasonable opinion of the Disciplinary Panel, merits immediate escalation to this stage of the procedure. A record will be kept of the warning, and a note, including the conditions attached to the warning, will be sent to the Member(s) within 14 calendar days. The written confirmation should leave the Member(s) in no doubt as to the consequence of a further breach. The written confirmation of a warning (b) & (c), when posted to a Member(s), will be sent by recorded delivery.

4.2 The Life of Warnings

Records will be kept of warnings indicating when they expire and any conditions, 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 will be carefully safeguarded and kept confidential. Should a similar breach occur during the lifetime of a warning it will result in a final warning.

Except in agreed special circumstances, these warnings will expire after a specified period of satisfactory conduct. This period will be clearly explained to the Member(s) and will be used as a period during which any further breach could lead to action under the next stage of the procedure.

Warnings will expire after the following periods:-

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

Once the period specified about has expired, the warning will no longer be considered.

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

5. Serious Sanctions - Suspension and Expulsion

- 5.1 Serious sanctions which result in suspension or termination of Membership of the Scheme will be appropriate where formal warnings under section 4 have failed to resolve the problem or in the case of misconduct where a more serious sanction is required. Please refer to paragraph 3.3.
- 5.2 The type of sanction taken, including removal from the Scheme, will depend upon the circumstances of the case. Serious sanctions may only be taken by the Disciplinary Committee following a full enquiry.
- 5.3 Serious sanctions includes:-
 - a) expulsion, with or without notice;
 - b) suspension for a specified period.
- 5.4 Serious sanctions, short of expulsion, may also be linked with a final warning under 4.1 above. Serious sanctions 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 sanction is contemplated, it may be necessary to suspend the Member(s), following discussion with the Disciplinary Committee, 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(s); and allow the Member(s) time to arrange to be represented at a hearing if he so wishes.

- 5.6 Notification of removal from the Scheme, following a complaints investigation, will be disseminated to other Approved Contractor Schemes. See paragraph 6.19.

6. Rights of Appeal

- 6.1 Rights of appeal exist against warnings and suspension or expulsion from the Scheme.
- 6.2 An appeal against any sanction should be made to the Appeals Committee.
- 6.3 A Member shall have the right to be represented at any appeals hearing.
- 6.4 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 Appeals

- 6.7 There is no automatic right for a Member to appeal against a decision of the Disciplinary Panel. An Appellant can only make an appeal if they can satisfy the appeal's criteria. Leave to appeal therefore will only be granted on the following grounds: -

- Submission of new evidence;
- Apparent injustice by the Disciplinary Panel investigation;
- Excessive sanction.

Appellants must make a formal statement setting out in detail the grounds on which they are appealing. The appeal letter must be clear and specific regarding the reason(s) on which the appeal is based and delivered to the WIAPS Manager c/o WRAS, Unit 13 Willow Road, Pen y Fan Industrial Estate, Crumlin, Gwent, NP11 4EG.

- 6.8 An appeal against disciplinary action should be made by the Member(s) concerned or, where appropriate, through their representative in the manner specified in the letter confirming the disciplinary action taken.
- 6.9 An appeal should be lodged in writing within 28 calendar days of receipt of notification of the action.
- 6.10 An appeal hearing shall normally be arranged within 28 calendar days of receipt of the notice of appeal, unless otherwise mutually agreed.

Appeal Hearing

- 6.11 The Appeals Committee will meet as required.
- 6.12 It will determine whether the grounds of appeal are justified.
- 6.13 It has the right to refer back to the Disciplinary Panel for rehearing or reconsideration of sanctions.
- 6.14 Representation is anticipated to include no more than three representatives.

- 6.15 While the same secretariat can support the Disciplinary Panel, members of committees should be separate to avoid any inadmissible matters being considered. Similarly any appeal hearing must again consist of entirely separate members.
- 6.16 The WIAPS manager will act as secretariat and will have no decision making role.
- 6.17 It is important that committee members do not engage in communication with complainants or defendants outside of the meeting.
- 6.18 The decision of the Disciplinary Panel and/or Appeals Committee will be published on the WRAS Website 28 days after the date of the decision of the Disciplinary Panel or exhaustion of the appeals procedure, as appropriate.
- 6.19 Notwithstanding paragraph 5.6 which is subject to a right of appeal, all such decisions resulting in expulsion from the Scheme for Business Members and/or Individual Members shall be disseminated to other WaterSafe scheme providers. This may lead to expulsion from another Approved Contractor Scheme as detailed in section 3.3.
- 6.20 Re-admission of a former member to the Scheme could be considered by the Disciplinary Panel subject to the current Terms and Conditions and, at the Panel's discretion, subject to:
- a) evidence of retraining and satisfactory assessment of Regulations knowledge; and
 - b) evidence of compliance from one or more audits of recent work.

Where such an application is refused, the Member will be informed in writing.