

# Water Industry Approved Plumbers Scheme (WIAPS) Disciplinary Code

## Definitions

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

<b>Appeals Committee</b>	or a committee made up of Water Regulations Inspectors from subscribing water companies
<b>Approved Contractor</b>	has the meaning set out in the Regulations
<b>Approved Plumbing Business</b>	a plumbing business (whether conducted on a sole trader basis, as a partnership or as a company) which has been approved by WaterRegsUK as a WIAPS Member in accordance with these terms and conditions
<b>Approved Sector Worker Business</b>	a Sector Worker business (whether conducted on a sole trader basis, as a partnership or as a company) which has been approved by WaterRegsUK as a WIAPS Member in accordance with these terms and conditions
<b>Approved Sector Worker</b>	an individual Sector Worker who has been approved by WaterRegsUK as a WIAPS member in accordance with these terms and conditions
<b>Business</b>	an Approved Contractor business whether operating as a sole trader, partnership or any corporate entity
<b>Business Member</b>	an Approved Plumbing Business or an Approved Sector Worker Business
<b>Code of Conduct</b>	The Water Industry Approved Plumbers Scheme Code of Conduct.
<b>the Customer</b>	users or potential users of Members' services
<b>Decision Maker</b>	is someone authorised by the Scheme to make disciplinary decisions.
<b>Individual Member</b>	an Approved Plumber or an Approved Sector Worker who has been allocated a unique WIAPS membership number
<b>Member</b>	an Individual Member or a Business Member
<b>Membership</b>	membership of the Scheme
<b>the Regulations</b>	The Water Supply (Water Fittings) Regulations 1999

<b>the Scheme</b>	The Water Industry Approved Plumbers Scheme, which shall include all Sector Worker schemes
<b>Sector Worker</b>	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:  Ground Workers (External Services)  Catering Installers  Point of Use (Chilled Water) Installers  RPZ Valve Testers
<b>Terms and Conditions</b>	the Water Industry Approved Plumbers Scheme Terms and Conditions of Membership
<b>Water Company</b>	the water company responsible for supplying water in a particular region of the UK
<b>Work Completed Certificate</b>	A certificate issued by a Member stating that the installation meets the requirements of the Regulations.
<b>WaterRegsUK</b>	Water Regs UK Limited Registered No. 06663930 Registered Office: 6D Lowick Close, Hazel Grove, Stockport, SK7 5ED
<b>WaterRegsUK Website</b>	<a href="https://www.WaterRegsUK.co.uk">https://www.WaterRegsUK.co.uk</a>

## 1 Introduction

- 1.1. The maintenance of discipline is essential to ensure the effective conduct of the Scheme and to secure the wellbeing 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 and meet the requirements of the scheme as set out within the:
  - 1.2.1. Terms and Conditions of Membership
  - 1.2.2. Code of Conduct
  - 1.2.3. Audit procedures and guidance
  - 1.2.4. Customer redress arrangements
  - 1.2.5. Brand guidelines
- 1.3. WIAPS will assist Business Members and their Individual Members so far as reasonably 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 behaviour generally referred to in 2.2 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:
  - 1.7.1. formal complaints investigation process to ascertain whether a complaint is bona fide and supported by enough evidence to justify disciplinary action and sanctions.
  - 1.7.2. a disciplinary decision, to adjudge whether a complaint is to be upheld and if so to agree the relevant disciplinary sanctions subject to appeal. The Decision Maker should not be responsible for completing an investigation.
  - 1.7.3. An independent appeal process through an Appeals Committee.

## General Principles

- 1.8. The operation of the procedure will depend upon the adoption of certain general principles, which are in accordance with recognised good practice:
  - 1.8.1. a thorough investigation of all the circumstances of a case will be made before a course of disciplinary action is commenced,
  - 1.8.2. at all stages, Members will be given the opportunity of a fair hearing and ample opportunity to explain the reasons for their alleged failure to meet the required standards. A warning will not be given without a member being contacted, save where the Member does not respond to communications from the Scheme, in which case a decision may be made without communication from the member,
  - 1.8.3. failure to attend an interview or 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 5.2 below,
  - 1.8.4. an accurate record of any disciplinary investigation, decisions and any hearings will be maintained.

## Scope of procedure

- 1.9. The Disciplinary procedure will apply to all Scheme Members.

## 2 The investigation

- 2.1. This may be carried out by an employee of the Scheme and/or by someone authorised by the Scheme and/or someone authorised by a water company subscribing to the Scheme.

- 2.2. Members will be contacted and given ample opportunity to explain the reasons and circumstances for their alleged failure to meet the required standards. The investigator may set timescales by which a response must be sent to the Scheme.
- 2.3. 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 5.2 below
- 2.4. Where an investigation concludes that the requirements of the scheme have not been met and disciplinary action is justified, the matter will be referred to a Decision Maker.
- 2.5. Where the matter is referred to the Decision Maker, the investigator will normally provide an investigation report to the Decision Maker, which may include:
  - 2.5.1. a description of the complaint,
  - 2.5.2. any audit information where relevant,
  - 2.5.3. where received, the response from the member explaining their actions
  - 2.5.4. a conclusion about which scheme requirements have not been met and
  - 2.5.5. a recommendation about what, if any, sanctions should be issued.

#### Suspension pending an investigation

- 2.6. In certain cases, where serious sanction is contemplated, it may be necessary to suspend the Member(s), following discussion with the Decision Maker, pending the completion of investigations into the facts surrounding the complaint. Such a suspension will communicate the severity with which the complaint is viewed and permit enquiries to proceed unhindered by the continued Membership of the Member(s).
- 2.7. Suspension may also allow any contraventions of the regulations which have been identified, to be remedied. Suspensions pending an investigation, will only require an investigation report to be submitted to the Decision Maker once the investigation has concluded.

### 3 Disciplinary decision

- 3.1. The Decision Maker is someone authorised by the Scheme to make disciplinary decisions. This is normally the WIAPS Manager, a WIAPS Trainer/Assessor or the MD.
- 3.2. The Decision Maker must not have led an investigation into a complaint against a member.
- 3.3. If the Decision Maker is satisfied that a breach of the Schemes requirements has been proved, the Decision Maker shall be empowered to decide on one or more of the following sanctions and convey its findings in writing to the Member(s):
  - 3.3.1. Issue a warning to the Member(s) as to their future conduct with reasonable conditions the Decision Maker wish to impose
  - 3.3.2. suspend the Member(s) from membership of the Scheme for such a period and under such conditions as the Decision Maker shall determine
  - 3.3.3. terminate the Member's membership of the Scheme forth with or from such date as the Decision Maker shall specify.
- 3.4. In each case, the Member(s) should be made fully aware of the reasons for the sanction(s) and the consequences of repetition (where applicable).
- 3.5. Where an investigation report has been submitted this will also be provided to the member.

## 4 Misconduct

- 4.1. After due inquiry as detailed elsewhere in this procedure, there are circumstances which can lead to expulsion without notice.
- 4.2. On other occasions, an instance of serious or gross misconduct may require escalation of the matter to an advanced stage of the procedure which may result in immediate expulsion without notice from the Scheme.
- 4.3. As an indication, the following types of misconduct could, after due inquiry as detailed elsewhere in this procedure, lead to expulsion without notice:

<b>For an Individual Member:</b>	<b>For a Business Member:</b>
<ul style="list-style-type: none"> <li>a) Failure to co-operate in the Scheme's customer redress arrangements</li> <li>b) Failure to carry out work directed in a disciplinary decision (where relevant).</li> <li>c) Failure to adhere to the Scheme's Terms and Conditions or Code of Conduct</li> <li>d) Actions bringing the Scheme into disrepute.</li> <li>e) Failure to attend a disciplinary interview or hearing without good reason.</li> <li>f) Failure to comply with all relevant laws, regulations, standards and codes</li> <li>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.</li> <li>h) Expulsion from another Approved Contractors' Scheme</li> <li>i) Failure to comply with an audit request</li> </ul>	<ul style="list-style-type: none"> <li>a) Failure to co-operate in the Scheme's customer redress arrangements</li> <li>b) Failure to carry out work directed in a disciplinary decision (where relevant).</li> <li>c) Failure to adhere to the Scheme's Terms and Conditions or Code of Conduct</li> <li>d) Actions bringing the Scheme into disrepute.</li> <li>e) Failure to attend a disciplinary interview or hearing without good reason.</li> <li>f) Failure to notify the Scheme where Individual Members have left the Business.</li> <li>g) Failure to comply with all relevant laws, regulations, standards and codes.</li> <li>h) Expulsion from another Approved Contractors' Scheme</li> </ul>

- 4.4. This list is prepared for the purposes of illustration, and is not intended to be exhaustive, in any way.
- 4.5. The procedure takes into account 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.

## 5 Sanctions - Warnings

- 5.1. The procedure allows for a series of sanctions, ranging from the issuing of a warning, suspensions and removal from the Scheme. These sanctions can also be made with conditions. Frequently, the issue of a warning 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.

### Issue of warnings

- 5.2. 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 Decision Maker.
- 5.3. Normally a review date well within the life of the warning should be fixed to consider the Member's monitored progress.

### First Written Warning

- 5.4. 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 attached to the warning, will be sent to the Member(s) within 14 calendar days.

### Second Written Warning

- 5.5. 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 Decision Maker, 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.

### Final Warning

- 5.6. 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 Decision Maker, 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.

### The Life of Warnings

- 5.7. 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.
- 5.8. 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.

- 5.8.1. Warnings will expire after the following periods:
  - 5.8.2. First Written Warning - 12 months
  - 5.8.3. Second Written Warning - 18 months
  - 5.8.4. Final Written Warning - 24 months
- 5.9. Once the period specified about has expired, the warning will no longer be considered.
- 5.10. 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

## 6 Serious Sanctions - Suspension and Expulsion

- 6.1. Serious sanctions which result in suspension or termination of Membership of the Scheme will be appropriate where formal warnings under section 6 have failed to resolve the problem or in the case of misconduct where a more serious sanction is required. Please refer to paragraph 5.2.
- 6.2. The type of sanction taken, including removal from the Scheme, will depend upon the circumstances of the case.
- 6.3. Serious sanctions include:
  - 6.3.1. expulsion, with or without notice
  - 6.3.2. suspension for a specified period.
- 6.4. Serious sanctions, short of expulsion, may also be linked with a final warning under 6.6 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.
- 6.5. Notification of removal from the Scheme, following an investigation, will be disseminated to other Approved Contractor Schemes. See paragraph 8.19.
- 6.6. Where a member is expelled they may have a condition which prohibits them from re-applying for membership of the scheme for a specific time period. In serious cases such as fraud, the Decision Maker may consider a permanent expulsion of the scheme, with no opportunity to reapply for membership.
- 6.7. Where a member reapplies for the scheme after being expelled, an application should be referred to a Decision Maker to decide whether it can be accepted. They may consider the following factors, which are not limited to:
  - 6.7.1. The timeliness of the application and any conditions imposed on expulsion
  - 6.7.2. The severity of past breaches/misconduct
  - 6.7.3. Evidence of retraining
  - 6.7.4. Evidence of a number of recent successful audits demonstrating correct application of the Water Supply (Water Fittings) Regulations
  - 6.7.5. The terms and conditions of the scheme at the time of application
- 6.8. Where such an application is refused, the Member will be informed in writing.

## 7 Right of Appeal

- 7.1. Rights of appeal exist against warnings or suspension or expulsion from the Scheme
- 7.2. An appeal against any sanction should be made to the Appeals Committee. The Appeals Committee will consist of Water Regulations Inspectors of Water Companies. The Appeals Committee will be supported by the Scheme. However employees of the scheme will not take part in any decision making.
- 7.3. A Member shall have the right to be represented at any appeals hearing.
- 7.4. 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

- 7.5. There is no automatic right for a Member to appeal against a decision of the Decision Maker. 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:
  - 7.5.1. Submission of new evidence
  - 7.5.2. Apparent injustice by the Decision Maker investigation
  - 7.5.3. Excessive sanction.
- 7.6. 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 Water Regs UK, Unit 13 Willow Road, Pen y Fan Industrial Estate, Crumlin, Gwent, NP11 4EG.
- 7.7. 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.
- 7.8. An appeal should be lodged in writing within 28 calendar days of receipt of notification of the action.
- 7.9. An appeal hearing shall normally be arranged within 28 calendar days of receipt of the notice of appeal, unless otherwise mutually agreed.

### Appeal Hearing

- 7.10. The Appeals Committee will meet as required.
- 7.11. In the case of an appeal a hearing may be held by teleconference or video conference
- 7.12. It will determine whether the grounds of appeal are justified.
- 7.13. It has the right to refer back to the Decision Maker for rehearing or reconsideration of sanctions.
- 7.14. Representation is anticipated to include no more than three representatives.
- 7.15. While the same secretariat can support the Decision Maker and the Appeals Committee, members of committees and decision makers should be separate to avoid any inadmissible matters being considered..
- 7.16. The Scheme will provide a secretariat and will have no decision making role.



- 7.17. It is important that Appeals Committee members do not engage in communication with complainants or defendants outside of the meeting.
- 7.18. The decision of the Appeals Committee will be published on the Water Regs UK Website 28 days after the date of the decision of the Disciplinary Panel or exhaustion of the appeals procedure, as appropriate.
- 7.19. Notwithstanding paragraph 7.5 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.
- 7.20. Re-admission of a former member to the Scheme could be considered by the Appeals Panel, at the Panel's discretion, subject to the following factors, but not limited to:
- 7.20.1. The timeliness of the application and any conditions imposed on expulsion
  - 7.20.2. The severity of past breaches/misconduct
  - 7.20.3. Evidence of retraining
  - 7.20.4. Evidence of a number of recent successful audits demonstrating correct application of the Water Supply (Water Fittings) Regulations
  - 7.20.5. The terms and conditions of the scheme at the time of application
- 7.21. Where such an application is refused, the Member will be informed in writing