

Point of Use Sector Terms and Conditions

1. DEFINITIONS

1.1. In these terms and conditions, unless the context requires otherwise, the following definitions and rules of interpretation apply:

Approved Contractor	Has the meaning set out in the Regulations and is a person who has been approved by one of the WaterSafe Scheme Operators for a specific scope of work.
Approved Point of Use Installer	An individual point of use installer who has been approved by a WaterSafe Scheme Operator, in accordance with these terms and conditions.
Brand Guidelines	The WaterSafe Brand Guidelines as updated from time to time, a copy of which is available on the WaterSafe website
Certificate of compliance	A certificate issued by an Individual Member confirming that the installation meets the requirements of the Regulations
Customer	Users or potential users of Members' services
Customer commitments	Customer Commitments v2 document or as updated from time to time, a copy of which is available on the WaterSafe website
Installation	Reference to an "installation" is to the installation of a water fitting or plumbing system
Notification	Notification of an installation as required by the Regulations under Regulation 5 to the local water company
Person	A human being
Point of Use Sector	Membership category that includes Approved Point of Use Installers and the Approved Businesses that employs them (including sole traders)
The Regulations	The Water Supply (Water Fittings) Regulations 1999 and equivalent legislation in Scotland and Northern Ireland
Scheme	The WaterSafe Installers' Scheme Limited
Scheme Rules	Membership requirements for a person or business to be a member and approved by WaterSafe. For the point of use sector these are set out in WaterSafe documents including but not limited to: Point of use sector terms and conditions, certification trade mark regulations, customer commitments and brand guidance.
Water Company	The water company responsible for supplying water in a particular region of the UK, otherwise known as: - the licensed wholesaler; or - water undertaker, as defined in the Water Industry Act 1991
WaterSafe	WaterSafe Installers' Scheme Limited (Company No.08128904), whose registered office is at Pembroke House, Ty Coch Lane, Llantarnam Park Way, Cwmbran, Torfaen, Wales, NP44 3AU
WaterSafe Scheme Operator	An Approved Contractors' Scheme who is also a subscriber of WaterSafe Installers Scheme Limited. There are currently six WaterSafe Scheme Operators:

	<ul style="list-style-type: none"> • Anglian Water’s APLUS, • Association of Plumbing and Heating Contractors (APHC), • Chartered Institute of Plumbing and Heating Engineering (CIPHE), • Scottish and Northern Ireland Plumbing Employers’ Federation (SNIPEF), • Severn Trent’s Watermark and • The Water Industry Approved Plumbers’ Scheme (WIAPS).
WaterSafe Approved Business	An organisation or sole trader that has been approved by a WaterSafe Scheme Operator that has met WaterSafe requirements for an Approved Business. A business may employ Approved Contractors or RPZ valve testers with different approval scopes e.g. Plumbers, Water Supply Pipe Installers, Catering installers, Point of use installers or RPZ Valve testers.
WaterSafe website	www.WaterSafe.org.uk

2. SCOPE OF POINT OF USE SECTOR

- 2.1. Approved Point of Use Installers can install cold water chillers or water coolers connected directly to the mains or fed from a wholesome water cistern This only includes premises that are supplied or that are intended to be supplied by a Water Company or water supplier licensee.
- 2.2. They are not approved to issue certificates of compliance for:
 - 2.2.1. Other types of water fittings or plumbing systems.
 - 2.2.2. Excavations on the public highway.
 - 2.2.3. The operation of or connection to a water undertakers outside stop valve.

3. CONDITIONS FOR WATERSAFE APPROVED POINT OF USE INSTALLERS

- 3.1. Conditions of membership for a Approved Point of Use Installers are:
- 3.2. To possess a qualification in Water Regulations/Byelaws that is recognised by Scheme for the Point of Use sector. A person who was a member of one of the WaterSafe Scheme Operators of a relevant sector/scope of approval as of 1 October 2013, will be deemed to meet the requirements of the Scheme Rules at that date.
- 3.3. To be employed by a WaterSafe Approved Business or working as a sole trader, which is a WaterSafe Approved Business.
- 3.4. To comply with these terms and conditions and any other requirements prescribed by WaterSafe from time to time.
- 3.5. To ensure that all installation work is carried out in accordance with all statutory requirements including (but not limited to) Water Regulations/Byelaws and Building Regulations (“Water Fittings Regulations”).
- 3.6. To issue certificates of compliance covering relevant installation work to their customer and, where required, a certificate of compliance should be sent to the water undertaker. This must not include installation work outside the scope of their approval.
- 3.7. To only issue certificates of compliance:

- 3.7.1. for installations that are within the scope of the scheme and
- 3.7.2. where the installation complies with the water fittings regulations and
- 3.7.3. where the installation has been installed by the Approved Point of Use Installers themselves or

where the work has been completed by others, the Approved Point of Use Installers shall physically inspect all aspects of the installation to be able to certify that it complies with the water fittings regulations. Physical inspection means the Approved Point of Use Installers has inspected all aspects of the installation in person and has not relied on photos or videos.

Please note that an Approved Point of Use Installers has legal obligations under the water fittings regulations to only issue a certificate of compliance for compliant work.

- 3.8. To fully cooperate with the Scheme or WaterSafe Scheme Operator query, investigation or complaint process and provide any relevant information. This may include explaining how the Approved Point of Use Installers ensures that an installation completed by others, is closely supervised to ensure any work is compliant before signing a certificate of compliance. Closely supervised means that the Approved Point of Use Installers has been able to physical inspect of all aspects of the installation and has not relied on photos or videos.

4. CONDITIONS OF WATERSAFE APPROVED BUSINESSES

- 4.1. Conditions of membership for every WaterSafe Approved Business are to:
- 4.2. To ensure compliance with the WaterSafe Scheme Rules. N.B. A business who was a Business Member of one of the WaterSafe Scheme Operators, as of 1 October 2013, will be deemed to meet the requirements of the Scheme Rules at that date
- 4.3. To comply with these terms and conditions and any other requirements prescribed by WaterSafe from time to time and to ensure their employees always comply with section 3 'Conditions for WaterSafe Approved Point of Use Installers'.
- 4.4. To promote the WaterSafe brand.
- 4.5. To accept and comply with certification regulations and brand guidelines for use of the WaterSafe certification mark, name and logo.
- 4.6. To accept data sharing arrangements for the business and employees e.g. Ensure data protection requirements are met when providing employee information or other personal data to be listed on the WaterSafe Website
- 4.7. To hold Public Liability Insurance with a minimum cover of £2m and, where required, Employers' Liability Insurance with a minimum cover of £5m.
- 4.8. To ensure that all installation work is carried out in accordance with all statutory requirements including (but not limited to) Water Regulations/Byelaws and Building Regulations.
- 4.9. To ensure that only Approved Point of Use Installers issue a certificate of compliance in accordance with clauses 3.6 and 3.7

Please note that liabilities may arise for any business where an employee or sole trader issues a certificate of compliance for work which is not compliant with legal requirements. These liabilities may arise in contract, tort

(including negligence), breach of statutory duty, misrepresentation, or in other ways. This is relevant where the work has been carried out by an employee and where they have issued a certificate of compliance for work completed by another person, whether employed or not by the business.

- 4.10. To ensure that Approved Point of Use Installers employed by them or sub-contracted to them possess a qualification, recognised by WaterSafe, in Water Regulations/Byelaws.
- 4.11. Where a customer requests work through the WaterSafe website or from a water company recommendation, and that work is within scope of the Approved Point of Use Sector, then only an Approved Point of Use Installer, must issue a certificate of compliance in accordance with clause 3.7.
- 4.12. To ensure that all relevant installation work is subject to the issue of a certificate of compliance, by an Approved Point of Use Installer and, where required, appropriate notification of work is made to the appropriate water company.
- 4.13. To have in place appropriate procedures for dealing with customer complaints in an effective and efficient manner.
- 4.14. To make customers aware of the Scheme's complaints procedures.
- 4.15. To fully cooperate with a WaterSafe or WaterSafe Scheme Operator query, investigation, audit, disciplinary or complaint process and provide any relevant information. This may include explaining how the WaterSafe Approved Business ensures that installation is closely supervised to ensure any work is compliant before signing a certificate of compliance.

5. RESPONSIBILITIES OF WATERSAFE AND WATERSAFE SCHEME OPERATORS

- 5.1. WaterSafe
- 5.2. WaterSafe is a listing of approved businesses and their approved contractors which aims to help consumers find local businesses who employ approved contractors providing relevant services. The website also allows consumers to check that an individual or business is currently approved.
- 5.3. WaterSafe is responsible for:
 - 5.3.1. the operation of www.watersafe.org.uk, including the list of approved members.
 - 5.3.2. setting requirements for the WaterSafe Scheme Operators to approve Businesses and their employees to be members of WaterSafe and listed on this directory.
- 5.4. WaterSafe Scheme Operators
- 5.5. Approved Contractor Schemes are responsible for approving businesses and individuals against their own requirements to become members of their Approved Contractor Scheme e.g. APLUS or APHC or CIPHE or Watermark or WIAPS or Snipef.
- 5.6. These Approved Contractor Schemes are also WaterSafe Scheme Operators and authorised to check their members against WaterSafe's requirements and approve WaterSafe membership to allow them to be listed on the WaterSafe directory listing. The only route to WaterSafe membership is through one of the six Approved Contractor Schemes.

- 5.7. The following functions are the responsibility of each WaterSafe Scheme Operator:
 - 5.7.1. communication with their members,
 - 5.7.2. applications and renewals,
 - 5.7.3. audits,
 - 5.7.4. managing complaints and the disciplinary process,
 - 5.7.5. administering their own website and
 - 5.7.6. uploading membership details on to the WaterSafe website.

6. COMPLAINTS ABOUT WATERSAFE

- 6.1. WaterSafe has a complaints process for the resolution of disputes regarding the following matters:
 - 6.1.1. WaterSafe's requirements to approve WaterSafe members.
 - 6.1.2. The content and operation of www.watersafe.org.uk. This excludes the information that has been uploaded by their Approved Contractor Scheme/WaterSafe Scheme Operator, which should be raised with their Approved Contractor Scheme.
 - 6.1.3. The content and operation of WaterSafe's social media accounts.
- 6.2. Applicants and WaterSafe members can raise a dispute through the complaint process, providing the matter is within the scope and responsibilities of the scheme.
- 6.3. WaterSafe reserves the right to refer a dispute in whole or in part, to a WaterSafe Scheme Operator, where a dispute falls within their responsibilities.
- 6.4. If the applicant or WaterSafe member has a complaint that is subject to the complaints process the applicant or WaterSafe member agrees to refer the dispute to the complaints process. The applicant or WaterSafe member shall not seek any other remedy (including commencing any court proceedings) until the applicant or WaterSafe member has exhausted the complaints process.
- 6.5. To refer a dispute to the complaint process applicant or WaterSafe member shall notify the WaterSafe in writing setting out why the applicant or WaterSafe member wishes to raise a complaint. This can be by post or email as set out below:
 - 6.5.1. WaterSafe Installers' Scheme Limited, Unit 13 Willow Road, Pen-Y-Fan Industrial Estate, Crumlin, NP11 4EG or
 - 6.5.2. info@watersafe.org.uk
- 6.6. Where a dispute is referred to the complaints process WaterSafe and the applicant or WaterSafe member shall comply with the following process:
 - 6.6.1. **Stage 1:** The WaterSafe Manager or a WaterSafe director will review the complaint and take such action as they consider appropriate to resolve the complaint.
 - 6.6.2. The stage 1 WaterSafe decision-maker must provide a written notice to the applicant or WaterSafe member setting out the action they consider appropriate to resolve the complaint and confirm that stage 1 of the complaints process has been completed. This notice may be by email or by post and receipt will be assumed to be the day following the notice being sent.

- 6.6.3. **Stage 2:** Where the applicant or WaterSafe member is not satisfied with the outcome of Stage 1, the applicant or WaterSafe member shall write to the WaterSafe (as set out in 6.4) setting out details of the complaint and why the applicant or WaterSafe member is not satisfied with the outcome of Stage 1. This must be received by WaterSafe within 30 calendar days of stage 1 completion.
- 6.6.4. A director, independent of any director from stage 1 shall review the complaint and take such action as they consider appropriate to resolve it.
- 6.6.5. The stage 2 WaterSafe decision-maker must provide a written notice to the applicant or WaterSafe member setting out the action they consider appropriate to resolve the complaint and confirm that stage 2 of the complaints process has been completed. This notice may be by email or by post and receipt will be assumed to be the day following the notice(s) being sent.
- 6.6.6. The stage 2 WaterSafe decision-makers written notice is final and there is no right to appeal a decision.