



SWIGA Members Rules of Conduct

Introduction

The purpose of this guide is to summarise the Rules that SWIGA Members are required to operate to. As such the intention is to summarise the various obligations and regulations covering the conduct of Members under the Guarantee and Surveillance Scheme, and inform potential applicants of their rights and requirements for admission to Membership.

As far as is possible a risk based approach is adopted, with the requirements of Membership being proportional to the potential liability incurred by the Agency in admitting or maintaining a company in Membership.

Part 1 – System Certificate Holder Members (SCH)

In order to become a System Certificate Holder Member of the Agency and to maintain its membership, a person, partnership, company, body or association must be admitted to the “Register of Members” and be able to continually demonstrate ability to adhere to the following requirements;

1. General

If members, in the unlikely event break the code, sanctions can be taken against them including suspension or indeed for serious breaches, termination of membership.

Applicant must;

- Have a UK based operation with a current UK company registration number.
- Be willing to have its application reviewed by SWIGA’s technical resources, leading to a recommendation for acceptance, conditional acceptance or rejection.
- Be willing to have its application considered by the SWIGA Board, leading to acceptance, conditional acceptance or rejection.
- Comply at all times with the requirements of the Surveillance Scheme and any associated documentation that define requirements, such as the procedure for the assessment and surveillance of installers.
- Be willing to cooperate with and submit to a technical audit or assessment that the SWIGA Board may deem necessary and prescribe.
- Be willing to pay an initial and annual registration fee as set by the board from time to time.

2. Financial

In order to assess whether the financial resources available to applicants are adequate their balance sheet, references and independent credit ratings from a recognised agency may be used.

A SCH member will have to be a UK domiciled legal entity that has net assets in excess of £1million or be covered by their international entity in the form of a written contract to take on the UK entity liability.

Where checks through independent credit agencies indicate that the applicant is not able to satisfy the financial requirements then additional comfort in the form of a bond or guarantees may be required.

3. Technical

SCH member must;

- Hold and maintain the Intellectual property rights to a Solid Wall, loft or floor Insulation System that has been certified by the BBA or other equivalent third party system certification covered by UKAS (or equivalent) accreditation to EN 45011: 1998 for that technology. This certification must include installation requirements and address the relevant UK design, use and Building Regulation provisions.
- Maintain and have available to the installer full method statements for the application of each certified system.
- Maintain and supply system specific specifications for each contract completed under the certification.
- Carry out an initial assessment of all installers put forward as to their competence in installing the system.
- Hold an up to date and accessible standard detail register for all certified systems.
- Maintain traceable technical support to the installer.
- Maintain means of tracing all materials supplied.
- Endorse any application made by one of SCH installing companies to SWIGA.
- Maintain a consumer manual including maintenance instructions as defined in the SWIGA QA Framework.

4. Insurance cover

The SCH must have in place insurance to cover normal risks affecting their Clients, employees and the public and design where appropriate, With a minimum requirement for £10m Public and Product liability, £5 million Employers liability and £5m Professional Indemnity to be in place.

5. Installers

In respect of Installers the SCH must;

- Promote the benefits of the Scheme to Installers.
- Assess an Installer for competence and capability before the Installer applies to SWIGA for Registration.
- Endorse the application to SWIGA
- Oversee and inspect all SWIGA approved Installers

they have endorsed whilst they remain a SWIGA Approved Installer. The minimum number of work in progress site inspections shall be two per year.

- Support, encourage and assist pending Installer Members to achieve Approved Installer status within 6 months.

The SCH may withdraw their agreement to the Installers SWIGA registration at any time by notice in writing to SWIGA. In such circumstances the Registration becomes invalid with immediate effect.

Where the SCH has more than one system, the SCH shall verify that the Installer has been trained and is equipped to operate according to each of those systems for which the Installer intends to operate.

6. Training

The SCH must;

- Train and assess the Installer's operatives.
- Issue an operatives card to each operative who demonstrates competence in the system and the installation of SWI.
- Inspect and assess each operative on site a minimum of once in each year on all three stages of application.
- Withdraw an operative's card where it is shown that an operative no longer has the capability, intention or competence to undertake the installation of SWI system in the correct manner.
- Advise SWIGA of the names and details of operatives qualified to use the System.

7. Complaints

In respect of complaints the SCH must;

- Where the installer member continues to trade -encourage and support the installer member to resolve the complaint promptly or, where the Installer Member has ceased to trade;
- Investigate the complaint, including a site visit as necessary and provide a written report to SWIGA within 14 days of notification.
- Identify the cause of the complaint.
- Propose any rectification works.
- Report the findings to SWIGA.
- Identify a suitable contractor to undertake any rectification works.

In the event that the cause is attributable to product or design defects that are attributable to the SCH, to pay for the works and arrange for quotations to be submitted to and approved by SWIGA.

- Be willing to participate in SWIGA's pre completion mediation service where applicable.
- If an SCH Member fails to fulfil their obligations under the Scheme as outlined above, then SWIGA reserves the right to hold them responsible for all costs of resolving complaints including SWIGA's costs of inspection, administration and resolution. In these circumstances, SWIGA will not be bound to identify the least costly resolution and will recharge the SCH Member accordingly.

Obligations of System Certificate Holder Members

Once accepted for Membership then the SCH is bound to abide by the Memorandum and Articles of Association and Rules of Conduct for SWIGA Members (as may be amended from time to time) and to comply with the terms of the SWIGA Guarantee and Surveillance Scheme.

SCH Members of the Agency are subject to review, covering technical and financial requirements as outlined. Where it is apparent that the obligations of Membership are not being met, then an improvement plan may be agreed with the member as an alternative to expulsion from the register of members.

Rights of System Certificate Holder Members

Subject to the Articles, Memoranda and Rules of SWIGA (as may be amended from time to time) a SCH Member is entitled to:

- Cast one vote in respect of any resolution or special resolution proposed at an Annual or Extraordinary General Meeting of the company.
- Propose a Member to stand for election as a Board Member.
- Stand for election as a Board member subject to being proposed.

Termination of Membership

The SWIGA Board may at its sole discretion terminate the Membership of a SCH at any time where the Member has:

- Failed to investigate a complaint or to identify remedial work or to reimburse a third party appointed by the Agency to carry out the work.
- Has acted to the detriment of another Member.
- Enters into a voluntary agreement with their creditors.
- Commits a material breach of the Articles or Rules of the Agency that if capable of remedy is not remedied within 28 days.
- Fails to pay debts in a timely manner.
- Ceases or threatens to cease business in the *loft, *floor, Internal wall or solid wall Insulation systems markets (*Park Homes)

Termination of membership shall not absolve the Manufacturer from liabilities and responsibilities accrued during his membership. All commitments highlighted in the previous paragraphs remain a requirement, free to site surveys and repair at no cost to SWIGA if system or design details are at fault in a failure

Part 2 - Approved Installer

To become an Approved Installer of the Agency and to maintain its membership, a person, partnership, or company must be admitted to the “Register of Members” and be able to continually demonstrate ability to adhere to the following requirements;

1. General

Applicant must;

- Be a UK domiciled legal entity
- Be approved to install the systems by a System Certificate Holder member.
- Have its Application for Membership as an Installer endorsed by the relevant SCH Member and formally submitted to SWIGA agreeing to allow appropriate investigation and assessments.
- Be willing to have its application reviewed by SWIGA’s technical resources, leading to a recommendation for acceptance, conditional acceptance or rejection.
- Be willing to have its application considered and endorsed by the SWIGA Board, leading to acceptance, conditional acceptance or rejection.
- Be willing to pay an initial and annual registration fee as set by the board from time to time.
- Be willing to cooperate with and submit to a technical audit or assessment that the SWIGA Board may deem necessary and prescribe.
- Apply for a Guarantee for all installations where the installation satisfies the Schemes requirements.
- At all times comply with all elements of the SWIGA Surveillance Scheme.
- Maintain sufficient resources and manpower to undertake the duties for all aspects of SWIGA membership.

2. Financial

In order to assess whether the financial resources available to applicants are adequate their balance sheet, references and independent credit ratings from a recognised agency may be used. They will also have to submit the last three years full audited trading accounts.

Where checks indicate that the applicant is not able to satisfy the financial requirements then additional comfort in the form of a bond or guarantees may be required, first year installations limited to 25 and their system provider must visit the first two projects and provide reports to SWIGA.

When required the level of such bond will be determined according to SWIGA’s potential liability based on the maximum number of installations that are anticipated and Guarantees issued by the installer. The following guidelines will be used:

Number of Installations	Required Bond
1 – 25 pa	£nil
25 – 50 pa	£15,000
50- 100pa	Not applicable
100- 250pa	Not applicable

Limited to 50 per year

3. In Respect of Operatives

The installer must;

- Comply at all times with the SWIGA Surveillance scheme training requirements.
- Advise the SCH of trainee Operatives and submit them to Manufacturer training and assessment in each of the three stages of installation and carry out such additional training or retraining courses as appropriate.
- Ensure there is a minimum of one competent, carded operative to every two operatives on a site and that the SWIGA surveillance scheme ratios of competency for operatives are adhered to. During 2021 the operatives will be required to hold, or be on route to a level 2 NVQ.
- Oversee and inspect all Operatives regularly and sufficiently to provide assurance of their continued competence and comply with the requirements of training within the Surveillance Scheme.
- Provide all necessary tools and equipment including personal safety equipment in order to undertake the work safely, competently and in accordance with relevant regulatory requirements.
- Withdraw an Operative from work where it is shown that an Operative no longer has the capability, intention or competence to undertake the installation of the system in the correct or safe manner.
- Advise SWIGA of the names and details of competent and carded Operatives.

4. Quality Assurance

The installer must:

- Follow the SWIGA Quality Assurance Framework and process at all times.
- Check the suitability of the property to receive the solid wall system (or loft / floor for Park Homes) and if in doubt seek additional advice from the system designer and / or the provider of the pre-building survey.
- Submit in the required format advance notification of work at least 5 days prior to installation commencing including a specification summary and System.

- Meet the requirements of the Surveillance Scheme.
- Maintain appropriate Quality Control records including industry stage photographic evidence .
- Advise SWIGA of any installations that do not comply with the SCH specification such as untreated areas, cold bridges or extensions.
- Affirm that installations are in accordance with SWIGA requirements.
- Respond promptly and within 1 week to customer queries regarding Guarantees.
- Have or working towards within one year Third Party Quality assurance accreditation such as ISO 9001.
- Have valid PAS 2030 accreditation

5. Policies

The Installer must have in place current policies for;

- Health and Safety
- Customer Care
- Complaint Handling
- Environmental issues
- Equal Opportunities

6. Complaints

In respect of complaints referred to the installer by customers, they must:

- Promptly and within 7 days investigate and seek to resolve customer complaints.
- Report details of all complaints received to SWIGA, that have not been closed off to the customers satisfaction within 21 days for monitoring purposes.
- Promptly undertake any work identified during the investigation.
- Involve the SCH at an early stage.
- Be willing to participate in SWIGA's pre-completion mediation service where applicable.

In respect of complaints referred to them by SWIGA the installer must:

- Promptly and within 21 days investigate and seek to resolve customer complaints.
- Promptly undertake any work identified as a result of the investigation.
- Where it proves impossible to satisfy the customer's concerns involve the SCH as appropriate.

- Investigate any complaint referred by SWIGA, including a site visit as necessary and provide a written report to SWIGA within 14 days of notification.
- Identify the cause of the complaint, recommend and implement any rectification works required and report the findings and conclusions to SWIGA.
- If an Approved Installer Member fails to fulfil their obligations under the Scheme as outlined above, then SWIGA will hold them responsible for all costs of resolving complaints including SWIGA's costs of inspection, administration and resolution. In these circumstances, SWIGA will not be bound to identify the least costly resolution and will recharge the Approved Installer Member accordingly.

7. Insurance Cover

- The Installer must have in place insurance to cover normal risks affecting their Clients, employees and the public and design where appropriate, With a minimum requirement for £10m Public and Product liability, £5 million Employers liability and £1m Professional Indemnity to be in place.

Rights of Approved Installer Members

Subject to the Articles, Memoranda and Rules of SWIGA (as may be amended from time to time) an Installer Member is entitled to:

- Cast one vote in respect of any resolution or special resolution proposed at an Annual or Extraordinary General Meeting of the company.
- Propose a Member to stand for election as a Board Member.
- Stand for election as a Board member subject to being proposed.
- Use the SWIGA Approved Installer Logo.

Obligations of Approved Installer Members

Once accepted for Membership then the Installer is bound to abide by the Memorandum and Articles of Association and Rules of SWIGA (as may be amended from time to time), the SWIGA Code of Professional Conduct and to comply with the terms of the SWIGA Guarantee, Surveillance Scheme and Training & Carding requirements.

Installer Members of the Agency are subject to review covering technical and financial requirements as outlined. Where it is apparent that the obligations of Membership are not being met, then an improvement plan may be agreed with the member as an alternative to expulsion from the Register of Members.

Installing members are liable for any repairs and their costs if the system fails due to installation error as deemed by the system providers report, or, via third party arbitration.

Termination of Approved Installer Membership

The SWIGA Board may at its sole discretion terminate the Membership of an Approved Installer at any time where the Member has:

- Failed to investigate a complaint or carry out remedial work or to reimburse a third party appointed by the Agency to carry out the work.
- Failed to satisfy the requirements of the Surveillance or Quality Assurance frameworks as established by SWIGA and set out from time to time.
- Has acted to the detriment of another Member.
- Enters into a voluntary agreement with creditors.
- Commits a material breach of the Articles or Rules of the Agency that if capable of remedy is not remedied within 28 days.
- Consistently fails to pay debts in a timely manner.
- Ceases or threatens to cease business in Solid Wall, (loft / floor - Park Homes) Insulation.

Termination of membership shall not absolve the Approved Installer Member from liabilities and responsibilities accrued during his membership. All previous installations remain the responsibility of the installer until the term of the guarantee is complete. During this time the installer must repair / replace any defective work identified by the system holders report, or following ADR conclusions.

SWIGA Membership Pending

The SWIGA Board may at its sole discretion accept an application on a pending basis subject to the Installer complying with the requirements of an Approved Installer within 6 months.

An Installer member with Membership Pending must:

- Pay the current membership application fee.
- Demonstrate a plan to comply with the conditions for permanent membership within 6 months.

An Installer with Membership Pending is not entitled to:

- Propose or stand for election to the SWIGA Board.
- Carry out any installations that would later require a guarantee
- Apply for any guarantees until membership is confirmed.

System holder Signature

We the system holder understand and will adhere to the rules set out in the SWIGA member rules of conduct

System holder Signature

Position within company

Date of signing

Installing Company Signature

We the Installing company member understand and will adhere to the rules set out in the SWIGA member rules of conduct

Installing Company Signature

Position within company

Date of signing

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June 2020