

# Un-Controlled Copy



## **FRACS (COMPANY) CERTIFICATION SCHEME**

**REQUIREMENTS FOR COMPANIES OFFERING FIRE RISK  
ASSESSMENT SERVICES**

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## **1 Issue Status and Amendment**

- 1.1 If this is a controlled copy of the FRACS (Company) requirements for Companies offering fire risk assessment services, the organisation to which it has been issued will be provided with details of any changes in accordance with the amendment procedure below. The control status of the document is identified on page 1. Controlled copies are identified as such and are issued as working documents. Uncontrolled copies are issued for information only and will not be updated and should therefore not be treated as working documents.
- 1.2 Each page of the document is identified by a page number, issue number and date. Where an amendment is made, the revised page will bear a new issue number and date of amendment. Original, un-amended pages of the document will remain as Issue 1.
- 1.3 Where an amendment requires an extra page to be inserted, this is numbered with the number of the preceding page but with the addition of a letter suffix, e.g. 10A will be inserted between pages 10 and 11 and 10B will follow 10A. The new pages are dated in the normal way.
- 1.4 Any amendment to this document will be identified on the Amendment Page, which will be re-issued to holders of controlled copies with the amended sections/pages. Revised pages shall be inserted in place of existing pages or between existing pages and superseded pages shall be discarded. Where a significant number of amendments are made to this document the entire document will be re-issued under a new issue number. In such cases holders of the document shall destroy the previous issue. From Issue 8 onwards, all sections which are affected by a change shall be identified by section number within the Amendment Page Table.
- 1.5 The Amendment Page and the relevant revised pages will be produced by WCL, following agreement with the FRACS Sector Liaison Group, and issued to the holders of each controlled copy of the document, together with an acknowledgment slip (document transmittal) which shall be signed and returned to WCL to confirm that the document has been amended. It shall be the responsibility of the nominated representative of the organisation holding a controlled copy of the document to ensure that the document is maintained in an up to date condition at all times.
- 1.6 To ensure that a permanent record is available of all amendments, WCL maintains a file of all superseded pages which are marked with the date of withdrawal. The record is held on file indefinitely in order to allow WCL to determine the past requirements of the FRACS (company) scheme at any time.

**Amendment Page**

To ensure that each controlled copy of the FIRAS Scheme Requirements contains a complete record of amendments, the Amendment Page is updated and issued with each set of revised/new pages of the document. Details of the procedures for amending this document are given in section 1 of this document.

<u>Amendment</u>			<u>Discard</u>		<u>Insert</u>	
<u>No</u>	<u>Date</u>	<u>*Sections Changed</u>	<u>Page(s)</u>	<u>Issue no</u>	<u>Page(s)</u>	<u>Issue no</u>
1						
2						
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## 2. Introduction

- 2.1 These requirements relate to the FRACS (company) scheme of independent assessment and certification of companies offering fire risk assessment services and they form part of any and all agreements entered into with any party for the purposes of the scheme.
- 2.2 This scheme does not preclude companies from offering other services in addition to those described herein.
- 2.3 Fire risk assessment in respect of this document is deemed to include the assessment of various types of building in accordance with the requirements of the;
- Regulatory Reform (Fire Safety) Order 2005
  - The Fire safety (Scotland) Regulations 2006, The Fire (Scotland) Act 2005 (sections 53-59)
  - The Fire Precautions (Workplace) Regulations (Northern Ireland) 2001

The scheme is operated and controlled under the name of FRACS (Company) by Warrington Certification Limited, the authority under which certification against the scheme requirements is awarded.

- 2.4 All bona fide companies involved in the provision of fire risk assessment services may apply for certification against the scheme's requirements.
- 2.5 The main features of the scheme are:
- All companies shall employ risk assessor personnel of proven competence (as verified by the application of the FRACS (Company) competence assessment process as detailed herein).
  - Senior management, supervisory, or other company staff members involved in peer review of fire risk assessment reports produced by risk assessors employed by the company; shall have as a minimum equal proven competence in fire risk assessment activities to those whose work they are reviewing. The competence of the individuals involved in peer review activities for the company shall be subject to competence assessment as verified by the application of the FRACS (Company) competence assessment process as detailed herein.
  - Administration staff employed by the company who are involved in administration duties and client liaison, shall have received adequate in house training (as a minimum) in the appreciation of fire risk assessment activities undertaken by the company; in order for them to carry out unsupervised administration duties related to fire risk assessment assignments. It will be a requirement of all applicant companies to demonstrate the awareness training undertaken by administration staff and any competence how the competences are verified by the company management.
  - On-going surveillance of certificated scope assessment work at a level to be determined by WCL relevant to the company's activity levels.
  - Initial audit of office based routines / procedures / systems shall be followed by annual surveillance visits of office systems.

- A requirement to notify WCL of all contracts (relating to fire risk assessment services) secured, using Contracts in Hand Form; irrespective of the duration/level of the contracted works.
  - Issue of Certificates of Completion for all contracts
- 2.6 Having demonstrated compliance to these scheme requirements, companies will be awarded certification and added to the FRACS (Company) Register of companies offering fire risk assessment services.
- 2.7 Liaison between FRACS (Company) and the industry will be affected through a WCL Sector Liaison Panel. The general terms of reference of this group will be:
- To continually develop and update the scheme
  - To co-ordinate the views of industry
  - To promote the scheme and it's benefits to industry
- 2.8 The FRACS (Company) fee structure for this scheme is available on request.
- 2.9 The version of these requirements used by the company shall be the version current at the time. All certificated companies shall be advised by WCL in writing of any amendments and the applicable dates.

### 3. Definitions

- 3.1 **The Scheme** – the FRACS (Company) scheme covering the certification of companies who offer fire risk assessment services.
- 3.2 **Applicant** – the organisation (company, partnership, etc) that is seeking certification within the scheme.
- 3.3 **Company** – the organisation (company, partnership, etc) who is responsible for the, production and delivery of fire risk assessments.
- 3.4 **Fire Risk Assessment services** – are deemed to include Regulatory Reform (Fire Safety) Order 2005, The Fire safety (Scotland) Regulations 2006 and The Fire (Scotland) Act 2005 (sections 53-59) See Appendix 3 for details.
- 3.5 Companies shall take responsibility for all aspects of the fire risk assessment services they have carried out.
- 3.6 **Competency Assessment** – Evaluation by WCL of the skills, knowledge and experience of individuals employed by the company based on a questionnaire, examination, interview and inspection of the quality of work (produced by the individuals employed by the applicant company under assessment) demonstrated on site, and historically.
- 3.7 **Senior Manager / Senior partner** – a directly employed person who is responsible for the day to day control and management of the applicant/certificated company. This individual will be the named signatory for peer review and final acceptance sign off of fire risk assessments produced by company employees/subcontractors. This individual will have been identified by the company as having competence in fire risk assessment to enable them to fulfil this supervisory role.
- 3.8 **Directly employed Fire Risk Assessor (Competent Person)** – A competent person who is directly employed by the company and is someone who has demonstrated an ability to apply knowledge and/or skills and, where relevant, demonstrated personal attributes, as defined in the FRACS certification scheme.
- 3.9 **Subcontract Fire Risk Assessors Staff (Competent Person)** – A competent person who is employed on a subcontract basis by the company and is someone who has demonstrated an ability to apply knowledge and/or skills and, where relevant, demonstrated personal attributes, as defined in the FRACS certification scheme.
- 3.10 **Authorised Signatory** – is someone who takes ultimate responsibility for the management for the delivery of the final fire risk assessment report. Only an Authorised Signatory may sign the *Certificate of Completion*. (See 3.7)

## **4. Scheme Technical Requirements**

### **4.1 Application Process**

4.1.1 An applicant company wishing to be assessed against the scheme requirements shall apply on the application form (see Appendix 1) and send the completed form to Warrington Certification Limited. Any technical queries should be directed to the Warrington Certification Limited; Personnel Certification Manager, 01925 646658.

4.1.2 The company shall submit documentary evidence to support the application made for each employee and the senior manager in order to satisfy Warrington Certification Limited that they are competent.

- Four risk assessments completed by the senior manager
- Two risk assessments for each of the employee risk assessors

In addition to the evidence as requested above, an organisation chart or narrative describing the responsibilities and scope of activities of those employees involved in the delivery of fire risk assessment services by the company shall be submitted.

A copy of the company's quality policy and/or a copy of the company's certificate of Quality Management Systems certification (where held) shall be submitted.

4.1.3 The documentation submitted for the senior manager and each employed fire risk assessor shall provide evidence of the following.

- The manager/employees ability to identify hazards
- The manager/employees ability to identify people at risk.
- The manager/employees ability to evaluate, remove, reduce and protect from risk. (Life protection, property protection and commercial continuity)
- The process of fire risk assessment.
- Effective communication.

4.1.3.6 Confirmation that the owners of the risk assessment reports (submitted as portfolio evidence by the manager of the company in support of their own and their employees competence) have given permission for the reports to be used in the assessment and that they agree to provide a verbal reference for the named candidate if requested by WCL.

4.1.3.7 After the application and documentation has been reviewed the company will be contacted by Warrington Certification Limited regarding the next stage of the process. The Personnel Certification Manager shall contact the senior manager of the company and confirm the company structure and the status and responsibilities of those employees for whom application for competence assessment has been made.

## 4.2 Company Assessment Process

4.2.1.1 The senior manager and company employees shall be required to undergo a competency assessment. This shall demonstrate to Warrington Certification Limited that the candidate has an understanding of:

- \* Building construction
- \* Fundamentals of fire
- \* Relevant legislation
- \* The process of risk assessment
- \* Effective Communication

Appropriate to their level of responsibility and scope of activities.

The competency assessment for the senior manager and each company employee shall comprise;

- o Stage 1: Professional review of a selection of the submitted documentation in support of competence assessment.
- o Stage 2: If the review is satisfactory, Warrington Certification Limited will make arrangements for the stage 2 assessment process to be undertaken at the company's premises. This stage 2 assessment process shall include;
  - o a technical interview/examination with the senior manager and each of the employees for whom application has been made, to discuss the details of the documentation submitted. The technical interview will include a demonstration of the individual's skills via a written desk top exercise and/or examination.
  - o An audit of the company's quality management systems (taking particular note of contract review and approval processes, document control, training and Continued Professional Development records, customer complaint and preventive action procedures, internal audit and management reviews)

4.2.2 If, after a review of the submitted documentation (Stage 1), Warrington Certification Limited considers that certain aspect of the submitted evidence do not meet the necessary technical requirements of the scheme, the senior manager shall be informed prior to arranging stage 2. The company will have the right to submit alternative evidence to meet the scheme requirements prior to the stage 2 assessment, if they so wish, but may also decline at this stage and participate in suitable corrective actions before progressing. The company has the right to re-submit for certification at a later date.

### 4.2.3 Manager's Competence Assessment

4.2.3.1

Assessment will be based on each individual's operational involvement; however those involved in the fire risk assessment process will need to pass a three stage assessment as a minimum requirement.

- a) FRACS two stage examination; table top exercise and oral exam.
- b) Witnessed 'assessment report' review exercise, exam type scenario.
- c) Audit of manager's responsibilities using samples of evidence available in the company (records of previous jobs) paying particular attention to the manager's involvement in contract review of enquiries, set up of fire risk assessment assignments, assigning individual fire risk assessors to particular jobs and the peer review of resulting fire risk assessment reports.

#### 4.2.3.2 **Fire Risk Assessor's competence assessment**

4.2.3.2.1 Assessment will be based on each individual's operational involvement; however they will need to pass a three stage assessment as a minimum requirement.

- a) A professional review of the risk assessor's pre reviewed work.
- b) A table top exercise.
- c) A written or oral examination

4.2.3.2.2 A random selection of fire risk assessors will be the subject of witnessed onsite inspection of their work in order to demonstrate competence and ability to provide an accurate report of their findings from these visits which will be subject of WCL review after it has been processed by the company.

Those risk assessors selected will need to provide sufficient evidence of competence in conducting the onsite fire risk assessment, production of the report, and the company's ability to peer review the report and produce the final report to the client.

This evidence is required to satisfy the scheme's criteria relating to the production process of a documented fire risk assessment by the company. Any unsatisfactory witness visits may result in further witness site inspections being undertaken with other fire risk assessors employed by the company.

#### 4.2.4 **Office Systems Audit**

4.2.4.1 The company's business management systems (Quality management systems) shall be subject to audit by WCL in order to establish that these are appropriate to the business activities undertaken by the company (Fire Risk Assessment) and that these are fully implemented and well maintained.

4.2.4.2 Although not mandatory any applicant company who operates a quality management system which is independently certificated by a UKAS accredited body to BS EN ISO 9001: 2008 and the scope of this certification includes the fire risk assessment activity shall be deemed to satisfy this scheme requirement.

4.2.4.3 Where applicant companies do not hold such third party certification for their business systems these shall be subject to audit by WCL. The audit shall include (but not be restricted to) the following scope;

- Review of quality manual and quality policy
- Review of document control
- Review of enquiry, quotation and contract review activities
- Review of process control activities
- Review of staff training and competence records including continued professional development activities (including all subcontract fire risk assessors)
- Review of responsibility and authority confirmation for company staff (and any sub contractors)
- Review of sub contract agreements with external service providers
- Review of identification and traceability of all documentation related to enquiries, quotations, contracts, work instructions, fire risk assessment assignments and completed reports
- Review of customer complaints and corrective actions
- Review of record maintenance

- 4.2.4.4 Where non compliance reports are raised during a site witness inspection and a revisit is required to verify acceptable corrective action has been taken, such visits shall be charged at the prevailing rate.
- 4.2.4.5 Subject to satisfactory audit of the management and fire risk assessor staff and the business systems and procedures and witness inspections on site, (including competence assessment) FRACS (Company) certification will be awarded. The certificated company will then be allowed to use the FRACS (Company) mark as described in Appendix 1.
- 4.2.4.6 No claims in respect of FRACS certification shall be made by the company until such time as certification is awarded, any company using statements such as “...we have applied for FRACS Certification...” or similar to gain contracts without pre-agreed written support from WCL may have their application terminated.

### **4.3 On-going surveillance of fire risk assessment work**

- 4.3.1 After certification has been awarded to a contractor, on-going surveillance of fire risk assessment work will be carried out by WCL on an annual basis.
- 4.3.2 The choice of witnessed on site fire risk assessment visits will be made by WCL based on the information given on the Contracts in Hand forms.
- 4.3.3 The time and date for inspection visits will be decided by WCL and will be agreed with the FRACS certificated company.

### **4.4 Audits (Inspections) of Company's Office**

- 4.4.1 At approximately annual intervals from the date of the award of certification, a surveillance audit (inspection) of the company's office business systems will be carried out by WCL. These inspections will comprise an inspection of the office procedures described in 4.2.4.3 Site inspections will be at a frequency determined by WCL.
- 4.4.2 The FRACS certificated company's maintenance of certification is dependant upon the company continuing to employ competent managers and fire risk assessors. During each annual office audit, the WCL auditor/s shall check the company's list of employees and subcontractors with those recorded in the FRACS Database to ensure that the company continues to comply with this requirement. WCL reserve the right to reduce a company's scope of certification, (or suspend certification) pending appointment and competence assessment of suitably competent employees or sub contractors.

### **4.5 Non-Compliances**

- 4.5.1 Any minor non-compliance raised at office audits shall be closed out via post or at the next surveillance.
- 4.5.2 Any major non-compliance identified during the annual inspection may, at the discretion of WCL, require a special follow-up visit which may involve visiting further job sites to undertake witness visits. The need for such a visit will be discussed and agreed with the company. These revisit inspections to close out non-compliances shall be charged at the prevailing rate, (including travelling costs and time taken to address the follow-up).
- 4.5.3 Any site based non-compliance raised by the WCL auditor shall result in a “Hold” being placed on the contract reference in the FRACS web based database which shall prevent completion of the Certificate of Completion until verification of satisfactory corrective action

has been established. Where such site based non-compliance is identified during an inspection, the FRACS Certificated Company shall confirm to WCL that agreed corrective action has been completed on the particular issue and shall afford the WCL auditor facility to verify this corrective action has been effective.

#### 4.6 Contract in Hand Forms

- 4.6.1 All contracts which incorporate life safety fire risk assessments, **immediately upon award**, shall be notified to WCL using the Contracts in Hand form. This should be done electronically, via the FRACS website at [www.fracs-database.co.uk](http://www.fracs-database.co.uk)
- 4.6.2 Upon receipt by WCL, the company will be given a unique reference number (URN) for that contract. This number shall be used on other FRACS documentation, such as the Certificate of Completion.

#### 4.7 Certificate of Completion

- 4.7.1 All contracts, on completion, shall be issued with a Certificate of Completion by the certificated company. This certificate shall be issued to:
- The Client (the original)
  - Copy to WCL (automatically received through the FRACS data base)
  - Copy to the contract file
- 4.7.2 The purpose of the Certificate of Completion shall be to demonstrate that the fire risk assessment complies with the relevant legislation and FRACS scheme requirements.
- 4.7.3 The Certificate of Completion shall be signed by an authorised manager of the certificated company.
- 4.7.4 The unique reference number (URN) issued by WCL on completion of the Contracts in Hand form must appear on the certificate.
- 4.7.5 In the case of phased assessment a separate Contracts in Hand and Certificate of Completion shall be issued for each phase.

## 5 **Application for Certification**

An application for certification shall be made on the Application Form together with the fee for the initial inspection. This Form is available for electronic submission on the WCL website [www.warringtoncertification.com](http://www.warringtoncertification.com)

Further information is available from:

Jayne Dennett or Simon Ince

FRACS  
Warrington Certification Ltd  
Holmesfield Rd  
Warrington  
WA1 2DS

Tel: 01925 646666

Fax: 01925 646667

Email: [jayne.dennett@warringtonfire.net](mailto:jayne.dennett@warringtonfire.net)

## **6. Scheme Regulations**

- 6.1 The technical requirements of the scheme are given in section 4 of this document.
- 6.2 Applicants and certificated contractors shall nominate a contact representative and, if appropriate, one or more deputies, authorised to act in the main nominee's absence, who shall be responsible for all matters relating to their FRACS (Company) Certification and via whom all communications between WCL and the company shall be directed.
- 6.3 Applicants shall be responsible for allowing WCL free access to offices and sites during normal working hours for the purposes of conducting initial, surveillance and annual inspections and for providing information and facilities as may reasonably be required by WCL.
- 6.4 The nominated representative shall be responsible for informing WCL, immediately upon award, of all (Life safety risk assessment) contracts. This shall be done by completion of the Contracts in Hand Form. Where no new contracts have been awarded to the company within a 3 month period, the nominated representative shall be responsible for making declaration to WCL that no such work has been awarded. Non-receipt of Contract in Hand or declaration of no new award shall initiate a reminder letter from WCL regarding this lack of submission. Failure to notify WCL of new awards or no new award declaration may result in the company's certification being revoked after 6 months of no contact.
- 6.5 All contracts, on completion, shall be issued with a Certificate of Completion by the certificated company.
- 6.6 Certificated companies may use subcontract staff provided that the subcontract staff have been competency assessed by WCL or another accredited certification body and that the certificated fire risk assessor/s has established subcontract agreements with them.
- 6.7 Certificated companies shall be permitted to use the FRACS (Company) mark in accordance with the requirements given in Appendix 2 of this document. Any promotional material using the mark shall be first submitted to WCL for approval. If WCL considers the wording or illustration to be misleading in any way, the certificated company shall amend the material to the satisfaction of WCL. The certificated company's right to use the mark is not transferable.
- 6.8 A certificated company shall not undertake the any life safety fire risk assessments outside these scheme requirements, either at its own discretion or in accordance with the wish of a third party. If the certificated company is instructed to deviate from scheme requirements, they shall raise a disclaimer for the items of work affected and shall forward copies of this disclaimer to the client and WCL.
- 6.9 A certificated company shall conduct their business in "good faith" and in accordance with the requirements of FRACS (Company) Scheme for completing life safety fire risk assessments as described in this document and any future revisions of it.
- 6.10 A certificated company may terminate its certification upon written notification to WCL. A minimum of three months notice of termination shall be given. Upon termination by the certificated company or by WCL in accordance with these requirements, the company shall forthwith discontinue the use of both the FRACS (Company) mark and all claims of certification under the scheme. No further fees will be due from the date of termination except for unpaid fees accruing from before the date of termination. No fees already paid will be refunded. During the period of notice of termination the company shall continue to comply fully with the scheme requirements.

- 6.11 WCL may, at its discretion, revoke, amend, refuse to grant, renew or extend certification if a certificated company fails to comply with the provisions of these requirements or becomes subject to the bankruptcy laws or enters into liquidation or is convicted of any offence tending to discredit its bona fides. Such a decision and the grounds for it will be communicated to the certificated company in writing.
- 6.12 FRACS (Company) certification shall be re-assessed on an annual ongoing basis with certificates valid for 5 years from date of issue.
- 6.13 The FRACS (Company) fee structure for this scheme is given in a separate document and is available on request. Failure to pay fees as stated in this document within the specified time shall render a certificated company liable to certification being revoked.
- 6.14 WCL will investigate any complaint against a certificated company received from a third party concerning the certificated contractor's performance in respect of the scheme requirements. WCL will, at its discretion, notify the certificated company of such complaints in order that corrective actions can be agreed and implemented.

### **6.15 Complaints Procedure**

Certificated Companies Complaining about conduct of Warrington Certification Limited (FIRAS) Staff / decisions taken by WCL related to the company's activities as covered by this document, complaints related to the operation of the FRACS (Company) Scheme.

- 6.15.1 All complaints should be in writing and addressed to: The FRACS (Company) Manager, Warrington Certification Limited, Holmesfield Road, Warrington, Cheshire, WA 1 2DS. All complaints received by Warrington Certification Limited are investigated and actions taken where appropriate.
- 6.15.2 Upon receipt of the complaint it will be logged on the date of receipt and will be reviewed by the FRACS (Company) Manager at the earliest opportunity.
- 6.15.3 The WCL Manager shall conduct an investigation into the complaint which may involve discussion with the FRACS (Company) Inspector, Administrator, Warrington Certification Limited Divisional Manager or a third party to establish basis and background to complaint. If the complaint is not of a confidential nature (one which can be aired in the presence of others who may have similar concerns), the complaint may be discussed at a FRACS Scheme / Industry Liaison Meeting. In such a case the complainant will be advised of the complaint's inclusion on the agenda of the next liaison meeting and the proposed date of the meeting.
- 6.15.4 The WCL Manager shall upon completion of all investigation related to the complaint be responsible for deciding whether or not the complaint is valid / justified.
- 6.15.5 Where the decision is taken that the complaint is valid the WCL Manager shall initiate corrective action to address the complaint and shall notify the complainant in writing of the action taken / to be implemented to address the complaint. The WCL Manager shall be responsible for reviewing the action taken to ensure it is working to prevent a recurrence of the instance which resulted in the complaint being made.

6.15.6 Where the decision is taken that the complaint is not justified, the WCL Manager shall notify the complainant in writing of his decision. The complainant shall be offered the facility to appeal against the decision in which case the Appeals Procedure shall be invoked should the complainant decide to appeal the decision.

## 6.16 Appeals Procedure

Applicants and certificated contractors have the right of appeal against any decision made by WCL against these requirements and in respect of their application for Certification or termination of a company's certification. In order to invoke this procedure the appellant shall accept the following procedure.

- 6.16.1 Notice of any appeal shall be made in writing and addressed to The Divisional Manager, Warrington Certification Limited, Holmesfield Road, Warrington, Cheshire, WA 1 2DS within 14 days of official notification of the decision. The appellant shall clearly set out the grounds for the appeal and shall enclose a cheque for £1,500 made payable to "Warrington Certification Limited" to cover the costs of the appeal (refundable only where the Appeals Panel finds in favour of the Appellant).
- 6.16.2 The appeal shall be reviewed by the Divisional Manager of Warrington Certification Limited (who may consult the Chairman of the Warrington Certification Limited Management Council or the FRACS (Company) Manager, who may contact the appellant to discuss the grounds for the appeal and may request further details if he believes there is insufficient information on which to make a judgement.
- 6.16.3 The Divisional Manager shall attempt to resolve the appeal within 1 month of receipt of the written appeal. If the situation can be resolved to the satisfaction of both the appellant and Warrington Certification Limited within 1 month of receipt and it does not progress beyond this point, the fee is refunded. (This may be as a result of certification being reinstated or by the appellant accepting the FRACS (Company) Manager's decision made to terminate their certification based on the grounds surrounding the incident).
- 6.16.4 In the case of resolution by the Divisional Manager, he will write to the appellant confirming the agreed resolution of the appeal and will return the appellant's cheque for £1,500. **If the appeal can be resolved as detailed above no appeals panel shall be constituted.**
- 6.16.5 If the Divisional Manager's review fails to resolve the appeal, the Divisional Manager shall contact the Warrington Certification Limited Management Council Chairman and request the constitution of an "Appeals Panel". Warrington Certification Limited shall endeavour to facilitate hearing of an appeal by an "Appeals Panel" within 3 months of receipt of the written grounds for appeal.
- 6.16.6 An Appeals Panel specifically constituted for the purpose of hearing an appeal which cannot be resolved by the Divisional Manager will comprise 3 members of the Warrington Certification Ltd Management Council, as selected by the Chairman of the Warrington Certification Limited Management Council. They will be selected such that no member has any direct or indirect commercial interest in the appeal. The Chairman of the Warrington Certification Limited Management Council will not be a member of the Appeals Panel but he will nominate one of the 3 members as the "Appeals Panel Chairman".

- 6.16.7 When the subject of the appeal involves technical matters, the Management Council Chairman may arrange for one or more persons having suitable technical expertise to be available for consultation by the Appeals Panel. In such cases the Management Council Chairman will ensure that the persons nominated have no previous involvement with the certification issue in question.
- 6.16.8 The appellant will be notified of the proposed date of the appeal hearing, the composition of the Appeals Panel and any technical advisors to be made available to the panel not less than 14 days before the date of the meeting. The appellant may challenge the composition of the panel and/or the technical advisors within 2 days of being informed of the composition and shall provide written reasons for any challenge.
- 6.16.9 The "Appeals Panel Chairman" will consider the reasons for any challenge and at his sole discretion will decide whether the composition of the Panel or technical advisors will be changed. In choosing any replacements, the Appeals Panel Chairman will take into account the reasons for the challenge to ensure that as far as possible the same objections will not apply to the replacements. No further challenges will be considered.
- 6.16.10 The appellant has the right to be supported at the hearing of the Appeals Panel by a representative of his choice. Any such representative shall be notified to the Chairman of the Appeals Panel 14 days prior to the hearing. The Chairman has the right, on behalf of the Appeals Panel, to challenge any such nomination.
- 6.16.11 The decision of the Appeals Panel will be decided by a simple majority and the decision will be final.
- 6.16.12 The Divisional Manager of Warrington Certification Limited will be responsible for arranging the timing and location of the appeal hearing by the Appeals Panel which will be advised to the appellant at least 7 days in advance.
- 6.16.13 The original decision will remain in force pending the meeting of the Appeal Panel at which both the appellant, the FRACS (Company) Manager and any other relevant member of WCL will be entitled to be heard in confidence. The Divisional Manager of Warrington Certification Limited, FRACS (Company) Manager or any other person nominated by the Appeals Panel will be responsible for implementing the decision of the Panel. The Chairman of the Appeals Panel will ensure that the appropriate action is correctly implemented.
- 6.16.14 All correspondence related to the Appeals Procedure must be sent "Recorded Delivery".

## **6.17 Confidentiality**

WCL will not disclose to any third party any information about a contractor or his activities gained as a result of carrying out certification of the contractor which may be considered confidential, without the contractor's consent. This restriction will not apply to information required by bona fide accreditation bodies such as UKAS in pursuance of accreditation of the scheme, provided that such information is given to such bodies on a confidential basis. Restrictions will not apply to information which is considered to be in the public domain and available on request to any interested party.

- 6.18 A certificated contractor shall indemnify WCL against any financial losses that WCL may incur as a result of the certificated company's failure to comply with these scheme requirements. WCL will maintain insurance cover against liability claims made against it and which may arise from operation of the scheme. The level of cover will be determined by WCL to be reasonable in respect of its potential liabilities bearing in mind those prevailing within the certification industry in general.
- 6.19 The interpretation of these requirements and the terms of the insurance cover will be governed and construed in accordance with English Law and in the event of any dispute parties shall submit to the jurisdiction of the English Courts.
- 6.20 Certificated contractors shall comply with the scheme requirements currently in force. These requirements may from time to time be amended at the discretion of WCL. Such amendments will be notified in writing to certificated contractors with dates for implementation of the revisions.
- 6.21 It must be clearly understood that a FRACS (Company) Certificated Company has a **Duty of Care** to bring to the attention of any client, principle contractor, building owner/operator (for whom they are engaged in work) any works carried out by others which is known to be non compliant with regulations. Should the FRACS (Company) Certificated Company not wish to confront their client with this information for "contractual reasons" such information may be brought to the attention of a WCL Inspector during a site visit so that the instance becomes documented in the visit report.
- 6.22 Copyright of this document is held by Warringtonfire Certification Ltd. No part of this document may be reproduced in any form without the prior permission of Warrington Certification Ltd in writing. Permission to copy this document for internal use is automatically given to applicants and certificated contractors. Such copies are uncontrolled and this status shall be identified on each copy.

## APPENDIX 1

### CONDITIONS FOR THE USE OF THE FIRAS CERTIFICATION MARK

#### FRACS (Company) Certificated Company XXXX

1. The FRACS (Company) certification mark ('the mark') is a registered certification mark and may be used by certificated companies.
2. The mark shall only be used in its entirety and without amendment.
3. The mark shall only be used in relation to those services that are within the scope of certification. The mark shall not be used in such a way that it implies certification of services or activities for which certification has not been awarded. The mark shall not be used in conjunction with any non related activities, only type services.
4. The mark, when used in association with the National Accreditation Mark (the UKAS mark) as shown below, may be used by contractors on their trade literature, on their letterheads and on any of their display or promotional material. A contractor shall submit his proposals for use of the mark to WCL for approval.

#### UKAS ACCREDITATION TO BE ADVISED

5. The mark may also be used on vehicles, buildings and flags but NOT in association with the UKAS mark.
6. The mark, when used without the National Accreditation Mark (the UKAS mark), shall always be used in conjunction with the company's certification number placed centrally under the mark in the format given above.
7. The mark shall be used at any size considered appropriate for the application and shall only be used to show the contractor's involvement in fire protection systems. The relative proportions shall always be retained.

8. If the mark is used in association with the National Accreditation Mark (the UKAS mark) on stationery not larger than A4, the maximum height shall be 30mm and the minimum 20mm. However in some circumstances, which are usually dictated by reason of space, the marks may be reduced in size provided they remain clearly legible. Full details of the use of the National Accreditation Mark (the UKAS mark) can be found in the DTI publication ref URN 98/887 which is available at [www.ukas.com](http://www.ukas.com).
9. The mark shall be printed in a single colour, the default reference for which is Pantone ref. 2945C. Alternatively the mark may be produced in black.
10. The contractor shall, at the request of WCL, cease to use the mark if WCL deem the application inappropriate.
11. A contractor shall, upon suspension of certification, immediately discontinue the issue of documents that display the mark or contain reference to FRACS (Company) certification.
12. A contractor shall, upon termination of certification, immediately cease distribution of all items on which the mark is displayed and shall remove it from any other form of display or promotional application.
13. FRACS (Company) certificates issued within the scope of UKAS accreditation will carry a combined FRACS (Company) and National Accreditation Mark (the UKAS mark).
14. It is a condition of use that the mark shall not be used in any printed advertisements or printed publicity matter directed primarily to the market in the United Kingdom and in the Isle of Man or in retail point of sale display cards distributed by the Registered Proprietor for use within the United Kingdom and in the Isle of Man without indicating that it is a certification mark.
15. Failure to comply with these requirements for the mark may result in withdrawal of certification and legal action under appropriate legislation.

## **CONDITIONS FOR THE USE OF THE FRACS LOGO**

### **FRACS mark to be advised**

16. The use of the logo, as shown above, may be used for any promotional purposes by certificated contractors but only in relation to those services that are within the scope of certification. The logo shall not be used in such a way that it implies certification of services or activities for which certification has not been awarded.
17. Details of the colour and colour gradation of the logo may be obtained on request.
18. A contractor shall submit his proposals for use of the logo to WCL for approval.
19. Failure to comply with these requirements for the logo may result in withdrawal of certification and legal action under appropriate legislation.

## APPENDIX 2

### FRACS (Company) CERTIFICATION SCHEME

#### MODEL SUBCONTRACT AGREEMENT

**This model subcontract agreement is intended as a guide only. Both parties must ensure that the final agreement signed by them is amended as necessary to include all their requirements.**

This agreement is made between:

..... (the FRACS (Company) Certificated Company) and

..... (the certificated subcontractor )

On this date .....

The certificated company contracts the certificated subcontractor for the purpose of the completion of life safety fire risk assessments under the FRACS (Company) Scheme.

The subcontractor agrees to comply with all relevant FRACS (Company) requirements, and to ensure that the quality of the life safety fire risk assessment is not compromised by any actions for which s/he is responsible.

The certificated company is contractually responsible for the compliance of the completed life safety fire risk assessment to the specified standard. Inspection of the completed works will be undertaken by the nominated staff manager of the certificated company.

This agreement does not confer on the subcontractor the right to make any claims under the FRACS (Company) scheme, nor use of the FRACS (Company) logo.

This agreement is valid until .....

Signed on behalf of the  
Certificated Company

Signed on behalf of the  
Certificated Subcontractor

.....

.....

## APPENDIX 3

### REFERENCED DOCUMENTATION

A copy of The Regulatory Reform (Fire Safety) Order may be down loaded from;

<http://www.opsi.gov.uk/si/si2005/20051541.htm>

A copy of the Fire Safety (Scotland) Regulations 2006 may be down loaded from;

[http://www.opsi.gov.uk/legislation/scotland/ssi2006/ssi\\_20060456\\_en.pdf](http://www.opsi.gov.uk/legislation/scotland/ssi2006/ssi_20060456_en.pdf) scottish 2006

A copy of The Fire (Scotland) Act 2005 may be down loaded from;

[http://www.opsi.gov.uk/legislation/scotland/acts2005/asp\\_20050005\\_en\\_1](http://www.opsi.gov.uk/legislation/scotland/acts2005/asp_20050005_en_1)

A copy of BS EN 45011; 1998 may be purchased from;

[http://www.iso.org/iso/catalogue\\_detail?csnumber=29346](http://www.iso.org/iso/catalogue_detail?csnumber=29346)

<http://shop.bsigroup.com/en/ProductDetail/?pid=000000000030091642>