



The Certification Mark for Onsite
Sustainable Energy Technologies

MCS

**Appeal Procedure for MCS Committee
Code of Conduct Breaches**

Version 1.0

Effective date: 23rd May 2012

SCOPE

1. The purpose of this procedure is to outline a process for appeal against a decision made by a MCS committee or the Chair of a MCS committee in relation to breaches of an MCS committee's Code of Conduct¹.
2. Appeals can be based on the grounds that:
 - a) The decision was made other than in accordance with the applicable Terms of Reference and Code of Conduct;
 - b) The penalty imposed was too severe, being disproportionate to the charge;
 - c) There is new evidence concerning mitigating circumstances.
3. Until an appeal is successful, any decision of a MCS committee or the Chair of a MCS committee in relation to the Code of Conduct will be implemented as scheduled. This means that decision cannot be delayed by an appeal, but can be reversed if the appeal is upheld.

LEVELS OF APPEAL

4. Appeal shall be made to a higher committee immediately above the applicant's committee in the MCS Governance Structure. Decision of this higher committee is final. Please refer to Appendix A for the MCS Governance structure.
5. Appeal to a higher body (The Department of Energy and Climate Change) can be made only if:
 - a) There has been a procedural error in the appeals process that has led to the decision of a higher committee being brought in question and;
 - b) There is no higher committee (only applies to MCS Steering Group).

RECEIPT OF AN APPEAL AND INITIAL ACTION

6. All appeals shall be submitted in writing to the Chair of the higher committee, via the MCS Licensee, within four weeks of the outcome of the original decision being communicated. Appeals received outside this time-scale will only be considered in exceptional circumstances.

¹ Appendix A of MCS Committee Terms of Reference

7. Appeal requests should include the following:
 - a) Name of the appellant;
 - b) Name of the Chair and the Committee the appeal request is addressed to;
 - c) Decision that is being appealed;
 - d) Date of the appeal request and date of original decision being communicated;
 - e) Grounds for the appeal;
 - f) Any relevant evidence.

8. The Chair of the higher committee shall, via the MCS Licensee, acknowledge receipt of an appeal request within two weeks of the appeal being submitted and shall set a date for a review meeting. The review meeting shall take place within four weeks of the appeal request being acknowledged. That meeting may take place electronically or by telephone if appropriate.

CONSIDERATION OF THE APPEAL

9. Any members of the higher committee that are directly involved in the original decision or the original incident shall declare the conflict of interest to the Chair of the higher committee and will not be involved in the appeal review and decision process. (If the MCS Licensee is thus excluded from the decision-making process, they will still remain at the meeting in an advisory and secretariat capacity only).

10. The MCS Licensee shall submit to the higher committee all relevant evidence and information regarding the original decision, along with the appeals documentation and any evidence already submitted by the appellant.

HEARING AND POST-HEARING PROCEDURES

11. The higher committee shall determine its decision based on the evidence presented in the report. If the committee requires further information, this information shall be procured via the MCS Licensee, and a further meeting convened if required to review that.

12. The Chair of the higher committee shall communicate the outcome of the appeal to the appellant and to parties concerned within five working days of the decision being made.

13. The decision of a higher committee can only be appealed further to a higher committee or a higher body on the grounds of the MCS Appeals procedure not being followed correctly.

Definition of Terms

Appellant: The individual or body lodging an appeal

Applicant: A member of a MCS committee or an individual who has applied to join a MCS committee who has submitted an appeal request against a decision made by the Chair or the committee.

Higher Body: Governing Body of MCS which is the Department of Energy and Climate Change.

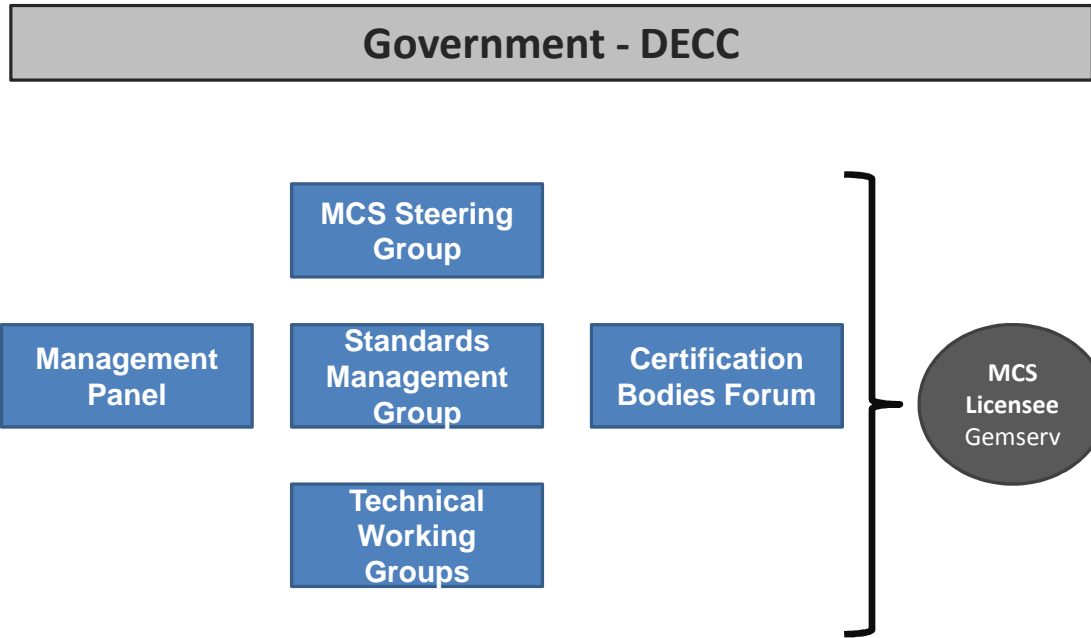
Higher Committee: a committee immediately above the applicant's committee of which the decision is being appealed.

MCS Committee: MCS Technical Working Groups, MCS Standards Management Group and MCS Steering Group or any other committee that is formed for the purpose of MCS governance.

MCS Licensee: That body licensed from time to time by the Secretary of State for Energy and Climate Change to hold and issue the MCS mark.

Member: An individual deemed by the Chair/ Group / Standards Management Group to fulfil the Membership Criteria, and approved as such per the mechanisms set out in Terms of Reference of the relevant

Appendix A MCS Governance



AMENDMENTS ISSUED SINCE PUBLICATION

DOCUMENT NO.	APPROVAL	AMENDMENT DETAILS	DATE
0.1		Draft for Standards Management Group review	15 th May 2012
1.0	SMG	Final Approved Procedure	23 rd May 2012