



The Certification Mark for Onsite Sustainable Energy Technologies

MCS Standards Management Group Final Minutes 28th September 2016

Date: 28th September 2016, 11:00am – 16: 00pm

Venue: Gemserv offices, 8 Fenchurch Place, London, EC3M 4AJ

Attendees:

No.	Name	Representing	WG no.	Organisation
In attendance				
1	Griff Thomas (GT)	PV (Chair)	WG02	GTEC Training
2	Andrew Hopton (AH)	Biomass	WG05	HETAS
3	Gideon Richards (GR)	MCS Steering Group	n/a	Consulting with Purpose
4	Graham Hazell (GH)	Heat Pumps	WG06	HPA
5	Dani Putney (DP)	MCS Contractor CBs	WG11	NICEIC
6	John Holden (JH)	MCS Product CBs (Vice-Chair)	n/a	BRE Global
7	Neil Sawers (NS)	Solar Thermal	WG04	Grant UK
8	Danny Jones (DJ)	Competence Criteria	n/a	Expertina
9	Howard Roche (HR)	Metering (invitee with no voting rights until ToR updated)	n/a	Vital Energi
10	Gaurav Joshi (GJ)	MCS Administrator	n/a	Gemserv
11	Imogen Jamie (IJ)	MCS Administrator	n/a	Gemserv
Apologies				
1.	Chris Yates (CY)	MCS 001	WG11	Johnson and Starley
2.	Stuart Elmes (SE)	Roofing Issues	WG10	Viridian Solar
3.	Mark Lewitt (ML)	Biomass	WG05	KIWA
4.	Margarita Vigrande-Ashe (MVA)	Government	n/a	BEIS
5.	Katy Read (KR)	Government	n/a	BEIS
6.	Graham Wright (GW)	Heat Pumps	WG06	Daikin
7.	Kevin Lowe (KL)	Micro CHP	WG07, 08 and 09	British Gas
8.	Jon Sturgeon (JS)	Roofing Issues	WG10	Solarcentury

Agenda:

No.	Agenda Item	Led by	Document Reference	Time
1	Welcome and approval of the agenda	Chair	Verbal	11:00
2	Minutes and actions from last meeting	Chair/ MCS Administrator	<ul style="list-style-type: none"> ➤ SMG_160928-02a - Minutes from previous meeting ➤ SMG_160928-02b - Action Log 	11:15
3	MCS scheme updates: <ul style="list-style-type: none"> • Novation • Management Panel 	GR	Verbal update	11:40
4	SMG Terms of Reference	Chair/ MCS Administrator	<ul style="list-style-type: none"> ➤ SMG_160928-04a - SMG ToR (tracked changes) ➤ SMG_160928-04b - SMG ToR (clean copy) 	12:00
5	MCS Change Process	Chair/ MCS Administrator	<ul style="list-style-type: none"> ➤ SMG_160928-05a - MCS Change Process (tracked changes) 	12:30



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			➤ SMG_160928-05b - MCS Change Process (clean copy)	
Lunch				13:00
6	MCS Working Group proposals and updates	Biomass WG Representative	➤ SMG_160928-06a - MCS 008 – For SMG Approval ➤ SMG_160928-06b - Impact Assessment	13:30
		Solar PV Representative	Change Requests: ➤ SMG_160928-06c - CR 013, all MIS – Commercial Client ➤ SMG_160928-06d - CR 012, SPV Guide site requirements	14:15
		Competence Criteria Representative	Verbal Update	15:00
		Simplification Representative	Verbal Update	15:15
7	MCS 023 – Update and review	DP	➤ SMG_160928-07 - MCS 023 Additional Requirements for MCS Installers to become Green Deal Authorised	15:30
8	AOB	All	Verbal update	15:45
9	Dates of next meetings: • 22/11/2016 • 25/01/2017	MCS Administrator	Verbal update	16:00

1. Welcome & Approval of Agenda

The Chair welcomed the SMG members to the meeting and noted apologies.

The Chair invited comments and AOBs for the agenda:

- GR requested that the definitions within MCS 001 be discussed and it was agreed that this should be combined this with the Solar PV change request in agenda item 6.
- GT recommended that Item 4 of the agenda concerning the topic of SMG Terms of Reference (ToR) should be discussed at a future meeting. This is because the trustees are yet to decide where the SMG will sit in the governance structure. As a result, it would be a better use of time to discuss the ToR once a decision has been reached. GR mentioned that the ToR needs to be agreed and updated to include the assignment of rights regarding the MCS standards, however, an update on this has not yet been received from the trustees. GT explained that the trustees have asked several times which entity will have ownership of the standards and the IP copyright. GT reiterated that the standards should be publicly accessible and that the trustees feel they should be owned by the MCS Charitable Foundation.

2. Minutes & Actions from the last meeting

The draft minutes from the 20th July 2016 SMG meeting were reviewed. GR expressed concerns that the voting of the Chair and Vice Chair recorded in the previous minutes were not a true reflection of the conversation as it was an election and not a vote. He stated that the election process should be



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addressed prior to the completion of novation in order to remove ambiguity in the process. GT stated he was happy to see through his position of Chair post-novation.

The draft minutes from the previous meeting were reviewed, edited and agreed to be an accurate reflection of the meeting, subject to agreed amendments.

Action log and outstanding actions:

Only the high priority outstanding actions on the action log were reviewed and updated as follows:

Reference	Action	Update
ACTION SMG 021-004	GR to confirm whether WGs own the MCS standards and, if so, whether a formal handover is required.	This was discussed under agenda item 3.
ACTION SMG 22-001	GT to discuss CAPs with the Management Panel and confirm the change process for these documents.	The CAPs document is to be discussed at the Management Panel meeting scheduled to take place on 6 th October.
ACTION SMG 23-008	MCS Administrator to raise the issue of performance estimates with the MCS Management Panel for discussion with RECC.	This was discussed under agenda item 6 and the action was closed.
ACTION SMG 23-013	MCS Administrator to amend the MCS complaints process reference in MCS 001 (as per line 317-319 in SMG minutes from 22nd September meeting) and send to GR for approval	MCS 001 working group are due to meet on 2 nd November.
SMG_160329-13	GR to forward correspondence regarding EWR with UKAS to the SMG ahead of the 20th April Steering Group meeting.	This action was amended to replace GR with DJ.
ACTION SMG_160720-03	GH to raise remote commissioning issues with HP working group.	This has been added to the 18 th October Heat Pump Working Group agenda.

The SMG recommended that target end dates would be useful for the actions going forward.

ACTION SMG 160928-01: MCS Administrator to include target end dates on actions.

3. MCS Scheme Updates

Novation

The most recent novation meeting took place on 27th September between BEIS, MCSSCo Ltd and the Charitable Foundation Trustees to discuss the technicalities around warranties and indemnities for inclusion in the MCS contracts and also to discuss ownership of the Scheme's intellectual property.



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Discussions to date suggests that the Scheme's intellectual property will be owned under Crown copyright and will be licenced to the MCS Charitable Foundation using an Open Government Licence. The Charitable Foundation will then licence the use of the IP to the MCS Co who will in turn licence use to the Certification Bodies. Any new documents or amendments will have to take into consideration pre-novation ownership.

The group discussed the various methodologies developed and whether the crown would own the methodologies as well as the IP. It was also questioned whether the creators of the Scheme's content would be required to give their consent to use the information. GT asked if the author would have the right to withdraw their work.

In response to the queries raised, GR explained that under the charity rules, the IP could not be sold for a commercial purpose and that in order to withdraw any documentation or methodologies from the scheme, the individual would have to demonstrate evidence that they developed these.

It was agreed by the group that the subject is confusing and a document that clarifies the position in clear terms from the legal counsel would be useful.

GR added that feedback from the group will be considered, the legal process has not reached a conclusion and therefore concerns can be raised with AG. It is important that the arrangements work for all.

GR described the novation timeline to the SMG which BEIS would ideally expect to be completed by the end of October, however, is likely to be completed by the end of the calendar year. The group heard that the lengthy process is due to the evolving scheme and scenarios.

GH raised that there is a risk that scheme participants could withdraw their support for the scheme especially with regards to the lengthy novation process which could be viewed as an obstruction to scheme equivalence.

JH requested that figures for the no. of manufacturers, installers and installations be provided to the SMG.

ACTION SMG 160928-02: GR to circulate a formal document from the council regarding the IP rights and licencing arrangements to the SMG via the MCS Administrator.

ACTION SMG 160928-03: MCS Administrator to circulate figures of current no. of manufacturers, installers and installations to the SMG.

ACTION SMG 160928-04: The SMG to let the MCS Administrator know where unique work has been carried out as part of the due -diligence work being carried out.

Management Panel

The group heard that Management Panel meetings have resumed on a monthly basis to review the Management Accounts and to consider operational topics.



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A report was created in June 2015 which gave a weekly view of the number of installations which were taking place. The report is still produced and highlights that installations are being installed at a rate of ~1000/week down from ~3000/week.

GR was asked whether the IP issues work is the reason for the delay in the novation process. GR explained that there weren't any fundamental issues, however, the IP topic is important and has to be considered from many angles including with respect to state aid.

4. SMG Terms of Reference

It was agreed that this item would be discussed at a future SMG meeting.

ACTION SMG 160928-05: MCS Administrator to include the SMG ToR on the agenda for a future SMG meeting following a decision on where the SMG sits within the Scheme's governance structure.

5. MCS Change Process

The group reviewed the MCS Change Process document and held an initial discussion. It was agreed that page numbers should be included in the document to aid the review.

The group proceeded to discuss what would constitute a 'material change' and whether 'material' and 'non-material' would be the most appropriate terms to use.

GT explained that regardless of whether a change is deemed 'material', the change must still be considered by the SMG. If the changes are material, then a Change Request should be prepared first before any work commences so that the SMG can agree how to streamline the implementation of any amendments.

It was agreed that the Change Process should clarify material and non-material changes by breaking down proposed changes to the standards into three categories to understand the impact on Scheme resources:

- 1) Administrative
- 2) Have a technical impact
- 3) Impact on regulations

It was also recommended that the resource required should be considered to carry out the change. DJ agreed to re-draft the Change Process to reflect these categories and amend Clause 4 accordingly, for review at the next SMG meeting.

ACTION SMG 160928-06: MCS Administrator to include line numbers in the MCS Change Process.



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ACTION SMG 160928-07: DJ to re-draft the Change Process to illustrate the proposed categories of changes to the MCS standards under Clause 4.

6. Working Group proposals and updates

Biomass Working Group Representative

AH presented the proposed changes to MCS 008 and accompanying impact assessment to the SMG for consideration.

NS raised concern that the currently listed biomass cooker products could be dangerous to consumers as they are currently certified to a version of a standard that doesn't cover elements of the product's functionality. This could also pose a risk to the Scheme knowingly allowing an unsafe situation.

It was also raised as to whether it would be more appropriate for the Annex to be included in a separate document to MCS 008. GR commented that if a new document was created, then the European Commission would need to be notified via BEIS and a regulatory process would need to be followed.

GR invited suggestions from the group on how best to protect the Scheme and ensure effective consumer protection and also whether a 1-year implementation timeline is too long.

JH raised whether the discussion should be referred to the Management Panel as the issue relates to risk to the Scheme.

GT suggested that the changes to the standard would ensure that any products that are currently certified that do not meet the minimum temperature requirements would have to demonstrate compliance. The same can be said for future biomass appliances with cooking functionality. Reducing the implementation timeline from 1 year to 3 months would mitigate risk to the scheme and consumers.

It was suggested that the MCS Administrator contact KIWA, the Certification Body who certified the existing MCS biomass cooker products.

At this point JJ called ML to establish whether a 3-month implementation timeline would be feasible for the manufacturer whose products are currently MCS certified to demonstrate compliance with Version 3.0 of MCS 008.

ML confirmed that this is unlikely to be an issue as test reports demonstrating conformity with EN 12815:2006 were submitted with the original application for certification. The proposed Annex recognises this as a route to demonstrating compliance with the specific set of requirements which it sets for products of this type which is supported by the information provided in the impact assessment.



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The SMG proceeded to vote on whether to approve the amendments to MCS 008 and unanimously approved the changes subject to amending the implementation timeline for existing certified products from 1 year to 3 months.

ACTION SMG 160928-08: MCS Administrator to check whether MCS 008 is referenced in the RHI Regulations.

Post-meeting note: MCS is not referenced in RHI legislation, only the MIS documents for the MCS heat technologies are referenced.

ACTION SMG 160928-09: MCS Administrator to publish Issue 3.0 of MCS 008 subject to the agreed amendments to the implementation timeline.

Solar PV Working Group Representative

The SMG reviewed the Change Requests developed by the Solar PV working group. The following issues were identified:

- Large volumes of new build developers have removed themselves from the domestic market.
- The requirements are for shading analysis to be conducted before the installation however it is difficult to carry out accurate shading calculations on new build development as the building or the surrounding buildings may not be there yet.

The Change Requests were developed as the MCS requirements aren't applicable to commercial contracts. GR explained that the end user could be vulnerable if shading analysis wasn't carried out. A discussion took place around whether theoretically shading analysis can be done based on design and drawings. GT explained that the pre-sale shade analysis would be based on as much information as possible as a site survey shall be undertaken before the installation is carried out.

Change request 013 raised a discussion around the definition of consumer, end user, customer and consumer client. GR went through a scenario where a large organisation at the moment through rent a roof, have left the end users in a vulnerable situation due to contractual issues. RECC investigated the MCS Contractor, however no legal action was carried out as the installations were registered under a different legal entity and therefore no contract was in place with legal occupier of the home. The group then went through MCS 001 to look at clause 8 and 10 to understand the definitions of sub-contracting and end user/customer. GR went on to explain that the current scenario could end up with reputational risk to the scheme as the company could continuous with these type of practices.

ACTION SMG 160928-10: SMG to feedback to the MCS Administrator on the definitions of end user and consumer.

Competence Criteria Working Group Representative

DJ provided an update to the SMG on the Experienced Workers Route (EWR) Pilot:



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- Three EWR Providers from different parts of the country which include a Certification Body, a training centre and an installer have signed their heads of agreement as part of the Pilot.
- Approximately 70 expressions of interest from applicants spread across the country, Scotland, NI and Wales have been received.
- The next steps will be to provide recommendations to the SMG based on the outputs of the Pilot.

Simplification sub-group Representative

The heat pump working group looking to Simplify, Clarify and Reform the heat pump installer process. The purpose of the Simplification Sub Group is to:

- Amend and update MIS 3005 and the compliance certificate in the light of regulatory changes
- Make the requirements of the standard easier to understand for Installers and Certification Bodies by reducing complexity
- Balance the responsibilities of system designers and Installers
- Review the Heat Emitter Guide (HEG)
- Improve the flexibility of the Scheme by introducing content into guidance for Installers rather than legislation

GH explained that work is progressing with an aim to be completed in time for the next SMG. It was agreed that any Change Request needs to be submitted the group with a full impact assessment of the changes. The group discussed that the changes were trying to be fair to installers and also protect the customer. Concerns were raised regarding the tight timescales and how the standard could change again if there was a change in governmental policy.

ACTION SMG 160928-11: MCS Administrator to pull together a timeline from when the standards have to be published in line with the regulations.

7. MCS 023 – Update & Review

DP explained that the PAS 2030 work currently being carried out could make MCS 023 obsolete. There was no further update as nothing has been agreed yet. Further updates to be provided when more information is known. The next PAS 2030 meeting is taking place on 11th November where the group will talk about the changes in more depth.

8. AOB

- JH raised that the draft Commonly Agreed Positions (CAPs) documents. These are to be discussed at the next Management Panel meeting scheduled for 6th October.



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- It was raised that the MCS Roofing Issues WG proposal to amend the MID to support a product drop down list for MCS 012 approved roofing kits is an item for discussion at the Management Panel meeting.
- JH enquired about the process for agreeing funding for one-off and long term projects. GR explained that post-novation, ideas for projects should be submitted to the new Board of Directors.

9. Date for next meetings:

The next SMG meeting will take place on the 22nd November 2016.