

British Compressed Air Society Ltd



BCAS Member Code of Conduct

'This document provides an overview of the basic obligations that all members of the British Compressed Air Society will adhere to and its acceptance forms part of the BCAS membership criteria'

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1. Introduction

The British Compressed Air Society (BCAS) Ltd.

This is the Trade Association for the Compressed Air and Vacuum Industry. It sets and monitors its members' industry operating standards in order to ensure that customers who choose to use a BCAS member will have confidence and assurance that in their choice they will be provided with high standards of service. BCAS is a neutral organisation and does not suggest or promote to a customer or user any individual member, product or service. BCAS is a member of the Trade Association Forum and conforms to the Best Practice Guide for Trade Associations.

It is a condition of BCAS membership that members are required to comply with the current Code of Conduct (CoC). The CoC promotes a minimum requirement in Ethical Trading, Best Practice in design, selection, supply, installation, service and maintenance of both compressed air and vacuum related products and services. BCAS members will be committed to Quality Management Systems and the continual training of staff in all their business areas.

The Role of a Trade Association.

Trade associations exist in almost every sector of the United Kingdom economy with many United Kingdom companies being members of international trade associations. The activity of such associations are diverse but can be broadly categorised as follows.

- Representing to Government, the European Commission and other public bodies the interests of its members on legislation, regulations, technology and technical issues.
- Promoting and protecting the interests of its members in the media.
- Collecting and disseminating statistics and market information, and information about legislation and Government policy.
- Promulgating standards, codes of practice or standard terms and conditions of sale.
- Providing a range of services of an advisory nature on issues such as legislation training or environmental matters.
- Providing advice of a commercial nature.

The Function of a Trade Association.

Trade Associations are clearly useful to its members, however they are also beneficial in increasing the efficiency of the market system as a whole. It will seek to make its membership as comprehensive as possible to maximise its influence on behalf of its members. A wide membership will also increase the effectiveness of any Code of Conduct on members' conduct in its self-regulatory role.

The CoP confirms promises and undertakings made by our members who may be manufacturers, distributors, stockists, wholesalers, dealers or a third party, in the provision of the product and services they advertise and supply. This code sets out standards that BCAS members will comply with in respect of their scope of supply, limited only to the broad range of activities covered by their membership of BCAS.

It is a condition of BCAS membership that the CoP is accepted in its entirety and that the employees or contractors of the member Company are constantly aware of their responsibilities under the code.

Supply Chain.

This would normally consist of the manufacturer, Importer, distributor, stockist, wholesaler, reseller, dealer or a third party who may supply the product or service to the customer.

Definitions.

Throughout this Code of Conduct the following definitions shall apply:

- Member:* Any class of member of the British Compressed Air Society. (BCAS).
- Manufacturer:* Manufacturer or assembler of the product in the United Kingdom, outside the United Kingdom or Importer.
- Distributor:* Member whose business activity falls within the scope of sales, service and installation of equipment recognised within the embraced scope of BCAS membership.
- Product:* Product or service deemed to be within the scope of activity covered by the British Compressed Air Society.
- Customer:* Customer is the owner, end user or an agent thereof.

2. Member Obligations

BCAS members recognise that customers may find themselves in difficult and unfamiliar circumstances when requiring advice on purchasing and or the provision of services for their compressed air or vacuum systems. The information and the procedures set out in this document are intended to help avoid any misunderstandings between the customer and the supplier.

The BCAS philosophy is that a member should act conduct business lawfully, honestly and with complete integrity. They will see safety and quality as non-negotiable in their efforts to exceed the needs and expectations of their customers. They will create a relationship of trust, uphold and maintain the best interests of the compressed air and vacuum industry and its users. They understand that it is not always convenient to 'do the right thing' but will consider it fundamental to do so and essential in maintaining their culture of integrity. They accept that no policy or issued piece of paper can guarantee good ethical business behaviour on its own.

The CoP incorporates information and procedures that have been established to assist the compressed air user in selecting a supplier with complete confidence and one that is able to offer all the necessary information and assistance to be able to provide the necessary levels of service and advice. He will ensure there is clear information readily available regarding the terms and conditions on which the services are undertaken, including performance, pricing, payment after sales service and warranty.

Members will consider all environmental requirements when designing, specifying, supplying and installing equipment or systems and shall comply with all the relevant statutory and regulatory requirements. They will only offer for sale equipment or services that fully comply with all appropriate legislation and that it is capable of operating in a safe and reliable manner.

Compliance to the Code of Conduct by all British Compressed Air Society members will enhance the reputation, standing and good name of the compressed air and vacuum industry. The BCAS will promote a wide membership profile, which will increase the effectiveness of the Code of Conduct and the conduct in a self-regulatory role.

3. Advertising Conduct

3.1 A member of the British Compressed Air Society will use advertising as a means of promotion only. All communications should be honest, truthful and should comply and be within the spirit of the Code of Conduct.

3.2 Advertisements, promotions or any other publications, whether in writing or otherwise, will not contain any items that are likely to mislead or be misunderstood. The advertisements, promotions or any other publications will comply with the requirements of Acts of Parliament and Government regulation along with the codes, regulations and rulings of any other relevant organisations or associations. In the unlikely event that any member is convicted of an offence relating to its advertisements or by whatever means then that member will be deemed to be in breach of this Code of Conduct.

3.3 Any comparison made within the advertisements with other models from different manufacturers will be based upon a similar set of criteria that will not confuse or mislead the customer. Where the advertisements quote the price or specification of one model in any model range but depict another, the actual price of that other model should also be clearly shown.

3.4 The words 'guarantee' or 'warranty' within any of the advertisements will not be used unless the full terms of that warranty are set out clearly within the advertisement. Furthermore, any reference to a warranty or guarantee will not be made if they diminish consumer rights, or appear to do so.

3.5 A member is to observe the requirements of all legislation and regulatory requirements, including:

- Advertising Standards Authority.
- Control of Misleading Advertisements Regulations.
- Trade Descriptions Act.
- Ofcom for TV/radio advertising.

4. Advice to Customer

4.1 The British Compressed Air Society advises you to purchase your products or service from a member who will assist you in making a free and fully informed decision about your requirement and subsequent purchase. They will also be able to provide warranty and after-sales service that will ensure you receive continued efficient, safe and reliable use of the product.

4.2 The customer when making a choice of where to obtain product or services should expect to be able to find a supplier which they can trust to carry out their requirements in a professional and cost effective manner. To assist the customer in making a free and fully informed choice all BCAS members are obliged to comply with a Code of Conduct. To identify and locate BCAS members look for the distinctive logo on their corporate identity, such as brochures, stationary, vehicles or displayed a certificate displayed in their premises. The location of all members can be found on the BCAS web site www.bcas.org.uk

4.2 We advise the customer to read any advertisements or offering carefully and in full. If the advertisement or offering is not clear to you, clarify it before you commit yourself to any transaction. Check the specification and ensure it matches your requirements. Also check that you have the latest sales brochure with the latest technical specification of the product you are considering.

4.3 Ensure that the product you are considering purchasing is fit for your purpose, or in other words, suits your requirements. Statements whether oral or written which conflict or apparently conflict should be questioned. Discuss with your supplier any special requirements you have relating to the product or service before you place an order.

4.4 Ensure that you are aware of the total cost of your purchase, and that you understand the detail that relates to any additional costs that you may have to pay in relation to the future servicing and warranty compliance. With energy costs continuing to escalate consider the lifetime cost of your purchase not just the initial purchase price. If a deposit is being paid, be aware of who it is being paid to and its security, along with any cancellation terms that may apply when purchasing from your chosen supplier.

4.5 Once you have taken delivery of your product or service from the BCAS member it is his responsibility to ensure that it was of a quality and standard that met or exceeded your expectations. He will check that the specification of your product or service supplied and ensure that it corresponds with that of your order and that he has fulfilled his requirements to you.

4.6 When you have taken delivery of your product or service you should have been made aware of all the after-sales service provisions that are available to ensure correct performance and long-term reliability.

4.7 You should receive a copy of any documents that are relevant to your purchase i.e. manufacturer's instruction book, certificate of conformity, test certificates, spare parts manual, service reports etc. These documents will be supplied, written in plain and intelligible English.

4.9 Ensure that your supplier has informed you of any legal issues you should be aware of in respect of operating the equipment purchased. This may relate to Health and Safety, Pressure Systems Legislation, Environmental issues or any other relative legislation in force at the time. If you are not sure whether you comply or would like further information you can contact the British Compressed Air Society for guidance.

4.10 Compressed air equipment if selected, installed and maintained correctly, is inherently safe to use. To ensure you have a continued economical and reliable source of energy choose it and have the service from a BCAS member. Consider also the BCAS training modules that are available, these will provide the end user of the plant or down stream equipment relevant knowledge on safety issues and how to use the equipment correctly, providing lower lifetime operating costs.

5. Complaints Procedure

5.1 The following procedure will be followed if a customer is not satisfied with goods or a service purchased from a member of the British Compressed Air Society and wishes to lodge a complaint against that member.

Step One

Receiving a complaint.

In the event of a complaint it is the member's responsibility to ensure effective, immediate action is taken in order that a just settlement of the complaint is achieved. From the customer's perspective an easily identifiable and accessible arrangement for the reception and handling of complaints must be available. Manufacturers must provide every assistance to their distributor network for the swift handling of any complaint.

Step Two

Resolving the complaint.

In the event that a complaint remains unresolved it is the obligation of the member concerned to make it clear to the customer of their rights to refer the complaint to the Regulation and Compliance Unit of the British Compressed Air Society.

Step Three

Conciliation

The BCAS Regulation and Compliance Unit are responsible for the operation of an impartial conciliation service. Each conciliation case will be assessed and investigated from both a technical and legal perspective. The Regulation and Compliance Unit will advise both member and consumer on a remedy as appropriate. The British Compressed Air Society member will give every assistance to the Regulation and Compliance Unit while investigating the complaint.

Step Four*Arbitration*

In the unlikely event that a satisfactory resolution cannot be achieved through conciliation, the Regulation and Compliance Unit have agreed the operation of a low cost arbitration service organised by an Independent Panel of Arbitrators. The award of the arbitrator is enforceable in law on all parties. At this stage the customer must always be advised that they have the option of taking a claim to the Courts.

6. Monitoring

Code of Conduct Awareness

BCAS Members will ensure that customers are aware of their adherence to the British Compressed Air Society Code of Conduct by displaying in a manner that is visible to all, the appropriate symbols within each of their premises and on their corporate stationary.

Complaints

Members will maintain an analysis of complaints relating to any of the provisions of the British Compressed Air Society Code of Conduct.

Reports

The Regulation and Compliance Unit will analyse complaints made regarding the Code of Conduct or other matters referred for conciliation or arbitration. The results of this analysis will be published within the British Compressed Air Society annual review.

Any trends or issues identified, or raised in consultation with advisory bodies, which could potentially lead to consumer detriment will be considered for inclusion when the Code of Conduct is reviewed.

Additionally the Regulation and Compliance Unit will meet with members and issue customer surveys to assess member code compliance on a regular basis.

Customer or end user surveys will be undertaken to measure the effectiveness and value of the Code of Conduct.

7. Complaints, Conciliation & Arbitration

Step One

A customer or intermediary, who has a complaint about the quality of the goods or services supplied by a BCAS member should in the first instance, refer the matter to the seller. The complaint should be submitted preferably in writing and should be addressed to a senior executive, director, or the proprietor of the seller. The BCAS member will acknowledge all complaints by letter within 10 working days on receipt of the complaint. If at that stage you have not had a reply send a further copy of your letter by recorded delivery to the managing director. It is at this stage that most disputes will be resolved.

Step Two

If however you have still not resolved the issue write and refer your complaint to the Regulation and Compliance Unit, British Compressed Air Society Ltd. 33-34 Devonshire Street, London.W1G 6PY. All complaints referred to the British Compressed Air Society Regulation and Compliance Unit will be acknowledged within 7 working days together with a stated timescale for consideration of the complaint. The Regulation and Compliance Unit will arbitrate at this stage to try and resolve the dispute. As the arbitration service is designed to be low cost to allow it to be accessible, any hearing will normally rely on documents only. None of the parties involved in the dispute may be present or be represented by another person.

Step Three

If a resolution to the dispute cannot be found the matter will be referred to the Independent Panel of Arbitrators along with all the documentary evidence in its possession. The Independent Panel of Arbitrators, which is unconnected to the British Compressed Air Society and its members, will advise the parties to submit any further evidence, which it considers relevant as necessary. The Chairman of the Independent Panel of Arbitrators will appoint a single Arbitrator and make arrangements for the arbitration to be conducted.

The Arbitrator has the right to conduct an oral arbitration, in which case parties may attend to present their evidence. Legal representation may only be employed if the Arbitrator so directs.

The Arbitrator has the power to direct any party to provide any additional document or information considered relevant. The award of the Arbitrator will be published in writing to all parties involved in the dispute. The award of the Arbitrator is enforceable in the Courts by any party.

8. Dispute Resolution & Disciplinary Action

The British Compressed Air Society and its members acknowledge the joint responsibility to the Code of Conduct.

If you find yourself in dispute with a British Compressed Air Society member who appears to be in breach of the Code of Conduct the Regulation and Compliance Unit will investigate the matter and the British Compressed Air Society member is obliged to give every assistance while doing so through the conciliation service attached to the Code of Conduct. It is our intention to review and resolve any breach of the Code of Conduct in a speedy manner with as little disruption to the customer or end user as possible. In certain complex cases where this may not be possible as it may take some time to gather all the information necessary to come to a decision and a satisfactory outcome.

Disciplinary Action against a member in cases where a member does not correct a breach of the Code of Conduct or is seen to be in serious or persistent breach will be referred to the Executive Committee of the British Compressed Air Society.

9. General Conduct

The misrepresentation or misuse of BCAS membership is not permitted. A Member shall not, directly or indirectly, cause, permit, assist, represent, encourage or in any other way provide any person, company or firm not in membership of BCAS with the opportunity to represent itself as a Member or as being associated with or connected to the Member or BCAS in any way that is likely to mislead the customer or user.

The misrepresentation or misuse, implied or otherwise of BCAS documentation, logos, and artwork or similar is not permitted.

Where a Member is alleged to be in breach of this provision the Member shall comply with any requirement placed upon it by BCAS within any time limit that may be specified.

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