

GAS SAFE REGISTER

Sanctions & Appeals Policy

May 2023

P001_SAN001

V4.0



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1 Scope

This Policy outlines the sanctions that Gas Safe Register can apply to the registration of any registered business and/or engineer, where justification exists. The Sanctions Policy is designed to be corrective, not punitive, so that the gas registration scheme robustly and proportionately manages the registrations of businesses and engineers as required.

2 The available sanctions

The robust management of registration through the considered application of sanctions supports public safety and confidence. It also provides a supportive framework for ensuring that registered businesses and engineers deliver gas safety and comply with the Gas Safe Register Rules of Registration and Policies. Therefore, a range of sanctions is available to Gas Safe Register which includes:

- Removal from the register
- Suspension from either the register, or where appropriate work categories
- Fixed term suspension of businesses or engineers from the register
- Mandatory attendance at a theory-based inspection event
- Tightened inspection mode
- Special conditions
- Application of a penalty fee

3 How Gas Safe Register applies sanctions

Appropriate sanctions may be applied at our discretion where there is evidence that the registered business or engineer has breached the Rules of Registration and/or Policy or where an enforcing authority is considering, or has taken, enforcement action such as an HSE notice of contravention, improvement notice, prohibition notice or prosecution related to the Health and Safety at Work etc Act, Gas Safety (Installation and Use) Regulations or relevant Building legislation*.

*Appropriate to the geographical area

This also includes conduct that results in us being informed via a Multi-Agency Public Protection Arrangements (MAPPA) group (or equivalent organisation in Scotland, Northern Ireland, Isle of Mann, Jersey or Guernsey) or appropriately authorised Police or Probation Officer that an engineer has been assessed as representing a present danger to the public.

In relation to conduct notified through this route:

- The notification must be in writing
- It must be from an appropriately authorised person to make the disclosure and it must set out their reasons for their belief that the engineer's conduct may cause danger to the public
- If necessary, we will seek further information, for example from the Offender Management and Public Protection Group at the Ministry of Justice. Sanctions will only be applied where we are able to communicate to the engineer the written grounds as to why it is believed they are a danger. The individual making the notification must be able to specify what action the engineer is required to take for the sanction to be lifted

Where justification exists, we retain the ability to:

- Apply a sanction to a business and/or individual engineer(s), as applicable
- Apply multiple sanctions in any combination
- Extend or reduce the duration of any sanction applied
- Increase or decrease the type and number of sanctions applied
- Revoke any sanction applied

Sanctions are not mutually exclusive and can be used in combination or in succession as appropriate. The following sets out our typical application of the available sanctions:

Where a custodial or suspended sentence relating to gas work has been applied to a registered individual, the length of any applied suspension will be subject to any rehabilitation period applicable under the Rehabilitation of Offenders Act 1974 and will only be lifted at the discretion of the HSE.

3.1 Removal from the register

Definition: A business and/or engineer is removed from the official list of gas businesses or from the list of those competent and qualified to work on gas. This means that the businesses or engineer can no longer undertake gas work legally.

Removal will generally apply in the following circumstances. This is not an exhaustive list and the Register reserves the right to remove registration where appropriate based on a case by case basis:

- Unsafe gas work or non-compliance with the Rules of Registration or Policy, where all other available options have been exhausted
- Prosecution resulting in imposition of a custodial or suspended sentence for any gas-related health and safety offence after 1 January 2017 or for any other serious breaches of the law such as arson or criminal negligence or manslaughter
- Bringing the Register into disrepute (see the Gas Safe Register Registration Policy for examples of what may constitute bringing the Register into disrepute)
- Repeatedly working outside of the scope of work categories of registration
- Repeatedly using un-registered contractors to undertake gas work on your behalf or knowingly signing off un-registered work to circumvent the requirements of the Gas Safety (Installation and Use) Regulations
- Where a suspension or any other sanction does not deliver the required improvements in compliance or standards
- Carrying out gas work while suspended from the register
- Failure to pay the appropriate registration fee or any other monies owed to the register by the date specified
- Failure to comply with the requirement of any sanction applied
- Aggressive behaviour towards our staff
- Vexatious and/or libellous grievances against us are aired without justification

Once removed from the register a business will forfeit any registration fees already paid and before undertaking any further gas work the business will:

- Be required to reapply for registration
- Pay the full registration and application fees
- Be given a new registration number if the application is successful
- Comply with any conditions placed against the new registration

3.2 Re-applications following removal

Where a business or engineer has been removed from the register for repeated failure to demonstrate competence or unsafe gas work, reapplications for registration will only be considered where the applicant has successfully undergone retraining and attained a specified vocational gas qualification.

3.3 Outstanding defects

Where a business or engineer has been removed from the register and subsequently successfully reregisters; the business or engineer will remain responsible for the rectification of any outstanding identified defects attributable to the previously registered business or engineer. We will require the reregistered business or engineer to make the necessary arrangements with the consumer either to undertake the remedial work, or, where appropriate, to employ a suitably registered business to carry out the remedial gas work.

If an archived business, that is deemed responsible for outstanding gas-related defects re-registers with us, and where the costs of rectification work have been covered by the register, we will seek reimbursement of the costs incurred. The amount repayable will be at our discretion and will not be more than the total of monies used to rectify the defects. The re-registration of the business will be suspended until such costs have been recovered.

3.4 Suspension from the Register

Definition: A business and/or engineer is removed from the official list of gas businesses or from the list of those competent and qualified to work on gas for a defined period. This means that the businesses or engineer can no longer undertake gas work legally until the suspension is lifted. Suspensions are normally lifted within 30 business days if specified criteria are met, but can be for a specified fixed term, extended or escalated to removal from the Register when appropriate.

Suspension will generally apply where a failure to comply with the Rules of Registration has been identified. In general suspension will be applicable under the following circumstances:

- A risk to the public exists through the continued inability of the business or engineer to carry out or manage gas work safely
- Failure to demonstrate or apply gas safety competence
- Failure to comply with any sanction applied
- Working outside of the scope of work categories of registration
- Failure to rectify defects identified via a Defect Notice or Building Regulation Non-Compliance notice
- Failure to allow inspection activity
- Service of a notice of contravention, improvement notice or prohibition notice, or prosecution

- Formal agency (e.g. MAPPA) notification of an engineer representing a present danger to the Public
- Bringing the register in to disrepute (see Fixed-Term Suspensions below, also Registrations Policy for further information)
- Failure to attend investigations, following concerns raised about gas work by a registered business when requested to do so

3.5 Fixed term suspension

Fixed-term suspension will normally be applied where a breach of the Rules of Registration is validated and confirmed beyond reasonable doubt and where it is not possible to define a clear pathway for the business to lift the suspension, e.g. for cases where the register has been brought into disrepute. Fixed-term suspension duration will be for a minimum period of 60 calendar days.

Examples of circumstances where a Fixed-Term Suspension may be applied are:

- Bringing the register in to disrepute (see also Registration Policy)
- Commissioning gas work carried out by non-registered people
- Repeatedly using un-registered contractors to undertake gas work on your behalf
- Completion of documentation fraudulently, including Building Regulation notifications
- Criminal prosecutions that impact on the reputation of the register
- Fraudulent use of a registered business's details
- Working out of scope of registration work categories or competence
- Failure to attend investigations following concerns raised about gas work your business has carried out
- Using employees who do not have the legal right to work in the UK (Where it is identified that a registered business is using such employees, we may contact the Home Office to seek confirmation of the individuals work status)

3.6 Suspension of individual engineer work categories

Definition: A business and/or engineer is removed from the official list of gas businesses or from the list of those competent and qualified to work on gas for a defined area(s) of work. This means that the businesses or engineer can no longer undertake gas work legally in the specified work area(s) until the suspension is lifted.

Suspension of a work category(s) may remain in place until we are satisfied that the businesses/engineer can now meet and deliver the required safe working practices.

Work category suspension will generally apply in the following circumstances:

- Failure to apply or demonstrate gas safety competence in relation to an individual's work category(s)
- Evidence of failure to adequately carry out or manage gas work safely in relation to an individual work category(s)
- Being subject to an HSE notice of contravention, improvement notice or prohibition notice
- Bringing the register into disrepute
- Information supplied from certification body that an engineer has failed an assessment

3.7 Mandatory attendance events

Definition: A business and/or an engineer is required to attend a mandatory attendance event because of their inspection history and/or where the associated quality level of gas work undertaken is deemed to be of an unsafe nature and an immediate or potential risk to the public or property. The business and/or engineer will then be required to undergo theoretical assessment and mentoring based on the areas of concern and will be required to demonstrate the required level of theory-based competence, following which the business/engineer will be placed on a tightened inspection mode until we deem this registration status appropriate to be lifted.

Where a business/engineer fails to attend / participate in a mandatory attendance event when required, the relevant registration will be placed into immediate suspension pending removal.

Mandatory attendance event participation will generally apply in the following circumstances:

- Consistent number of inspection failures at 'At Risk' and/or 'Immediately Dangerous' level, as defined within the current Gas Industry Unsafe Situations Procedure
- Consistent poor inspection history
- High level of gas safety risk

Any resulting inspection during this period must satisfy the Rules of Registration; meeting the required industry standards before the business and/or engineer returns to normal inspection mode and has their risk rating reduced to an acceptable level. Where a business/engineer fails to meet the required standards after they have been at a mandatory attendance event immediate sanctions will be applied.

3.8 Tightened inspection mode

Definition: A business and/or engineer is placed into an inspection mode that may require more frequent inspection or target specific engineers, work types or gas work management practices. This mode will remain in place until we are satisfied that the businesses/engineer can meet and consistently deliver the required safe working practices or may escalate to suspension from the register where additional evidence of failure to demonstrate/apply gas safety competence is identified.

A tightened inspection mode will generally apply in the following circumstances:

- Evidence of not adequately carrying out, or managing, gas work safely
- Following the unsuccessful outcome of a theory-based mandatory attendance event
- Following an investigation where justified gas safety-related issues are found
- Justified gas safety-related complaints
- Gas work defects
- Working outside of the scope of work categories of registration
- Being subject to an HSE notice of contravention, improvement notice or prohibition notice

Gas Safe Register may require that all gas work carried out during a tightened inspection mode is reported to us within specified timescales.

3.9 Special conditions

Definition: A business and/or engineer must adhere to conditions placed upon their registration. This may entail requirements above and beyond the standard obligations that are designed to address the specific circumstances. Special conditions may remain in place until we are satisfied that the conditions can be lifted, and their objective(s) met. Where special conditions are not adhered to this may result in escalation to other appropriate sanctions.

Special conditions will generally be applied in the following circumstances:

- Where a business successfully reapplies for registration but has any history of failure in its delivery of gas safety or operating in accordance with the Rules of Registration
- In any other circumstance where we justifiably decide that special conditions are required to support gas safety or compliance with the Rules of Registration
- Being subject to an HSE notice of contravention, improvement notice or prohibition notice

3.10 Application of a penalty fee

Definition: A business and/or engineer may have additional fees charged to their registration if certain obligations are not met. Failure to pay any penalty fee may result in removal from the Register.

A penalty fee will generally be applied in the following circumstances:

- Late renewal of registration due to late payment of the renewal fees, or
- Not holding valid certificates of gas safety competence at the time of registration or renewal

When renewing a registration at the anniversary renewal date, the business will be allowed 30 working days (6 weeks) before a penalty fee is applied. Renewals of registration received outside 60 working days (12 weeks) from the anniversary renewal date will not be accepted and a new application for registration will have to be made. Payment of any applied penalty fees via Direct Debit is not available.

General Note: Registered businesses include sole trader businesses and businesses that employ gas engineers in accordance with the requirements of the relevant gas safety legislation depending on the geographical region (e.g. in GB the Gas Safety (Installation and Use) Regulations 1998 (GSIUR)). Sanctions may be applicable to the business and/or engineer carrying out gas work and to a registered business or engineer issuing and/or controlling gas work.

4 The communication of sanctions

As the application of sanctions can impact on the activities of a registered business or engineer, we will, where applicable, include the following in the communication of sanctions and will use the contact information as listed on the Gas Safe Register database for the business:

- Talk with the business before the application of any sanction to discuss the concerns, resulting required actions and timescales etc. This will be done as soon as possible after finding the issue or receiving the report leading to the impending, or actual application of any sanction
- Where the sanction is against an engineer who is considered a danger after notification by the police, all communication with that engineer must be in writing (see Section 3 - reference MAPPA)
- Where a business/engineer is required to attend a mandatory attendance event they will be given the full reason(s) in writing including details of its inspection history and the requirements moving forward
- Where it is not possible to talk directly with the business a message will be left wherever possible
- Whether or not it is possible to talk to or leave a message for the business, written communication via your preferred method of communication as listed on your registration record, will be sent advising of any impending/applied sanctions and the date by which they are effective
- Where an engineer is registered against multiple registrations, all the businesses they are registered with will be informed about a removal or suspension from the register or any other sanction where considered relevant
- Advise of the actions required by the business for any sanction to be lifted, including any relevant time scales for the action
- Advise when sanctions are lifted
- Where an engineer is identified through work inspection to be working without registration whilst a direct or indirect employee of a registered business, i.e. working on their own behalf, the employer business may be informed, and any sanctions applied on the engineer may be via that business

5 Appeals against sanctions applied

Where applicable, when a sanction is applied, information will be provided in relation to requesting an appeal of the decision made by us.

Where sanctions have been applied as a result of disputes concerning a technical interpretation against recognised normative standards, these matters will be dealt with through the use of a specifically convened Independent technical review panel at Stage 1 of the Appeals process (see Appendix 2).

6 Failure to comply with sanctions

Failure to comply or adhere to any suspension sanction or condition of registration applied by us may result in the removal of the business/and or engineer from the register.

Where a failure to comply with sanctions results in evidence of gas work being undertaken without valid registration, the relevant Health and Safety authority will be informed.

7 Lifting of sanctions

Where sanctions are applied, we will provide the necessary guidance to the business/and or engineer for the sanctions to be lifted. Such actions may include:

- The demonstration of competence
- The demonstration of adequate management of gas work
- The provision of auditable evidence to support additional training/reassessment undertaken prior to any demonstration of improvement required
- Accepting and undergoing a satisfactory inspection phase
- The completion of remedial work
- Additional signed undertaking to ensure compliance with the Rules of Registration
- Completion of a fixed-term suspension period
- The full payment of any penalty fee or outstanding monies within any specified time scales by any specified method
- Compliance with brand guidelines

- Agreement to attend investigations into gas safety concerns where your business has carried out the work

Note: Where removal from the register has resulted from a gas-related custodial or suspended sentence being applied to an individual, official evidence of discharge must be supplied with the application. Applications for registration under these circumstances must only be made in writing.

Once it has been demonstrated that the business or engineer meets the standard expected as defined in Section 2 of the Rules of Registration, the sanction(s) will be lifted, provided all other registration requirements continue to be met. In the case of a fixed-term suspension the business/engineer will be required to sign a formal undertaking to meet Section 2 of the Rules of Registration, upon completion of the suspension period and prior to the suspension being lifted.

8 Legal action

Legal action is not considered to be a sanction under this policy. However, legal action as a final resort may result where circumstances such as the following arise:

- Inappropriate behaviour towards our staff such as offensive language, violence, or aggression. We do not tolerate any such behaviour and will act appropriately
- Where vexatious and/or libellous grievances against the register are aired within the public domain without justification
- Failure to pay outstanding fees or charges
- Brand misuse

9 Definitions

For definitions please refer to the Rules for Registration.

10 Appendix 1

The following Table sets out the reapplication pathway options following removal from the Register.

Reason for Removal	Re-application Pathway*
Unsafe gas work or failure to apply gas safety competence	Provision of evidence confirming the successful completion of a current gas utilisation award at Level 3 e.g.: England and Wales Advanced Level Apprenticeship Gas-fired Wet Central Heating or Advanced Level Apprenticeship Gas-fired Central Heating & Energy Efficiency Scotland Modern Apprenticeship Level 3 Gas Industry or SCQF Level 6 Gas heating & Energy Efficiency Northern Ireland Modern Apprenticeship Level 3 Framework, Gas Utilisation, installation, and maintenance
Custodial or suspended sentence (gas, health and safety related)	Provision of official documents confirming 'evidence of discharge' to be presented with reapplication
Bringing the register into disrepute	Written undertaking to not infringe again Payment of all outstanding fees Correction of any outstanding defective work attributable to the business
Persistently working outside scope of registration	Written undertaking to not infringe again Payment of all outstanding fees Correction of any outstanding defective work attributable to the business
Failure to pay fees	Payment of all outstanding fees Correction of any outstanding defective work attributable to the business

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Failure to comply with sanctions, (other than for competence or unsafe gas work)	Written undertaking to not infringe again Payment of all outstanding fees Correction of any outstanding defective work attributable to the business
Aggressive behaviour towards Gas Safe Register staff	Written undertaking to not infringe again Payment of all outstanding fees Correction of any outstanding defective work attributable to the business
Vexatious/libellous grievances against the Register	Written undertaking to not infringe again Payment of all outstanding fees Correction of any outstanding defective work attributable to the business

*All reapplications following the application of a removal sanction will be treated as a new application and will be subject to an application and registration fee.

11 Appendix 2

Appeals Policy

May 2023

P001_APP001

V9.0

1 Scope

This policy outlines how businesses and/or engineers (**Appellants**) registered with the Gas Safe Register (the **Register**) may appeal against sanctions imposed upon them by Gas Safe Register (**GSR**).

Detailed Information regarding the types of sanctions that may be imposed against a business and/or engineer can be found in Appendix 3 above.

2 Grounds for appeal

An Appellant may appeal against sanctions or technical decision based on disputed interpretations of normative standards or manufacturers instructions, imposed by GSR under the following circumstances:

- for suspensions and removals of an Appellant from the Register; and
- where it is believed that an error or misrepresentation has been made GSR;
- where a technical interpretational dispute exists between GSR and a registered business which has resulted in the application of a sanction, or;
- where it is believed that a registered business and/or engineer have been treated unfairly

Appeals will not be accepted on the basis of ‘financial hardship’ alone or in relation to Gas Work and BRNC defect notices which are issued where non-compliance with industry standards are identified

3 Core principles

- Registered businesses and/or engineers who appeal may do so without fear of victimisation
- The Internal Review (Stage 1) and Independent Appeal (Stage 2) process will be undertaken fairly, transparently and without prejudice
- Individuals undertaking an Internal Review or Independent Appeal shall have had no previous involvement in the case
- All Internal Reviews and appeals shall be dealt with on their own merit in a consistent and non-discriminatory way
- All technical support provided to at Stage 2 will be sourced by Centre for Effective Dispute Resolution (CEDR) and be independent of GSR
- The decision of the Stage 2 - Independent Appeals is final and the appellant must agree to these terms when making an appeal

The Appeals Process is divided into two stages.

3.1 Stage 1 - Internal review

Appellant's must appeal in writing to GSR against a sanction imposed or to dispute any technical interpretation made by GSR on the Registered Business or Engineer (including all relevant supporting evidence and documents) by not later than 15 business days from receipt of confirmation to the registered business that sanctions will be applied. In such event the appeal shall be referred by GSR to an Internal Review.

The Internal Review shall be undertaken by senior technical representatives of GSR and HSE who have had no prior involvement in the relevant case which is the subject matter of the appeal. The result of any Internal Review will be communicated to the Appellant in writing within 10 business days of receipt of the written appeal.

3.2 Stage 2 - Independent appeal

In the event that an Appellant is not satisfied with the decision of an Internal Review, they may (by not later than 10 business days from receipt of the written decision of the Internal Review) appeal in writing against such decision to GSR (including all relevant evidence and documents). In such event the appeal shall be referred by GSR to a Stage 2 Independent Appeal.

Stage 2 - Independent Appeals are administered by the Centre for Effective Dispute Resolution (CEDR).

CEDR provides an independent review of the Stage 1 - Internal Review decision made by Gas Safe Register, or an Independent Technical Review Panel in relation to appeals lodged by a registered engineer or business.

CEDR Stage 2 - Independent Appeal Scheme Rules can be found in Appendix 3.

Or, if you do not have internet access, these are available on request by contacting: appealsadministrator@gassaferegister.co.uk

Applications for a Stage 2 Independent Appeal should be made by completing an Application Form, these are available on request by contacting our Registration Team at the following address:

The Complaints and Appeals Administrator
Gas Safe Register

PO Box 631

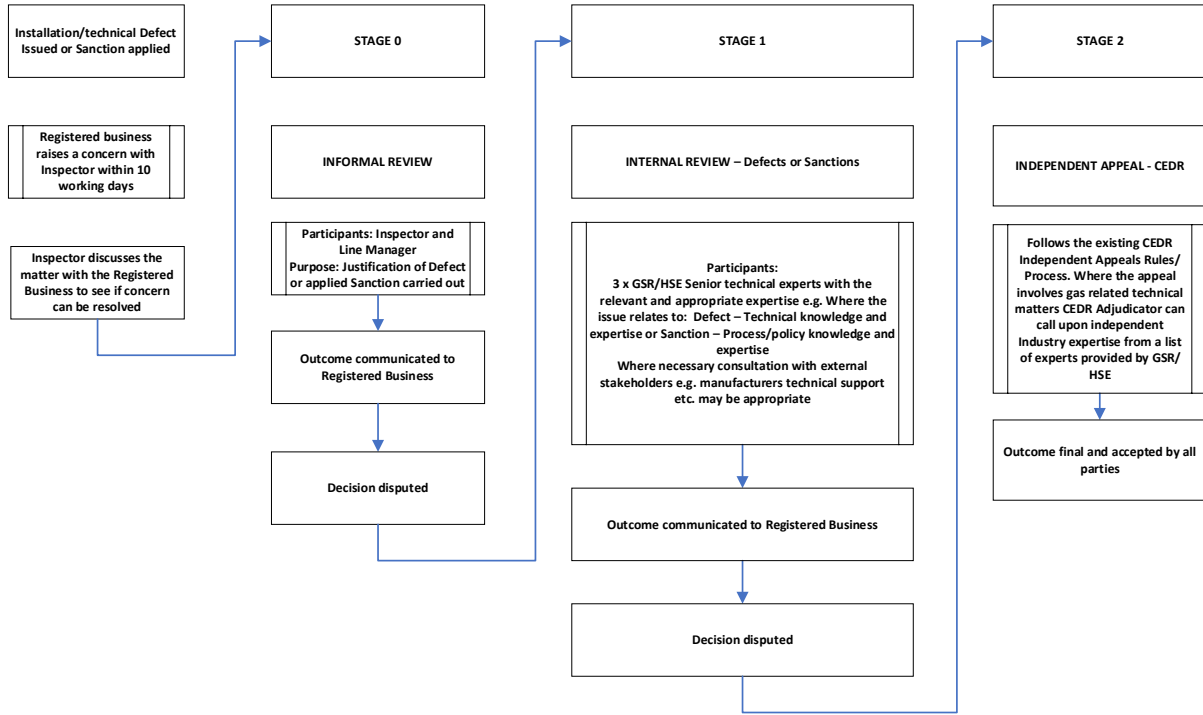
Darlington

DL1 9GD

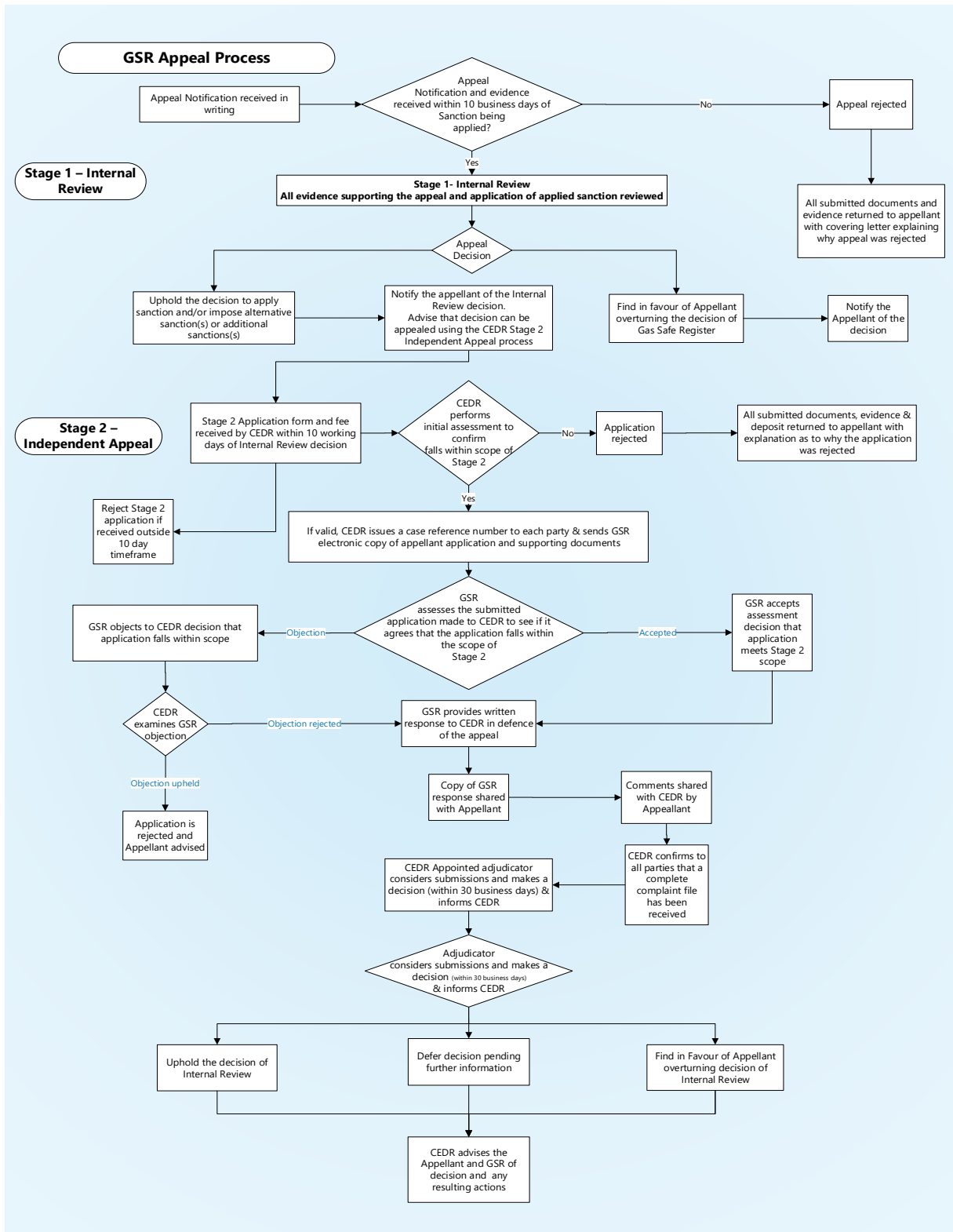
Or by emailing us at: appealsadministrator@gassaferegister.co.uk

4 Process chart

High Level Process



Detailed Process



5 Accessibility

If the Appellant requires any assistance for the purpose of accessibility when communicating with GSR they should let us know as soon as possible so that reasonable adjustments can be made to improve access to our services. Information about CEDR's Reasonable Adjustments Policy can be found at:

<https://mk0cedrxdkly80r1e6.kinstacdn.com/app/uploads/2019/11/Reasonable-Adjustment-Policy-2019.pdf>

or they can be contacted directly using the details stated below.

6 Contact details

Gas Safe Register

All Appeal Notifications and any other written communications with GSR should be sent to:

The Appeals Administrator
Gas Safe Register
PO Box 631
Darlington
DL1 9GD
Email: AppealsAdministrator@gassaferegister.co.uk

CEDR

Centre for Effective Dispute Resolution
100 St Pauls's Churchyard
London
EC4M 8BU
Email: applications@cedr.com

12 Appendix 3

CEDR Gas Safe Register Stage 2 Independent Appeal Rules

1 Introduction

These Rules apply to all GSR Stage 2 Appeals submitted to CEDR under the agreement between Capita Business Services Limited (“GSR”) and CEDR (“CEDR”).

2 General

1. The CEDR administered Gas Safe Register Appeal (“Stage 2”) provides an independent review of a Stage 1 internal review conducted by GSR in its contracted services with the Health and Safety Executive (“HSE”) for management of the Gas Safe Register (“the Register”) in relation to Stage 1 Appeals lodged by an engineer or business registered with GSR on the Register (“the Appellant”).
2. Details of fees payable by an Appellant are set out in section 6 of these Rules.
3. Decisions at Stage 2 are taken by independent adjudicators appointed by CEDR and decisions made by adjudicators on eligible cases are binding on GSR and the Appellant.
4. An Appellant is a registered engineer or registered business that has received a Stage 1 decision in accordance with section 2 of the Gas Safe Register Appeal Policy from GSR with which they are dissatisfied.
5. Applications to Stage 2 will be accepted from Appellants or their nominated representatives. If an Appellant wishes to nominate a representative to act on their behalf, the Appellant must provide signed authority on their application to Stage 2 confirming that they agree to the representative acting on their behalf.
6. An Appellant can use Stage 2 if they are dissatisfied with the outcome of GSR’s Stage 1 decision (in accordance with section 2 of the Gas Safe Register Appeal Policy, and only where sanctions have been applied).

7. An adjudicator appointed under these Stage 2 Rules will make a decision on the dispute by considering the information and evidence received from the Appellant and GSR, as well as the relevant law.
8. Any decision made by an adjudicator appointed under these Rules applies only to the specific dispute referred. Under no circumstances do decisions made by adjudicators set precedents.

3 Scope of stage 2

1. Stage 2 can be used to provide a final determination of an appeal previously subject to a Stage 1 review and decision conducted in accordance with the Gas Safe Register Appeals Policy.
2. Stage 2 cannot be used to settle disputes which fall into one or more of the following categories:
 - Disputes which do not fall within the scope of Stage 2 as set out at Rule 2.1 above
 - Disputes brought by someone who does not fall within the definition of an “Appellant” under Rule 1.4 above
 - Disputes which are against an individual or organisation other than GSR
 - Where the dispute is considered by CEDR to be frivolous and/or vexatious
 - Where the subject matter of the dispute is the same as an existing or previous valid application made to Stage 2 by the same Appellant
 - Where the dispute has been or is the subject of court proceedings or an alternative independent procedure for the determination of disputes (unless such court proceedings or alternative procedure have been abandoned, stayed, or suspended)
3. Where the Appellant has applied to CEDR 14 calendar days or more from the date upon which GSR provided the Appellant with its Stage 1 decision.
4. Where dealing with such a type of dispute would seriously impair the effective operation of CEDR.
5. Putting a dispute through Stage 2 does not remove the Appellant’s duty to pay GSR any other amounts which are due, and which are not disputed.

4 Applying to use stage 2

1. To use Stage 2, the Appellant must submit a completed application form either by email or by post. Application forms will be provided by GSR. If the Appellant requires any special assistance with their application, they can contact CEDR and reasonable adjustments will be made in line with the CEDR reasonable adjustments policy, which can be found on the CEDR website.
2. On the application form, the Appellant must provide the grounds on which they wish to appeal the Stage 1 decision.
3. The Appellant is encouraged to clarify the grounds of appeal and the remedies sought in as much detail as possible, but a failure to do this will not render an application invalid. If, in the opinion of CEDR, any aspect of an Appellant's application is unclear, CEDR will make one attempt to contact the Appellant to obtain clarification. This will not affect the case process or the associated timescales.
4. The Appellant's completed application form should include details of:
 - the precise grounds for appealing the Stage 1 review decision; and
 - the remedy or remedies sought
 - The Appellant should supply any essential supporting documents with their application

5 The appeal procedure

5.1 The appellant's claim

1. When an application form is received along with any supporting documents, CEDR will make an initial assessment within 5 working days as to whether or not the appeal falls within the scope of Stage 2.
2. When an application is processed by CEDR, a case reference number will be allocated and communicated to the parties in correspondence from CEDR. Both the Appellant and GSR must quote this case reference number in all subsequent correspondence with CEDR regarding the case.
3. If CEDR considers the application to be valid, it will notify GSR by sending an electronic copy of the appellant's application form and any supporting documents to GSR (the "Notification").

4. If CEDR sends the Notification to GSR before 2.00pm, GSR is deemed to have received it on that day. If CEDR sends the notification on or after 2.00pm, GSR is deemed to have received it on the following working day.
5. Once the notification is deemed to have been received by GSR, GSR has 15 working days in which to either:
 - Object to CEDR dealing with the application if it considers the dispute to be entirely outside the scope of Stage 2; or
 - Send CEDR its written response to the Appellant's appeal

5.2 Objections to eligibility

1. Within the timescale at Rule 4.1.5 above (GSR can object to CEDR dealing with the application).
2. In making an objection, GSR must specify one or more reasons above as to why the application should not be continued. The evidential burden rests with GSR to prove why the Appellant's application falls outside the scope of Stage 2.
3. A CEDR adjudicator will examine GSR's objection and decide whether or not the objection is upheld. This decision will be communicated to GSR within two working days of the objection being received by CEDR.
4. If GSR's objection is not upheld by the adjudicator, the case will remain active, and an additional two working days will be added to the timeframe for GSR to file a response. This time extension can be applied only once per case, and no time extensions will be given to any subsequent unsuccessful objections made by GSR. If an adjudicator is subsequently appointed to determine the dispute, all objection correspondence will be forwarded to that adjudicator to be taken into account when reaching a final decision in the case.
5. If GSR's objection is upheld by the adjudicator, CEDR will write to the Appellant to advise them of this and the reasons given for the objection within five working days of the objection being received by CEDR. The Appellant will then have a period of 10 working days to contact CEDR and provide reasons why the case is valid. Upon receipt of the Appellant's response, a CEDR adjudicator will decide whether or not to reinstate the case within two working days. The evidential burden at this stage rests with

the Appellant to prove why the application falls within the scope of Stage 2.

6. In the event that the Appellant responds to CEDR within 10 working days after receipt of correspondence from CEDR regarding the objection being upheld, and the adjudicator decides that the case falls within the scope of Stage 2, the case will be reinstated and GSR will be given 10 working days to reach a settlement with the appellant or to file a response with CEDR.
7. If the Appellant makes no contact with CEDR within 10 working days of GSR's objection being upheld, or the adjudicator does not consider that the case falls within the scope of Stage 2 following receipt of the Appellant's response, the case will be withdrawn from Stage 2 and the Appellant will be advised within five working days of the withdrawal.

5.3 The response

1. When CEDR receives GSR's response, a copy of it will be sent to the Appellant.
2. Upon receipt of the response, CEDR will formally appoint an adjudicator to the case.
3. If GSR does not submit a response to CEDR within the time allowed, the adjudicator will have the discretion to proceed to make a decision considering only the information provided by the Appellant.
4. The Appellant has a period of 10 working days from the date on which GSR's response is sent to them to provide any comments on the response that they see fit. The Appellant is not required to submit comments on GSR's response. Any comments that are submitted must be restricted only to points raised in GSR's response and must not introduce any new matters or any new arguments. Any new matters or new arguments submitted by the Appellant at this stage will be disregarded by the adjudicator.
5. If the Appellant makes any comments on GSR's response, CEDR will send a copy of those comments to GSR for their information only.
6. Once CEDR has received a valid application from the Appellant, a response from GSR and the Appellant's comments on that response, or the deadline for providing such documents has passed, CEDR will inform both the Appellant and GSR that a complete complaint file has been received.

5.4 The Decision

1. An adjudicator appointed under these Rules will make a decision by considering the submissions and evidence received from the Appellant and GSR. CEDR aims for decisions to be issued within 30 working days of a complete complaint file being received.
2. The adjudicator's decision will be set out in writing and will include full reasons for the decision. The adjudicator will send a copy of the decision to CEDR when complete.
3. Once CEDR receives a decision from an adjudicator, it will send copies to both the Appellant and GSR simultaneously.
4. Subject to clause 4.4.5, the CEDR adjudicator's decision is final and binding on the Appellant and the GSR and cannot be reviewed or appealed under any circumstances.
5. Where an adjudicator's decision has been made in manifest error, in breach of any law, regulation or any relevant public policy or contrary to any term of these Rules, the decision will be set aside and the Appellant and GSR may seek to have the Stage 1 decision reviewed outside the terms of these Rules.

5.5 Compliance with the decision

1. If the adjudicator's decision directs GSR to take an action in relation to the Appellant, GSR must complete the necessary action(s) within 20 working days of the date on which the decision was sent to the parties, unless the adjudicator specifies a different period in the decision.
2. If GSR is for any reason unable to complete the necessary action(s) within the timescale at Rule 4.1.5 above, GSR must advise the Appellant and CEDR why that is before the above timescale expires. At the same time, GSR must specify a substitute date by which the necessary action(s) will be completed.

6 Powers of the Adjudicator

1. The adjudicator will be fair and unbiased at all times and will make a decision that is in line with the relevant law, any relevant codes of practice, and the terms of the contractual arrangements between GSR and the Appellant. The adjudicator will act quickly and efficiently.

2. The adjudicator has the power to do any of the following:
 - Extend any of the time limits set out in these Rules
 - Seek guidance on technical matters related to gas engineering from a technical expert, not involved in the case (this could be a GSR expert)
 - Request further evidence or documents from the Appellant or GSR and set fair and reasonable time limits in which the Appellant and GSR must provide such evidence or documents
 - Proceed with the Appeal if either the Appellant or GSR does not act in accordance these Rules or any instruction or direction made pursuant to these Rules
 - Consult any relevant evidence not presented by the parties (but the adjudicator must tell the Appellant and GSR about such evidence and allow them to provide comments)
 - Receive and take account of any evidence the adjudicator thinks is relevant
 - End the Stage 2 appeal if, in the adjudicator's opinion, the entirety of the claim falls outside the scope of Stage 2 (there is no appeal if the adjudicator decides to end the Stage 2 process)
 - End the Stage 2 appeal if the Appellant and GSR settle their dispute before a decision is made
 - Determine whether or not GSR has complied with the adjudicator's decision, in the event that a dispute arises between the parties regarding compliance
3. If the adjudicator finds that the Appellant's appeal succeeds in full or in part, he or she can direct the GSR to:
 - take some practical action
 - make a payment to the Appellant, the total value of which shall not exceed £5,000.00 (including VAT)
4. If the adjudicator finds that the Appellant's claim does not succeed, GSR will not be directed to take any action(s). However, there may be sanctions that still apply against a breach of the rules (outside of this process).

7 Costs

1. A fee of £150.00 (plus VAT) will be charged to the Appellant for using Stage 2.

2. The Appellant and GSR must pay their own costs of preparing their cases. By using Stage 2, each party agrees not to take any legal action against the other to recover such costs.

8 Confidentiality

1. The General Data Protection Regulations (“GDPR”) will apply to Stage 2, and all data submitted to CEDR with regard to Stage 2 may be shared with GSR, including all personal data, only in accordance with the GDPR.
2. No party involved in the adjudication will give details of the adjudication or the decision (including the reasons for it) to any person or organisation not directly involved in the adjudication unless this is necessary in order to enforce the decision.
3. By using the service, the parties agree that CEDR may gather, retain, and publish statistics and other information in relation to cases whilst preserving the anonymity of the parties.

9 Other Rules

1. CEDR will appoint a substitute adjudicator if the adjudicator originally appointed is unable to deal with the dispute for any reason, including where a conflict of interest is discovered. CEDR will inform the parties if such an appointment is made.
2. With the exceptions of amending a decision following any minor error and providing clarification on a specific point regarding the adjudicator’s decision, neither CEDR nor the adjudicator will enter into correspondence relating to any decision.
3. If the Appellant or GSR has a complaint about the quality of service provided in the course of the administration of a CEDR case, the complaint should be made through the published complaints procedure, copies of which are available from the CEDR website. The complaints procedure cannot be used to challenge the content or outcome of an adjudicator’s decision, the decision process adopted by an adjudicator, or the content of these Rules.
4. The parties should not provide to CEDR any original documents if required for use in the future. CEDR do not keep any documents on premises and all

documents sent to CEDR will be scanned and disposed of securely at the point of registering the new matter.

5. Any reference in these Rules to working days by definition excludes Saturdays, Sundays and bank/public holidays celebrated in England and Wales.
6. Stage 2, including these Rules, may be reasonably updated from time to time, provided that any changes are notified to GSR and agreed between the parties in advance.