



MCS WORKING GROUP



Terms of Reference



DEFINITION OF TERMS

- Executive Board:** The Board of Directors (also referred to as “the Board”) as registered with Companies House and with the legal responsibility for running the company in accordance with UK company law, answerable to the MCS Charitable Trust as shareholder.
- Company:** The MCS Service Company Ltd being the registered limited company operating MCS.
- MCS Secretariat:** Appointed by the Company to provide secretariat services for Scheme meetings.
- Certification Body:** A Body that has been accredited by UKAS (or an equivalent body) under EN45011 to undertake certification assessments under the MCS and is licensed by the Company to so do.
- Standards Management Group:** The Standards Management Group of the MCS, as agreed at Steering Group 20 on 27th May 2010.
- Working Group:** Technology Working Group established under the terms of the Standards Management Group.
- Manufacturer:** A manufacturer of technologies relevant to the Standards being developed.
- Installer:** An individual or company certificated as an MCS qualified installer
- Trade association/
Professional Body:** A corporate entity that represents the interest of its membership in arenas directly relevant to the objectives and scope of the Working Group.
- 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 here-in
- Attendee:** An individual attending a particular meeting of the Working Group. Not necessarily a Member
- Simple majority:** More than 50% of Members in attendance. For clarity, this is not just a proportion of the attending Members who vote: the denominator includes abstentions

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1. OBJECTIVES & SCOPE

Under instruction of the MCS Standards Management Group (the Standards Management Group):

- To develop and maintain Product and Installer Standards for the technology under consideration
- To conduct a technical review of issues with, and proposed changes to, those Standards
- To ensure the Standards are up to date and fit for purpose
- To review industry developments and their possible impact on the Standards
- To carry out other analysis or review which the Standards Management Group may from time to time deem to fall within the scope of the Working Group

2. AUTHORITY

The Working Group is formed by, and reports to, the Standards Management Group. Its Terms of Reference are set by the Standards Management Group.

3. CONFIDENTIALITY

A list of Working Group members will be available from the Secretariat via email (meetings@mcscertified.com).

Discussions and materials will be confidential, save where agreed otherwise by the Group in order to facilitate particular actions that may arise from time to time.

An anonymised Chair's report will be made available externally (see Chair's section, below).

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4. STRUCTURE & CRITERIA OF MEMBERSHIP

The Working Group membership consists of technical experts who have a good knowledge of the scope of the Working Group. They should understand the business and technical impact that the issues within the Group's remit might have on their sector.

Categories from which the experts might be drawn include:

- Manufacturers
- Installers
- Certification Bodies
- Trade Associations/Professional Bodies
- Consumer groups
- Government representatives/civil servants
- Training and education sector
- Subject matter expert

The MCS Secretariat should also attend as a non-voting member.

Members may attend, debate and vote as individuals, and not necessarily as a representative of an individual, corporate or sectoral interest.

Depending on the requirements of the Group, from time to time and at the discretion of the Chair, other experts may be invited to attend/present to meetings on specific topics where they have relevant expertise and knowledge.

APPROVAL OF MEMBERS

Anyone wishing to be a Member of the Group should meet the membership criteria as set out above.

The first time the Working Group meets, its membership will be approved by the Standards Management Group, and thereafter it will be by the following process:

- Prospective Member contacts the Chair through the MCS Secretariat (meetings@mcscertified.com) requesting to join the Group, providing a signed copy of the confidentiality and conduct form (Appendix A) and (optionally) setting out in no more than one page of information why they wish to join and how they meet the eligibility criteria.
- The Chair reviews the application, and either accepts, rejects or requests further information, within 10 working days.

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- Should the application be rejected by the Chair, the applicant may appeal, at which point the application will be referred to the wider Working Group.
- The Working Group reviews the application, and the Chair’s comments, and either accepts, rejects or requests further information, within 10 working days. This may be achieved via a meeting of the Working Group or by electronic vote, as may be deemed most practical by the Working Group Chair.
- Should the application be rejected by the Working Group, the applicant may appeal, at which point the application will be referred to the Standards Management Group.
- The Standards Management Group reviews the application, and the Chair’s and Working Group’s comments, and either accepts, rejects or requests further information, within 10 working days. This may be achieved via a meeting of the Standards Management Group or by electronic vote, as may be deemed most practical by the Standards Management Group Chair.
- The decision of the Standards Management Group is final, and cannot be appealed further.
- Once an application is rejected at any of the above stages, an explanation must be provided to the applicant in writing by the body which has made the decision.

5. REQUIREMENT OF MEMBERS

Members should be prepared to take actions/circulate material and report back to the Group on views and actions taken.

CHAIR APPOINTMENT

The MCS Secretariat will ensure that a Chair is appointed.

The members of the Group eligible for membership shall put forward nominations to become the Chair or Vice Chair of the Group. A vote shall then take place amongst the members of the Group, and both the Chair and Vice Chair shall be elected by simple majority. The Chair and Vice Chair shall hold their position for a period of 12 months and the positions shall be subject to election/re-election every 12 months amongst the members of the Group when another nomination and vote shall take place.

DUTIES

The Chair’s role will be:

- Other than in exceptional circumstances, to attend all meetings of the Group.
- To chair meetings, facilitate discussions and encourage consensus on issues for decision.
- To act as an expert adviser to the Working Group, regarding the MCS Scheme
- To approve the agenda in advance of each meeting

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- To co-ordinate the development of any relevant papers in advance of each meeting
- To act as the Group’s liaison with external individuals and bodies, including the MCS Standards Management Group
- To act as the first point of decision regarding applications for membership of the Group
- To draft, following each meeting, an anonymised summary of key progress, decisions and actions.

For clarity, in any matter, unless otherwise specified here-in the Chair has the same voting rights as any other member, i.e. he does not have a casting vote.

6. MEETING FREQUENCY AND NOTICE

Meetings will be convened when required, as directed by the Standards Management Group. The MCS Secretariat will notify Working Group Representatives when the date of a meeting has been confirmed. The Working Group Chair and/or the Company may recommend to the Standards Management Group the requirement for subsequent meetings based upon an assessment of the need.

Other than in exceptional circumstances, notice of meetings, including a draft agenda will be sent to members not less than 10 working days in advance of each meeting, and a final agenda and any papers will be circulated not less than 5 working days in advance of each meeting.

The Chair will be entitled to cancel any scheduled meeting if, in their opinion, there are insufficient items of importance for debate at the meeting to warrant holding it. This should be notified to both the Group and the Standards Management Group as early as possible before the scheduled meeting date.

7. ISSUES PROCESSING

The Working Group will address issues as directed by the Chair, who reports to the Standards Management Group. The Working Group has the sole responsibility for recommending to the Standards Management Group changes to those Standards that are within its scope.

All issues requiring resolution by the Group should be raised in the first instance with the MCS Secretariat, who will notify the Chair. It is at the discretion of the Chair as to whether issues are added to the agenda for a particular meeting. Issues may be permitted to be raised at the meeting at the discretion of the Chair.

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8. DECISION MAKING

All matters before the Group will, where possible, be resolved through consensus. Where this is not possible, a vote will be taken, with a simple majority of those attendees who cast a vote required to ratify any decision.

Where there is not full agreement, this will be minuted.

Decisions may be taken electronically ex-committee, using the same criteria, but with 'attendee' defined as 'respondent'.

9. APPEALS

All decisions of the Working Group in relation to the Standards are subject to ratification by the Standards Management Group, and as such, any appeal of a Working Group decision should be raised in writing with the Standards Management Group in advance of that ratification.

10. REPORTING

The Working Group is a sub-group of the Standards Management Group and reports directly to the Standards Management Group.

The Chair of the Working Group will produce a Chair's Report for publication (see above).

11. STANDARDS MANAGEMENT GROUP REPRESENTATION

The Working Group will be required to select a Representative to the Standards Management Group (SMG). That Representative will, acting within the remit of the SMG, communicate to the SMG the views of the Working Group on any relevant issue. The process for selecting that Representative is as follows:

The SMG Representative is to be appointed from within the membership of the Working Group. At the first meeting of the Working Group in each Financial Year (1st April – 31st March) the Group shall seek volunteers for the position.

In the event of only one volunteer emerging, the Group will vote as to whether to ratify the volunteer as SMG Representative. A simple majority of attendees (greater than 50%) is required for ratification.

Should there be more than one volunteer for the position of SMG Representative, the Group – including the volunteers – will each vote for their preferred candidate. Should one candidate achieve a simple majority then that candidate is deemed elected.

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Should no candidate gain a simple majority, then the candidate who has received the fewest votes will have their name withdrawn from the contest, and voting will take place again as per the above process, for the remaining candidates. This process will be repeated for as many iterations as necessary to secure a simple majority for one candidate.

In the event that no candidate volunteers, or that the election process fails to successfully elect a SMG Representative, or that an elected SMG Representative is unable to attend a particular meeting, the Chair may act as the Representative.

DE-APPOINTMENT

The SMG Representative may step down from the position voluntarily at any time.

The SMG Representative may also be removed by the Group's members. If 40% of the members in attendance at a Group meeting request, the Chair must hold a vote as to whether the SMG Representative should be removed. A simple majority will decide the outcome.

Should the SMG Representative step down, or be removed by a vote, then the 'Appointment' process is immediately invoked, to select a new SMG Representative.

12. ADMINISTRATION

Other than in exceptional circumstances, the following timetable will apply:

A draft agenda will be issued ten working days in advance of the meeting, and a final agenda and any meeting papers will be issued five working days before the meeting.

The meeting report will be produced and issued to all Working Group Members and, where appropriate, attendees, within ten working days of the meeting.

Any comments on that report's accuracy should be returned to the MCS Secretariat within five working days following issue of the meeting report. The Company will fulfil the Secretariat function to include: taking minutes; agreeing and sending out agenda/calling notices; booking meetings; controlling the logging and circulation of documents and maintaining contact lists.

13. FUNDING

Participants will meet their attendance expenses.

Participants are invited to offer meeting facilities for the Group where possible.

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APPENDIX A – CONDUCT AND CONFIDENTIALITY

To be signed by all members:

I declare that, for so long as I shall be a Member of this _____ (insert technology) Working Group/attend this Working Group (delete as applicable), and to the extent allowed by law:

- I will treat all agendas, minutes, papers and other materials that I receive in connection with it as confidential to the Group and its members, and I will not disclose to anyone outside the Group the nature or detail of discussions, save where:
 - these are already in the public domain;
 - or where the Group agrees that information can be more widely circulated to help fulfil certain actions that may arise from time to time;
 - Or where information is requested by the MCS Standards Management Group
- I will endeavour to act within the bounds of the Terms of Reference as approved from time to time by the MCS Standards Management Group
- I will engage constructively with other Members of the Working Group in order to help the Group fulfil its remit
- I will disclose to the Chair, for the record, any personal or commercial affiliations that I may have with other members of the Group.
- I consent to my name and associated organisation (if applicable) being published on the MCS website, with the proviso that it be clarified that I do not necessarily represent that organisation when attending the Working Group.

Signed: _____

Name: _____

Associated Organisation: _____

Date: _____

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AMENDMENTS ISSUED SINCE PUBLICATION

Document no.	Approval	Amendment details	Date
1.0	Approved by Steering Group 20	First issue.	28 th May 2010
1.1	Management Panel	Clarifying the wording around representation and confidentiality.	30 th July 2010
1.2	Management Panel	Revision to how the meeting is chaired, and clarification of electronic voting rules.	21 st October 2010
1.3	Steering Group	Clarification of how the Chair is provided, clearer service levels.	30 th November 2010
2.0	Standards Management Group	Clarification of election process for Chair and Vice-Chair. Removal of Licensee vote. Inclusion of Training and education sector and Subject matter experts in Structure & Criteria of Membership.	22 nd November 2017
3.0		Updated for the replacement of brand elements including fonts and logos. Clarification of roles post-novation i.e. removal of Administrator.	19 th June 2019