

## Code of Practice

### Introduction

This Code is the basis of the Responsible Car Wash Scheme, administered by the Responsible Car Wash Company. The ethos of the scheme is to develop a high quality, compliant industry able to compete commercially on equal terms. The Scheme will support the industry to operate compliantly and to drive up standards through the sharing of best practice.

To obtain 'Responsible Car Wash' status, the participant (being a Responsible Car Wash Operator) agrees to adhere to the scheme's Code of Practice at all times. The Code relates to a number of statutory and regulatory requirements relevant to the operation of car wash businesses as well as providing examples of industry best practice.

The operator shall comply with the Principles and Rules set out below. Where best practice is indicated, following that will tend to support compliance with the Principles and Rules.

Accredited status will help enable customers to make responsible choices about which car wash provider they wish to use and provide a mechanism for landlords to choose a responsible service provider to operate from their land.

### Principles

The Code is based upon the following four key principles which must be upheld by all Responsible Car Wash Operators:

- 1 Compliance with legal and regulatory obligations;**
- 2 Protect workers' rights;**
- 3 Protect the environment; and**
- 4 Provide a proper standard of service to consumers.**

Responsible Car Wash Operators are expected to comply with these Principles in spirit as well as to the letter.

## The rules of the Code are as follows:

### Consent to trade

#### Rule

Prior to commencement of trading (or within 6 months of date of registration) the Responsible Car Wash Operator will obtain Local Authority planning consent for the car wash to trade (and for any buildings, any signage/advertisement etc.) and establish an authorised connection to the water supply.

### Insurance

#### Rule

The Responsible Car Wash Operator will hold a valid Employers Liability insurance policy appropriate to the requirements of the business model at all times.

If moving vehicles on sites, the Responsible Car Wash Operator will hold and display a valid motor trade insurance policy.

The Responsible Car Wash Operator will hold appropriate insurance cover in respect of public liability, product liability, and building and equipment commensurate with the business operation.

#### Best Practice

In addition to the above, the Responsible Car Wash Operator should also seek to ensure that customers, their vehicles and car wash property are also insured with a reputable provider for an appropriate level of cover.

### General car washing practice and the customer experience

#### Rule

The process of offering a customer service in exchange for payment requires adhering to various legal requirements around pricing and service terms. The Responsible Car Wash Operator will:

- Deliver a guaranteed level of service for a publicised transparent price
- Clearly display pricing structures (including VAT charges if applicable)
- Provide clear and accurate information about the trader's name, registered address and contact details
- Provide terms and conditions that are clear and fair for all customers (including both retail and trade customers)

- Adhere to health and safety legal requirements
- Perform customer contracts fully

### **Best Practice**

The Responsible Car Wash Operator should endeavour to operate with the highest level of professionalism when cleaning and looking after customers' vehicles, including:

- Exercising utmost care in the cleaning and valeting process
- Performing customer contracts professionally, preferably allowing customers to pre-book services
- Allowing customers to pay electronically (e.g. via credit/debit card, online payment facilities etc.)
- Have a clear customer complaints, escalation and grievance process, and include a reasonable time-frame for resolution.

## **Employment compliance and prevention of labour exploitation / modern slavery**

### **Rule**

Responsible Car Wash Operators must comply with legislation relating to the employment of workers, ensuring:

Work is voluntary:

- Ensuring employment is voluntary and freely chosen for all employees with no forced or bonded labour, nor any form of deposit payment taken in return for work (debt bondage)

Legal right to work:

- Checking legal right to work for all employees and **keeping a photocopy** of the original right to work documentation for every single worker. ID cards should be checked and details on both sides of the card verified.
- Responsible Car Wash Operators must not retain identity papers (except when it is necessary to check a worker's entitlement to work in the UK, and then only until the check is complete). Copies of documentation held must be stored safely and securely at all times.

Terms of work:

- Recording and keeping safe terms and conditions of employment (contracts) for every worker as well as personal details including name, address and if under 22, date of birth.
- Defining working hours by contract (minimum 8 hours per week) and ensuring those hours do not exceed 48 hours per week (or 60 hours per week including overtime).
- Overtime be voluntary, agreed in writing and paid at a premium rate and an employee must be able to amend or cancel any overtime agreement;
- Every worker to get at least one day off in every seven.

#### Hours and pay:

- Comply with legal statutory obligations for tax, national insurance contributions, VAT and National Minimum Wage (NMW).
- Keeping accurate records of hours worked (or parts thereof) for each and every worker employed at the site (full-time, part-time, trial, seasonal etc.)
- Ensuring all time worked (to the minute) is paid in full via PAYE.
- Providing clear and itemised payslips for every employee at or before the time when wages/salary paid. Payslips must specify gross and net amounts of earnings and the amounts/purposes of any deductions.
- The Responsible Car Wash Operator must not withhold or threaten to withhold the whole or part of any payment due to any worker in respect of any matter within the control of the Responsible Car Wash Operator.

#### Employment rights:

- Ensuring all staff (including agency) are given legal rights to holiday and sick pay, maternity/paternity/adoption leave etc. and that accurate records are maintained to document such rights
- Ensuring all eligible staff receive statutory pensions contributions through an established pension scheme

#### Accommodation:

- Any accommodation provided for workers at the location of a car wash must meet building controls, have appropriate planning permission (including where such accommodation includes temporary structures), and be appropriately licensed where the accommodation is designated as a House of Multiple Occupation or meets the criteria for any additional housing discretionary licensing operating in the jurisdiction of the Local Authority where the car wash is situated.
- If deductions are made for the provision of accommodation, they must be compliant with National Minimum Wage Offset guidelines.

#### Transport:

- Only provide transport for the employees as optional and free (or does not breach NMW offset guidelines) and that is fully insured, safe, has an MOT and that the driver has a full, valid driving licence for driving in the UK.

### **Best Practice**

The Responsible Car Wash Operator will endeavour to operate their business with due regard to compliant and ethical employment practices, treating their employees fairly, with dignity and respect. It is well documented that employees who are recognised, rewarded and valued by their employers will help to create a better business for their employer and this is particularly the case where there is so much interaction with customers by employees.

Responsible Car Wash Operators seek to train, coach and reward their workers to develop a culture of trust and fairness.

Responsible Car Wash Operators should allow workers to have a 'workers' voice' representation in order for issues to be raised and resolved together. They should also have a clear policy set out to manage misconduct.

The facilitation of onsite accommodation for workers is not recommended for Responsible Car Wash Operators.

## Safe and hygienic working conditions

### Rule

The Responsible Car Wash Operator must provide safe and hygienic working conditions meeting all statutory requirements, including under health and safety law, as well as the Working Time Regulations and the Working Time Directive. These include:

The right workplace facilities:

- To provide adequate welfare facilities for all employees, including toilets, free drinking water, facilities for changing clothes and hygienic storage facilities for food preparation and consumption
- To provide somewhere for workers to take breaks and eat meals
- To ensure the working environment is safe and clean
- To ensure that workers do not smoke within the workplace (e.g. wash area) or near customers

First Aid, Accidents and Ill-health:

- All reasonable steps are taken to prevent accidents and injury in the workplace. Track and record any incidents in the Accident Book and report incidents in line with RIDDOR requirements
- Display the health and safety law poster or provide workers with an equivalent leaflet and make sure there is an adequate first aid kit

Safeguarding workers:

- The car wash is free from any form or threat of harassment, physical abuse or discipline, verbal abuse, bullying or any other form of intimidation / mistreatment
- All workers to be granted all breaks and time off in accordance with their statutory entitlement

Personal & protective equipment:

- Where health and safety risks cannot be controlled in any other way, personal protective equipment must be provided. It can include items such as waterproof and high visibility clothing, gloves, eye protection and suitable footwear that is waterproof and has toe protection.

Site-set up and equipment:

- All cleaning products and chemicals are stored, labelled and utilised in accordance with health and safety COSHH regulations – including provision of spill kits etc.
- Electrical installations, equipment and appliances are safe and checked in line with legislation-

Health & Safety training:

- Clear instructions and information must be provided, and adequate training, for all employees.
- Introductory and ongoing training records for all workers should be kept detailing date and training received.
- No charge may be made for providing health and safety training and workers must be paid for their time undertaking training.

### **Best Practice**

The working environment is clean, sanitary and free from threats, abuse or coercive behaviour. Employers should seek to make their employees as comfortable as possible in their environment. Car washes are usually outdoors and therefore workers are subjected to changing weather conditions and (sometimes) adverse weather.

Training should be recorded, detailing date and what was trained and when a retrain is due. This should also be signed by the person who has been trained and the trainer. It should be repeated on the recommended anniversary i.e. 6 monthly or annually for all workers.

The Responsible Car Wash Should endeavour to:

- Ensure that warm, dry and sheltered break area is available.
- Provide a smoking area away from customers / other employees
- Ensure all workers have access to waterproof / warm over garments if the weather is wet
- Provide cooler uniforms in the summer
- Where the weather requires, to make sun hats and or winter hats available to employees
- Set up a 'workers voice committee' where workers can freely discuss concerns on H&S, standards and other issues that they feel are important

## **Financial transparency and corporate governance**

### **Rule**

The Responsible Car wash owner must adhere to all applicable laws and regulations in the preparation of financial statements relating to relating to the car wash, including:

- Operating under a legal structure and submitting appropriate reports or accounts to relevant bodies (HM Revenue & Customs, Companies House etc.);
- Maintaining accurate and complete records for all trade income, expenses and overheads;
- Registering for VAT in line with HM Revenue & Customs guidelines (if required to do so), submitting accurate/timely returns and making prompt payments to HM Revenue & Customs in respect of this;
- Submitting accurate and timely information for Corporation Tax purposes (where appropriate);
- Adherence to the Criminal Finance Bill to prevent tax evasion;
- Prevention of money laundering requirements; and
- Providing customer receipts upon request (including VAT receipts if applicable).

## **Best Practice**

A Responsible Car Wash Operator should set and operate an appropriate corporate structure with transparent financial systems. This should include:

- Setting up a company (probably limited, via Companies House) and appointing responsible adults to be fiduciary directors
- Operating finances via a business bank account
- Encouraging customer payments via electronic systems – a well-run ethical car wash will endeavour to reduce the proportion of income via cash. This has added benefits of reduced cash handling and reduced opportunity for cash shrinkage
- Carefully documenting all income and expenses in order to demonstrate full financial compliance

## **Protecting the environment**

### **Rule**

The Responsible Car Wash Operator must:

- Adhere to the Environment Agency's guidelines to prevent pollution during the car wash process PPG13 or GPP13 depending on local environment agency coverage.
- Obtain a Trade Effluent License from a water supply company and to comply with required regulations of the license.
- Ensure that there is an impermeable wash surface (e.g. concrete wash pad, proper side screen, and kerbs to prevent overspray or effluent run-off).
- Dispose of waste material (including trade effluent, hazardous waste, non-hazardous waste etc.) in accordance with the Environment Agency's guidelines and other appropriate legislation, and to retain accurate comprehensive records and evidence of any licences / permits etc.

## **Multi-site operators**

Running a network of businesses has its own level of complexity and compliance requirements, which cannot be listed in full here. Multi-site operators should consider the statutory and best practice points above as well as ensuring the training of every individual manager/operator in the requirements of this code.

## Adherence to the Code

The car wash operator agrees to:

- Comply with the code in full at all times
- Allow the scheme administrator/ GLAA to audit the business to ensure compliance
- Provide documentation and evidence to the scheme operator and/or GLAA during audit.
- Display the scheme branding to promote that they have current accreditation with the Code in accordance with the terms of the Scheme Agreement
- Apply to renew their registration on an annual basis
- Contact the scheme administrator to advise of any material changes to business such as change of ownership or control
- Contact the scheme administrator to advise if they have been found in breach of elements of the Code by regulatory bodies

## Right to audit

In joining the scheme, the Responsible Car Wash Operator agrees to being audited by the scheme administrator/ GLAA. The audit is designed to check compliance with the code, in particular those areas difficult to evidence by self-certification. The scheme's audit regime, including when an audit is undertaken, is determined by the scheme administrator.

The scheme administrator will share information obtained through the audit with regulators and government departments to develop a detailed profile of the industry. Information will be anonymised, with only the scheme administrator having site specific information. In line with the ethos of the scheme, operators will be given advice and guidance on best practice to drive up standards through continuous improvement.

Any breaches of the code will be discussed with the operator and advice offered on how to bring about the required improvement within an agreed time frame. Registration with the scheme may be rescinded if the site fails to meet the required standards. Serious breaches of the code will be referred to the appropriate authorities.

During the inspection audit, the operator may be asked to provide documentary evidence to demonstrate compliance with the Code of Conduct. This may include (but is not limited to):

- Written terms and conditions / contracts with workers or employees
- Wage books, payroll information and payslips
- Hours logs etc.
- Insurance certificates
- Evidence of compliance with health and safety regulations

The auditor will also expect to be able to interview / talk to any worker(s) without the car wash operator present

Failure to successfully pass the audit could lead to registration being rescinded and may result in your removal from the site. Copies of the audit report will be provided to the landlord of the site as evidence of compliance against the Code. Reports of obstructing visits from other regulators will similarly be reviewed by the Scheme panels and again may lead to registration being rescinded and your removal from site.

## **Data Protection: GDPR**

The Responsible Car Wash Scheme will collect your Data in a number of ways, for example:

- when you contact us through the Website, by telephone, post, e-mail or through any other means;
- when you register with us and set up an account to receive our products/services;
- when you complete surveys that we use for research purposes (although you are not obliged to respond to them);
- when you make payments to us, through the RCWS.org.uk Website or otherwise;
- when you elect to receive marketing communications from us;
- when you use our services;

in each case, in accordance with the privacy policy. Further details to be found on [www.rcws.org.uk](http://www.rcws.org.uk)

I have read through the Code of Conduct and I am an advocate for this code

Company Name.....

Your Name.....

Position.....

I am happy for our logo to be used in support of the code [once you have signed the code please send through your company logo] Yes / No