

Approval of Energy Assessors Accreditation Schemes

Introduction

This document sets out the Secretary of State's current policy for the approval of Energy Assessor accreditation schemes for Energy Assessors (EAs), for the purposes of the regulations which are to be made to implement the Energy Performance of Buildings Directive in England and Wales. National Occupational Standards for energy assessments in the following areas have or will be approved by The Qualifications and Curriculum Authority.

- Existing dwellings
- Newly constructed dwellings
- Non-dwellings including Public buildings
- Air Conditioning installations

It sets out the minimum outcomes that the Secretary of State expects such schemes to deliver and leaves it open to prospective scheme operators to demonstrate how those outcomes will be achieved by their proposed arrangements.

The purpose of accreditation schemes is to ensure that consumers and others who rely on certificates can have confidence in the certificates, accompanying recommendations for cost-effective improvement, inspections and advice, and the EAs responsible for them.

Scheme operators may apply additional voluntary standards to their member EAs provided that these are not inconsistent with the minimum requirements.

Overview of requirement

For the Secretary of State to approve a prospective scheme operator must demonstrate that the following requirements have been met:

1. Ensuring that members of the scheme are fit and proper persons to undertake energy assessments and that they operate within an appropriate code of conduct;
2. Ensuring that members of the scheme are qualified to undertake energy assessments;
3. Ensuring that members of the scheme have in force suitable indemnity cover;
4. Ensuring that members of the scheme use operational procedures that ensure consistency and accuracy of energy assessments;
5. Maintaining active quality assurance procedures;
6. Facilitating the resolution of complaints against members of the scheme;
7. Establishing and maintaining a register of members;
8. Ensuring financial probity, financial stability and operational resilience of the scheme;
9. Allowing CLG to monitor the scheme periodically to ensure that it continues to comply with the terms of its approval and delivers compliance with the legislation.
10. Suitable administrative and operational systems that are applied in a consistent, fair and open way that is compliant with all relevant legislation.

Detailed Requirements of Schemes

When prospective scheme operators put forward proposals, they will need to demonstrate that their proposals, to approve schemes and accredit members, meet the requirements described below.

1. Ensuring that members of the scheme are fit and proper persons to undertake energy assessments and that they operate within an appropriate code of conduct

Proper and effective operational, recording and reporting procedures should be in place to ensure that those who become energy assessors are fit and proper persons and that the eligibility criteria for membership are published. In assessing whether an individual is a fit and proper person, schemes should have regard to the criteria at Appendix 1.

A code of conduct should be developed, published and maintained for energy assessors. The code of conduct should include – but not be limited to – the avoidance of any conflict of interest in undertaking energy assessments.

Procedures should be established to enforce the code of conduct referred to above and to discipline energy assessors where appropriate, with sanctions including suspension or disqualification from membership where appropriate.

Reasons should be given to an applicant who is refused membership or an energy assessor who is expelled from membership

Scheme operators should identify an appeals system for those who are expelled or suspended from membership.

2. Ensuring that members of the scheme are qualified to produce energy assessments

An applicant can be considered to be qualified to produce EPCs as Domestic Energy Assessor if they:

i Hold an appropriate qualification that has been approved by the Qualifications and Curriculum Authority (QCA) and that is consistent with relevant National Occupational Standard. Scheme operators will need procedures to confirm that a candidate has the appropriate qualification and that, where relevant, the candidate is only accredited to operate within any limitations appropriate to the qualification.

ii Can demonstrate to the scheme that they meet the competencies set out in the relevant National Occupational Standards for Domestic Energy Assessments and have met the scheme's approval process

Procedures should be developed to assess the initial and continuing competence and professional development of members against National Occupational Standards and to ensure that the work of members is monitored and audited (including desk, on-site checks of samples of assessors' work and buildings or plants that have been assessed or inspected).

Prospective scheme operators should set out their entry criteria and procedures in detail in application for approval to the Department of Communities and Local Government

DEFINITIONS

National Occupational Standards¹– standards for Energy Assessors that are approved by the United Kingdom Coordinating Group of National Occupational Standards Boards, as amended from time to time.

Relevant Qualification - The qualification must fit within the framework of the National Occupational Standards. The Qualifications and Curriculum Authority must approve the awarding body and approve the qualification in conjunction with the Welsh Assembly Government Department for Education Lifelong Learning and Skills.

3. Ensuring that members of the scheme have in force suitable indemnity cover

Scheme operators will need to demonstrate suitable arrangements for ensuring that members or their employers or the scheme itself has and maintains arrangements to protect customers:

- o For schemes accrediting Energy Assessors to produce EPCs for dwellings, the scheme must set out its procedures to ensure a minimum indemnity cover of £50,000 for each claim in relation to any particular EPC in its application to the Department of Communities and Local Government.
- o Some sectors not involving dwellings may require levels of indemnity greater than £50,000. This remains under consideration and subject to further consultation.

4. Ensuring that members of the scheme use operational procedures that ensure consistency and accuracy of energy assessments produced

Scheme operators will be required to have appropriate operational procedures developed and put in place for members to use in undertaking energy assessments. Guidance will be issued by the Department of Communities and Local Government²

Any software used by Scheme Operators must comply with the relevant National Calculation Methodology as approved by the Secretary of State. The scheme's report generation software must be demonstrated to produce accurate EPCs, Recommendations Reports, energy display certificates and Recommendations Reports. Reports generated should be in a common form which conforms to the specifications set out by the Department of Communities and Local Government³ for each type of report.

A single national register of EPCs for dwellings has been established, operated under licence from the Secretary of State, by [Landmark Solutions]. All EPCs for dwellings will need to be lodged with this register. Scheme operators will need to establish an operational procedure for EAs to lodge EPCs. Scheme operators should have in place procedures which record Report Reference Numbers (RRN) of the EPCs which have been lodged; and that they have an arrangement to ensure that in the case of ceasing to trade that this information is transferred to the Department for Communities and Local Government or its appointed agent.

¹ National Occupational Standards for EAs are being drafted by Asset Skills the relevant sector skills council in consultation with the industry. .

² Technical guidance for Domestic Energy Assessment (non-domestic building energy assessment to follow)

³ Cross reference to technical standards as issued in February 2007

Procedures should also be developed to monitor compliance with and improvement against the operational procedures by members. It is to be expected that these will be based on an assessment of risk and may therefore vary over time, for example in the light of data monitoring history.

It is anticipated that a similar register will be established for lodging EPCs for non-dwellings and Display Energy Certificates.

5. Maintaining and demonstrating quality assurance procedures

Scheme operators are required to institute active quality assurance procedures that ensure that standards of accuracy defined by the relevant Department for each relevant energy assessment are met.

In the Department's view, an indicative level of monitoring would be 2 % of all EPCs but Scheme operators may make alternative proposals that would deliver an appropriate level of supervision.

For information: Schemes Operators will be expecting that 90% of EPCs are within + or – 5 SAP points and that 100% of EPCs are within + or – 10 SAP points of the rating determined by the Scheme Operator's Energy Assessor undertaking quality monitoring.

The quality assurance procedures must include provisions for replacing defective EPCs, Recommendations, Display Energy Certificates and Advisory Reports.

The scheme operator is required to set out the monitoring procedures that they will operate and demonstrate their effectiveness to measure the performance of EAs.

6. Facilitating the resolution of complaints against members of the scheme

Procedures should be established for responding promptly and efficiently to customer complaints against members.

Transparent and effective procedures should be established to promote investigation, adjudication, and mediation procedures for dealing with such complaints.

Such procedures should be accessible and available at no cost at the point of access to customers and (where appropriate) provide effective redress.

Where complaints cannot be resolved to the customer's satisfaction, complaints should be referred to an independent third party for a decision. The independent third party mechanism for resolving complaints is to be operated on behalf of the accreditation scheme but the scheme must be able to demonstrate operational separation from it.

Scheme operators should ensure customers understand that they are not deprived of their legal rights by participating in the accreditation scheme's customer complaints process.

Scheme operators must report complaints that involve apparent criminal activity to the police.

7. Establishing and maintaining a register of scheme members

Schemes operators must establish and maintain a register of current members of the scheme and keep records of former members, in particular for ensuring that indemnity cover is maintained and for dealing with customer queries, complaints or claims.

Scheme operators should have a process that allows a customer to establish the legitimacy of any individual claiming to be, or have been, an accredited EA.

In keeping a register and such records, the scheme shall comply with the Data Protection Act 1998.

8. Financial probity, financial stability and operational resilience.

Scheme operators shall demonstrate that they have appropriate arrangements in place to ensure financial probity

Scheme operators shall demonstrate that they have sufficient financial stability to provide confidence that they can continue to operate throughout the period of approval granted by the Secretary of State

Scheme operators shall demonstrate that they have sufficient operational resilience to ensure business continuity in the face of unforeseen events and that they have an arrangement to ensure that, in the case of ceasing to trade, core information and resources have been maintained in such a way that a successor organisation can be appointed to replace the scheme operator.

9. Allowing CLG to monitor the scheme periodically to ensure that it operates within the published rules of the scheme and delivers compliance with the legislation.

Scheme operators should maintain records in a form that allow CLG or its appointed agent to monitor the operation of the scheme against these functional outcomes

10. Suitable administrative and operational systems that are applied in a consistent, fair and open way that is compliant with all relevant legislation

In particular scheme operators should;

- o co-operate with any authorised officer of an enforcement authority making enquiries of the scheme for the purposes of carrying out the authority's duties under the legislation.
- o demonstrate commitment to publicising the scheme and its rules.
- o manage the avoidance of conflicts between the commercial interests of the scheme operator and any sponsoring or member organisations involved with the scheme, and the scheme's responsibilities under the terms of its approval.
- o provide advice to the public seeking to engage energy assessors.

Definitions

“Customer” includes-

1. a person who commissions an energy assessment;
2. any seller or landlord on whose behalf an energy assessment is commissioned; and

“Energy assessment” means -

3. the production of energy performance certificates and the accompanying recommendations for the improvement of the energy performance of the building;
4. the production of display energy certificates and advisory reports;
5. the inspection of an air conditioning system and provision of advice on possible improvements, replacement or alternative solutions.

Appendix 1

Determining whether a person is 'fit and proper' for membership

The requirements call for scheme operators to demonstrate that proper and effective operational, recording and reporting procedures are in place to decide whether applicants are, and members remain, 'fit and proper' persons. These procedures must be applied in a fair and open way that is compliant with legislation

For schemes related to the inspection of existing dwellings [scheme operators should:

- a) Make appropriate enquiries, including enquiries of the applicant, including the applicant's criminal history (Basic disclosure on a criminal record check) and other accreditation schemes into the background of applicant EAs to enable them to make an informed judgement as to whether the applicant is a fit and proper person, and maintain checks/monitoring after membership is granted.
- b) Reject applications or revoke membership where the applicant or member is considered not to be a fit and proper person.
- c) Where an offence has been committed, take into account:
 - the **relevance** of the offence to the role of the EA,
 - the **seriousness** of that offence
 - whether there is any **significant pattern** of offending and
 - **how recently** the offence was committed.

Scheme operators should respond promptly to enquiries from other accreditation schemes to confirm the membership status and disciplinary record of any former member.

- d) In ordinary circumstances a person is unlikely to be fit and proper if a person has been convicted or cautioned for a serious arrestable offence including:
 - Murder
 - Manslaughter
 - Death by reckless driving
 - Rape
 - Kidnapping
 - Firearms offences
 - Hostage taking
 - Hijacking or torture

e) In ordinary circumstances a person is unlikely to be fit and proper if a person has been convicted of offences that are less serious than those listed in paragraph 1.2 if these are offences against the person or property, or offences which involve elements or acts of dishonesty, corruption, substantial financial gain or serious loss to anyone (including theft, fraud and deception), which resulted in a prison sentence within the last 5 years.