



Approval of Energy Assessors Accreditation Schemes for the production of Energy Performance Certificates for non-dwellings

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 non-dwellings, for the purposes of the regulations which have been made to implement the Energy Performance of Buildings Directive in England and Wales. National Occupational Standards for energy assessments of non-dwellings, including public buildings, have been approved by The Qualifications and Curriculum Authority.

It sets out the minimum outcomes that the Secretary of State expects 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 customers¹ 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 requirements

For the Secretary of State to approve a prospective scheme operator, it 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.

¹ See definition after section 10

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 Communities and Local Government 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 for non-dwellings 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 for Energy Assessments of non-dwellings. 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.

or

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

Procedures should be developed to assess the initial and continuing competence and professional development of scheme 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 their application for approval to the Department for Communities and Local Government

Definitions

National Occupational Standards² – 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.

² http://www.energy-assessors.org.uk/site/Portals/6/documents/EADocs/DraftNOS_Nondwell0807AccredV.pdf

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 suitable and sufficient arrangements to protect customers and others who rely on the certificates:

The minimum level of indemnity for residential schemes is £50,000 and it is unlikely that lower levels of cover for non-dwellings would be acceptable. Where indemnity arrangements are made by members or their employers, scheme operators will be expected to institute procedures to assess whether suitable and sufficient cover is being maintained.

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 for Communities and Local Government³

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, and Recommendations Reports. Reports generated should be in a common form which conforms to the specifications set out by the Department for Communities and Local Government for each type of report.

A single national commercial register of EPCs for non-dwellings has been established, operated under contract from the Secretary of State, by [to be advised]. All EPCs for non-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 generate and 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.

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.

³ Technical guidance for Energy Assessment of non-dwellings

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 per cent of all EPCs but Scheme operators may make alternative proposals that would deliver an appropriate level of supervision.

For information: Schemes Operators are expected to ensure that 90 per cent of EPCs are within + or -5 per cent of the Building Emission Rating and that 100 per cent of EPCs are within + or -10 per cent of the Building Emission Rating determined by the Scheme Operator's Energy Assessor undertaking quality monitoring (NB – these figures will be reviewed following publication of the calculation procedure).

The quality assurance procedures must include provisions for replacing defective EPCs and Recommendations.

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 complaints against members from customers and others who rely on the certificates.

Transparent and effective procedures should be established to promote investigation, and resolution of such complaints.

Such procedures should be accessible and available at a reasonable cost at the point of access to customers and (where appropriate) provide effective redress. As far as possible the cost of investigating and resolving complaints should be transparent and made known at the start of the complaints process and there should be clear justification for all charges.

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 and pass this information onto the central register for regular updates.

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

Scheme operators should share details with other schemes of rejected applicants as well as EAs who have either been suspended or struck-off in a way that is compatible with the Data Protection Act.

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 Communities and Local Government 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 Communities and Local Government 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:

- 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.

- demonstrate commitment to publicising the scheme and its rules.
- 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.
- provide advice to those 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;

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 non-dwellings, scheme operators should:

- a) Make appropriate enquiries of the applicant and their employer about checks already made into the background of applicant EAs to enable them to make an informed judgment as to whether the applicant is a fit and proper person, and maintain checks/monitoring after membership is granted. Where prior checks have not been undertaken, the scheme should instigate appropriate enquiries.
- b) Reject applications or revoke membership where the applicant or member is considered not to be a fit and proper person.

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

Appendix 2

Temporary Register requirements

Scheme operators will need to make arrangements for storing input and output calculation data, EPCs and Recommendation Reports in image files for each case their assessors submit until they can be lodged in the Register at a later agreed date. It is envisaged that this need for temporary data storage will last around 12 months, and that scheme operators will be given one month's notice of the need to complete transfer. It should be noted that failure to achieve the data transfer within the given time may result in schemes becoming liable for re-assessment or suspension.

Once Commercial Register has the functionality to store calculation data the requirement for Scheme operators to provide this temporary storage will no longer be needed.

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October 2007

Product Code: 07 BD 04811/6