

Quidos

Excellence in Efficiency

Title: Quidos Code of Conduct
Ref: QCOC001
Issue: v.4.0
Issued By: David Jones Date: 03/03/2017
Approved By: Philip Salaman Date: 14/03/2017

Revision History

Issue	Issued	Approved	Reviewed
2.0	08/10/10	08/10/10	
3.0	26/4/11	27/4/11	
3.1	08/07/11	08/07/11	01/08/12 PS
3.2	24/10/12	26/10/12	
3.3	04/01/2013	08/01/2013	
3.4	22/01/2014	22/01/2014	
3.5	15/08/2014	18/08/2014	10/03/2015 18/02/2016 (VM)
4.0	03/03/2017	14/03/2017	



Accreditation Scheme Code of Conduct

Preamble

As an Energy Assessor Accreditation Scheme, Quidos strives to ensure the integrity, professionalism and quality of our assessors, and the reports they produce. This Code of Conduct applies to all strands that energy assessors can be accredited to with Quidos: Domestic (On-Construction), Domestic (Existing Building), Non-Domestic (Levels 3-5), Public Building, Air-Conditioning Systems (Levels 3 & 4), and Section 63.

Assessors should read this document in conjunction with:

- National Occupational Standards (NOS) for Energy Assessors (Strand Relevant Version);
- Quidos Terms and Conditions;
- Quidos Membership Agreement;
- QA Standards (Strand Relevant Version).

Glossary of Terms

“Scheme” shall refer to Quidos Ltd as the approved accreditation scheme;

“Energy Assessor” shall mean the individual accredited by Quidos to undertake assessment on the appropriate strand;

“The Industry” shall refer to the Energy Performance assessment industry;

“Accreditation” shall refer to the official recognition of an Energy Assessor’s qualifications to undertake a specific assessment strand;

“Membership” shall refer to the agreement between the Scheme and Energy Assessor in order to facilitate practice via accreditation;

“Assessment” shall refer to the visit and inspection of a Property for the purposes of producing a valid Energy Efficiency Report under ENERGY PERFORMANCE OF BUILDING REGULATIONS;

“Report” shall refer to the recognised assessment calculation output for the appropriate strand;

“Government” shall refer to the UK and Devolved Governments who approve Scheme operation under ENERGY PERFORMANCE OF BUILDINGS REGULATIONS;

“Property” shall refer to a domestic dwelling or commercial premises where the assessment is being undertaken;

“Central Register” shall refer to the central National lodgement depository for valid Energy Assessment Reports.

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1. INTRODUCTION

1.1 The purpose of this Code of Conduct is to ensure that all Energy Assessors accredited with Quidos produce reports in accordance with National or Devolved legislation, Regulations made under that legislation, and the NATIONAL OCCUPATIONAL STANDARDS (NOS) for the strand of accreditation relevant to the field in which they are accredited to work.

1.2 Assessors should always bear in mind that the principal purpose of the report is to:

SATISFY THE REQUIREMENTS OF THE EU DIRECTIVE 2010/31/EU OF 19 MAY 2010 ON THE ENERGY PERFORMANCE OF BUILDINGS DIRECTIVE AND AS AMENDED.

1.3 In the event if any discrepancies or conflicting interpretation, persons must refer to the 'DCLG SCHEME OPERATING REQUIREMENTS' (for England & Wales and Northern Ireland Accreditations) or the 'OPERATING FRAMEWORK FOR APPROVED ORGANISATIONS' (for Scottish Accreditations) for the relevant Accreditation strand to clarify and resolve those issues.

1.4 For Section 63 Energy Assessors, there is the requirement to undertake assessment and lodgement activity in accordance with provisions identified in the SECTION 63 PRACTITIONER HANDBOOK and further operating conventions published by the Building Standards Division of the Scottish Government.

1.5 All Energy Assessors shall agree to abide by this Code of Conduct, Quidos Terms & Conditions, and Membership Agreement.

2. GENERAL

2.1 Energy Assessors shall act in a professional manner at all times.

2.2 Energy Assessors shall not act in a manner which shall bring the Scheme, the Industry, and/or Reports into dispute.

2.3 Energy Assessors will either be covered by the Scheme's Professional Indemnity and Public Liability insurance, or will provide their own validated cover before preparing and lodging reports.

2.4 All Energy Assessors can request a copy of the Scheme Insurance details by emailing the Accreditation Team on gas@quidos.co.uk.

3. PRODUCING VALID REPORTS

3.1 The Terms upon which the Report is prepared

3.1.1 The terms on which the Report is prepared govern the extent of the duties of Energy Assessors in producing Reports. They are mandatory and cannot be altered, restricted or expanded.

3.1.2 Energy Assessors owe a defined Duty of Care to owner/occupiers, potential buyers, buyers, and lenders.

3.1.3 If Energy Assessors undertake other professional services relating to the Property, they are not acting as Energy Assessors in respect of that other work, even if this is carried out during the same visit. Such services, which may include energy advice to owner/occupiers and buyers, shall be covered by separate contracts.

3.1.4 Where relevant, the Energy Assessor shall include, within the Report, a declaration of any personal or business relationship (other than in relation to producing the certificate), that they have with:

3.1.4(a) The person who commissioned the Report;

3.1.4(b) Any person on whose behalf the Report was commissioned;

3.1.4(c) Any person who he believes has or may have a personal or business relationship to the person detailed above;

3.1.4(d) Any person who has, or may have, an interest in the building.

3.1.5 Energy Assessors shall also disclose a financial and/or personal relationship with others involved in the transaction, for example where their employer is also the person commissioning the report

3.1.6 The terms on which the Report is prepared and which govern their delivery are considered to be of high importance. Energy Assessors shall understand them and be able to explain them to consumers.

3.2 Duty of Care

Established Legal precedent places a Legal Duty of Care on the Energy Assessor such that:

3.2.1 Energy Assessors must carry out energy assessments with reasonable care and skill.

3.2.2 The duty imposed by 3.2.1 above shall be enforceable by any prospective buyer or tenant during the period of validity of the Report, and;

3.2.3 Any cause of action arising in relation to 3.2.1 above is deemed not to be an action founded on tort for the purposes of the Limitation Act 1980.

3.3 Instruction for Assessment

3.3.1 Energy Assessors shall understand, and be able to explain to consumers, the requirements of the Regulations (which may change from time-to-time), and Energy Assessors shall keep abreast of current legislation affecting their work.

3.3.2 Energy Assessors shall agree to be bound by all Quidos Scheme Rules, shall follow Quidos Procedures, and will be bound by the Quidos disciplinary procedures unless they are overturned by appeal.

3.3.3 Energy Assessors shall know their limitations, particularly in regard to the types of property that fall outside their experience and competence. **Instructions outside an Energy Assessor's expertise or accreditation strand must be declined.**

3.3.4 Energy Assessors shall be completely familiar with the format, terms on which the Report is prepared and explanatory text of the Report. They shall be prepared to explain any sections or terms to the owner/occupier before, during, and after the inspection.

3.3.5 Energy Assessors must set aside sufficient time for the Assessment.

3.3.6 Any circumstance that might lead to an actual, or perceived, conflict of interest, shall be explored by the Energy Assessor with the home owner/occupier and/or the person from whom commissioned the Report.

3.3.7 Energy Assessors shall identify and disclose to the owner/occupier any financial relationships with others involved in the transaction.

3.3.8 When receiving instructions, Energy Assessors must enquire whether these are issued by, or for, the owner of the property and provide this information, if available, when registering the report.

3.3.9 Energy Assessors should also determine and advise the Central Register whether the owner requires any restriction to be placed on the disclosure of the Report by the Register such that the Report:

3.3.9(a) May be disclosed to any party but not to mortgage lenders;

3.3.9(b) May be disclosed to mortgage lenders but not to any other party;

3.3.9(c) May not be disclosed to any party.

3.3.10 The Energy Assessor shall provide the Scheme with a Basic Disclosure Criminal Records Check (DBS) which is no more than three years old, and will disclose to the Scheme any convictions or criminal charges which occur from the date of the Basic Disclosure.

3.4 Preparing for an Assessment

3.4.1 Energy Assessors shall use their local knowledge, and knowledge of the appropriate Conventions and methodology, to complete the Assessment. In the event that Energy Assessors do not have such knowledge of the area where the Assessment is being undertaken, they must satisfy themselves that they can competently undertake the Assessment.

3.4.2 Energy Assessors shall possess and ensure that they have all the necessary equipment and essential tools with them at all times to undertake the Assessment in a satisfactory manner, and check that the tools and equipment are all in good working order.

3.4.3 Energy Assessors shall not provide a Report where there is a potential conflict of interest. If the Energy Assessor is uncertain what is defined as a conflict of interest, they shall contact the Scheme for clarification. **(This clause is not applicable for Air-Conditioning Inspections).**

3.5 Property Assessment

3.5.1 In accordance with the National Occupational Standards (NOS), Energy Assessors will be expected to present themselves in a professional and polite manner at all times; this will include their appearance, language, and general demeanour. It would be normal practice:

- 3.5.1(a) To dress professionally, and not to wear inappropriate clothing;
- 3.5.1(b) To remove ones shoes before entering a property (unless otherwise instructed);
- 3.5.1(c) To use the bathroom only after obtaining permission;
- 3.5.1(d) Not to smoke in a property under any circumstance;
- 3.5.1(e) To leave the property in the manner in which you found it.

3.5.2 Energy Assessors shall show identification [Quidos ID Card] to the person at the Property upon arrival. Particular care should be taken to not intimidate the owner/occupier.

3.5.3 The Energy Assessor shall discuss with the person at the property:

- 3.5.3(a) What access will be required and whether access is possible;
- 3.5.3(b) What photographs will be required and why they are taken;
- 3.5.3(c) Any other aspects relating to the production and process of the Report and lodgement.

3.5.4 Energy Assessors shall adhere to the description of the Assessment in the terms in the report. They shall record any restrictions found on site in their on-site data collection sheets/site notes.

3.5.5 The Assessment shall not be destructive or invasive (i.e. cause any significant permanent marking, damage, harm or injury to the building fabric), even if the owner/occupier gives verbal permission to do so during the Assessment.

3.5.6 Energy Assessors shall undertake a methodical visual inspection of all relevant parts of the property, take accurate measurements, obtain all necessary information, make any necessary further investigations and make appropriate records of inspection, all such information; being consistent with the need to collect all necessary data for the report and subsequent recommendation requirements.

3.5.7 Where a complete Assessment is impractical and will significantly affect the result (e.g. the boiler is in a room occupied by a sleeping occupant who cannot be disturbed), Energy Assessors shall arrange a further inspection.

3.5.8 The Assessment shall be conducted only from the Property itself and any adjoining public space. Energy Assessors shall decline any suggestion from the owner/occupier to enter neighbouring properties.

3.5.9 Energy Assessors shall use all suitable vantage points to view as much of the Property as possible, without danger or undue difficulty for themselves.

3.5.10 If the services are 'turned off' on arrival or during the Assessment, this shall be recorded in the on-site data collection sheets/site notes.

3.5.11 If children or young people under the age of 16 are left in charge of the property, Energy Assessors shall postpone the Assessment until a responsible adult can be present.

3.5.12 Energy Assessors shall only refer to visually inspected evidence, or that backed up by appropriate documentary evidence. The 'word' of the owner/occupier shall not be considered as the only evidence.

3.5.13 Energy Assessors shall not accept any gifts or inducements, which could in any way be interpreted as an attempt to influence their objectivity and decisions.

3.5.14 An Energy Assessor shall not undertake an EPC if the nature of the building is such that the Assessor lacks the competence or knowledge to produce an accurate EPC for that building.

3.7 Measurement standards and recording of on-site data

3.7.1 Energy Assessors shall understand and use the current ROYAL INSTITUTION OF CHARTERED SURVEYORS 'Code of Measuring Practice' 6th Edition.

3.7.2 Energy Assessors shall take care to record all measurements necessary to produce an accurate report are accurately obtained and recorded in record of inspections.

3.7.3 Energy Assessors shall note and record the specific data required for the report in a consistent and methodical manner.

3.7.4 Energy Assessors shall use photographic and/or documentary evidence to corroborate their collected data inputs. Guidance what is considered to be acceptable evidence can be found in the specific accredited strand QA Standards and Conventions.

3.8 Customer Privacy

3.8.1 Energy Assessors may come across personal information about the various parties, in particular the owner, occupier/s and owner/occupier of the Property, which has no relevance to the Report. Such information must not be recorded in the on-site data collection sheets, included within photographic evidence, or divulged to third parties, save that Energy Assessors must not treat this provision as a reason to ignore their common law duties and responsibilities.

3.9 Health & Safety

3.9.1 Energy Assessors shall know and comply with the requirements of the HEALTH AND SAFETY AT WORK REGULATIONS.

3.9.2 When visiting sites where construction works are in progress, Energy Assessors must comply with the Site Manager's directions regarding the wearing of safety equipment.

3.9.3 In the course of their work, the Energy Assessor shall take reasonable steps to ensure their own, and the public's, health and safety. If an Energy Assessor considers a building, or part of the building, unsafe they shall:

3.9.3(a) Record any such instances in their site notes;

3.9.3(b) If necessary, inform others as a part of their duty of care;

3.9.3(c) If necessary, the Assessor will not continue with the provision of the Report.

3.10 Timescales

3.10.1 Energy Assessors shall make decisions on the time required to complete an instruction based on obtaining sufficient information to prepare Reports that are complete and comprehensive.

3.10.2 Energy Assessors shall be aware of the risks resulting from inadequate Assessment and professional evaluation, and hastily prepared Reports.

3.10.3 Energy Assessors shall provide Reports in a timely manner; if a Report is commissioned for the purpose of marketing a Property for sale, this shall be provided to the vendor within seven days, to a maximum of 28 days under extenuating circumstances.

3.11 Fees

3.11.1 If Assessors provide other professional services for the owner/occupier, which go beyond the scope of the Report, these services must be invoiced separately, from the Report charges.

3.12 Production of Report

3.12.1 The Energy Assessor shall lodge all Reports produced in accordance with Quidos Accreditation Scheme requirements

3.12.2 Reports shall be complete, objective and satisfy relevant codes of practice and standards.

3.12.3 The standard format is compulsory and must not be altered or added to in any way.

3.12.4 The Report is only concerned with the Property's energy efficiency. Energy Assessors must not give opinions as to the usefulness, marketability or attraction of the Property, any parts of it, the building, accommodation, grounds etc when they act as an Assessor.

3.12.5 Security measures designed to reduce the risk of unlawful entry to a Property, or the absence of such measures, must not be described in records of the Assessment.

3.12.6 The Report provides an indication of the energy efficiency of the property at the date of the assessment. Assessors must not comment on any planned future alterations.

3.12.7 Energy Assessors shall have a general knowledge of all the Building Regulations and Approved Documents to those Regulations that are relevant for the production of a Report, and when any relevant Regulations came into force.

3.12.8 Reporting on the condition of the Property and any improvement costs is outside the scope of the Report.

3.12.9 When acting as an Energy Assessor, they shall not give opinions or act as specialists concerning potentially harmful substances, materials or services.

3.12.10 All appropriate Reports will be electronically registered on the relevant National Government's Register [Scottish Air-Conditioning Reports must be lodged with the Scheme]. A lodgeable report is not valid until it has been entered onto the appropriate Register and has been allocated a Report Reference Number (RRN).

3.12.10 Web access and email facilities are necessary to register a Report.

3.12.11 The Energy Assessor shall be liable for any Reports lodged to the Central Register as a result of negligence in regards to their access details for any lodgement software.

4. RECORDS & FILES

4.1 Data Management

4.1.1 Energy Assessors shall ensure that all data and information retained in relation to their work is used and maintained in compliance with the DATA PROTECTION ACT.

4.1.2 Energy Assessors shall make accurate and legible records of the Assessment, which are to be maintained securely for a period not less than 10 years. The records must be of sufficient detail to enable an unconnected third party to interpret the Energy Assessor's Report findings. The practice of completing electronic Reports without the preparation of such records is unlikely to satisfy the National Occupational Standards.

4.1.3 The data collected by the Energy Assessor shall only be used for the purposes of producing a valid Report. This data shall only be shared with the Scheme for purpose of Report Surveillance and validation.

4.1.4 The identification of the age, construction, materials, services provided and available and measurements form the basis for the inspection of the building. Such descriptions shall be included in the on-site data collection sheets/site notes.

4.1.5 Records shall also be kept of where and why accurate Assessment was not possible.

4.1.6 The Scheme shall issue the Energy Assessor with the appropriate login details to enable access and lodgement to the Central Register, either through Quidos's or Third-Party Software. The Energy Assessor shall keep such details safe and secure.

4.2 Reports found to be defective

4.2.1 Where a Report is found to be defective, it is the responsibility of the Energy Assessor to replace the Report, and the costs associated with doing do.

4.2.2 A defective Report shall always be removed from the Central Register by the Energy Assessor upon the lodgement of a valid replacement Report.

4.2.3 Reports shall only be removed from the Central Register if found to be defective and subsequently replaced. Reports shall not be removed due to contractual issues between the Energy Assessor and the requester of the Report, i.e. failure to pay for the completed Report.

4.3 Data Sharing

4.3.1 The Energy Assessor shall agree to the Scheme sharing information it holds on the Energy Assessor with other Scheme Operators, Green Deal Certification Bodies, appropriate Government bodies, and the Green Deal Oversight Body, regarding the following information:

4.3.1(a) Disciplinary Actions, including failing to meet the Code of Conduct, the production of defective EPCs, the failure to meet CPD requirements, any other issues related to the Code of Conduct;

4.3.1(b) Complaints against the Assessor which Quidos has knowledge of;

4.3.1(c) Competency assessments, including the outcome of any QA checks;

4.3.1(d) The Energy Assessor's CPD Records, which must include updated CPD running on a yearly basis on the annual anniversary of their initial accreditation.

5. Enquiries from Customers

Energy Assessors are professional individuals who should be confident enough in their own work to be able to provide clear and concise response to any queries from their customers.

5.1 Energy Assessors shall promptly respond to enquiries from potential buyers, but must only provide clarification on the content of the report. Energy Assessors shall not give any further detail or advice.

5.2 Any enquiries from potential buyers and others must not be divulged to the owner/occupier.

5.3 Energy Assessors shall provide clarification of the Energy and Environmental performance ratings and on the 'Recommendations for Improvement Measures'. They shall not provide additional advice outside the scope of the Report. The Report refers the reader to other sources of further advice.

6. Complaints, Claims, etc.

6.1 Energy Assessors shall have their own complaints procedure for dealing with complaints from customers about the quality of the Report, or the behaviour of the Energy Assessor.

6.2 When an Energy Assessor receives a complaint, they shall provide the complainant with the relevant complaints procedure and explain that if they are not satisfied with the way the complaint is handled, how they would access the Quidos Complaints procedures.

6.3 Energy Assessors shall only refer customers to the Scheme Complaints team if they are unable to find an amicable resolution through their own complaints process.

6.4 If an Energy Assessor receives a complaint, the Energy Assessor will explain that the complainant's statutory rights are not affected by accessing the complaints procedures

6.5 Energy Assessors shall work under a complaints procedure that complies with Part One of the Quidos Terms and Conditions as set out for Quidos Accredited Energy Assessors.

6.6 Energy Assessors will log all complaints to a complaints record sheet. These complaints will be categorised as being either Minor, Significant or Major.

7. Energy Assessor Competency

7.1 Quality Assurance Surveillance

7.1.1 In order to ensure the standards and quality of produced Reports, Energy Assessors shall undertake periodic Quality Assurance Surveillance in line with the requirements of the strand relevant QA Standards.

7.1.2 Energy Assessors shall provide all the necessary evidence required for the completion of a Surveillance Audit in a timely manner.

7.1.3 Energy Assessors shall only provide evidence which only relates to the Property being assessed on the nominated date of assessment.

7.1.4 Where photographic evidence is found not to match the Property and/or nominated date of assessment, the Scheme shall suspect the use of stock images with the intention to mislead.

7.1.5 Sanctions for failure to follow the prescribed Scheme Quality Assurance Surveillance process are outline in the strand relevant QA Standards document.

7.2 Continued Professional Development

7.2.1 In order to maintain the professional knowledge, experience and competency of the Scheme's members, Energy Assessors shall undertake Continued Professional Development (CPD) activities.

7.2.2 There are three types of CPD which shall be undertaken by Energy Assessors:

7.2.2(a) **Change of Requirements:** Compulsory activities undertaken by the EA to retain their competence in the face of changes in the way in which Reports are required to be produced.

7.2.2(b) **Disciplinary Requirements:** Activities required to be completed as part of disciplinary action.

7.2.2(c) **Other Professional Development:** This covers activities undertaken by the Energy Assessor separate to CPD work identified in 7.2.2(a) and 7.2.2(b) in order to maintain and expand the Energy Assessor's competency within their accredited strand.

7.2.3 Energy Assessors shall undertake a minimum level of Other Professional Development each year:

7.2.3(a) 10 hours per primary accreditation strand;

7.2.3(b) 5 hours per additional accreditation strand;

7.2.3(c) the Scheme shall assume domestic accreditation to be the primary strand.

7.2.4 Energy Assessors shall provide a record of all Other Professional Development undertaken annual.

7.2.5 Energy Assessor shall have their CPD Records requested by the Scheme annually on the anniversary of their initial accreditation.

7.2.6 Where an Energy Assessor fails to provide a return of the full requirement of annual CPD following a request, their accreditation shall be suspended until such time as this has been completed.

8. Disciplinary Actions

8.1 Where an Energy Assessor has been found to have breached any of the articles within this *Code of Conduct*, the Scheme shall respond in an appropriate and proportionate way.

8.2 In order to identify the seriousness of an offence, the Scheme shall categorise using the following:

8.2.1 Minor Transgression

8.2.1(a) No significant impact on Customer or other stakeholders associated with the transgression. The appropriate response here would be to inform the assessor of the nature of the shortcoming, and check that the Energy Assessor's behaviour changes. An example would be where a misunderstanding of an element of the *Code of Conduct* occurs which does not result in a significant impact on the Property owner or other stakeholder.

8.2.2 Significant Transgression

8.2.2(a) A transgression which has a significant impact on a Property Owner or other stakeholder. This category falls between "Minor" and "Major" transgression. Depending on the nature of the transgression, the Energy Assessor may be required to undertake additional training to modify their behaviour whilst being allowed to continue to lodge certificates, or may be subject to suspension until a period of training has been completed. An example would be where feedback from clients as part of a standard Scheme user feedback exercise indicates a significantly higher than usual level of discontent with the Energy Assessor's behaviour, but where there is no actual complaint to the Scheme.

8.2.3 Major Transgression

8.2.3(a) This is defined as the Scheme receiving evidence that a member has failed to meet the standards set by the *Code of Conduct*, in a way which has a major impact on the

customer or stakeholder. The member will be suspended and a disciplinary hearing will be conducted following this. An example of this transgression could be where a member provided advice to a property owner which is outside their knowledge, which is aimed at securing themselves additional work. Or where there has been a failure to disclose Quidos' complaints procedure to the property owner or stakeholder on request.

8.3 In the case of "minor" or "significant" transgressions, the Scheme shall check on, and record, the effectiveness of remedial action. The Scheme shall have an escalation process in place if remedial action does not substantively remedy the shortcoming.

8.4 Where an Energy Assessor's actions are considered a 'major transgression', the Scheme will immediately suspend the Energy Assessor, pending an investigation which shall be carried out in a timely manner.

8.5 For certain breaches, Schemes shall operate a procedure as follows:

8.5.1 First Instance: Inform the member of the breach and what measures they should take.

8.5.2 Second instance: Reprimand the member and advise that any further breach will result in a suspension until remedial action is taken.

8.5.3 Third Instance: The member is suspended until appropriate remedial actions are taken. Additional checks will be implemented to check the effectiveness of the actions.

8.6 In the most serious of instances, which includes but is not limited to, use of stock images, failing to attend a Property as required, fraudulent activity, etc, the Scheme shall impose the most severe sanction – to revoke the accreditation of the Energy Assessor and have their name Struck-Off from the Central Register(s).