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4.2	04/03/2024			Updated in line with changes to SORs regarding record keeping, point 14.5 amended to reflect this.



Terms & Conditions v4.2

Documents to be read in conjunction with this document:

- *National Occupational Standards (NOS) for Energy Assessors (strand relevant version)*
- *Minimum Requirements for Energy Assessors (strand relevant version)*
- *Quidos Code of Conduct*
- *Quidos Membership Agreement*
- *Quidos Complaints, Disciplinary and Appeals Procedure*

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Part One – Scheme Rules

This document, along with the Quidos Code of Conduct, sets out the terms of the Quidos Energy Assessor Accreditation Scheme (to be known as “QAS”).

1. Energy Assessor Registration

1.1.1. To apply to become a member of the QAS, the following information will be available from the QAS website:

1.1.2. How to Apply for Membership and what it entails

1.1.3. The QAS Code of Conduct

1.1.4. The QAS Terms and Conditions

1.1.5. The QAS Pricing Terms and Conditions

1.2. The QAS website will collate the following data in line with GDPR:

1.2.1. the Application Form, via an online form

1.3. The applicant will submit the following information to the QAS:

1.3.1. copy of the membership signatory page

1.3.2. Basic DBS certificate, issued within the last 12 months

1.3.3. A copy of the personal details page of their Passport or a copy of photo-card/ paper counterpart of their current driving licence

1.3.4. Evidence of Address

1.3.5. Details of their EA qualification

1.3.6. CPD supporting evidence, in case the Qualification is dated older than 12 months

1.3.7. the EA Complaints Procedure

1.3.8. Full payment arrangements (Direct Debit)

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2. Preliminary Checking of Applications Received

Upon receipt of an application, the preliminary checks detailed below will be carried out:

- 2.1. Check that all required documentation has been received, completed correctly, and all relevant agreements are signed. The application will not proceed until full documentation has been received.
- 2.2. Check upon the identity of the applicant by carrying out an ID check
- 2.3. Check that the applicant holds the relevant qualification and/or is experienced enough to operate as a full QAS member, see Section 5.
- 2.4. Carry out a check on EPC/NDEPC register for assessor as active with another Scheme. If EA appears on the register to contact the other Scheme to question whether they are active and if they are subject to disciplinary actions.

3. Checking on Applicants Suitability

- 3.1. Applicants will be rejected if they are found to be not 'fit and proper' to act as EAs. Should the results of DBS checks show any convictions, the QAS will use the criteria in Section 8 to help to make a decision on whether or not to offer membership. If there is any ambiguity regarding an applicant's suitability, particularly with regard to Criminal Records, the application will be subject to an appropriate investigation, seeking external advice, if necessary.
- 3.2. Applicants must provide a signed declaration that their EA operations will be covered by a customer complaints policy that meets the standards set out in Section 9.
- 3.3. Provided the registration has been successfully completed, the applicant will be sent a Membership confirmation containing:
 - Certificate of membership via email
 - Unique Membership ID card with membership number via post
 - Insurance cover detail via email
- 3.4. Upon despatch of the Membership confirmation the new member will be formally entered on the Register of EAs relevant to their strand and region.

4. QAS Records kept on its Members

All details and documentation relating to every applicant will be entered onto the QAS management system, regardless of the final outcome. General Data Protection Regulation (GDPR) (EU) 2016/679 – QAS is regulated under GDPR (as registered members of the Information Commissioners Office) and undertakes to process members and applicants data in accordance with the legal requirements of the Act. The data from the member or applicant will be used as stated upon entry and not disclosed to any third parties, other than when we are required to or permitted to by law, or when the EA has given consent.

The information recorded on the database will include, but is not restricted to, the following:

- 4.1. Name (and previous names)
- 4.2. Date of Birth
- 4.3. Nationality (and for Non EU members, details of Work Permit)
- 4.4. Unique Membership number
- 4.5. Qualification Type and date of qualification
- 4.6. Contact details
- 4.7. Date of application
- 4.8. Date of DBS check
- 4.9. Audit Trail
- 4.10. Current status of application

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4.11. Membership Status

4.12. Employer, if any

Additionally, the QAS will maintain an online public register whose information can be viewed at anytime. This information is limited to the name, number, and status of membership of EAs. A telephone 'customer service' number will also be publicised for the public seeking to engage an EA.

The QAS will respond to any other Accreditation Scheme enquiry of a particular member or applicant; limited to the following data: the Membership Status. Further information may be provided, if deemed appropriate to do so.

The QAS will allow MHCLG/ Building Standards Scotland/crown dependencies (or agreed nominated agents) full access, and co-operation, to all data it holds with regard to the members database. All data will be constantly backed up, and contingency plans are in place in case of emergency.

5. Energy Assessor Qualifications

The QAS will check that the relevant qualification is valid. The qualification must satisfy the NOS and the awarding body must be approved by the Qualifications and Curriculum Authority (QCA).

The QAS will also accept applicants via the APEL route, and their suitability will be checked, and any previous accreditations checked with the relevant organisation issuing the accreditation.

6. Maintaining Qidos Membership

6.1. Changes effecting eligibility

Following any changes to the EAs circumstances, EAs are required to submit a disclosure statement, within which they are required, as a condition of their membership, to disclose any change in status which could affect their eligibility.

The QAS will take into account EA performance, as determined by its monitoring processes, together with records related to CPD to evaluate if the change in circumstances will affect the EAs edibility.

If an EA is declared as Inactive, Suspended or Struck Off by the QAS, then the reason for this status change must be given in writing to the member. In addition the QAS will inform other Accreditation Scheme operators of this status change.

6.2. Cancellations

If a member cancels his membership with the QAS for any reason, the Membership fee will not be refunded.

Cancellation of membership or request to downgrade their membership to a lower payment package will require a 3 month minimum notice period inclusive of that current month.

This applies only when the initial 12 months of membership have been completed.

If a cancellation or downgrade request happens prior to the completion of the 12 months membership, the assessor will be asked to cover the fees for the remaining months. This can be achieved in two ways; we can close the account with immediate effect and produce a final invoice for the total amount, or we can close the account on its due time while the monthly fee continues to be paid.

QA checks will be carried out to confirm if there are any outstanding audits that need to be completed prior to the account closure.

7. Energy Assessor Compliance

7.1 By signing the Membership Agreement, and agreeing to comply with this QAS Code of Conduct and Terms & Conditions, the applicant has undertaken to:

- Read and understand the published Code of Conduct
- Read and understand any specific requirements defined by the QAS
- Have the appropriate internal procedures in place to ensure Customer protection

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- Read and understand the 'QA Standards document'.

All the relevant literature will be available on the QAS website.

7.2 The QAS will operate a number of audits to ensure that members abide by its rules and so ensure customer protection. The QAS will undertake the following actions, based upon the DCLG document Scheme Operating Requirements and Operating Framework Scotland, which set out an absolute quality standard that all schemes are expected to maintain amongst the EPC's issued by their Assessors:

7.3 The QAS will ensure that its members:

- Continue to maintain satisfactory complaints procedures.
- Have not been convicted of major crimes since registration.
- Have complied with the requirement for CPD as specified by the QAS

7.3.1 If the EA is not an active member of QAS at the time the transgression is exposed, charges may be applied to undertake the additional checks required to resolve the matter. An EA may be categorised as not an active member if he/she is prevented from lodging with Quidos. For example, in the occurrence the EA is suspended or struck off from QAS or a lapsed membership. These charges will be applied at the discretion of the QAS team. The additional charge for QA is as market rate.

7.3.2 Surveillance audit in line with QA Standards.

7.4 The QAS will keep records of all monitoring activities so that accurate statistics can be derived from these and reported to MHCLG/ Buildings Standard Division Scotland/ crown dependencies as required.

8 Guidelines For Dealing With Criminal Convictions

It is a fundamental QAS requirement, that all applicants for the DEA accreditation status undertake a BASIC level DBS check. In cases where an applicant has Unspent Convictions for a criminal offence, the QAS will take into account the following factors when determining whether an application should be rejected, or membership revoked:

8.1 The relevance of the offence to the role of EA where:

- Protection of the public is of paramount importance, and
- Whether the offence will compromise the integrity, credibility and/or professional standing of any applicant.

8.2 How recently the offence was committed

- The more recent the offence, the stronger the possible argument for rejection of the application or revocation of the membership.

The QAS will make decisions, free of prejudice or discrimination, and full compliance with the Rehabilitation of Offenders Act.

9 Handling Customer Complaints

9.1 The QAS requires, that all members should operate an appropriate customer complaint policy.

9.2 This policy should be based upon a process of escalation, commencing with attempts to resolve the issue at EA or EA Employer level, then escalation to the QAS.

9.3 The total process should not impose any form of cost on the complainant. Overall complaints related costs should be borne by the EA or the EA Employer unless taken to appeal.

9.4 The EA or the EA Employer must keep full and accurate records of all Customer complaints.

9.5 When a Customer complaint is received, and properly recorded, the EA or the EA Employer should formally notify the complainant of their rights under the customer complaints policy. The policy must make it clear that it does not in any way prevent a complainant from following their normal recourse to Law.

9.6 The EA or the EA Employer must take all possible actions to resolve the customer's complaint.

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- 9.7 Upon escalation, the QAS will review all of the facts related to the complaint. Further clarification may be requested from the various parties. The QAS will make it clear to the customer that these deliberations do not in any way prevent or obstruct their recourse to Law.
- 9.8 If a Customer complaint is received directly by the QAS, the relevant EA/EA Employer will be notified immediately and the complaint will be passed to them for resolution. The only exception to this process is if the complaint concerns a possible criminal offence, in which case the QAS will notify the Police.
- 9.9 In the event that the EA or the EA Employer receives a customer complaint about the QAS itself, this should be fully recorded as to the nature and circumstance. In this instance, and that where the QAS is notified of the same sort of complaint, directly by the complainant, acknowledgement will be made, in writing, within 5 working days.

If the complaint cannot be resolved by the QAS, the Customer is to be referred to an independent third party panel who will assess the complaint and provide an outcome.

The independent third party panel will be responsible for providing an independent review and decision to any complaints and/or disciplinary procedures and any appeal made.

10 Disciplinary Processes

10.1 Disciplinary Processes resulting from Monitoring Procedures

- 10.1.1 The QAS has monitoring procedures in place that provide checks that all registered members are carrying out their activities in accordance with defined performance criteria.
- 10.1.2 If the EA is found to be in breach of these defined performance criteria, the duties as defined by the QAS, or found to be acting outside the Inspecting and Reporting Requirements, the infringement will be reviewed by the QAS.
- 10.1.3 In instances of minor infringement, the QAS will issue a written informal warning containing clear instruction on how the codes have been breached, and what action is required to avoid future breaches. This being designed to prevent the matter developing into a serious infringement.
- 10.1.4 In instances of serious infringement, the QAS will inform the EA of all actions to be taken, which may include suspension/strike off of the EAs account whilst the infringement is considered further.
- 10.1.5 Following consideration, the QAS will take one of the following actions, depending on the background and severity of the infringement:
- 10.1.5.1 In the case of a minor infringement that becomes a serious infringement, issue a formal warning containing clear instructions on how the codes have been breached.

10.2 Disciplinary Process as a result of a Customer Complaint

In the event that the QAS itself receives a complaint from a customer the complaints process. Where a complaint against an EA is subsequently confirmed to be a breach of the defined performance criteria, then the disciplinary processes described above will be implemented.

10.3 Appeals Procedure

- 10.3.1 In the instance where EAs have been warned by the QAS for minor infringements, (see Section 10.1.3), and where they do not accept the warning and wish to appeal, they should place, in writing, the full details related to the matter, including the reasons for their appeal, and send this to the QAS. The Scheme will review the matter, and either confirm or modify its warning. This review is final, but does not prevent the EA from proceeding to Law.

The QAS's Independent Third Party Panel will review the matter, and will formally advise the EA of the findings. These findings are final but do not prevent the EA from proceeding to Law.

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The Appeals Process is not designed to detract from the rights of an Energy Assessor under Human Rights Legislation, or other Legal Statutes.

11 Membership Appeals

EAs have the right to appeal against disciplinary sanctions involving suspension or withdrawal of membership. In this instance the EA should follow Quidos Complaints, Disciplinary and Appeals procedure. Any findings are final but do not prevent the EA from proceeding to Law.

The Appeals Processes is not designed to detract from the rights of an Energy Assessor under Human Rights Legislation, or other Legal Statutes.

12 Continual Professional Development

12.1 The Membership Contract requires that the EA undertakes sufficient Continuous Professional Development to remain competent and up to date with skills.

12.2 Members will have to provide evidence on an annual basis that they have taken the necessary learning in order to remain competent in their chosen strand of Energy Assessment. Audits will be carried out on a any evidence supplied by a proportion of our registered EA's.

12.3 In addition, EA members are also required to remain up-to-date with critical updates to EPC/DEC/ACR recommendations, conventions and software methodology and updates. The QAS will make members aware of the requirements.

13 Insurance for Energy Assessors

QAS members are automatically covered by Quidos Professional Indemnity Insurance (PI) and Public Liability Insurance (PL) and other insurance cover (if necessary) under a "scheme umbrella" policy.

All successful applicants will be offered insurance cover under the QAS group policy. Details will be provided on request, but the main details are as follows:

- Cover for the PI is £500,000 each and every claim
- Cover for PL is £5,000,000
- The policy is in QAS' name, so there are no run-off issues – members (or ex-members) do not need to keep up their policy for 10 years if they retire from the scheme.

14 Energy Performance Certificate

14.1 The QAS software options comprise of web-based and desktop based systems. The processing of EPCs, DEC's and ACRs, including carrying out and organising monitoring checks, will be carried out by the QAS.

14.2 The software and associated backup data will be stored on a fully managed and dedicated remote server; this will be fully resilient, and guaranteed against data loss.

14.3 The software at present is limited to three SAP report generators, two RdSAP report generators, six commercial EPC report Generators, two DEC report and two ACR report Generators. The only software to be used is approved as defined on the BRE Website for Domestic and Non Domestic England and Wales and Non Domestic Scotland. Each member will be able to nominate which software package they wish to use, at no detriment to performance, accuracy, or speed.

14.4 The EA can save versions of the Report and make changes until satisfied that it is complete. At that point the EA will then submit to Landmark/Energy Savings Trust.

14.5 The assessor must retain associated records of inspections which are to be maintained securely for a period not less than 15 years. If these records are stored in files belonging to the assessor's employer, then the assessor must ensure they can access these even if they have subsequently left the employment of the employer.

14.6 The QAS software includes government approved calculation engines for producing EPCs, DEC's and ACRs.

15 Governance

The QAS follows governance standards to ensure that it registers EAs in accordance with relevant legislation, and without any conflict of interest with any EA panel it may run, or with any subsidiaries or associated joint ventures.

QAS will 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.

16 QAS Performance Reporting

The QAS evaluates and reports on its operating performance in a manner approved by the MHCLG/Building Standard Division Scotland/ Crown Dependencies. The QAS attend regular meetings with government bodies to ensure compliance with all current legislation.

The QAS will publish, within 6 months of the end of each financial year, an annual report and accounts in respect of that year, including a report on the achievement (or otherwise) of customer service and performance standards and targets relating to the scheme.