

Member's Code of Conduct

Introduction

Elmhurst Energy is a leading Government approved body authorised to accredit Energy Assessors to work under the European Energy Performance in Building Directive. Energy Assessors Accredited by Elmhurst Energy are referred to as Members.

Elmhurst Energy is approved by the Environment Agency to run an ESOS Lead Assessor Register. The Lead Assessors we accept onto our register are referred to as Members.

The purpose of this Code of Conduct is to ensure that all Members conduct themselves, and produce reports, both in accordance with national and European legislation, regulations and the relevant National Occupational Standards (NOS), to maintain and ensure that the Elmhurst Energy scheme, and the industry as a whole, are respected for both what they do and how they do it.

The Code of Conduct applies to Members who operate across all strands:

- Domestic Energy Assessors who assess existing dwellings
- On Construction Assessors who assess newly built dwellings
- Non Domestic Assessors and Display Energy Certificate Assessors who assess commercial buildings and other non-dwellings
- Air Conditioning Energy Assessors
- ESOS Lead Assessors
- Legionella Risk Assessors

The Code of Conduct promotes:

- The best standards, practice and professional behaviour
- Confidence in the Energy Assessment Industry, and the Certificates and reports it produces
- Confidence from the general public and other interested parties that assessments are carried out in a professional and ethical manner.

The Code of Conduct complies with requirements set out by the *relevant government departments*.

Clarification or guidance on implementation can be obtained from Elmhurst Technical Support.

Terminology

Elmhurst Accredited Energy Assessors are known as "Members".

Wherever 'EPC' is referenced, 'DEC' and/or 'AR', ACIR, ESOS may apply as appropriate. The use of Elmhurst Energy refers to Elmhurst Energy Systems Limited.

Where 'relevant government department' is stated, this will refer to:

- Department for Communities and Local Government (DCLG) in England and Wales
- Department for Finance and Personnel in Northern Ireland (DFPNI)
- Building Services Department of the Scottish Government.
- The Environment Agency (EA)

Where 'scheme rules' is stated, this will refer to:

- The Scheme Operating Requirements (SORs) are issued by DCLG for England & Wales and set out the Secretary of State's operational requirements for Accreditation Schemes.

[DEA Scheme Operating Requirements](#)

[OCDEA Scheme Operating Requirements](#)

[NDEA Scheme Operating Requirements](#)

[DEC Scheme Operating Requirements](#)

[ACEA Scheme Operating Requirements](#)

Where 'conventions' are referenced:

[Existing Dwellings Conventions](#)

[On Construction Conventions](#)

[Non Domestic Conventions](#)

[DEC Conventions](#)

The Operating Framework is issued by the Scottish Government and sets out the requirements for Approved Organisations:

[Scotland Operating Framework](#)

ESOS Regulations:

[The Energy Saving Opportunities Scheme Regulations 2014](#)

Conduct

The Member shall operate in accordance with this Code of Conduct, the relevant scheme operating rules, and other documents to which they refer, all of which may change from time to time, be superseded or new rules introduced.

The Member shall not undertake an assessment if the nature of the assessment is such that the Member lacks the required competence or knowledge.

Members must, at all times, be a fit and proper person and

- Act in a professional manner
- Act with integrity
- Be honest and trustworthy
- Be open and transparent in their dealings
- Respond promptly to any requests from Elmhurst
- Comply at all times with the requirements of the relevant scheme rules
- Disclose to Elmhurst Systems Ltd. that:
 - they have been convicted or cautioned of a criminal offence
 - they have been referred for a disciplinary hearing by another Accreditation Body
 - a bankruptcy or directors' disqualification order has been instigated against them
 - they have become bankrupt
 - they have entered into an individual voluntary arrangement with creditors

A member shall not continue to operate when they, their company, or their employer is trading while insolvent.

If requested, the Member shall provide Elmhurst with a *Basic Disclosure* criminal records check, (formally known as a CRB) which is never more than three years old. At any time the member will immediately disclose to Elmhurst Energy any new convictions or criminal charges since the date of the last one.

When undertaking assessments Members shall:

- not give or accept any gift, hospitality or inducement which may affect, or be perceived to affect, their judgement
- show their identification to the responsible person who allows them access to the building.
- not enter a property if there are children in the building unless those children are accompanied by a responsible adult
- discuss with the occupier, when available;
 - what access will be required, and whether this access is possible (e.g. loft access)
 - what photographs will be required, and why they are being taken
 - that personal data (name, address etc.) will be handled sensitively and in accordance with the Data Protection Act
 - other data and information learned will be handled sensitively and in accordance with Intellectual Property law and EPBD legislation
 - what the customer should do if they have a complaint about any aspect of the assessment.

The Member shall ensure that they are covered by an appropriate level of Professional Indemnity and Public Liability insurance.

The Member shall maintain their competence and professional development and satisfy the relevant [continuing professional development \(CPD\) requirements](#). When requested by Elmhurst Energy, a Member must provide evidence of such activity.

The Member shall not undertake an assessment where there is a conflict of interest in doing so. If a Member is uncertain what constitutes a conflict of interest they shall contact Elmhurst Energy to gain clarification.

Membership is annual and is reviewed every 12 months.

The Member shall not undertake any activity which brings Elmhurst, the Schemes or the energy assessment industry into disrepute.

Members may only describe their association with Elmhurst Energy, and the use of any logo or design belonging to it in accordance with the appropriate guidelines.

The Member shall ensure that any publicity, method of advertising or marketing activity for which they are responsible is accurate, and is not misleading or likely to cause public offence or annoyance.

Health and Safety

When undertaking an energy assessment, Members will ensure they carry the appropriate equipment and personal protective equipment to ensure their own, and the public's health and safety.

If, during the course of an assessment, a Member considers a building, (or part of it) unsafe, they shall:

- Record any such instances in their site notes
- As part of the assessor's duty of care, notify the appropriate third parties
- Terminate the assessment immediately if unsafe to proceed.

Scheme Rules

| Scheme | Operating Procedures |
|-----------------------------|--|
| Existing Dwellings | RdSAP, conventions and scheme operating rules |
| On construction | SAP, conventions and scheme operating rules |
| Non Domestic | SBEM, conventions and scheme operating rules |
| Display Energy Certificates | ORCalc, conventions and scheme operating rules |
| Air conditioning | TM44, conventions and scheme operating rules |
| ESOS | PAS 51215, ESOS Regulations |

Evidence and Quality Assurance

Members will collect and retain key information during an assessment which must be stored in a safe and secure manner for a period of no less than **15 years**.

Elmhurst is required to undertake Quality Assurance (QA) auditing to monitor the quality of work produced by Members across all strands. The frequency of sampling and the actions taken when issues are identified is defined by the relevant scheme rules.

Members will submit the requested evidence within the defined timescales, when requested to do so.

Members will promptly complete any action specified by Elmhurst as a result of issues identified.

The detailed evidence requirements are contained in the documents listed below:

England, Wales and Northern Ireland:

- Domestic Energy Assessor (DEA) [DCLG Minimum Evidence Requirements](#)
- On-Construction Domestic Energy Assessor (OCDEA) [DCLG Minimum Evidence Requirements](#)
- Non-Domestic Energy Assessor (NDEA) and [DCLG Minimum Evidence Requirements](#)
- Display Energy Certificate Assessor (DEC) [DCLG Minimum Evidence Requirements](#)

Scotland

- Domestic Energy Assessor (DEA) [Minimum Evidence Requirements](#)
- On-Construction Domestic Energy Assessor (OCDEA) [Minimum Evidence Requirements](#)
- Non-Domestic Energy Assessor (NDEA) [Minimum Evidence Requirements](#)

Customer Feedback

Elmhurst conducts satisfaction surveys of both its Members and the customers that they serve. Members are required to co-operate with this activity.

Where a Member receives a complaint they will:

- Provide the complainant with a copy of their own complaints procedure
- Notify Elmhurst of the details of the complaint
- Make best efforts to resolve the complaint to the satisfaction of the complainant
- Notify Elmhurst once the complaint is resolved

If the member is unable to resolve the complaint to the satisfaction of the complainant, the Member will provide the contact details for Elmhurst Energy to the complainant to escalate the matter. The member must cooperate fully with Elmhurst whilst the matter is investigated.

Sharing of Information

The Member shall comply with the [Data Protection Act 1998](#).

Unless otherwise specified, all Information obtained by the Member shall be confidential between the Member, the individual or organisation that commissioned the assessment, and Elmhurst Energy, except;

- where the information is required to be made available for purposes of issuing the EPC
- with the express permission of the property owner
- where otherwise specified in this Code of Conduct, the Scheme rules or Terms and Conditions

The Member agrees that Elmhurst Energy may share any information it holds on the Member with other Accreditation Scheme, Green Deal Certification Bodies, Environment Agency, any relevant Government body and the Green Deal Oversight Body. This may include information concerning:

- Disciplinary actions associated with;
 - A failure to meet the Code of Conduct
 - The production of defective EPCs
 - A failure to meet CPD requirements
- Other matters relevant to the Code of Conduct
- Complaints against the Member
- Competency assessments, including the outcome of any QA audits
- The Member's CPD records

Disciplinary Process

Any Member found to be in breach of the Code of Conduct, the scheme rules or the [Terms and Conditions](#) will be subject to disciplinary action and in certain circumstances may have their membership revoked. Members must accept the outcome of these procedures unless they are overturned on appeal.