

# SP01- Bacra Code of Conduct

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Policy title	<b>Bacra EPC Scheme Code of Conduct</b>
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External references	<b>REF_L14-</b> <a href="#">Approved organisations operating framework</a> <b>REF_O1</b> - ASTACEA1 - Work in a safe, effective and professional manner (National Occupational Standards) <b>REF_O2-</b> ASTDEA2 - Prepare for energy assessments of domestic property (National Occupational Standards)
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## 1. Purpose and Extent of the Policy

- 1.1 This policy sets out the Code of Conduct requirements for all members of the Bacra EPC Scheme. The Code of Conduct is henceforth referred to as 'The Code'. The Code clarifies the process and possible disciplinary actions to be applied in the case of a breach.
- 1.2 The Code will be subject to ongoing review.

## 2. Scottish Government Operating Framework

- 2.1 The Scottish Government has entered into protocols with a number of organisations to deliver Energy Performance Certificates (EPC). These organisations have been "approved" by the government, and are therefore called "Approved Organisations" (AOs). The list of protocols is called the "Operating Framework".
- 2.2 The requirements of the Operating Framework includes the need for AOs to have in place a published Code of Conduct to which all members are required to adhere.
- 2.3 The other requirements of the Operating Framework, relevant to Bacra Scheme members, are addressed in the rest of this document.

## 3. The Bacra Scheme Code of Conduct

- 3.1 Bacra's Code of Conduct requires members to:
  1. Comply with health, safety & security procedures at work;
  2. Develop and maintain effective working relationships;
  3. Conduct energy assessments in a professional and ethical manner;
  4. Undertake adequate preliminary preparations before a survey;
  5. Ensure that you are adequately trained to undertake assessments;
  6. Undertake post-inspection data checks;
  7. Provide adequate customer care following lodgement; and
  8. Declare conflict of interest when necessary

- 3.2. Each of these Code requirements are outlined in detail below.

### 3.1.1 Complying with health, safety & security procedures at work

Each member must:

- a) Comply with all relevant legislative and regulatory requirements including in respect of health & safety and security at work; and
- b) Identify any health, safety and security risks in different locations and take action to minimise or mitigate such risks to yourself and to other people.

### **3.1.2 Developing and maintaining effective working relationships**

Each member must:

- a) Be and remain a 'fit and proper person' to practise as a member of the Bacra Scheme. To meet this requirement a Bacra Scheme member must at all times meet the assessment of fit and proper as set out in the Fit and Proper Person (NE03) policy;
- b) Treat themselves and others with courtesy and respect;
- c) Work with integrity and openness, upholding the reputation of Bacra and promoting goodwill and trust;
- d) Present a positive personal and professional image at all times when dealing with others;
- e) Be impartial, objective, conscientious and diligent;
- f) Be selfless and honest in all dealings;
- g) Make only their professional or authorised views known publicly
- h) Be accountable for their views or actions;
- i) Promote equality and inclusiveness;
- j) Request and give information in a prompt, polite, clear and professional manner;
- k) Value and participate in lifelong learning and personal development; and
- l) Comply with all Bacra policies, including the Bacra Complaints Procedure (SP02).

### **3.1.3 Conducting energy assessments in a professional and ethical manner**

Each member must:

- a) Work within the law at all times;
- b) Not engage in criminal activity or undertake work connected with the preparation or production of EPCs during any period that their name is on from the statutory database register of assessors in Scotland;
- c) Have an appropriate level of professional indemnity insurance cover, which is currently no less than £50,000 (domestic) for each claim in relation to any particular EPC;
- d) Operate only within their competence as an assessor and for the production of EPCs for dwellings as approved by the Bacra Scheme for them as an individual;
- e) Comply with any practice improvement instructions or additional training, re-training or other learning instructions issued to them by Bacra in relation to their membership of the Bacra Scheme;
- f) Recognise & declare to Bacra and the relevant client or customer any conflict of interest when undertaking the assessor role immediately, using the Conflict of Interest form (AM07), to avoid any assertions of influence on your professional independence and objectivity; and

- g) Carry out his or her role in a manner which accords with the provisions set out in the relevant UK National Occupation Standard (NOS) for Energy Assessors.

### **3.1.4 Undertaking adequate preliminary preparations before a survey**

Each member must, if necessary :

- a) Confirm details with the customer such as the date and time of the on-site inspection, and any specific requirements that might apply; and
- b) Explain the terms and conditions under which the energy assessment is undertaken, including the need to take photographs and record other evidence for audit purposes.
- c) Explain any circumstances that prevents you from undertaking the survey;
- d) Explain the legal context for producing EPCs as well as the presence of the Scottish EPC Register;
- e) Explain that the form and content of the certificate is prescribed and must include cost-effective energy recommendations;
- f) Explain the limitations and constraints of the energy assessment and associated legislation;
- g) Explain that ratings and recommendations may differ from past assessments due to methodology changes and other differences; and
- h) Explain the basic principles of the Green Deal or other relevant schemes.

### **3.1.5 Ensuring that you are adequately trained to undertake assessments**

Each member must:

- a) Carry out the assessment and calculation for the preparation and production of EPCs in a consistent and accurate manner, in accordance with your training, which includes the relevant National Calculation Methodology and following good practice;
- b) Certify in accordance with the requirements of the Energy Performance of Buildings (Scotland) Regulations and the Building (Scotland) Regulations, as applicable;
- c) If necessary take into account the Scottish Government Guidance (REF\_L9 - EPC 07 - Guidance on EPC Production for Existing Dwellings Using 'Representative Sampling') and relevant NOS for cloning properties and REF\_O4 ASTDEA3 Identify representative properties for sampling and multiple certification);
- d) Not undertake the assessment if the only occupants of the dwelling are under 16 or have impaired mental health special needs;
- e) Assemble and collate information from the on-site inspection and from other relevant and reliable sources;
- f) Use other guidance or regulations that are relevant to the scheme, as directed by Bacra.

### 3.1.6 Undertaking post-inspection data checks

Each member must:

- a) Ensure that data are entered accurately, taking care with data that may have a significant effect on the result;
- b) Check the energy efficiency measures generated and the final rating, and act accordingly if any are inappropriate, providing reasons;
- c) Use the up-to-date Bacra calculation software approved for use in Scotland in accordance with the instructions for use;
- d) Maintain sufficiently adequate records for each EPC produced through the Bacra scheme for five years, including the original survey form, photographs, Bacsape output and other relevant information;
- e) Be ready to make available to Bacra, or those working on its behalf, such adequate records each EPC produced to enable a quality assurance audit of the assessor's practice, in compliance with any reasonable timescale set;
- f) Inform Bacra within 7 days of any complaints received from any customer or client that remain unresolved for more than 5 working days from the complaint being made to the assessor.

### 3.1.7 Providing adequate customer care following lodgement

Each member must:

- a) Having lodged an EPC on the Scottish EPC Register, inform the customer that the EPC has been completed and is available to them, and potentially to others;
- b) Be prepared to explain all the component parts of the EPC to the customer, any implications arising from the certificate, and to identify sources of additional information and support that may be helpful;
- c) Be prepared to explain variations between ratings and energy efficiency measures produced by different versions of the calculation methodology and between assessment undertaken using the different methodologies for new and existing homes;
- d) Be prepared to explain to customers the limitations of the approved software for both ratings and energy efficiency measures;
- e) Explain to customers that predicted savings from energy efficiency measures are based on standard occupancy and may not be achieved in practice;
- f) Refer individuals to relevant sources of information and advice where you are unable to respond to their queries;
- g) Inform their customer that there is a complaints procedure and advise them how to access it.

### 3.1.8 Declare conflict of interest when necessary

A conflict of interest exists if there may be a financial or relationship interest that might provide an incentive to be biased or predetermined, or an influence in professional decision-making by a sense of loyalty or obligation to someone else, or by an unduly fixed view. It is therefore important that assessors declare whether they are:

- a) A relative of the homeowner or occupier of the property;
- b) Residing at the property;
- c) Have a financial interest in the property;
- d) The Owner or Director of the organisation dealing with the property transaction;
- e) Employed by the professional dealing with the property transaction;
- f) A relative of the professional dealing with the property transaction; or
- g) No related party.

This list is not definitive as to what a conflict of interest is, but indicates what a conflict of interest might involve.

## 4. Breaches of the Bacra Scheme Code of Conduct

- 4.1 Any contravention of the requirements of the Bacra Scheme Code of Conduct may be considered a breach of the Code.
- 4.2 In particular, non-compliance with Sections 3.1.2a (being a Fit and Proper person) and 3.1.3a-f (working within the law) will be considered a serious breach of the Code.
- 4.3 In assessing the nature and circumstances of any breach, Bacra will determine the seriousness of the breach in order to determine the most appropriate course of disciplinary action to take.

## 5. Disciplinary Procedures

- 5.1 The process of how Bacra deals with any breach of the Code are outlined in the Disciplinary Procedures (AM08) policy.
- 5.2 In summary, disciplinary options include:
  - Advice on how to improve, with specific requirements laid out;
  - Temporary removal from the assessors list in the Scottish EPC Register; and
  - Permanent removal from the assessors list in the Scottish EPC Register.

## **6. Appeals against Disciplinary Action under the Bacra Scheme Code of Conduct**

- 6.1 In the case of temporary or permanent removal from the Scottish EPC register (and therefore the Bacra Scheme), there is an appeal process. The appeal process is outlined the Disciplinary Procedures (AM08) policy.

## **7. Signed Acceptance of the Bacra Scheme Code of Conduct**

- 7.1 All members of the Bacra Scheme must provide a Signed Undertaking that they accept to be bound by the Bacra Scheme Code of Conduct. This is undertaken in Section 12 “Agreement and Confirmation” in the Membership Application form (NE02). Departure from this Signed Undertaking would be considered a breach of the Bacra Scheme Code of Conduct.

## Appendix A- Links with other policies and documents

Fit and Proper Person Policy (NE03)	
Complaints Procedure (SP02)	
Conflict of Interest form (AM07)	
Membership Application form (NE02)	
Disciplinary Procedures (AM08)	

## Appendix B- Glossary of Terms

**Appellant** – the person who is appealing

**Approved body** – a general term to describe those who have been accredited outwith Scotland to produce Energy Performance Certificates (EPC). In Scotland the legal terminology is an ‘Approved Organisation’, this is described below.

**Approved Organisation** –organisations approved by the Scottish Ministers who have a membership trained and qualified to produce energy performance certificates and recommendations reports. This is defined within The Energy Performance of Building (Scotland) Regulations 2008, as amended, Regulation 8(1).

**Bacra membership** –membership of the EPC scheme run by Bacra as an Approved Organisation

**Bacra Scheme/the Scheme/BEPC** – the scheme for training, registering, assessing and monitoring the practice of EPC assessors in Scotland managed by Bacra as an Approved Organisation.

**Disciplinary matter and ‘potential breach of the Code’** are treated interchangeably in this document

**Energy Performance Certificate (EPC)** – A certificate produced by a member of an Approved Organisation which reflects the asset rating of the building using Government approved software which includes recommendation on how to improve the energy efficiency of the property. In order to be a legal document this must be lodged on the approved Government database, in accordance with Regulation 6 of The Energy Performance of Building (Scotland) Regulations 2008, as amended.

**Scottish EPC Register** - the statutory database for the lodgement of EPCs and associated data.

**Members/Assessors** – Member of the Bacra Scheme identified as having the education, training and expertise required to carry out and issue and EPC.