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# Accreditation Scheme

## Code of Conduct

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 Terms and Conditions*

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## 1. Introduction

The purpose of this Code of Conduct is to ensure that all Energy Assessors accredited with Quidos produce reports in accordance with national or European 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.

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

- satisfy the requirements of the EU Directive 2002/91/EC of 16 December 2002 on the Energy Performance of Buildings Directive through the Relevant

## 2. The Terms upon which the Energy Performance Report is prepared

2.1. The terms on which the report is prepared govern the extent of the duties of assessors in producing reports. They are mandatory and cannot be altered, restricted or expanded.

2.2. Assessors owe a defined duty of care to home owner/occupiers, potential buyers, buyers, and lenders.

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

2.4. Where relevant, the assessor must include in a report a declaration of any personal or business relationship (other than in relation to producing the certificate), that he has with:

- the person who commissioned the certificate
- any person on whose behalf the certificate was commissioned
- any person who he believes has or may have a personal or business relationship to the person detailed above
- any person who has or may have an interest in the building

2.5. Assessors must 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

2.6. The terms on which the report is prepared and which govern their delivery are considered to be of high importance and assessor's must understand them and be able to explain them to consumers.

## 3. The Energy Certificate Register

3.1. All reports will be electronically registered on the Department of Communities and Local Government's Register of reports. A report is not valid until it has been entered on this Register and has been allocated a Report Reference Number (RRN).

3.2. Web access and email facilities are necessary to register a report.

## 4. Software for Energy Certificates

Reports will be delivered to the Register of reports electronically.

## 5. Professional Indemnity Insurance

Assessors will either be covered by the Scheme's Indemnity insurance when preparing reports, or providing their own validated cover.

## 6. Instructions

6.1. Assessors must understand and be able to explain to consumers the requirements of the regulations made under the Housing Act (2004) Part 5 relating to report's. Regulations may change from time to time and Assessors must keep abreast of current legislation affecting their work.

6.2. Assessors must know their limitations, particularly in regard to the types of property that fall outside their experience and competence. Instructions outside this expertise must be declined.

- 6.3. Assessors must be completely familiar with the format, terms on which the report is prepared and explanatory text of the report, and be prepared to explain any sections or terms to the home owner/occupier before, during and after the inspection.
- 6.4. Assessors must set aside sufficient time for the inspection.
- 6.5. Any circumstance that might lead to an actual or perceived conflict of interest must be explored by the assessor with the home owner/occupier and/or the person from whom instructions are received.
- 6.6. Assessors must identify and disclose any financial relationships with others involved in the transaction.
- 6.7. When receiving instructions, 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. Assessors should also determine and advise the Register of report's whether the owner requires any restriction to be placed on the disclosure of the report by the Register such that the report:
  - may be disclosed to any party but not to mortgage lenders, or
  - may be disclosed to mortgage lenders but not to any other party, or
  - May not be disclosed to any party

## **7. Preparing for the Inspection**

- 7.1. Assessors must use their local knowledge to complete the report. In the event that Assessors do not have such knowledge of the area where the inspection is being undertaken, they must satisfy themselves that they can competently undertake the report.
- 7.2. Assessors must possess and ensure that they have all the necessary equipment and essential tools with them at all times to undertake the inspection in a satisfactory manner, and check that the tools and equipment are all in good working order.

## **8. Inspection**

- 8.1. 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:
  - 8.1.1. to dress professionally, and not to wear inappropriate clothing
  - 8.1.2. to remove ones shoes before entering a property (unless otherwise instructed)
  - 8.1.3. to use the bathroom only after obtaining permission
  - 8.1.4. not to smoke in a property under any circumstance
  - 8.1.5. to leave the property in the manner in which you found it
- 8.2. Assessors must identify themselves to the person at the property at the inspection. Particular care should be taken to not intimidate the home owner/occupier, and ID cards should be presented at every inspection.
- 8.3. Assessors must adhere to the description of the inspection in the terms in the report. They must record any restrictions found on site in their record of inspections.
- 8.4. The inspection must not be destructive or invasive (i.e. cause any significant permanent marking, damage, harm or injury to the building fabric), even if the home owner/occupier gives verbal permission to do so during the inspection.
- 8.5. Assessors must 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.
- 8.6. Where a complete inspection 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), Assessors must arrange a further inspection.

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- 8.7. The inspection must be conducted only from the property itself and any adjoining public space. Assessors must decline any suggestion from the home owner/occupier to enter neighbouring property.
- 8.8. Assessors must use all suitable vantage points to view as much of the property as possible, without danger or undue difficulty for themselves.
- 8.9. If the services are 'turned off' on arrival or during the inspection this must be recorded in the record of inspections.
- 8.10. If children or young people under the age of 16 are left in charge of the property, Assessors must postpone the inspection until a responsible adult can be present.
- 8.11. Assessors must not accept any gifts or inducements, which could in any way be interpreted as an attempt to influence their objectivity and decisions.

### 9. Timescales

Assessors must take decisions on the time required to complete an instruction based on obtaining sufficient information to prepare reports that are complete and comprehensive. There are no set timescales for inspection or report delivery, therefore Assessors must be aware of the risks resulting from inadequate inspection and professional evaluation, and hastily prepared reports.

### 10. Fees

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

### 11. Records and files

- 11.1. Assessors must make accurate and legible records of the inspection, which are to be maintained securely for a period not less than 15 years. The records must be of sufficient detail to enable an unconnected third party to interpret the assessor's inspection findings. The practice of completing electronic reports without the preparation of such records is unlikely to satisfy the National Occupational Standards.
- 11.2. The identification of the age, construction, materials, services provided and available and measurements form the basis for the inspection of the building. Such descriptions must therefore be included in the record of inspections.
- 11.3. Records must also be kept of all queries, communications etc related to the particular inspection and the report relating to the property.
- 11.4. Records must also be kept of where and why accurate inspection was not possible.

### 12. Security of information

- 12.1. Assessors may come across personal information about the various parties, in particular the owner, occupier/s and home owner/occupier of the property, which has no relevance to the report. Such information must not be recorded in the record of inspections or divulged to third parties save that Assessors must not treat this provision as a reason to ignore their common law duties and responsibilities.
- 12.2. Assessors must not use any information about the property in any other context without first obtaining the owner and/or home owner/occupier's written permission.
- 12.3. Assessors must keep all information records safe and secure.

### 13. Health & Safety risks

- 13.1. Assessors must know and comply with the requirements of the Health and Safety at Work Regulations.
- 13.2. When visiting sites where construction works are in progress, Assessors must comply with the Site Manager's directions regarding the wearing of safety equipment.
- 13.3. Assessors must also note that they have a clear duty of care, to bring potential safety issues to the notice of the householder or occupier of the property. However, such matters do not form part of the report.

#### **14. General Legal Duty of Care**

Established Legal precedent places a Legal duty of care on the assessor such that:

- 14.1. Assessors must carry out energy assessments with reasonable care and skill, and
- 14.2. The duty imposed by 14.1 above shall be enforceable by any prospective buyer or tenant during the period of validity of the certificate, and
- 14.3. Any cause of action arising in relation to 14.1 above is deemed not to be an action founded on tort for the purposes of the Limitation Act 1980

#### **15. Energy Certificates**

- 15.1. Report's must be complete, objective and satisfy relevant codes of practice and standards.
- 15.2. The standard format is compulsory and must not be altered or added to in any way.
- 15.3. The report is only concerned with the property's energy efficiency. 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.
- 15.4. 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 inspection.
- 15.5. The report provides an indication of the energy efficiency of the property at the date of the inspection. Assessors must not comment on any planned future alterations.
- 15.6. Assessors must have a general knowledge of all those 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.
- 15.7. Reporting on the condition of the property and any improvement costs is outside the scope of the report.
- 15.8. When acting as an Assessor, they must not give opinions or act as specialists concerning potentially harmful substances, materials or services.
- 15.9. The inspection must be based on the factual evidence seen or deduced. Where such evidence cannot be clearly identified, or is inconclusive, assessors must apply professional judgement in arriving at the inspection.

#### **16. Measurements and recording of data on site**

- 16.1. Assessors must understand and use the current Royal Institution of Chartered Surveyors 'Code of Measuring Practice' 6<sup>th</sup> Edition.
- 16.2. Assessors must take care to record all measurements necessary to produce an accurate report are accurately obtained and recorded in record of inspections.
- 16.3. Assessors must note and record the specific data required for the report in a consistent and methodical manner.

#### **17. Enquiries into the Completed Report**

- 17.1. Assessors must promptly respond to enquiries from potential buyers, but must only provide clarification on the content of the report. Assessors must not give any further detail or advice.
- 17.2. Any enquiries from potential buyers and others must not be divulged to the home owner/occupier.
- 17.3. Assessors are required to provide clarification of the Energy and Environmental performance ratings and on the 'recommendations for improvement measures'. They are not required to provide additional advice outside the scope of the report. The report refers the reader to other sources of further advice.

#### **18. Complaints, Claims etc**

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