

## 1. Introduction

This document outlines the Code of Conduct that applies to all energy assessors who are members of **ecmk's** Accreditation Scheme ("Energy Assessors").

The Code sets out the principles that all **ecmk** Energy Assessors must follow when undertaking their energy assessment activities. **ecmk** monitors Energy Assessors' compliance with the Code of Conduct. Any breach of the Code of Conduct will be dealt with in accordance with **ecmk's** disciplinary procedures.

The Code of Conduct complies with requirements set out by MHCLG in their Scheme Operating Requirements (SORs) for Energy Assessors in England and Wales and The Operating Framework for Approved Organisations in Scotland. The latest versions can be found on the **EASOB** website [www.http://easob.co.uk](http://easob.co.uk).

## 2. Purpose

The Code of Conduct is intended to support all Members and to help them maintain professional and ethical standards in their work. The Code is also an assurance for your clients, the general public and other interested parties that assessments are carried out in a professional and ethical manner and adhere to current legislation.

## 3. General Information

Members must sign the Declaration at the end of this Agreement. This signifies your commitment to abide by all of the rules and principles of the Code. It is your responsibility to make sure you are aware of changes or amendments to any part of the Code. If the Code changes, we will email you details of the change. An up-to-date copy of the Code is also maintained on the **ecmk** website [www.ecmk.co.uk](http://www.ecmk.co.uk) under the 'Downloads' and 'Scheme Documents' tabs.

This Code must be adhered to by all **ecmk** Members with any involvement or responsibility at any level, in an energy assessment. If any Member is found to be in breach of the Code, disciplinary action may be taken against them.

An Energy Assessor's details will be displayed on an EPC as per the MHCLG guidelines. Details such as name, email and telephone number will be displayed. Energy Assessors are not permitted to display any third-party company, sub-contracting company details, or false details that may mislead or mis direct a customer if there is an issue with the certificate at a later stage. The EPC is the sole work and responsibility of the named Energy Assessor and not the company or sub-contracted company's responsibility or liability.

If a Member exhibits a lack of knowledge of the Code, a formal interview may be requested to establish the Member's knowledge of the Code in more detail. If in doubt about the interpretation of the Code, Members may consult **ecmk** directly and may request written clarification from **ecmk**.

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## The Principles of the Code:

The core principles of the Code of Conduct are that all Members shall:

- conform to all applicable national and international laws;
- behave ethically and not do anything which might damage the reputation of **ecmk**, its Members or the profession as a whole;
- ensure that assessments and associated activities are designed, performed and recorded accurately, transparently, objectively and to an appropriate quality and independently of any interest the Member may have in the property;
- provide your client with adequate, accurate information about the general purpose and nature of the assessment;
- explain the requirement for photo evidence and the purpose of such photos;
- explain what the customer should do with regards to any complaints they have in connection with the assessment or the EPC;
- not allow personal data collected during an assessment to be used for any purpose other than to produce an EPC, DEC or Inspection Report for that assessment;
- take special care when carrying out assessments amongst children and other vulnerable groups of the population;
- conform to the accepted principles of fair competition;
- comply with **ecmk's** published policies and procedures pertaining to accreditation or assessment activities; and
- notify **ecmk** of any changes to their contact details ( ie: name, email, address, telephone number).

All Certificates produced as a result of an assessment will be lodged via the **ecmk** scheme to the Central Register.

### 4. Conflicts of Interest

Where a Member carries out an assessment for any property;

- owned by themselves;
- owned by an associate of theirs; or
- in which they or their associate has an interest;

the Member must disclose the extent of their interest/relationship and the relevant facts to the customer before the assessment takes place, and on the certification documents.

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## 5. Record Keeping

The minimum expectation of **ecmk** Members is that they will comply with record keeping as follows:

- Energy Assessors must complete and retain for each energy assessment an **ecmk** RdSAP data collection sheet, or undertake the inspection with an appropriate electronic site data capture tool, which includes eTech's SMART Survey Application.
- Energy Assessors will maintain their records and ensure they are kept in a safe and secure way and make suitable back-ups of all data. Energy Assessors using eTech's SMART Survey Application shall be entitled to rely on eTech Solutions Limited to retain such records.
- Site notes must be:
  - stored securely for 15 years. Energy Assessors using eTech's SMART Survey Application shall be entitled to rely on eTech Solutions Limited to store such records;
  - complete, consistent, legible and sufficiently detailed; and
  - available in electronic form within 15 working days upon request.

Before using a camera to record evidence at a property you must inform your client, indicating what will be photographed and the purpose of taking photographs. If your client does not give approval, Members must not take photographs and should record the reason in their site notes.

If during or prior to conducting an inspection, you consider a property or part of the property to be unsafe you shall:

- record any such instances in your site notes;
- if necessary, inform others as part of their duty of care; and
- if necessary, not continue with the provision of an EPC.

## 6. Rules of Professional Conduct

Members shall:

- conform to all relevant national and international legislation, in particular, the Data Protection Act 1998;
- always act with integrity;
- treat others with respect;
- always be honest, open and transparent in dealings with their clients (actual or potential), employers, employees and the general public;
- take reasonable steps to avoid, and declare, any known conflicts of interest;
- be accountable for all of their actions and the people with whom they work;

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- be objective at all times;
- recognise and act within their limitations;
- not act in a way which might discredit the profession, **ecmk**, MHCLG, Scottish Government or its Members;
- ensure that Assessments and associated activities are designed, performed and recorded accurately, transparently and objectively;
- take reasonable steps to ensure that others with whom they work do not breach or cause a breach of this Code. This includes other Energy Assessors, your clients, observers and consultants;
- provide written notification to their client or prospective client, of the terms on which they are to act. To inform their client in writing, that a copy of the Scheme Members' complaints handling procedure is available on request;
- take all reasonable precautions to ensure that customers/homeowners are not harmed or adversely affected as a result of participating in an Assessment;
- not exploit the vulnerability of clients or take advantage of their lack of knowledge;
- not enter a property that is occupied by children unless those children are accompanied by a responsible adult;
- always show your identification card to the responsible person when attending clients' premises;
- disclose to **ecmk** any convictions and cautions received since the date of the last CRB check supplied; and
- in the course of your work as an Energy Assessors, take reasonable steps to ensure your own, and the public's health and safety.

## 7. Dealing with Customers

Members should be aware that this Code does not cover all relevant legislative requirements and it is the responsibility of all Members to familiarise themselves with these. Members should be aware in particular that breaches of the Data Protection Act 1998 are grounds for disciplinary action under **ecmk** Disciplinary Procedures (ACC-413)

Members shall:

- treat any personal data encountered during the course of an assessment with care and not pass any details on to a third party;
- preserve the anonymity of their clients unless they have given their informed consent for their details to be revealed; or for attributable comments to be passed on;
- where consent has been given for personal details to be used:
  - demonstrate that they have taken all reasonable steps to ensure that personal details are only used for the purpose for which they were collected; and
  - fully inform the client as to what will be revealed, to whom and for what purpose;
- comply with a request from their client for information on complaints or unresolved issues to be published (e.g. in customer satisfaction surveys). The information to be published must be agreed

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with the client and must not be linked to any other data or used for any other purpose without the explicit consent of the client; and

- on receipt of a complaint, provide the complainant with their relevant complaints procedure, and explain to the client that if they are not satisfied with the outcome of the complaint, how the client can access ecmk's complaints procedure. The Energy Assessor shall explain that the complainant's statutory rights are not affected by accessing the complaints procedures.

The ecmk logo shall be in accordance with the guidelines for the use of that material and use of any such logo does not adversely affect the scheme or its membership.

If any inducement to alter the results of an Assessment is offered, you must immediately terminate the Assessment and inform **ecmk** in writing, also informing your client that this has been done.

## 8. Membership

Members should note that:

- the Energy Assessor must notify **ecmk** if a complaint has been raised about them;
- in the first instance, complaints should be handled by the Member or their employer and escalated to **ecmk** as required;
- Members must inform all customers of **ecmk's** complaints procedures;
- the building occupant's co-operation is voluntary and must be based on sufficient and accurate information about the purpose and nature of the assessment;
- Members will respect the rights of occupants and they shall not be harmed or disadvantaged as a result of co-operating in an assessment or investigation;
- Members must show their **ecmk** ID card on all visits to properties and should take extra care to show their ID when performing an assessment for elderly or vulnerable customer; and
- Members should not enter a dwelling if a minor (16 years or under) or other vulnerable member of the community is the only Customer present.

## 9. General Notes

Members must take reasonable steps to ensure that any publicity, advertising or marketing for which they are responsible is legal, accurate and not misleading.

All members are required to maintain the required level of competence.

Please refer to our CPD policy for further information. (ACC-403)

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## 10. Complaints

All members must ensure that they undertake the following when a complaint or even a potential complaint comes to light:

- if a verbal complaint is received, they must ask for the complaint to be put in writing;
- they must inform **ecmk** of all complaints and potential complaints;
- they must pass a copy of all written complaints to **ecmk**;
- when a Customer or other stakeholder raises a complaint, the Member must make them aware of their own and **ecmk's** complaints procedure;
- the Member must undertake any corrective action as required by **ecmk**;
- Members must have their own complaints procedure.

The above applies for all Energy Assessors, including those that work within an employed capacity.

If you conduct your energy assessment activities as an employee within an organisation, you may seek to resolve the complaint through your organisation's complaints procedures. In this instance, you must still also inform **ecmk** of the complaint, the action taken and the resolution reached. You must also advise the complainant that they can contact **ecmk** and provide them with access to **ecmk's** complaints procedure.

## 11. Queries

For the purposes of this clause, a query is any discussion whether verbal or written between an Energy Assessor and a customer which relates to a clarification on the substance of an energy assessment or the process undertaken to produce the energy assessment. If you provide a response to a query from a customer, you should record the query and the response and then retain this as part of your supporting documentation and evidence for the assessment.

If the discussion implies any concern about the Energy Assessor's professional conduct or the accuracy of the EPC, then this should be handled as a complaint (detailed above).

Energy Assessors must make these records available to **ecmk** upon request.

## 12. Disciplinary Procedure

An Energy Assessor's membership of the **ecmk** Accreditation Scheme may be withdrawn or other disciplinary action taken if a Member is deemed guilty of unprofessional conduct. This includes a Member:

- being guilty of an act or conduct which, in the opinion of **ecmk**, might bring discredit on the profession, **ecmk** or its Members;
- being found by **ecmk** to be guilty of any breach of this Code of Conduct;
- being found by **ecmk** to be guilty of any breach of any other regulations laid down by **ecmk**;
- failing without good reason to assist **ecmk** in the investigation of a complaint;
- in the absence of mitigating circumstances, having become bankrupt or having made any arrangement or composition with their creditors;

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- being found to be in breach of the Data Protection Act 1998 or being found by **ecmk** to have infringed any of the eight data protection principles set out in the Act; or
- being convicted or cautioned for a serious offence.

All rules set out in the Code must be observed and adhered to by all Members with any involvement, or with any responsibility, for a matter at any level. This means that more than one Member might be in breach of a rule in respect of the same matter.

Note that where more than one Member is involved in a matter under complaint, whilst **ecmk** reserves the right to proceed with an investigation and other relevant processes against all such Members under its Disciplinary Procedures, it will usually apply its discretion to proceed only against the most senior Member(s) involved.

### 13. Anti-Fraud policy

- Purpose
  - Ecmk is committed to the prevention, deterrence, detection and investigation of all forms of fraud.
  - Ecmk seeks to reduce the opportunity for fraud and will take prompt action to investigate fully and address any suspected cases.
- Scope
  - Ecmk requires all staff including contracted staff and all members of any of the ecmk schemes to act honestly and with integrity to safeguard the integrity of the scheme at all times.
  - It is the responsibility of all staff to read and be familiar with the contents of this policy and any related procedures and to identify and notify ecmk of any suspected cases of fraud or fraud risk.
  - Due to the robust levels of auditing and auditor training, ecmk will be vigilant and aware of fraudulent practises to prevent any future issues that may arise.
  - Ecmk will use third party websites, photographic evidence and previous lodged EPCs to assist in the detection of fraudulent practices.
- All records of suspected fraudulent activity by Energy Assessors and/or companies will be retained by ecmk and shared with other Certification Bodies and relevant third parties such as (but not limited to) MHCLG, BEIS, Landmark and GDORB
- Policy Statement
  - Ecmk will not accept any level of fraud or corruption and will treat any such matter with the utmost seriousness. Each case will be thoroughly investigated and dealt with appropriately. Investigations may invoke the disciplinary procedure and could result in removal from the scheme and / or legal action by reporting to the appropriate authorities.
- Definitions of Fraud
  - For the purpose of this document the following definitions apply:

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- Falsifying any documentation in support of an application to join the scheme such as falsifying an identification document.
- Deliberately entering false information into any of the scheme's software engines or third-party software programmes to produce inaccurate certificates resulting in financial gain.
- Failure to disclose any relevant information in support of an application to the scheme.

## Published Policies and Procedures

All relevant policy and procedure documents pertaining to accreditation and assessment work can be found on the **ecmk** website [www.ecmk.co.uk](http://www.ecmk.co.uk) under the 'Downloads' Tab

## Use of Information

**ecmk ltd** is registered under the Data Protection Act 1998 and undertakes to process your data in accordance with the legal requirements of the Act.

The data from this form will be used solely by **ecmk ltd** for administration and application purposes. We will also share information about your accreditation status with other Accreditation Schemes, the Operator of the Register and MHCLG

All data is treated in confidence and is not disclosed to any third parties, other than when we are required to, or permitted to by law, or when you have given your consent. By signing this form, you give your consent for **ecmk ltd** to use the data in the way described above.

An Energy Assessor's details will be displayed on an EPC as per the MHCLG guidelines. Details such as name, email and telephone number will be displayed. Energy Assessors are not permitted to display any third-party company, sub-contracting company details, or false details that may mislead or misdirect a customer if there is an issue with the certificate at a later stage. The EPC is the sole work and responsibility of the named Energy Assessor and not the company or sub-contracted company's responsibility or liability.

As an **ecmk** member, we will from time to time email you with important updates and technical bulletins that are required as part of the accreditation services we provide to you. You will also receive information regarding your membership such as audit requests, feedback and membership status updates.

If in addition to this you still wish to receive information about new services or products we offer, please tick the subscribe box

Subscribe

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## Declaration

- I confirm that the information I have provided in support of this application is complete and true, and understand that to knowingly make a false statement for this purpose is a criminal offence.
- I have read and understood the Code of Conduct and agree to abide by its principles.
- I have read and understood the Terms and Conditions of Membership and agree to be bound by them.
- I have read and understood the above Use of Information statement and agree to **ecmk ltd** using my membership information in accordance with the Use of Information statement.
- I have read, understood and agree to the terms set out in this Agreement.

Name	
Signature	
Date	