

OPERATING FRAMEWORK FOR THE INSPECTION OF AIR-CONDITIONING SYSTEMS - EXISTING BUILDINGS

Directive 2010/31/EU on the Energy Performance of Buildings requires that Member States “ensure that the inspection of air-conditioning systems are carried out in an independent manner by qualified and/or accredited experts”.

The framework set out in this document clarifies how this and supporting functions may be achieved within the operating requirements of organisation with whom Scottish Ministers have entered into protocol. In the development and maintenance of provisions which deliver these requirements, Protocol Organisations (POs) should reference the relevant UK National Occupation Standard (NOS) for Energy Assessors.

The documented operating processes of each PO must address the following functions:

1. Integrity and operational resilience

- 1.1 Financial Integrity
- 1.2 Operational resilience
- 1.3 Conflict of Interest

2. Accreditation of inspectors

- 2.1 Entry criteria for initial assessor membership
- 2.2 Assessor members are ‘fit and proper’ persons
- 2.3 Publish and adhere to application, assessment and appeal processes
- 2.4 Maintain a register of assessors

3. Administer the operation of inspectors

- 3.1 Resourcing and indemnity
- 3.2 Publish and enforce a code of conduct for inspectors
- 3.3 Operational record of assessor activity
- 3.4 Publish and adhere to complaints, appeals and disciplinary processes
- 3.5 Continued professional development of membership
- 3.6 Quality assurance of inspector output and process

4. Maintain records to facilitate effective operation of the scheme and periodic audit by the Scottish Government

- 4.1 Provision of information for members
- 4.2 Provision of information for members of the public
- 4.2 Minimum requirements for review, record keeping and sharing of data
- 4.3 Audit by Scottish Government (this list also defines the functions of a Protocol Organisations subject to audit by the SG).

The following pages summarise requirements under each of these functions.

1. INTEGRITY AND OPERATIONAL RESILIENCE

| Function | Description of requirements | Comments |
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| 1.1 | <p>Financial integrity</p> <p>Function: POs must demonstrate that they have appropriate arrangements in place to ensure financial integrity and continued operation.</p> <p>Prescription: POs must submit an annual financial statement to the Scottish Government to demonstrate the ongoing viability of the scheme.</p> | |
| 1.2 | <p>Operational resilience</p> <p>Function: POs must have provisions in place to minimise disruption to operation as a result of unforeseen circumstances.</p> <p>Prescription: POs must demonstrate that measures are in place:</p> <ul style="list-style-type: none"> • to ensure operational continuity in the face of events such as the loss of key staff, staff illness, fire and flood damage • to protect data from unrecoverable loss, unauthorised access or theft • to ensure that, in the case of ceasing to trade, core information and resources have been maintained in such a way that a successor organisation can be appointed to take over responsibility for ongoing operation of the scheme in respect of both assess members and the public <p>Desk instructions must be provided for all essential processes to support operational integrity should changes to staff or systems occur.</p> | |
| 1.3 | <p>Conflict of interest</p> <p>Function: POs must operate to ensure that there is no conflict of interest between operation as an PO and any other activities they undertake.</p> <p>Prescription: Each Organisation must assess and record such risks and notify the Scottish Government of any such activities and measures put in place to demonstrate that any conflict of interest is resolved. Where necessary, POs may seek advice from the Scottish Government on measures identified.</p> | |

2. ACCREDITATION OF INSPECTORS

| Function | Description of requirements | Comments |
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| 2.1 | <p>Entry criteria for assessor members</p> <p>Function: POs must define criteria for membership and ongoing requirements to maintain competence as an inspector.</p> <p>Prescription: Entry criteria may be set based on qualifications recognised by the construction/energy sectors/national occupation standards within the UK and/or through an Accreditation of Prior Experiential Learning (APEL) route.</p> <p>In setting criteria for membership, POs must ensure that those undertaking the inspection have sufficient skills and knowledge to:</p> <ul style="list-style-type: none"> • inspect in accordance with the requirements of Scottish Building Standards Regulations, particularly Regulation 17 of and the Building (Scotland) Regulations (as amended) and , CIBSE Technical Memorandum 44 (TM44) • undertake the inspection assessing the efficiency of the air-conditioning system and the sizing compared to the cooling requirements of the building • carry out their role in a manner which accords with the provisions set out in the relevant UK National Occupation Standard (NOS) for Energy Assessors (Air-Conditioning Systems). | |
| 2.2 | <p>Inspectors are ‘fit and proper’ persons</p> <p>Function: Protocol Organisations to undertake background checks on applicants should verify that, subject to meeting entry criteria, there are no other barriers to membership.</p> <p>Prescription: POs should take all reasonable measures to verify the identity of applicants.</p> <p>All applications should be checked to determine if the applicant holds or has previously held membership of another PO and, if the latter, whether circumstances under which previous membership ceased are relevant to the application.</p> <p>All PO are to disclose relevant information, on request, regarding candidate’s accreditation suitability.</p> | |

2. ACCREDITATION OF INSPECTORS (Cont)

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| 2.3 | Publish and adhere to application, assessment and appeal processes Function: POs must publish and adhere to an application, assessment and appeal process. Prescription: POs must have: <ul style="list-style-type: none">• a published applications process detailing membership criteria and how applications will be assessed, identifying roles and responsibilities for all parties involved in the assessment of applications and• an appeals mechanism in place for those applicants who are rejected because they are deemed not to be 'fit and proper' persons These procedures must be applied in a fair and open way, including that those carrying out assessment of applications declare any conflict of interest. | |
| 2.4 | Maintain a register of inspectors Function: POs must maintain a record of inspectors and ex-members. Prescription: Information recorded must include current status, contact details which must include telephone and email and scope of inspection services offered/level of competence. Records to include reasons for terminating accreditation, if applicable. | |

3. ADMINISTER THE OPERATION OF INSPECTORS

| Function | Description of requirements | Comments |
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| 3.1 | <p>Resourcing and indemnity</p> <p>Function: POs must require inspectors to have and maintain suitable indemnity cover proportionate to the risks associated with the provision of an EPC for the type and scale of buildings were certification is undertaken.</p> <p>Prescription: PII to be no less than £50,000 for each claim made.</p> <p>Where POs do not provide indemnity insurance as part of membership (this is not a requirement of appointment as an PO), they must undertake checks to verify that members maintain indemnity cover, including spot checks where there is evidence of a member operating without or with inadequate cover.</p> <p>Knowingly certifying without indemnity insurance must result in revocation of authority to undertake inspection of air-conditioning systems.</p> | |
| 3.2 | <p>Publish and enforce a code of conduct for inspectors</p> <p>Function: PO must have in place a published Code of Conduct to which all members are required to adhere.</p> <p>Prescription: Declaration of acceptance by inspectors (signature);</p> <p>In undertaking inspection activities, the code of conduct must include reference to the need to act in accordance with the provisions of the relevant UK NOS defining the relevant inspection role(s) which the member will undertake.</p> <p>The published code must include the following:</p> <ul style="list-style-type: none"> • requirement to operate only within their competence • requirement to identify appropriate level of PII cover and maintain that cover • requirement to notify the PO of any change in circumstances which may affect their ability to produce reports • requirement to declare any conflict of interest when undertaking the inspectors role • requirement to maintain record of complaints received in relation to their role and outcome and notify PO of any that are unresolved by the inspector • in the case of complaints, requirement to provide the complainant with access to PO complaints procedure and • a description of activities which are a breach of the code and which will result in disciplinary action (reference disciplinary procedures) | |

3. ADMINISTER THE OPERATION OF INSPECTORS

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| <p>3.3</p> | <p>Operational record of inspector activity</p> <p>Function: maintain records for applications and activities of current and previous scheme members detailing all operational processes applied to members and to outcome of such processes.</p> <p>Prescription: Records must include the following details of activity:</p> <ul style="list-style-type: none"> • ongoing indemnity cover • ongoing CPD record (see section 3.5) • results of QA checks and any remedial actions required of assessors • assessor communications with PO and responses • customer queries, complaints, or claims, and any remedial action required of assessors <p>The level of detail required should provide PO staff with a clear audit trail for any complaint, query, QA check or CPD return.</p> | |
| <p>3.4</p> | <p>Publish and adhere to complaints, appeals and disciplinary processes</p> <p>Function: Protocol Organisations must have published procedures which are applied consistently and respond promptly and efficiently to customer complaints against assessor members.</p> <p>Prescription: complaints, appeals and disciplinary processes must include details of:</p> <ul style="list-style-type: none"> • acknowledgement and initial response to any complaint, information on process to be provided by complainant and evidence needed to progress investigation and timescale for resolution • investigative action to be taken, including notifications to relevant parties • disciplinary hearings and appeals process • composition of disciplinary and appeals panels and appeals process • timescale for all actions and • processes for any corrective action resulting from investigation. <p>Where complaints cannot be resolved to the complainant's satisfaction, matters must be referred to an independent third party for a decision.</p> <p>Any complaint which involves apparent criminal activity must be reported to the relevant authorities.</p> | |

3. ADMINISTER THE OPERATION OF INSPECTORS (Cont)

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| <p>3.5</p> | <p>Continued Professional Development of membership</p> <p>Function: Protocol Organisations must ensure that members undertake relevant training to support the ongoing development of the assessment services they offer.</p> <p>Prescription: Continued Professional Development should be relevant to activity of a member as an inspector and may include specific provisions mandated by the PO, such as:</p> <ul style="list-style-type: none"> • reporting practice for assessors as specified by Protocol Organisation developments in construction products and building services as they relate to potential improvement measures; • changes to building regulations and other legislation or initiatives which have relevance to the assessor role; • any other matters deemed relevant by individual Protocol Organisations or notified by Scottish Government in relation to assessor competence. • Protocol Organisations should ensure that a record of such activity is submitted on an annual basis and must verify that records are submitted and carry out sample checks to verify that CPD activities are relevant to assessor role. | |
| <p>3.6</p> | <p>Quality Assurance of inspector output and process</p> <p>Function: Protocol Organisations must have quality assurance procedures in place to check the quality of inspection reports produced by their members and to instruct appropriate corrective action where the required standard is not met.</p> <p>Prescription: POs must ensure that a minimum of 2% of the total number of inspection reports produced are checked for accuracy. The sample should be based upon a random sample, augmented by any identified need for targeted audit as a result of complaints or requests from other organisations (see 4b below).</p> <p>POs must ensure that output from any active inspectors is checked at least every six months. All new members should have output checked within the first month of active membership.</p> <p>Independent assessment must check that:</p> <ol style="list-style-type: none"> a. the inspector is certifying within their level of declared competence (where applicable) b. sufficient evidence is recorded to allow an audit of the inspection report c. that information recorded was entered accurately d. there is sufficient in the definition of the building model file <p>Inspection reports identified as being below standard (including incorrect data entry or recommendations) should be replaced within six weeks, and corrective action to be taken where</p> | |

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| | <p>assessor activity found to be outwith accepted practice.</p> <p>Responsibility for replacement of defective reports rests with the inspector who provided it. If the inspector cannot be contacted and is no longer practicing then the Protocol Organisation must act to replace the report.</p> | |
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4. MAINTAIN RECORDS TO FACILITATE EFFECTIVE OPERATION OF THE SCHEME AND PERIODIC AUDIT BY THE SCOTTISH GOVERNMENT

| Function | Description of requirements | Comments |
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| 4.1 | <p>Provision of information for members</p> <p>Function: PO must provide inspectors with access to all documentations detailing procedures associated with their role as an inspector and operation as a member of the PO.</p> <p>Prescription: This must include support by email and telephone contact points to enable members to seek assistance where matters cannot be resolved by reference to documentation. PO are expected to record and analyse enquiries from members to support review and improvement of both procedures and supporting documentation.</p> <p>POs are expected to identify members who have a higher frequency of enquiries, or ask questions which are a possible cause of concern, as this may be a risk trigger for further QA, or additional CPD.</p> <p>PO must inform members of changes in software requirements and conventions as they are required.</p> | |
| 4.2 | <p>Provision of information for members of the public</p> <p>Function: PO must enable easy access by members of the public to information on the scheme, its aims and operation.</p> <p>Prescription: This must include at least the following information:</p> <ul style="list-style-type: none"> • full telephone, electronic and postal contacts for the POs including contacts for the key post holders (e.g. scheme manager) with responsibility for operation of the service • application procedures, requirements for membership and schedule of all charges related to the production of inspection reports. • code of Conduct applicable to their members • complaints, appeals and disciplinary procedures • general information about the inspection of air-conditioning systems, why they are required, how building owners and occupants can make use of the information they provide and | |

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| | <p>national resources for further information and advice on improving carbon and energy performance of buildings</p> <ul style="list-style-type: none">• Annual report prepared and submitted to the Scottish Government (format will be circulated) | |
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4. MAINTAIN RECORDS TO FACILITATE EFFECTIVE OPERATION OF THE SCHEME AND PERIODIC AUDIT BY THE SCOTTISH GOVERNMENT

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| 4.3 | <p>Minimum requirements for review, record keeping and sharing of data</p> <p>Review of Procedures and Documentation</p> <p>Function: POs must review their procedures and documentation to ensure they remain relevant to operations.</p> <p>Prescription: This must address changes:</p> <ul style="list-style-type: none">• to meet amended requirements issued by Scottish Government and• where improvements are identified by internal review or examples of wider good practice. <p>A summary of such changes should be included in the PO annual report.</p> <p>Record keeping</p> <p>Function: to support both operation and audit, PO and their members must maintain records of initial accreditation and ongoing activity of assessor</p> <p>Prescription: Unless otherwise specified, information must be retained for a minimum of five years. Protocol Organisations must ensure that the requirements of the Data Protection Act and other legislation relevant to the form and content of data stored are met.</p> <p>Sharing of data</p> <p>Function: POs must share information on the status of members to support</p> <p>Prescription: PO must advise other POs and the Scottish Government of members who have had their membership suspended or withdrawn, together with the reason for suspension or withdrawal. Where such a party is a member of another PO, that PO must consider the relevance of this information to ongoing membership of that PO and act accordingly and in line with their published code of conduct.</p> <p>POs must respond to a formal request for information on a member by another PO where that member has, or is applying for, membership of that other PO.</p> <p>POs must co-operate with a request for information from an enforcement authority acting to meet their duty under legislation.</p> | |
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4. MAINTAIN RECORDS TO FACILITATE EFFECTIVE OPERATION OF THE SCHEME AND PERIODIC AUDIT BY THE SCOTTISH GOVERNMENT

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| 4.4 | <p>Audit of Protocol Organisations by Scottish Government</p> <p>Each PO will be subject to audit by the Scottish Government or by an organisation appointed on their behalf. The following key points are identified:</p> <ul style="list-style-type: none">• from February 2013, POs will be subject to audit at least once every three years• a programme for audit will be developed and notice of audit will be provided at last six months in advance• information to support the audit process, including reporting requirements, will be defined within an Audit manual and published by the end January of 2013• new applications for PO status will be subject to a revised process which sets out initial requirements for applicants and information/evidence that must be provided• as part of preparation for audit, existing POs will be required to update information submitted with their initial appointment in this revised form <p>POs must:</p> <ul style="list-style-type: none">• allow monitoring of operations periodically to ensure that it continues to meet the terms of its approval. This includes access to their operations and records for audit• maintain records in a form that allows audit of the successful implementation of the functions set out in this document. <p>Records may be kept either electronically or on paper, and Schemes have to demonstrate to the Scheme Auditors how such records can be retrieved if necessary. Back-up data needs to be stored in such a way that it can be reasonably expected to survive instances which might affect the original material stored by the Scheme (fire, theft, various forms of attack on the Scheme's IT systems).</p> | |
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