



# **NHER Accreditation Scheme**

## The Membership Rules



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### Important Notice

These Membership Rules must be read in conjunction with those Product Rules relevant to the type of report(s) you wish to produce. Both Membership Rules and Product Rules form the overall rules of the Scheme.

## **1. Personal and Professional Standards**

- A. The purpose of these rules is to set out the standards of professional conduct that are expected both of you (the Member), and by us (the Scheme) so as to promote best practice and confidence in the integrity of both parties
- B. You must:
- (i) As the registered Member of the Scheme, you should not attempt to transfer the Membership, or the use of it, to another person
  - (ii) Accept full responsibility for the accuracy and reliability of all Reports produced and lodged by you
  - (iii) Act with integrity, honesty and trustworthiness
  - (iv) Be open and transparent in your dealings
  - (v) Recognise the limits of your personal competence and act only if competent to do so
  - (vi) Keep your professional skills and knowledge up to date by participating in Continuous Professional Development (CPD)
  - (vii) Carry out all aspects of your work with reasonable professional skill and care
  - (viii) Always be aware that you owe your customers a "Duty of Care". This means that if they suffer loss or damage as a direct result of your assessments, or your conduct in carrying them out, you could be held liable in Law
  - (ix) Treat all customers' personal information and security related matters as private and confidential
  - (x) Never accept any gift or inducement that may affect your judgement
  - (xi) Clearly indicate any personal or business relationship that could lead to a perceived or actual conflict of interest
  - (xii) Not use your position as a Scheme Member improperly, and comply with all of the rules of our Scheme as well as governing legislation
  - (xiii) Assist us in any disciplinary inquiry involving another Member
  - (xiv) Tell us if:
    - (a) You have been referred for a disciplinary hearing by another accreditation scheme or similar body
    - (b) A disciplinary allegation has been proved against you by another accreditation scheme or similar body
    - (c) You have been convicted of a Criminal Offence in the UK, or elsewhere. This only applies to Members producing Existing Dwelling EPC Reports
- C. You must not do anything that damages our reputation, or the public's confidence in us, or the Reports that we regulate

## **2. Membership Fees and Renewal of Membership**

- A. The Rules related to Membership Fees and Renewals
- (i) Our Membership year runs from 1<sup>st</sup> August to 31<sup>st</sup> July
  - (ii) All Membership renewals will take effect on the 1<sup>st</sup> August

- (iii) Regardless of the exact day of the month your application is approved, your membership period will begin on the first day of that month
- (iv) Because of the close proximity to the end of the Membership year, registrations during May, June and July will be treated differently to those received in the rest of the year. (Please see the Payments and Charges Schedule)
- (v) Fees are payable to register Reports (and, where appropriate, other products) with us and lodge them as required with the appropriate Central Register. These fees must be paid in advance (please see the Payments and Charges Schedule)
- (vi) We reserve the absolute right to amend all fees and charges
- (vii) When you renew your membership you are required to include a Disclosure Statement. As a **condition of your Membership**, you must disclose any change in status that could affect your eligibility
- (viii) Before renewing Membership we will take into account your performance, as determined by our monitoring processes
- (ix) Failure to comply with any timetables or deadlines that we may set from time to time, regarding renewal, may result in non-renewal of Membership

#### B. Membership Status Categories

- (i) Active
- (ii) Inactive
- (iii) Barred from Practice

If you choose to become inactive, you must inform us. We require that you continue to maintain appropriate CPD in order to remain up-to-date. Where your inactivity is due to a situation where appropriate CPD is difficult to maintain (such as during a prolonged illness); this should be reflected in your Personal Development Plan (PDP) when you change your status back to active

#### C. Cancellations

If you cancel your Membership with us, for any reason, no fees are refundable and your Identity Card must be returned, if applicable

### 3. Member Compliance

- A. By signing the Membership Agreement, and therefore agreeing to comply with these Membership Rules and relevant Product Rules, you have undertaken to:
  - (i) Read and understand the published Membership Rules and relevant Product Rules, as amended from time to time
  - (ii) Read and understand any other specific requirements defined by us
  - (iii) Have the appropriate internal procedures in place to ensure Customer protection, see Section 4
- B. The details of the quality standards for each of the Reports regulated by us, and their relevant quality monitoring procedures are shown in the relevant Product Rules

#### **4. Handling Customer Complaints**

We require that you operate an appropriate Customer complaint policy, or adopt your Employer's Customer complaint policy. In either event, this policy must comply with the processes as set out in the relevant Product Rules. Note, even if complainants decide not to proceed with the complaint, we may begin Disciplinary proceedings if we consider that the matter warrants this

#### **5. Handling Other Complaints About You**

Complaints could be made about your conduct or work quality by another Member of this Scheme, or by some other third party. These types of complaint will be dealt with directly by the Scheme, immediately as they arise. If you receive such a complaint yourself, you must inform the Scheme immediately. Note, even if complainants decide not to proceed with their complaint, we may begin Disciplinary proceedings if we consider that the matter warrants this. We also reserve the right to instigate Disciplinary action ourselves in those cases where Members have abused our staff verbally or in writing.

#### **6. Disciplinary Processes (also see Appendix 1 – Disciplinary Panel Procedures)**

##### **A. Disciplinary Processes resulting from Monitoring Procedures**

- (i) We have monitoring procedures in place that check you are carrying out your activities in accordance with defined performance criteria. If any form of disciplinary action is to be taken, it will be in accordance with the Disciplinary Tariff Tables within the relevant Product Rules
- (ii) If you are found to be in breach of these defined performance criteria, we will review the matter
- (iii) For minor breaches we will issue a written informal warning containing a clear explanation of how the performance criteria have been breached, and what action is required to avoid future breaches. This is designed to prevent the matter developing into a serious infringement. Your right to appeal against such a warning is set out below
- (iv) In the case of a minor breach that then becomes serious, we will issue a formal warning containing a clear explanation of how the performance criteria have been breached, and also automatically apply a secondary sanction
- (v) In the case of a serious breach, we will assess its background severity and either refer the case directly to a Disciplinary Panel Hearing, or issue a written formal warning clearly stating how the performance criteria have been breached and what is required to avoid future breaches. If you fail to comply with the instructions included in this warning, a second formal warning will be issued. If you still fail to comply, the appropriate sanction will be imposed, or the matter will be referred to a Disciplinary Panel Hearing. Your right to appeal against such a warning is set out below

## B. Disciplinary Process as a result of a Customer Complaint

In the event that we receive an escalated complaint from a Customer the complaint process outlined in the Customer Complaints section of the relevant Product Rules will be employed. Where a complaint against you is subsequently confirmed to be a breach of the Membership and/or Product Rules, the disciplinary processes will be implemented.

## C. Disciplinary Process as a result of Other Types of Complaint

Where the Scheme has been made aware of complaints against you by another Member of this Scheme, or by some other third party, it will investigate the matter, and if a breach of the Membership and/or Product Rules is confirmed the Disciplinary Process will be implemented

## D. Referral to Disciplinary Panel Hearings

- (i) The composition of a Disciplinary Panel will be in accordance with its published procedures, see Appendix 1
- (ii) The conduct of Disciplinary Panel Hearings will be in accordance with published rules
- (iii) The date of a Disciplinary Panel Hearing and other relevant dates will be in accordance with our published procedures
- (iv) Full details of the allegations made against you together with copies of all the relevant information to be presented to the Disciplinary Panel Hearing will be made available to you, in advance of the Disciplinary Panel Hearing by way of a Bundle of documents
- (v) You can elect to be represented at the Disciplinary Panel Hearing
- (vi) Decisions reached at a Disciplinary Panel Hearing are by way of a majority vote, and are binding on you, subject to your right of appeal, which is set out below. In order to initiate an appeal, you will be required to pay a deposit of £350 + VAT that will be refunded in the event that the appeal decision is in your favour

## E. Disciplinary Appeals

- (i) In the instance where you have been subject to Disciplinary action or have received an award from a Disciplinary Panel Hearing, and where you do not accept the situation and wish to appeal, you should write to us with the full details relating to the matter, including the reasons for your appeal
- (ii) Our External Registrar will review the matter, and will formally advise you of his findings, either confirming or modifying our Disciplinary decision. These findings are final but do not prevent you from proceeding to Law

**The Disciplinary Process is not designed to detract from your rights under Human Rights Legislation, or other Legal Statutes.**

**7. The Central Register**

All EPCs will be electronically registered on the appropriate Government approved or operated Central Register of EPCs. An EPC is not valid until it has been entered on this Register and has been allocated a Report Reference Number.

Internet access and email facilities are necessary to register an EPC, and it is your responsibility to ensure that you have access to appropriate computer systems in order to register the EPC on the appropriate Central Register.

EPCs will be prepared and submitted electronically to the Central Register via the NES one web-based system. You must use this system to submit EPCs to the Central Register.

**8. Continuous Professional Development Requirements**

The Membership Agreement requires you to undertake sufficient CPD to remain competent and up to date with skills, and able to meet the performance criteria in the relevant National Occupational Standards.

You will be required to update your skills to meet certain critical updates to Report Requirements, and/or energy calculation methodology. This may be mandatory. We will make you aware of the requirements.

You will have to provide evidence on a yearly basis that you have undertaken the necessary learning in order to remain competent. Detailed CPD requirements are set out in the relevant Product Rules.

**9. General Operational Requirements**

- A. The terms on which Reports are prepared, govern the extent of your duties in producing the report. They are mandatory and cannot be altered, restricted or expanded
- B. You must abide by the rules and conventions of the assessment calculation methodology relevant to the Report that you are producing
- C. You must be able to explain to consumers the requirements of the regulations relating to any Report, and its component parts that you are producing
- D. You must possess, and keep in good working order, all the necessary equipment for carrying out assessments
- E. You must make accurate and legible records of inspection
- F. You must not begin or continue with an assessment if the property is only occupied by an unaccompanied minor

- G. If you provide other professional services for the home owner/occupier, which are not specifically related to the preparation of the Report, these services must be invoiced separately
- H. You must securely maintain all your records of inspection for a period not less than 15 years, and they must be of sufficient detail to enable an unconnected third party to interpret your data input and inspection findings
- I. Your records of inspection must be complete and include all specific data as required by the individual reports
- J. You must know and comply with the requirements of the Health and Safety at Work Regulations as they apply to you and your activities. You must abide by any instructions given to you by the responsible person when on site

#### **10. Membership Records kept by the Scheme**

The information recorded on our database will include, but is not restricted to the following:

- Name
- Unique Membership number
- Contact details
- Date of application
- Current status of application
- Date of Approval (if successful)
- Date of Rejection (if unsuccessful)
- Employer, if any
- Scanned copies of all forms and declarations
- Continuous Professional Development records
- Records of Compliance activities and outcomes
- Records of complaints resolved by you
- Records of complaints escalated to us
- Records of appeals dealt with by us
- Disciplinary records

For Existing Dwelling EPCs only:

- The date of Basic Criminal Record Disclosure check
- The result of Basic Criminal Record Disclosure check

If you are an Active Member, as a minimum, your name and Membership Number will also be published on the appropriate Central Register.

## APPENDIX 1

### DISCIPLINARY PANEL PROCEDURE

#### A. Composition of Panels

- (i) Disciplinary Panels will be composed of four people. Three “voting” members will be independent, technically qualified individuals drawn from a register kept by us. The fourth person is the Chairman/Secretary, who has no vote and is provided by us
- (ii) None of those appointed to the Disciplinary Panel will have personal knowledge or previous relationships with any Scheme Member brought before them

#### B. Notice

- (i) When a Disciplinary Panel is to be held, each of its members will be notified of the time and place of the Disciplinary Panel Hearing, given the name of the Scheme Members being considered, as well as the names of the other Panel members and any witnesses/experts to be called. Copies of all the documents related to the matter, by way of a document “Bundle”, will also be sent to the members. If any member of the Disciplinary Panel identifies a potential conflict of interest or prior association with any Scheme Member being considered, they must notify us and withdraw from the Disciplinary Panel. If a Panel member should have notified us of such a conflict of interest or prior association, and did not do so, and if this led to a Disciplinary Panel Hearing being abandoned, we may initiate Disciplinary action against that individual
- (ii) Scheme Members referred to a Disciplinary Panel will be given formal written notice of the time and place of the Disciplinary Panel Hearing. This notice will not be less than twenty working days before the date of the Disciplinary Panel Hearing. The formal notice may be accompanied by copies of all of the documents related to the matter, by way of the document “Bundle” should this not be possible, the “Bundle” will be circulated no later than ten working days before the date of the hearing
- (iii) Scheme Members are requested to attend the Disciplinary Panel, but cannot be compelled to do so. Scheme Members can choose to be formally represented at Disciplinary Panel Hearings, and may elect to call pre-identified witnesses in their defence

#### C. Procedure

- (i) The members of the Disciplinary Panel shall make enquiries of all persons appearing before them, as they consider necessary. They shall conduct the Disciplinary Panel Hearing as they consider most

appropriate for the clarification of the issues, and generally for the fair handling of the proceedings

- (ii) If a party concerned with the Disciplinary Panel Hearing wishes to submit late written representations for consideration these must be presented to the Chairman/Secretary, but it is up to the Disciplinary Panel whether to admit them or not
- (iii) At a Disciplinary Panel Hearing, the Disciplinary Panel members, the Scheme Member and/or the Scheme Member's representative are entitled to make all relevant representations, to call and question witnesses (always provided that these have been prior notified to all parties), to examine documentary evidence, and to dispute all evidence presented

The program and sequence of each Disciplinary Panel Hearing will be determined by the Disciplinary Panel with due regard to the availability of the Scheme Member. If any party required to attend the Disciplinary Panel Hearing fails to attend, or to be represented, at the time and place fixed for the Disciplinary Panel Hearing, the Disciplinary Panel may dismiss or dispose of the proceedings in the absence of that party, or may adjourn the Disciplinary Panel Hearing to a later date.

- (iv) In exceptional cases a Disciplinary Panel Hearing or part of one may be conducted in private, provided the Disciplinary Panel members feel that the reason put forward for this is both valid and proven
- (v) Once the Disciplinary Panel has received all submissions, it will arrive at a decision, by a process of majority voting. The decision may include any or all of the following:
  - a. A statement in the Hearing document stating that the complaint is considered invalid
  - b. A statement in the Hearing document stating that the complaint is considered valid, in which case an award may be issued
  - c. Awards made against Scheme Members may include warnings, orders to pay the complainant's costs, Membership suspension orders, and termination of Membership orders
- (vi) If an award is made against Scheme Members then the relevant rights of appeal will be clearly explained. In the case of appeals our External Registrar will review the matter, and will formally advise the Member of the findings. These findings are final, but do not prevent the Member from proceeding to Law
- (vii) The Chairman/Secretary will compile a complete record of the proceedings and all judgements reached by the Disciplinary Panel. This Minute must be certified as being accurate by all of the members of the Disciplinary Panel and a copy sent to everyone concerned with the Disciplinary Panel Hearing

**A Disciplinary Panel is not designed to detract from your rights under Human Rights Legislation, or other Legal Statutes.**