

# ***Section B***

## *The Body*

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## PREAMBLE

*This Section B sets out all of the obligations placed on any party designated by the Commission as being an Electrical Safety Supervisory Body (i.e. the Body).*

*The following are the key areas covered by this Section B:*

- *Structure and Organisation of the Body*
  - *The requirements to be imposed with respect to the organisation structure of the Body which will be specified further to the designation process;*
  - *The overall function of the Body and the activities permitted to be undertaken by the Body and those which may not be undertaken;*
  - *The legal obligations placed on the Body with respect to various pieces of legislation and also imposing an obligation on the Body to provide all reasonable assistance to the Commission in relation to the Commission's discharge of its function under the Act;*
  - *Requirements concerning the policies and procedures to be developed, operated and/or published by the Body;*
  - *Requirements concerning record-keeping and the storage of information by the Body;*
  - *Requirements with respect to systems to be operated by the Body and accreditation of same;*
  - *Requirements with respect to the financial, insurance and personnel obligations placed on the Body, together with requirements for compliance with Audit/Inspection of the Body by the Commission and the Commission's approval of its fees and charges;*
  - *The requirement to co-ordinate and co-operate with other Bodies designated by the Commission and to operate the Brand in accordance with the requirements of the Commission.*
  
- *Functions relating to RECs*
  - *The categories of Registration permitted;*
  - *The requirements for the Body's procedures for receiving applications for Registration, evaluating such applications and the granting of Registration and of the entitlement to self-Certification to the electrical contractor;*
  - *The requirements with respect to the Rules of Registration to be imposed by the Body on RECs;*
  - *Specifications concerning the role of the Body with respect to the monitoring of training and competence;*
  - *The requirements with respect to the Body carrying out Inspections and Audits, including the procedures and systems to be operated in that regard, the personnel to be engaged by the Body for such purposes and the overall approach to the Inspection and Audit of RECs, with respect to a risk-based approach to same.*
  
- *Changes of the Registration Status of an REC*
  - *The requirements on the Body with respect to changing the Registration status of an REC (further to suspension, revocation or resignation of an REC).*

- Functions relating to the Public
  - *The requirements on the Body with respect to dealing with the Public. Such requirements include the publication of a “Customer Service Charter”, the Publication of the Register of Electrical Contractors (“the Register”) and procedures relating to the handling of complaints;*
  - *This section also details the requirements of the Body with respect to raising public awareness of the new regulatory model (and electrical safety in general) and the release of information on Certification to relevant parties (including the general public).*
  
- Other Obligations placed on the Body
  - *This Section specifies requirements to be placed on the Body with respect to compliance with Common Procedures, Audits and/or Inspections carried out on the Body and co-operation with the procedures of the DSO and the ETCL.*

# **1 STRUCTURE AND ORGANISATION OF THE BODY**

## **1.1 Organisation Structure**

- 1.1.1 The Body shall be structured, organised and have in place corporate governance arrangements and arrangements with respect to the Brand such that they are in accordance with the Regulatory Arrangements.

## **1.2 Overall Function of the Body and Permitted Activities**

- 1.2.1 The Body's overall function shall be the regulation of the activities of electrical contractors with respect to safety and the requirements set out in this Criteria Document.

- 1.2.2 In discharging this function, the Body shall be obliged to operate in an effective and efficient manner.

- 1.2.3 The Commission shall specify the activities which the Body is required to undertake. Such activities shall be the Core Activities of the Body.

- 1.2.4 The Core Activities are those activities which the Body must undertake in order for it to comply with the requirements as set out through the Regulatory Arrangements, and include, but are not limited to the following:

- (i) Receipt, processing and evaluation of Applications for Registration;
- (ii) Registration of electrical contractors and publication of a Register of Electrical Contractors;
- (iii) Monitoring, Inspection and Audit of electrical contractors registered with the Body;
- (iv) Investigation of complaints received and the disciplining of electrical contractors registered with the Body;
- (v) Inspection of works of Third Parties (in accordance with the "Common Procedure No. 2 – Third Party Inspection");
- (vi) Management of the distribution, sale, recording, control and the validation of Certificates;
- (vii) Public and industry awareness activities;
- (viii) Interaction and co-ordination of activities with other Bodies and such other agencies, bodies, committees and Government Departments as the Commission may direct from time to time;

- (ix) Maintaining records of, and reporting on, the activities of the Body;  
and
  - (x) The operation, and use, of the Brand in accordance with the requirements specified by the Commission.
- 1.2.5 For the avoidance of doubt, the Core Activities shall be required to be carried out on a national basis by the Body.
- 1.2.6 In accordance with Clause 1.2.3, the Commission shall specify the Core Activities and the timeframe for the Body to commence operation of the Core Activities (with such operation to be in accordance with the requirements specified by the Commission and the Regulatory Arrangements, as the case may be).
- 1.2.7 The Commission may specify activities, in addition to its Core Activities, which the Body will be permitted to undertake. The Body shall be required to obtain the express approval of the Commission prior to undertaking any activities, which shall be subsequently undertaken in accordance with any requirements specified by the Commission. Such activities as approved by the Commission will be Permitted Activities.
- 1.2.8 The Permitted Activities will include, but are not limited to the following:
- (i) Provision of training and support services to electrical contractors and other such parties as the Commission may direct;
- 1.2.9 The Commission may vary or amend the Core Activities and Permitted Activities from time to time and direct the Body with regard to its operation of these.
- 1.2.10 In carrying out its Core Activities and Permitted Activities, the Body shall at all times be bound by the requirements of the Regulatory Arrangements.
- 1.2.11 The Commission may also direct the Body to desist from undertaking certain activities, even those previously approved and including any of the Core Activities and/or Permitted Activities. The Body shall be required to comply with any such direction/requirement within such reasonable timeframe and notice as may be specified and/or provided by the Commission (such notice period may not apply in instances where the Commission determines that, in the interests of public safety and/or in the interests of protecting the credibility of the Regulatory System, immediate cessation of any such activities is considered appropriate).
- 1.2.12 The Body, in carrying out its Core Activities and Permitted Activities, shall be required to operate in a reasonable, fair, consistent, timely, efficient and effective manner.
- 1.2.13 The Body, pursuant to the Designation Conditions and the Act, shall not:
- (i) act in the capacity of a trade association;

- (ii) perform any representative function on behalf of any persons working in the electrical industry;
- (iii) engage in electrical contracting or consultancy work; and/or,
- (iv) provide any other products or services, which could compromise the confidentiality, objectivity or impartiality of its Registration or Certification processes and decisions.

### **1.3 Legal Requirements and Confidentiality**

- 1.3.1 The Body shall adhere to and be compliant with all relevant legislation pertaining to its functions, activities and operations, insofar as applicable to it and its operations. Without prejudice to the generality of the foregoing, such legislation includes, inter alia:
- (i) The 1999 Act;
  - (ii) The Data Protection legislation;
- 1.3.2 The Body shall have adequate arrangements consistent with applicable laws to safeguard confidentiality of the information obtained in the course of it carrying out its Core Activities and Permitted Activities. Where the law requires information to be disclosed to a third-party, the party to whom the information concerned relates shall be informed of the information provided as permitted by the law.
- 1.3.3 For the avoidance of doubt, for the purposes of the Data Protection legislation, the Commission is “data controller” in relation to personal data relating to the Core Activities and the Body is “data processor” in that regard. The Body shall ensure that it gives legal effect to these arrangements in drafting and operating its procedures, policies, agreements, etc. and in soliciting, obtaining and storing information on its Core Activities.
- 1.3.4 For the avoidance of doubt, where required by the Commission to do so, the Body shall disclose to the Commission (or any other third party as the Commission may direct), such information relating to its Core Activities and the RECs registered with it as may be directed by the Commission.

### **1.4 Policies and Procedures of the Body**

- 1.4.1 The Body shall have statements of policy and procedures relating to all of its Core Activities and procedures pursuant to the Regulatory Arrangements and any other legal obligations arising from legislation.
- 1.4.2 The Body shall prepare the following documentation in accordance with the requirements specified in this Criteria Document and/or as may furthermore and otherwise be specified by the Commission:
- (i) Application Procedure;
  - (ii) Registration Decision procedure ;
  - (iii) Registration renewal procedure;

- (iv) Rules of Registration;
- (v) Risk Monitoring System;
- (vi) Performance Marking Scheme;
- (vii) Inspection Procedure;
- (viii) Audit Procedure;
- (ix) Disciplinary Process in accordance with Section D of this Criteria Document;
- (x) Suspension and Revocation Procedures;
- (xi) Customer Charter;
- (xii) the Register; and
- (xiii) Complaints Procedures.

These documents shall all be subject to the approval of the Commission and any changes to such documentation shall be subject to the approval of the Commission.

The Commission may direct the Body with regard to any changes to be made to this Criteria Documentation from time-to-time.

The Body may be Audited with respect to its compliance in operating with such approved documentation/procedures/policies.

1.4.3 In addition to the requirements of Clause 1.4.2 and Section 5, the Body shall make publicly available (through publications, electronic media or other means, including further to a direct request by any party), updated at regular intervals, the following:

- (i) information about the authority under which the Body operates;
- (ii) a documented statement of its systems for Registration, Certification, Inspection and Audit, monitoring and disciplining parties registered with it;
- (iii) a description of the means by which the organisation obtains financial support and general information on the fees charged to registered members for Registration or Certification services;
- (iv) a description of the rights and duties of RECs, including requirements, restrictions or limitations on the use of the Brand and on the ways of referring to the Registration granted; and,
- (v) information about procedures for handling complaints, appeals and disputes.

1.4.4 In the preparation of any documentation pursuant to this Criteria Document, the Body shall refer to the requirements concerning same as specified through the Regulatory Arrangements.

## 1.5 Record-keeping and Documentation

1.5.1 The Body shall have an information management system in place to ensure that records are properly kept and maintained in relation to the requirements as set out through the Regulatory Arrangements. These would include, but are not limited to, the following:



- (i) a full record of each application for Registration received and processed;
- (ii) records of the REC's insurance cover, which shall show that it is both valid and does not breach the Regulatory Arrangements;
- (iii) records of Inspections, Audits and non-compliance reports relating to RECs and follow-up actions;
- (iv) all disciplinary matters relating to an REC; and
- (v) Certificates received by the Body and validated.

1.5.2 The Body shall ensure that it has in place adequate systems for record keeping and documentation management and shall ensure that the database system for the recording of Certificates shall be fit for purpose and shall include search, query and report functions as part of its core functionality.

1.5.3 The database system shall, at a minimum, have the capability to track and report with respect to the operation of its Core Activities and Permitted Activities and, specifically, Certification on the basis of:

- (i) the REC issuing the certificate; and
- (ii) the meter point registration number (MPRN) associated with the Certification.

and any other features or capabilities as specified by the Commission.

1.5.4 The Body shall establish and maintain procedures to control all documents and data that relate to its Core Activities. These documents shall be reviewed and approved for adequacy by the Commission prior to issuing any documents following initial development or any subsequent amendment or change being made.

1.5.5 A listing of all appropriate documents with the respective issue and/or amendment status identified shall be maintained.

1.5.6 The distribution of all such documents shall be controlled to ensure that the appropriate documentation is made available to personnel of the Body or RECs, as the case may be, when they are required to perform any function relating to the Body's Core Activities, Permitted Activities and/or the Regulatory Arrangements.

## 1.6 Systems and Accreditations

1.6.1 The Body shall have in place a fit-for-purpose Quality Management System for facilitating it in meeting the requirements specified in Section 1.5 above and this Section.

1.6.2 The Body shall meet such other requirements relating to:

- (i) accreditation and certification with external parties;
- (ii) the adoption of best practice;
- (iii) the adoption of and/or compliance with standards; and

- (iv) other ancillary requirements.

as may be directed by the Commission from time to time.

- 1.6.3 The Body shall have in place suitable arrangements with respect to its IT and data control/storage facilities in order to ensure that these are reasonably robust, secure and that any data held by the Body further to it undertaking its Core Activities is reasonably protected from theft/loss/damage. Such arrangements shall have due regard for business continuity arrangements as considered appropriate by the Body or as may otherwise be specified by the Commission.

## **1.7 Financial and Insurance Requirements**

- 1.7.1 Any financial requirements of the Body will be confirmed through the Designation Conditions.
- 1.7.2 The Body shall have the financial stability and resources required for the operation of its Core Activities which shall be carried out in accordance with Clause 1.2.2.
- 1.7.3 The fees and charges imposed by the Body relating to its functions and services further to carrying out its Core Activities shall be subject to review and approval by the Commission.
- 1.7.4 For the avoidance of doubt, the treatment of the costs and revenues from the operation of its Core Activities shall not be used to subsidise any Permitted Activities undertaken by the Body and the financial aspects of its Permitted Activities shall be treated separately from those of its Core Activities.
- 1.7.5 The Body shall maintain insurance in accordance with the requirements specified by the Commission in the Designation Conditions.
- 1.7.6 The Body shall also prepare, maintain and present its accounts in accordance with the requirements specified by the Commission in the Designation Conditions.

## **1.8 Personnel**

- 1.8.1 The Body shall ensure that there are appropriate resources available and in place to carry out its functions as set out through the Regulatory Arrangements, including the approved Inspection and Audit Programme of the Body (required further to Section B.3.1).

- 1.8.2 The Body shall employ a sufficient number of personnel having the necessary education, training, technical knowledge and experience for performing Registration and Certification functions relating to the type, range and volume of work performed, under a responsible senior executive.
- 1.8.3 The personnel of the Body shall be competent for the functions they perform and shall meet the requirements specified through the Regulatory Arrangements.
- 1.8.4 Information on the relevant qualifications training and experience of each staff member of the Body involved in the Certification, Registration, Inspection, Audit and evaluation processes shall be maintained by the Body. Records of training and experience shall be kept up to date.
- 1.8.5 Clearly documented instructions shall be available to the personnel describing their duties and responsibilities. These instructions shall be maintained up to date.
- 1.8.6 The Body shall require its personnel to comply with the rules specified by the Body, which shall include appropriate provisions relating to confidentiality and shall include an obligation for parties engaged by the Body to be independent from commercial and other interests (including any party registered with the Body), unless as may otherwise be excepted/approved by the Commission.
- 1.8.7 Inspections of electrical installations which have been carried out by RECs, as outlined in this Section B, shall only be carried out by a person or persons engaged by the Body as an Inspector and who meet the requirements set out in Section B.3.3 of this Criteria Document.
- 1.8.8 Audits of RECs may be carried out independently of electrical installation Inspections and may be carried out by administrative staff of the Body.

## **1.9 Direction from the Commission and Audit/Inspection**

- 1.9.1 The Body shall comply with any directions or determinations made by the Commission pursuant to the Regulatory Arrangements.
- 1.9.2 The Body shall be Audited with respect to its compliance with the Regulatory Arrangements and shall comply with the requests of Auditors, Commission, Authorised Officers and Inspectors appointed by the Commission in that regard.

## **1.10 Co-Ordination and Co-Operation with Other Bodies**

- 1.10.1 The Body shall co-ordinate and co-operate with any other Bodies in carrying out its Core Activities and Permitted Activities and as may otherwise be directed by the Commission.
- 1.10.2 The Body shall comply with any requirements specified by the Commission, including the type and levels of interaction with other parties, in relation to the commencement of its Core Activities and Permitted Activities, receipt of data, records, system interfaces and other such requirements as specified.

## **2 FUNCTIONS RELATING TO RECS**

### **2.1 Categories of Registration**

- 2.1.1 The following are the categories of Registration with the Body:
- 1) Registered Electrical Contractor;
  - 2) Registered Associate Contractor; and
  - 3) Registered Specialist Contractor.
- 2.1.2 For the purposes of this Criteria Document, the terms “Registered Electrical Contractor” or “REC” shall be deemed to refer to all the categories of Registration referred to above, unless otherwise stated.
- 2.1.3 The Commission may provide for other categories of Registration as it sees fit and as may be required in order to support the initial operation of the Regulatory System.

### **2.2 Body’s Procedure for dealing with Applications for Registration**

- 2.2.1 The Body shall have a documented procedure covering the requirements for Registration, the processing of applications for Registration and specifying the Body’s evaluation criteria to be applied to the assessment of an Applicant and the process to be used when dealing with applications for the various categories of Registration (“Application Procedure”).
- 2.2.2 The Body shall ensure that this Application Procedure and the evaluation criteria shall comply with the requirements specified further to Section B.2.6 of this Criteria Document.
- 2.2.3 The Body may make separate provisions relating to an Application Procedure where such application involves the transfer of Registration from any other Body to it and this shall be in accordance with the “Common Procedure No. 4 – Transfer of Registration”.
- 2.2.4 The Application Procedure shall include the timeframe for reviewing and processing applications and shall include a schedule of fees for Registration.
- 2.2.5 The Body shall publish a “registration application form” and the associated procedure for applying for Registration.
- 2.2.6 The Body’s published documentation in this regard, and its Application Procedure shall also take account of the requirements set out in Section C of this Criteria Document.

## **2.3 Evaluation and Decision on Registration**

- 2.3.1 The Body shall evaluate each Application in accordance with the Application Procedure.
- 2.3.2 In making its decision on whether or not to grant Registration to an Applicant, the Body shall remain fair and impartial at all times.
- 2.3.3 The Body shall, when evaluating an Application, take cognisance of any information relating to the Applicant's previous experience in the electrical contracting industry.
- 2.3.4 As part of its evaluation process, the Body shall consult with any other Body concerning the Applicant.
- 2.3.5 The Body shall not register the Applicant if that Applicant is registered with another Body, notwithstanding the requirements of the "Common Procedure No. 4 – Transfer of Registration".
- 2.3.6 The Body shall consider the disciplinary record/history of an Applicant who has been previously registered with it, or any other Body, when evaluating the Application for Registration.
- 2.3.7 The Body shall not register an Applicant who is undergoing a disciplinary process with any other Body.
- 2.3.8 The Body shall not register an Applicant, who has had its Registration with that Body, or another Body, revoked, or whose Registration is currently suspended, without the prior approval of the Commission.
- 2.3.9 The Body shall provide a written response to each Applicant informing them of the decision made within 7 calendar days of the making of its decision on the Application.
- 2.3.10 The Body shall not refuse Registration to an Applicant who meets the evaluation criteria as specified by the Body and as set out through the Regulatory Arrangements.
- 2.3.11 In the event that an Application is rejected because of failure to meet any of the Evaluation Criteria, the Body shall include in its written response to the Applicant an explanation setting out the grounds for the rejection.
- 2.3.12 The Body shall have in place a procedure for the making of an appeal (of the decision of the Body to reject the Application) to the Body in the first instance ("Registration Decision Appeal Procedure").

- 2.3.13 The Body, in making its determination on the Registration Decision Appeal, and where the original decision to reject the application for Registration is upheld by the Body, shall inform the Applicant that the Body's decision on the Registration Decision Appeal may be appealed to the Commission.
- 2.3.14 Such appeals shall be in accordance with the procedure to be specified by the Commission and the Commission's determination on this matter shall be final and the Body and the Applicant shall be bound by same.

## **2.4 Granting of Registration**

- 2.4.1 Where the Body decides to grant Registration to the Applicant, in confirming that Applicant as an REC, the Body shall issue it with a Registration Number. The numbering schemes with respect to this Clause 2.4.1 shall be in accordance with any requirements specified by the Commission.
- 2.4.2 The Body shall update its Register accordingly.
- 2.4.3 In granting Registration, the Body shall provide the REC with documentation to act as confirmation of its registered status. The Body shall provide, to each REC, formal Registration documents such as a letter, identification card and a Certificate of Registration. These formal Registration documents shall permit identification of the following:
- (i) the name and address of the REC;
  - (ii) the Registration class granted;
  - (iii) the effective date of Registration; and,
  - (iv) if applicable, the term of Registration.
- 2.4.4 The Body shall arrange for Inspections and Audits in relation to the newly registered REC in accordance with the requirements of Section 3.1 of this Criteria Document (Inspection and Audit Programme).
- 2.4.5 In the event that the Body grants Registration to an Applicant who was previously registered with any other Body, then that REC's previous record (which may include decisions or determinations in relation to disciplinary matters and the Risk Monitoring and Performance Marking Schemes, further to the requirements of this Section B of this Criteria Document) shall transfer to, and shall stand with, the Body with whom the REC is being registered.
- 2.4.6 The Body shall have a procedure for the renewal of Registration of RECs on an annual basis (Registration Renewal Procedure).
- 2.4.7 The Registration Renewal Procedure shall include, but shall not be limited to, requirements to be placed upon the REC seeking to renew its Registration with regard to:
- (i) The payment of a fee for renewal of Registration;

- (ii) The provision of evidence relating to compliance with the insurance requirements imposed further to Section C of this Criteria Document;
- (iii) The provision of any updated material information upon which the original Registration of the REC was granted; and,
- (iv) The provision of a declaration with regard to an undertaking to be bound by the Body's Rules of Registration.

2.4.8 The Registration Renewal Procedure shall be subject to the approval of the Commission.

## **2.5 Grant of Entitlement to Self-certify**

2.5.1 In granting Registration, the Body shall arrange that its Inspection and Audit Programme, as required under Section 3.3, takes into account the requirements as specified under that section, relating to the Inspection of newly registered RECs.

2.5.2 The Body may, following the Registration of an REC and following evaluation of the REC further to the Inspections as set out in Section 3, grant the REC the entitlement to self-certify electrical works.

2.5.3 The Body shall only grant such entitlement once it is satisfied that the REC has, in the Body's opinion, adequately demonstrated its capabilities and is a responsible party who should be entitled to self-certify electrical works. The criteria for be used for the purposes of this Clause 2.5.3 shall be specified by the Body and shall be subject to the approval of the Commission.

2.5.4 In granting the entitlement to self-certify, the Body shall recognise that each Qualified Certifier engaged by the REC, in compliance with the requirements specified further to the Criteria Document, shall be entitled to certify electrical works on behalf of the REC in accordance with the requirements of the Criteria Document and the Technical Rules.

2.5.5 Where granted by the Body, the entitlement to self-certify is an entitlement which is granted at the discretion of the Body and may be withdrawn by the Body. In such instances, the Body shall notify the REC of its decision and the reason for its decision.

## **2.6 Rules of Registration**

2.6.1 The Body shall develop its own Rules of Registration. These Rules of Registration shall be subject to the approval of the Commission. These Rules of Registration shall be subject to revision from time-to-time, as deemed appropriate by the Body or the Commission, and any changes to same shall be subject to the approval of the Commission.



- 2.6.2 The Rules of Registration shall be those rules that the Body imposes upon an REC upon the commencement of, and for the duration of, their Registration.
- 2.6.3 These Rules shall be supplemental to, and consistent with, the requirements set out in this Criteria Document.
- 2.6.4 The Body shall make it a condition of Application that the Applicant expressly agrees, in applying for Registration, should they be Registered, to be bound by the Body's current Rules of Registration and that this is a condition for maintaining their Registration. This shall be indicated clearly in the Application form and the Body's current Rules of Registration shall form an appendix to the Application form.
- 2.6.5 Compliance with the most recently published version of the Rules of Registration shall be a condition of an REC's Registration.
- 2.6.6 The Rules of Registration shall include a requirement for the REC to comply with the Regulatory Arrangements in so far as they are applicable to it.
- 2.6.7 In particular, the Rules of Registration shall provide that an electrical contractor applying to be registered with the Body is, by signing its application, providing its consent to the disclosure by the Body of all data collected in relation to its application and subsequent membership with the Body to the Commission and to such other third parties as the Commission may direct.
- 2.6.8 The Body shall publish its Rules of Registration and shall make a copy of these available to any party requesting same.
- 2.6.9 The Body shall provide its Rules of Registration to any party seeking Registration as an appendix to the Application Form.
- 2.6.10 Where a party becomes an REC, the Body shall furnish the REC with a copy of its Rules of Registration.
- 2.6.11 The Body shall take all reasonable measures to inform the REC and any other parties of the obligations placed on an REC further to the Rules of Registration and the Regulatory Arrangements and shall take all such reasonable measures to inform any affected party of any changes to same in a timely manner.

## **2.7 Training and Competence**

- 2.7.1 The Body shall have an appropriate system in place to monitor, on an on-going basis, the compliance of RECs with the requirements of Section B.1.2 of this Criteria Document regarding the requisite levels of training and competence for a Qualified Certifier and any other parties engaged by the REC for electrical installation works on its behalf.
- 2.7.2 This system shall be documented and subject to approval and Audit by the Commission.
- 2.7.3 The Body shall have in place a system for providing training to RECs (and other relevant parties) in order that they are kept up to date with installation and testing procedures, with changes in the Technical Rules, and to meet such other training requirements as may be deemed appropriate by the Body and approved by the Commission. This shall be a Permitted Activity of the Body (further to Section B.1.2).
- 2.7.4 In the provision of such training, the Body shall ensure that the training courses and trainers are in compliance with any requirements specified by the Commission.

### **3 INSPECTION AND AUDIT**

#### **3.1 Annual Inspection and Audit Programme**

- 3.1.1 The Body shall present to the Commission, for its approval, an Audit and Inspection Programme (“the Programme”).
- 3.1.2 This Programme shall be submitted in accordance with the timeframe specified by the Commission.
- 3.1.3 This Programme shall detail the Body’s plan with respect to the number of Inspections and Audits to be carried out by the Body and the basis (risk-based) for determining the frequency with which an REC shall be Audited and inspected and shall be informed by the requirements of Section 3.2 (Risk Monitoring System for RECs).
- 3.1.4 In submitting the Programme for the approval of the Commission, the Body shall present its justification on its proposed risk-based approach and demonstrate it has the capacity for resourcing the Programme and that such resources will be deployed in an effective and efficient manner.
- 3.1.5 The Programme shall give details of the Body’s planned Audit and Inspection programme of RECs for the upcoming 12-month period, or such other period as may otherwise be specified by the Commission.
- 3.1.6 The Programme must demonstrate that it:
- (i) covers a reasonably representative cross-section of the various categories of REC;
  - (ii) covers a representative range of installation types;
  - (iii) was developed using a risk-based approach;
  - (iv) meets any targets determined by the Commission; and
  - (v) represents an effective and efficient use of the Body’s Inspection resources.
- 3.1.7 The Commission will assess the Programme and may request any changes it deems necessary to be made.
- 3.1.8 The Programme should include provisions for planned Audits and/or Inspections as a result of complaints or other information, and re-visits to check on corrective actions as a result of previous Inspections and/or Audits.
- 3.1.9 The Programme shall provide for additional unannounced Inspections to be carried out on RECs.

3.1.10 The Audit and Inspection frequency as set out in the Programme shall be further to the Risk-Monitoring System required by Section 3.2. However, at a minimum, the Programme shall provide for the following with respect to the different categories of REC (unless otherwise approved/determined by the Commission):

- *For full RECs* – at a minimum, one (1) Inspection per annum of their work in carrying out a Regulated Work;
- *For new<sup>1</sup> RECs:*
  - *Where such party has not been previously registered with the Body* - at a minimum, three (3) Inspections in the first six months shall be carried out. The Body shall not authorise that a new REC may commence to certify works (i.e. grant to them the entitlement to self-certify works) unless that REC has first successfully passed those three Inspections and complied with any requirements specified further to those Inspections.
  - *Where such party has been previously registered with the Body and/or has the requisite prior experience (as determined by the Body)* the Body may grant the entitlement to self-certify but shall ensure that, at a minimum, one (1) Inspection is carried out within the first six months of Registration with that Body, subject to the Risk-Monitoring System of the Body (see Section 3.2) and the application of same in light of the RECs previous disciplinary record (see Section 2.4.5).

## 3.2 Risk Monitoring System for RECs

- 3.2.1 The Body shall put in place a system to provide for a risk-based approach to its Audit and Inspection Plan.
- 3.2.2 The assessment of risk will be based primarily on the performance of an REC as determined further to Audit and Inspection.
- 3.2.3 The Body shall consider the record of an REC with respect to the outcome of previous Inspections and Audits.
- 3.2.4 This system will be common to all Bodies designated by the Commission and shall be based around the “Performance Marking Scheme” as specified in Section 3.4.

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<sup>1</sup> For example: an organisation that is newly registered with the Body and which has not been previously granted the entitlement to self-certify.

- 3.2.5 This system shall conform to any requirements specified by the Commission.
- 3.2.6 The Body may impose higher Registration fees or direct Inspection fees/charges on RECs which require a higher level of monitoring (Inspection/Audit) on the basis of the increased costs associated with such higher levels of monitoring. This shall be subject to the approval of the Commission in accordance with the requirements of Section B.1.7 of this Criteria Document.

### **3.3 Inspection and Audit Personnel**

- 3.3.1 Further to the requirements specified in Section 1.8 (Personnel) and Section 3.1 (Annual Inspection and Audit Programme), the Body shall engage a sufficient number of individuals for the purposes of carrying out Inspections and Audits as required by this Criteria Document, the approved Inspection and Audit Programme and in accordance with such other requirements as may be specified by the Commission.
- 3.3.2 The Body shall have a procedure for selecting Inspectors and Audit personnel and this procedure shall select such parties on the basis of their competence, training, qualifications and experience (further to the requirements of Clause 3.3.5 below).
- 3.3.3 Inspections of electrical installations which have been installed by RECs, as outlined in this section, may only be carried out by a person engaged by the Body as an Inspector and who meet the requirements set out in this Criteria Document.
- 3.3.4 Audits of RECs may be carried out independently of electrical installation Inspections and may be carried out by administrative staff of the Body.
- 3.3.5 The qualifications required for appointment as an Inspector shall be documented by the Body and should include:
- (i) Technical qualifications not less than those of an electrician. (e.g. National Craft Certificate recognised by FETAC or equivalent plus recognised apprenticeship as an electrician);
  - (ii) Experience of or responsibility for electrical installation work for not less than three years;
  - (iii) Fully conversant with:
    - a. the Technical Rules;
    - b. the Building Regulations;
    - c. Health and Safety legislation as appropriate;
    - d. the DSO's "National Code of Practice for Customer Interface"; and,

- e. any such other relevant legislation, standards and documentation as may be specified by the Body or the Commission.
- (iv) Successful completion of a Safe Pass and Manual Handling Courses (and renewals as required);
- (v) Qualified on a recognised “Verification and Certification Course”. This qualification shall have been awarded in the three (3) years prior to appointment and the Inspector shall be required to successfully complete this course every three (3) years; and,
- (vi) such other qualifications/accreditations, as the Commission may determine, within such timeframe as may be specified.

3.3.6 With respect to parties carrying out Audits on behalf of the Body, such personnel should have completed an Audit course run by a suitable accrediting body.

### **3.4 Procedure for Inspection and/or Audit**

- 3.4.1 The Body shall produce, in accordance with the requirements of this Section and this Criteria Document, procedures for Inspection and Audit.
- 3.4.2 The Body or its Inspector or Auditor shall, if so requested by an REC at the time of an Inspection or Audit, make available its published procedures for the carrying out of Inspections and Audits, further to the requirements of this Section 3.4.
- 3.4.3 In the event that an Inspector is denied access to any site for the purposes of implementing the Body’s Inspection and Audit Programme, or as may otherwise be required by the Body or the Commission (further to the review of a Complaint or the operation of a Disciplinary Process), the Body will have the opportunity to request the Commission to appoint an Authorised Officer in order to support the Body/Inspector in gaining access to the site and the carrying out of the Inspection/Audit. Any such actions in that regard shall be further to the provisions of Section F of this Criteria Document and pursuant to the requirements of the Act.

#### ***Inspection Procedure***

- 3.4.4 At a minimum, the Inspection Procedure shall provide for the Inspection of electrical installation work carried out by the REC or any other party engaged by the REC, as well as tools and equipment, and shall include, at a minimum, scrutiny/consideration of the following:

- (i) the type of tests and/or Inspections that an inspector could carry out/witness;
- (ii) expected results and/or level of conformance required for each type of test/ Inspection;
- (iii) means by which these results would be recorded (e.g. test record sheet), standardised Inspection report form, etc.;
- (iv) type of data which the inspector must record in his report;
- (v) the competency of parties engaged by the REC for the purposes of carrying out electrical works;
- (vi) "Performance Marking Scheme" for determining an appropriate corrective action and the timeframe for its completion in the case of non-conformances identified. This Performance Marking Scheme shall be in accordance with the requirements of the Commission and shall be common to all Bodies; and
- (vii) reporting procedures concerning the Inspection.

3.4.5 The Inspection shall be sufficient to establish that the installation, and the REC, complies with the Technical Rules and the Regulatory Arrangements.

### ***Audit Procedure***

3.4.6 At a minimum, the Audit Procedure shall provide for the review and assessment of records and/or documentation required to be held under Section C of this Criteria Document, or that specified by the Commission or the Body from time to time.

3.4.7 The Audit Procedure shall include, but shall be not limited to, a review of the following records and documentation of the REC:

- (i) the qualifications and training records of Qualified Certifiers engaged by the REC;
- (ii) copies of issued Certificates and other Certification/declaration documentation and the associated Subsystem Certificates and Test Record Sheets with any such Certification/documentation;
- (iii) the calibration records for test equipment;
- (iv) Insurance certificates; and
- (v) the records of all complaints received and corrective and follow up action taken in relation to the complaint.

3.4.8 The Audit Procedure shall furthermore include a "Performance Marking Scheme" for determining an appropriate corrective action and the timeframe for its completion in the case of non-conformances identified. This Performance Marking Scheme shall be in accordance with the requirements (further to Section B.3.2 of this Criteria Document (Risk-Monitoring System for RECs) and shall be common to all Bodies.

3.4.9 The Audit shall be sufficient to establish that the REC complies with the Technical Rules and the Regulatory Arrangements.

### ***Notice of Inspection and/or Audit***

- 3.4.10 In the case where an Audit is being carried out, this may be done in conjunction with an Inspection visit or independently.
- 3.4.11 The Body has the entitlement to carry out an announced or unannounced Inspection.
- 3.4.12 Where the Body is carrying out an announced Inspection and/or Audit, it shall provide at least 7 working days written notice to the REC of the requirement to submit to an Inspection of work and/or Audit. The Notice shall specify the time, date and location of the Inspection and/or Audit.
- 3.4.13 Unless the REC responds to the Body to re-arrange the Inspection and/or Audit within the timeframe specified within that Notice, then the Inspection and/or Audit shall take place as provided for in the notice.
- 3.4.14 Where an Audit is being carried out, the notice may include a list of all requested documentation which shall be made available for the purposes of the Audit.
- 3.4.15 In the case of an unannounced Inspection under Clause 3.4.11, the Body reserves the right to carry out an Inspection without any prior notice.
- 3.4.16 The Body shall provide a copy of the Inspection Procedure or Audit Procedure when requested by the REC.

### ***Inspection and Audit Reports***

- 3.4.17 There shall be a standard report form for keeping a record of observations and results from individual Inspection and/or Audit activities ("Inspection and Audit Report").
- 3.4.18 The Inspection Procedure and Audit Procedure shall ensure that an Inspection and Audit Report is completed for each Inspection and/or Audit carried out on an REC.
- 3.4.19 The Inspection Procedure and Audit Procedure shall require that the REC is made aware in writing of the result of that Inspection/Audit and of any corrective actions that they must carry out as a consequence ("Non-Conformance Notice").
- 3.4.20 The Non-Conformance Notice must also set out the timeframe for the completion of any actions and the notification of the same to the Body/Inspector.



### **Notice of Unsafe Works**

- 3.4.21 Where the Inspector, further to the Inspection of work, discovers what he/she considers to be an unsafe installation that Inspector shall inform the customer or the person responsible for the premises/installation and the REC, by immediately issuing a “Hazard Notice”.
- 3.4.22 The Inspector shall provide a copy of the Hazard Notice to the customer and the REC.
- 3.4.23 The Inspector shall also affix a copy of the Hazard Notice upon the unsafe installation together with a clearly visible warning sign.
- 3.4.24 The Hazard Notice shall specify the following:
- (i) the reason that the Hazard Notice has been issued;
  - (ii) the nature of the unsafe works/installation/situation;
  - (iii) advice that the installation should not be touched by persons other than an REC; and,
  - (iv) advice that the customer should contact an REC as soon as possible in order to ensure that the necessary remedial actions are undertaken.
- 3.4.25 The Inspector shall inform the Body of any such circumstances immediately and the Body shall advise the DSO of the relevant details of the situation.
- 3.4.26 In addition to a Notice of Hazard, as referred to above, where the Inspector is of the view that, having encountered or being presented with direct evidence that an electrical installation could reasonably give rise to an immediate and serious threat to health and safety should it be, or remain to be, energised, he/she shall issue an “Emergency Works Notice”.
- 3.4.27 The Inspector shall issue an Emergency Works Notice to the customer and the REC and, in so doing, shall arrange for the de-energisation of the installation concerned in accordance with Common Procedure No.5. The Emergency Works Notice shall specify the following:
- (i) that, in the view of the Inspector, the works poses an immediate danger to health and safety and the reasons therefor;
  - (ii) that the installation has been de-energised in the interests of health and safety and the Inspector is authorised to do so;
  - (iii) that an REC should be instructed to carry out emergency remedial works;

- (iv) that the installation should not be re-energised until such time as remedial works have been carried out by an REC and, further to same and the requirement of Common Procedure No. 1 – Certification, the installation is certified as being in compliance with the Technical Rules;
- (v) that to re-energise the installation against the advice listed above may result in injury or death; and
- (vi) that the DSO is to be immediately notified of the details pertaining to the present situation.

3.4.28 The form of the “Notice of Hazard” and “Emergency Works Notice” shall be common to any Bodies designated and shall be subject to the approval of the Commission. These Notices shall also include statements protecting the Inspector, the Body and the Commission from any liability arising from the unsafe situations for which they are issued.

3.4.29 With respect to the above, the Inspector shall at all times act reasonably and prudently in order to protect health and safety with respect to electrical installations inspected by them in the course of their duties whilst having due regard to the consequences of any action to de-energise an installation.

3.4.30 Any such actions with regard to this Section shall be further to, and in accordance with, the “Common Procedure No. 5 - Enforcement”.

3.4.31 In the event that the Body, further to an Inspection carried out, discovers material breaches of the Technical Rules or the Regulatory Arrangements, the Body shall, in addition to taking appropriate actions relating to the particular installation concerned and the REC who carried out such works, take reasonable measures, as deemed necessary to ascertain the safety of any previous works that were carried out by that REC.

### **3.5 Reports on Inspection and Audit Programme to the Commission**

3.5.1 The Body shall maintain a full record of all Inspections and Audits carried out by it.

3.5.2 The Body shall report to the Commission on a quarterly basis (or as otherwise specified by the Commission) on its progress against the approved Inspection and Audit Programme and the results of same.

3.5.3 In addition, the Body shall submit an “Annual Inspection and Audit Programme Performance Report” to the Commission.

- 3.5.4 The report required further to this Section 3.5 shall include details of the number of Inspections and Audits, the frequency of same and an analysis of the problems found, follow up actions taken and trends with respect to the performance of RECs. These reports shall be in the form specified by the Commission.
- 3.5.5 The Body's experience with respect to the operation of its Inspection and Audit Programme, and the Annual Inspection and Audit Programme Performance Report shall inform the "risk-based" approach for the Inspection and Audit Programme for the following year. The Body shall also take into account the views of the Commission and information provided by any other Body with regard to its Inspection and Audit Programme in determining this "risk-based" approach.

### **3.6 Other Reports**

- 3.6.1 The Body shall, in considering the outcomes of the Inspections and Audits carried out on its behalf, advise its RECs, the Commission and other such relevant parties as to any identified safety concerns relating to the standards of installation work, type of installation, installation materials and equipment (quality and use) and such other matters which are deemed relevant in the interests of safe electrical installation work.
- 3.6.2 This report further to Section B.3.6.1 above shall relate to the functions and duties of the Body under Section B.5.4 of this Criteria Document (Public Awareness) and the Body shall take such other measures with respect to publicising such matters as may be agreed with the Commission.

## **4 CHANGES TO REGISTRATION STATUS OF AN REC**

### **4.1 Suspension or Revocation of Registration**

4.1.1 Further to the definition provided in Section A Part 5 of the Criteria Document, for the purposes of this section and for the avoidance of doubt:

- (i) “Suspension” refers to the suspension of the Registration status of an REC. Such suspension will include the removal of the REC’s details from the Register (put in place by the Body further to Section 5.2) and the withdrawal of that REC’s entitlement to self-certify electrical works for the period of time specified by the Body and, for the avoidance of doubt, the REC shall have the entitlement for its details to be reinstated by the Body upon its Register within five (5) days of the expiry of that period of time specified; and
- (ii) “Revocation” refers to the Revocation of Registration of the REC, the loss of all benefits associated with the status of REC and the removal of that contractor’s details from the Register on a permanent basis.

4.1.2 The Body shall, in accordance with Section D of this Criteria Document (Disciplinary Process), have documented procedures for Suspension of Registration and Revocation of Registration and/or for the withdrawal of self-Certification privileges (Suspension and Revocation Procedures), which shall include specifying the reasons for, and notice of, the Suspension of Registration or Revocation of Registration and, in the case of Suspension of Registration, the duration of any such Suspension of Registration.

4.1.3 These Suspension and Revocation Procedures shall also specify the procedures of the Body to be operated with respect to the voluntary Suspension of Registration or De-registration of an REC (i.e. further to the request of an REC).

4.1.4 These Suspension and Revocation Procedures shall be subject to approval by the Commission and shall be made available on the Body’s website and shall be issued by the Body to any REC subject to any such procedure.

### **4.2 Notification and Other Requirements – Withdrawal of Self-Certification Entitlement of an REC**

4.2.1 In circumstances where the Body withdraws the entitlement to self-Certification from an REC, the Body is required to:

- (i) notify the REC of the fact it is no longer entitled to self-certify electrical works, and that any and all Qualified Certifiers, who at the time are carrying out the work of the REC, are no longer entitled to self-certify works;
- (ii) confirm the above in writing to the REC concerned (by registered letter or equivalent) and specify the consequences of same;
- (iii) notify, without delay, the Commission, other Bodies and the DSO of the details of the REC concerned; and
- (iv) in so far as is practicable, ensure that:
  - 1) all unused Certificates are recovered from the REC; and,
  - 2) provide that such Certificates issued after the date from which the REC's entitlement to self-Certification ceases shall be deemed to be invalid and rejected.

4.2.2 Where the entitlement to self-Certification has been restored, the other Bodies, the Commission and the DSO shall be advised without delay.

### **4.3 Notification and Other Requirements – Suspension or Revocation of the Registration of an REC**

4.3.1 In circumstances where the Body de-registers a REC (i.e. removes a REC's details from the Register), further to the Suspension of Registration or Revocation of Registration of the REC, the Body shall:

- (i) confirm the above in writing to the REC concerned (by registered letter or equivalent) and specify the consequences of same;
- (ii) notify, without delay, the Commission, other Bodies and the DSO of the de-registered contractor's details and the reason for De-Registration;
- (iii) remove, without delay, the details of that party from the Register;
- (iv) in so far as is practicable, ensure that:
  - 1) the REC's identification card is returned;
  - 2) all unused Certificates are recovered from the REC; and
  - 3) provide that any Certificates, as issued after the date from which the REC's De-Registration becomes effective, will be deemed to be invalid and rejected; and
- (v) comply with requirements set out in Section B.5 of this Criteria Document (Functions Relating to the Public).

## **5 FUNCTIONS RELATING TO THE PUBLIC**

### **5.1 Customer Charter**

- 5.1.1 The Body shall, in a form approved by the Commission, develop, publish, make available, adhere to and keep up to date a Customer Charter, in respect of:
- (i) RECs;
  - (ii) Customers;
  - (iii) Third Parties; and,
  - (iv) the general public.
- 5.1.2 The Customer Charter shall set out statements regarding the level of service each of the above parties can expect from the Body and that such services shall be delivered in a fair, consistent and timely manner.
- 5.1.3 The content of the Customer Charter shall be reviewed by the Body at least annually and shall be approved by the Commission.
- 5.1.4 The Body shall report to the Commission annually on the levels of service achieved in accordance with the requirements for such reports as specified by the Commission.

### **5.2 Publication of a Register of Electrical Contractors**

- 5.2.1 The Body shall publish and maintain the Register on its website and through any other such website/publication and in such manner as may be directed by the Commission from time to time.
- 5.2.2 The form and type of information published by the Body in its Register shall be subject to approval by the Commission. The Commission may issue directions as to the form and format of the Register, form/means of its publication and the details published on the Register.
- 5.2.3 The Body is required to ensure that the Register is updated and amended as soon as practicable following any changes to the list of the Body's RECs.
- 5.2.4 The Body shall make available a printed copy, or excerpt from or part thereof (as appropriate), of the up-to-date Register to any party requesting same.
- 5.2.5 This printed copy shall include statements relating to the accuracy of the information as at a specified point in time and other such relevant information as may be determined by the Body or the Commission.

- 5.2.6 The Body shall publish, in accordance with the requirements specified by the Commission, the details concerning RECs who have been de-registered further to disciplinary actions taken against them by the Body.

### 5.3 Complaints

- 5.3.1 The Body shall deal with all complaints received from RECs concerning matters associated with Registration and Certification and other such matters relating to the functions of the Body.
- 5.3.2 Any such complaints shall be dealt with by the Body in a fair, timely and consistent manner.
- 5.3.3 The Body shall have a documented procedure (“Complaints Procedures”) for processing, investigating and resolving complaints from each of the parties listed in Clause 5.1.1.
- 5.3.4 The Body shall only be required to deal with complaints in so far as they relate to:
- (i) aspects relating to the regulation of RECs by the Body;
  - (ii) the safety of the electrical installation works carried out by an REC; and
  - (iii) the operations of the Body.
- 5.3.5 The Body shall not be entitled to consider Complaints which fall outside of the circumstances described in paragraph 5.3.4, unless as may otherwise be approved by the Commission.
- 5.3.6 Where the Body receives a Complaint which falls outside the scope of paragraph 5.3.4 (in full or in part), the Body shall advise the Complainant of its role and the scope of its role with respect to the Complaint and the fact that it is not legally entitled to deal with any such Complaint or part thereof which falls outside that scope. In such cases, the Body is also required to, insofar as is reasonable, advise the Complainant of any other relevant parties who may be in a position to assist the Complainant with respect to their Complaint.
- 5.3.7 The Body shall publish a “Complaints Form” for parties making Complaints.
- 5.3.8 The Complaints Procedure shall include the timeframe for dealing with Complaints.
- 5.3.9 Any Complaints which are to be investigated shall be required to be fully documented on this Complaints Form by the Complainant. Any Complaint which may result in the commencement of a Disciplinary Procedure shall be required to be fully documented on the Complaints Form by the Complainant.

- 5.3.10 The Body shall investigate all Complaints received, subject to Clause 5.3.4 above.
- 5.3.11 The Body shall not be responsible for dealing with any Complaints relating to works of an REC registered with it where such works were carried out before the REC was registered with the Body.
- 5.3.12 In the event that the REC has registered with another Body, that Body shall be required to fully co-operate and shall assist where necessary with the Body investigating the Complaint.
- 5.3.13 Where the complaint relates to the work of an REC registered with it but to work carried out by the REC when it was registered with another Body, the Body shall notify that other Body of the Complaint and shall co-operate with that other Body in that regard.
- 5.3.14 Where the Complaint relates to an REC who is no longer registered with it, but relates to work the REC carried out whilst registered with the Body, the Body shall deal with the Complaint and shall co-operate with any other Body that the REC is subsequently registered with.
- 5.3.15 The Body's published documentation in this regard, and its Complaints Procedure, shall be subject to approval by the Commission and shall be published in conjunction with its Customer Charter.

## **5.4 Public Awareness**

- 5.4.1 The Body shall establish and maintain a website for the purposes of presenting information relating to its operation of its Core Activities to RECs and the general public. This website shall present such information, and be in such a format, as may be specified by the Commission.
- 5.4.2 The Body shall be obliged to carry out such activities relating to raising public awareness of the regulatory system, RECs and such other issues relating to the safety of electrical installations, as may be directed by the Commission from time-to-time.
- 5.4.3 The Body shall establish and maintain a website providing information to the public on its operation, functions, and the regulation of electrical contractors and other such relevant information or as may otherwise be directed by the Commission. The information published on this website may be subject to the approval of the Commission.
- 5.4.4 The Body shall be responsible for providing information to the public on the operation of the Regulatory System and dealing with enquiries from the public on electrical safety related matters.



- 5.4.5 The Body shall be required to co-operate and interact with such other parties with regard to such activities as may be determined/directed by the Commission. These may include, among others, any other Body/Bodies, the DSO and the ETCI.
- 5.4.6 The Body shall publish technical bulletins on its website and through its newsletters/reports notifying the public and the industry of any safety issues or trends identified in the course of its work.

## **5.5 Certificates as Documents of Public Record**

- 5.5.1 The Body shall ensure that it has a system in place to provide appropriate details in order to confirm the forms of Certification associated with a particular installation to any such party requesting same. This system shall be subject to the approval of the Commission and shall be in accordance with any legislative requirements placed on the Body in the handling, publication and release of information.

## **6 OTHER OBLIGATIONS**

### **6.1 Change of Contractor**

- 6.1.1 The Body shall comply with the requirements as set out under the “Common Procedure No. 3 - Change of Contractor”.

### **6.2 Certification Process**

- 6.2.1 The Body shall comply with the requirements for the Certification process as set out under the “Common Procedure No. 1 – Certification”.

### **6.3 Third Party Inspections and Certification**

- 6.3.1 The Body shall comply with the requirements for the Third Party Inspection and Certification process as set out under the “Common Procedure No.2 - Third Party Inspection”.

### **6.4 Audit by/ on behalf of CER**

- 6.4.1 The Body shall comply with all reasonable requirements relating to the Audit of the Body and its operations by the Commission and parties acting on behalf of the Commission.

### **6.5 Co-Operation with the DSO and ETCl**

- 6.5.1 The Body shall co-operate with the procedures of the DSO in respect of matters relating to:

- (i) Certification;
- (ii) Public awareness; and
- (iii) any other matters

in so far as required for the purposes of this Criteria Document or as may be directed by the Commission further to the functions and provisions of the Act.

- 6.5.2 The Body shall comply with any requirements specified by the Commission relating to the Body’s dealings with, and interaction with, the ETCl.

### **6.6 Authorised Officers**

- 6.6.1 The Body shall comply with all reasonable requirements/requests of an Authorised Officer appointed by the Commission further to the Act, or any other party acting on behalf of the Commission.

## **6.7 Appeals Officers**

- 6.7.1 The Body shall comply with all reasonable requirements/requests of an Appeals Officer appointed by the Commission further to the Act and acting on behalf of the Commission.

## **6.8 Prosecution of Offences**

- 6.8.1 The Body shall comply with any requirements specified by the Commission with respect to the prosecution of offences committed by any party under the Act.

## **6.9 Customer Protection Bond System**

- 6.9.1 The Body shall operate and be responsible for the administration of any system with respect to protecting the interests of customers who engage RECs as may be required to be established further to the direction of the Commission. This system shall relate to the provision of support to parties who have been subject to loss/damage as a result of the activities of an REC, and specifically where an REC refuses or fails to correct faults identified with their work.

## **7 REPORTING OBLIGATIONS**

### **7.1 Reporting to the Commission**

7.1.1 The Body shall be required to prepare and present reports to the Commission, including, but not limited to, the following areas:

- (i) operational performance;
- (ii) financial performance;
- (iii) annual performance;
- (iv) any activity/activities undertaken further to this Criteria Document or the Act; and/or,
- (v) the proposed strategy/recommended actions for the Body for next 12 months,

as may be directed by the Commission from time to time.

7.1.2 In the preparation and presentation of such reports, the Body shall comply with all reasonable requirements of the Commission which may be specified, the scope and content of such reports and the timeline for the preparation and presentation of same.

7.1.3 The Commission may direct the Body to publish any such reports and such reports shall only be published further to the approval of the Commission.

## **8 DE-DESIGNATION OF THE BODY**

- 8.1.1 The Body shall comply with the requirements of the Designation Conditions with respect to the process of De-Designation.
- 8.1.2 For the avoidance of doubt, the Body shall ensure that, in conducting its affairs and retaining information on its operations and information relating to RECs, there shall be full legal entitlement to pass any such information to the Commission and that such information can be released to any other Body designated by the Commission.