

# **NATIONAL ENERGY SERVICES LIMITED**

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## **SAVA Home Condition Survey Scheme Code of Practice**

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## 1. Scheme Overview

- A. Membership of the Scheme is currently by invitation only, to all active Members of the SAVA Home Inspector Certification Scheme
- B. The Scheme has been derived by, and is operated by National Energy Services Ltd. It is not a scheme created as a result of Government legislation, and must not be represented as such
- C. The Scheme is not governed by rules specified by Government legislation or Statutory Instruments
- D. Should Member's of the Scheme lose their Membership of the SAVA Home Inspector Certification Scheme, their Membership of this Scheme is automatically cancelled
- E. Home Condition Surveys produced by Members of the Scheme will be registered and lodged within the Scheme, and not within the Central Register of Home Condition Reports

## 2. Personal and Professional Standards

- A. The purpose of these rules is to set out the standards of professional conduct that are expected of Members of the Scheme so as to promote best practice, and confidence in the integrity of the Scheme and its Members
- B. Members must at all times:
  - (i) Act with integrity
  - (ii) Be honest and trustworthy
  - (iii) Be open and transparent in their dealings
  - (iv) Disclose to the Scheme any or all of the following matters:
    - (a) that they have been charged or convicted of a Criminal Offence in the UK or elsewhere,
    - (b) that they have been referred for a disciplinary hearing by another accreditation scheme or similar body,
    - (c) that a disciplinary allegation has been found proved by another accreditation scheme or similar body.
  - (v) Assist the Scheme in any disciplinary inquiry involving another Member
  - (vi) Recognise the limits of their personal competence
  - (vii) Keep their professional skills and knowledge up to date
  - (viii) Avoid using their position as a Member improperly, and comply with the rules that govern the operation of the Scheme
- C. Members must not engage in conduct that:
  - (i) Damages the reputation of this Scheme, or other associated schemes, operated by NES Ltd
  - (ii) Diminishes public confidence in the Scheme
  - (iii) Damages the trust placed upon them by those who depend upon their work

### 3. **Members Skills and Ability**

Members must:

- A. Act only if competent to do so
- B. Carry out their work with reasonable skill and care

### 4. **Rules Concerning Conflicts of Interest**

Members must:

- A. At all times carry out their work in a fair and proper manner
- B. Never accept any gift or inducement that may affect their judgement
- C. Clearly indicate any personal or business relationship that could lead to a conflict of interest

### 5. **Advertising and Marketing**

Members should not participate in any promotion or advertising of their services that is misleading, unfair, dishonest or illegal.

### 6. **Confidentiality**

Members should treat all customers' personal information and security related matters as private and confidential. Members should not disclose personal information about customers unless specifically permitted to do so.

### 7. **Fees , Charges, Membership Status, and Renewal of Membership**

#### A. The Rules related to Fees

- (i) until notified to the contrary, there is no Scheme Application Fee
- (ii) until notified to the contrary, there is no Scheme Membership Fee
- (iii) for each complete Home Condition Survey lodged with the Scheme a Registration Fee of £15.00 + VAT will be charged
- (iv) fees are payable to NES Ltd. and will be collected through NES one at the start of a report

#### B. Membership Status Categories

- (i) Active: the normal status for an operating Member
- (ii) Barred from Practice: by the Scheme
- (iii) Inactive: when the Member is temporarily and voluntarily inactive for up to one year

#### C. Renewals

Renewal of Membership of this Scheme will be timed to coincide with each Member's renewal of the SAVA Home Inspector Certification Scheme.

### 8. **Member Compliance**

- A. By signing the Membership Agreement, and therefore agreeing to comply with this Code of Practice, the Member has undertaken to:

- (i) Read and understand the published Code of Practice, as amended from time to time
  - (ii) Read and understand any other specific requirements defined by the Scheme
  - (iii) Have the appropriate internal procedures in place to ensure customer protection
- B. The Scheme reserves the right to operate, (either directly or using a sub-contractor), a number of audits to ensure that Members abide by its rules and so ensure customer protection. These may include:
- (i) Site audits of the property, the Home Condition Survey, and any documentation associated with it
  - (ii) Desk-top audits of the Home Condition Survey, and any documentation associated with it
  - (iii) Customer satisfaction checks, using telephone or questionnaire

## 9. Handling Customer Complaints

The Scheme requires that all Members should operate an appropriate customer complaint policy, or adopt their Employer's customer complaint policy. In either event, this policy must accord with the processes set out below.

- A. This policy should be based upon a process of escalation, commencing with attempts to resolve the issue at Member or Member Employer level, then escalation to the Scheme. The Scheme acts as an independent third party to the contract existing between customer and Member/Member Employer
- B. The total process of customer complaint handling should not impose any form of cost on the complainant. Overall complaints related costs should be borne by the Member or the Member Employer. When customer complaints are escalated to the Scheme an initial £150 (plus vat) investigation and resolution charge will be made by the Scheme to the Member or the Member Employer
- C. The Member or the Member Employer must keep full and accurate records of all customer complaints and queries received, and all subsequent actions taken on them. Upon receipt of a complaint the Scheme should be notified in writing electronically, and should also be kept updated as to resolution progress, by way of copy record updates
- D. When a customer complaint is received, and properly recorded, the Member or the Member Employer should FORMALLY notify the complainant of their rights under the customer complaint policy. The policy must make it clear that it does not in any way prevent a complainant from following their normal recourse to Law
- E. The Member or the Member Employer must take all possible actions to resolve the customer's complaint. If the process is successful, the complaint record should be updated by a suitable report, and a copy of this sent to the Scheme. If settlement cannot be reached, the complainant should be informed that the matter will be escalated to the Scheme
- F. Upon escalation, the Scheme will review all of the facts related to the complaint. Further clarification may be requested from the various parties,

and the Scheme may seek the advice of technical experts. (If technical experts are to be used, the Scheme will charge the Member/Member Employer for their advice). The Scheme will seek to resolve the complaint to the customer's satisfaction and this may involve the Member/Member Employer having to agree to repeat assessment, or some sort of redress. The decision of the Scheme will be final, and is binding on the Member/Member Employer, but not the customer. **The Scheme will make it clear to the customer that these deliberations do not in any way prevent or obstruct their recourse to Law.**

- G. If a customer complaint is received directly by the Scheme, the relevant Member or Member Employer will be notified immediately and the complaint will be passed to them for resolution. The only exception to this process is if the complaint concerns a possible criminal offence, in which case the Scheme will notify the Police
- H. In the event that the Member or the Member Employer receive a customer complaint about the Scheme itself, this should be fully recorded as to the nature and circumstance, logged, and then passed immediately to the Scheme. In this instance, and that where the Scheme is notified of the same sort of complaint, directly by the complainant, acknowledgement will be made, in writing, within 5 working days. Senior Scheme management will conduct an enquiry into the matter after agreeing a deadline-date with the complainant. In all cases a detailed complaint history file will be opened and maintained
- I. Member or Member Employer customer complaint records may be used by the Scheme as part of its quality assessment procedures and can also be used in certain circumstances in order to instigate the disciplinary procedure

## 10. Disciplinary Processes

- A. Disciplinary Processes resulting from Monitoring Procedures
  - (i) The Scheme will have monitoring procedures in place that provide a check that all Members are carrying out their activities in accordance with this Code of Practice
  - (ii) If the Member is found to be in breach of this Code of Practice, the infringement will be reviewed by the Scheme
  - (iii) In instances of minor infringement the Scheme will issue a written informal warning containing clear instruction on how this Code of Practice has been breached, and what action is required to avoid future breaches. This being designed to prevent the matter developing into a serious infringement. The rights of the Member to appeal against such a warning are set out below
  - (iv) In instances of serious infringement, the Scheme will inform the Member of all actions to be taken
  - (v) Following consideration, the Scheme will take one of the following actions, depending on the background severity of the infringement:

- a. In the case of a minor infringement that becomes a serious infringement, issue a formal warning containing clear instructions on how the codes have been breached, and automatically apply the secondary sanction
- b. Refer the case directly to a Disciplinary Panel, or
- c. In the case of a serious infringement that has not been automatically referred to a Disciplinary Panel, issue a formal warning containing clear instruction on how this Code of Practice has been breached and what is required to avoid future breaches of the codes. If the Member fails to comply with the instructions included in the formal warning letter, a second formal warning will be issued. If the Member still fails to comply, the matter will be referred to a Disciplinary Panel. The rights of the Member to appeal against such a warning are set out below

#### B. Referral to Disciplinary Panels

- (i) The composition of Disciplinary Panels will be in accordance with their published procedures
- (ii) The conduct of Disciplinary Panels will be in accordance with published rules
- (iii) The date of a hearing by the Disciplinary Panel, and other relevant dates will be in accordance with their published procedures
- (iv) Full details of the allegations made against the Member together with copies of all the relevant information to be presented by the Scheme to the Disciplinary Panel will be made available in advance of the hearing
- (v) The Member can elect to be represented at the hearing
- (vi) Decisions reached by a Disciplinary Panel are by way of a majority vote, and are binding on both parties, subject to the right of Appeal, which is set out below. In order to initiate an appeal, Members will be required to pay a deposit that will be refunded in the event that the appeal decision is in their favour

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

In the event that the Scheme itself receives a complaint from a customer the complaint process outlined in 'Handling Customer Complaints' will be employed. Where a complaint against a Member is subsequently confirmed to be a breach of this Code of Practice, then the disciplinary processes described above will be implemented

#### D. Disciplinary Appeals

- (i) In the instance where Members have been warned by the Scheme for minor infringements, and where they do not accept the warning and wish to appeal, they should place, in writing, the full details related to the matter, including the reasons for their appeal, and send this to the Scheme. The Scheme will review the matter, and either confirm or

modify its warning. This review is final, but does not prevent the Member from proceeding to Law

The Scheme's 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

- (ii) In the instance where Members have been formally warned by the Scheme for serious infringements, and where they do not accept the warning and wish to appeal, they should place, in writing, the full details related to the matter, including the reasons for their appeal, and send this to the Scheme

The Scheme's 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

- (iii) In the instance where Members wish to appeal against the decisions made by a convened Disciplinary Panel, the 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

**The Appeals Processes is not designed to detract from the rights of a Member under Human Rights Legislation, or other Legal Statutes.**

## 11. Disciplinary Panel Procedure

### A. Composition of Panels

- (i) Disciplinary Panels will be composed of three persons. Two members will be independent, technically qualified individuals drawn from a register kept by the Scheme. The third person will be a senior executive of the Scheme
- (ii) None of those, appointed to the Disciplinary Panel, should have personal knowledge or previous relationships with any Member brought before them. The findings of the Disciplinary Panel are determined by a majority vote of the appointed members
- (iii) The Disciplinary Panel will have a Secretary responsible for recording the proceedings reached. The Secretary does not have a vote in reaching decisions

### B. Notice

- (i) When a Disciplinary Panel is convened, each of its Members should be notified of the time and place of the hearing, given the name(s) of the Members being considered, and copies all of the documents related to the matter. If any member of the Disciplinary Panel identifies a potential conflict of interest or prior association with any Member being considered, they must notify the Scheme and withdraw from the Disciplinary Panel

- (ii) Members referred to a Disciplinary Panel will be given formal written notice of the time and place of the hearing. This notice will not be more than twenty-eight days from the date of referral
- (iii) The formal notice will be accompanied by copies of all of the documents related to the matter, including the names and relevance of any witnesses called. The formal notice will include:
  - the name and other details of the Member
  - the specific element of this Code of Practice that the Scheme considers have been breached
  - the specific instance(s) when such breaches have occurred
  - the nature of the evidence supporting the allegation
  - the basis of any defence offered by the Member
  - a schedule of witnesses (if any)
- (iv) Members are requested to attend the Disciplinary Panel, but cannot be compelled to do so. Members can choose to be formally represented at hearings, and may elect to call pre-identified witnesses in their defence

### C. Procedure

- (i) The members of the Disciplinary Panel shall make such enquiries of all persons appearing before them, as they consider proper. They shall conduct the hearing in such a way, as they consider most appropriate for the clarification of the issues, and generally for the just handling of the proceedings
- (ii) If a party concerned with the hearing wishes to submit late written representations for consideration these must be presented to the Scheme not less than 7 days before the hearing. The Scheme will distribute copies of such to all the parties concerned
- (iii) At a hearing, the Disciplinary Panel members, the Member and/or the Member's representative are entitled to make all relevant representations to the Disciplinary Panel, and to call and question witnesses, (always provided that these have been prior notified to all parties), and to examine documentary evidence, and to dispute all evidence presented

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

- (iv) A hearing or part of one may be conducted in private for the purpose of gathering representations which in the opinion of the Disciplinary Panel are likely to consist of information:

- which has been communicated in confidence, or which has otherwise been obtained in consequence of a confidence placed by another person; or
  - the disclosure of which would cause substantial injury to the Member. Where a hearing, or part of one, is held in private, the reasons for doing so should be given, the Secretary will still record matters held in private
- (v) Once the Disciplinary Panel has received all submissions it will discuss the issues raised in private, and arrive at a decision, by a process of majority voting. The decision may include any or all of the following:
- a statement on whether the Disciplinary Panel considers the allegations against the Member to be valid
  - the award of compensation to any customer who has suffered as a result of the Member not complying with this Code of Practice
  - the award of costs which may include hearing preparation time and any loss of earnings by attendees
  - a requirement on the Member to undertake further training
  - a requirement on the Scheme to modify its procedures or improve staff training
  - a requirement on the Scheme to suspend or withdraw the registration of the Member
  - decisions that involve compensation, costs, suspension, or de-registration must include a clear statement of the time by which such matters are to be completed
- (vi) If a decision is made against the Member then the relevant rights of appeal shall be clearly explained, and confirmed in writing
- (vii) The Secretary shall 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 hearing

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

## 12. Membership Appeals

Members have the right to appeal against disciplinary sanctions involving suspension for more than 7 days or withdrawal of Membership. In these instances the Scheme's 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.

**The Appeals Processes is not designed to detract from the rights of a Member under Human Rights Legislation, or other Legal Statutes.**

### 13. Insurance cover

To prepare Home Condition Surveys you must be appropriately Insured by way of a personal or employer's Professional Indemnity and Public Liability Insurance Policy. If your existing insurance cover, as a Member of the SAVA Home Inspector Certification Scheme is provided by SAVA, you are automatically covered to produce Home Condition Surveys. However, if your existing Home Inspector Insurance Cover is provided by your/your employer's insurer, you need to **check that they will cover you for Home Condition Survey work.**

Members must notify the Scheme regarding any event or action that could result in an Insurance claim.

### 14. Inspection, Reporting and other Operational Requirements

In generality the provisions of Part 2 – Guidance, of the SAVA Home Inspector Certification Scheme, Inspection and Reporting Requirements, is deemed to apply to this Scheme. Specific requirements are as follows:

- A. Home Condition Surveys will be completed using NES one
- B. Members cannot change the terms of engagement of the report or any explanatory text
- C. The report must be provided to customers in colour
- D. A photograph of the front elevation of the property can be included on the front cover. Any other photographs must not be included in the main body of the report but can be included in the Appendix at the discretion of the participating surveyor
- E. When used, photographs must be colour
- F. Member's are responsible for setting their own fee scales for HCS work
- G. All site notes & other documents required in order to undertake quality assurance activity must be submitted to the Scheme through NES one