



Department for
Communities and
Local Government

Review of Energy Assessor Accreditation Scheme Operations

Consultation



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1. The consultation process and how to respond

Scope of the Consultation

Topic of this consultation:	<p>Energy Assessor Accreditation Schemes accredit energy assessors and oversee their activities of producing and submitting energy performance certificates, display energy certificates and air conditioning inspection reports (collectively “energy certificates”). Schemes are approved by the Secretary of State for Communities and Local Government in accordance with the Energy Performance of Buildings (England and Wales) Regulations 2012 (SI 2012/3118) as amended¹. They must operate in line with a set of Scheme Operating Requirements determined by the Department.</p> <p>This consultation seeks views on options to improve the current Scheme Operating Requirements. It sets out the proposals of a recent review undertaken by the Department for Communities and Local Government. Proposals centre around improving quality assurance systems to improve data quality, tackle bad practice and detect and prevent fraud.</p> <p>The Department invites anyone who wishes to contribute to provide views on these proposals and invites further submissions on how the quality assurance of energy certificates can be improved.</p>
Scope of this consultation:	<p>The consultation sets out proposals for reforms to the current regime to ensure that improvements are achieved with minimal cost to both the public purse and to industry.</p>
Geographical scope:	<p>This consultation applies to England and Wales only. However, the Scheme Operating Requirements for England and Wales are also approved for use in Northern Ireland. It is therefore anticipated that the outcome of this consultation is likely to apply equally in Northern Ireland.</p>
Impact Assessment:	<p>Out of scope</p>

¹ http://www.legislation.gov.uk/uksi/2012/3118/pdfs/ukxi_20123118_en.pdf

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Basic Information

To:	This consultation is primarily aimed at energy assessors and accreditation schemes and other bodies and persons with an interest in the energy performance of buildings. However any other parties wishing to submit views are welcome to respond.
Body responsible for the consultation:	The Department for Communities and Local Government (DCLG). The consultation will be administered by the Building Regulations and Energy Performance Division.
Duration:	This consultation will run for six weeks, from 25 May 2016 to 6 July 2016.
Enquiries:	For any enquiries, please contact EPBConsultation@communities.gsi.gov.uk For enquiries specific to Northern Ireland please contact Energy Performance Unit, Building Standards Branch, Department of Finance and Personnel T:02890257048 or E: info.epb@dfpni.gov.uk
How to respond:	Please respond by email to: EPBConsultation@communities.gsi.gov.uk. Alternatively, please send postal responses to: Building Regulations and Energy Performance Department for Communities and Local Government 3rd Floor, NE, Fry Building 2 Marsham Street London SW1P 4DF Responses should be received by close on 6 July 2016
Confidentiality and data protection	Information provided in response to this consultation, including personal information, may be published or disclosed in accordance with relevant access to information regimes (these are primarily the Freedom of Information Act 2000, the Data Protection Act 1998 and the Environmental Information Regulations 2004). If you want the information that you provide to be

	<p>treated as confidential, please be aware that, under the Freedom of Information Act 2000, there is a statutory code of practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence. In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, in itself, be regarded as binding on the Department.</p> <p>The Department for Communities and Local Government will process your personal data in accordance with the Data Protection Act 1998, and in the majority of circumstances this will mean your personal data will not be disclosed to non-government third parties.</p> <p>Individual responses to this consultation will not be acknowledged unless specifically requested.</p>
After the Consultation:	A summary of responses to the consultation will be published on the Department's website within three months of the end of the consultation period.
Compliance with the Consultation Principles guidance:	The consultation complies with the Consultation Principles guidance ² .

Background

1. This consultation invites views on the outcomes of the review of the minimum requirements currently applied by DCLG to the operation of Energy Assessor Accreditation Schemes (schemes). There are currently eight schemes who oversee the work of approximately 15,000 accredited energy assessors (assessors) who produce energy certificates for domestic, public and commercial buildings, and air conditioning inspection reports for air conditioning systems with an effective rated output in excess of 12kW. Assessors must belong to a scheme approved by the Secretary of State in accordance with Regulation 22 of the Energy Performance of Buildings (England and Wales) Regulations 2012 before they are able to enter the data used to generate

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https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/492132/20160111_Consultation_principles_final.pdf

energy certificates on to the Energy Performance of Buildings (EPB) Register (the Register) and issue certificates to building owners, landlords and others. One important role of schemes is to ensure that customers and others who rely on energy certificates can have confidence in the quality and accuracy of assessments, their accompanying recommendations for cost-effective improvements and in the assessors responsible for producing them. Schemes in England and Wales are bound by the conditions set out in the letter of approval issued to them by the Secretary of State, including specifically the requirement to comply with DCLG's Scheme Operating Requirements (SORs).

2. The SORs set out the minimum operating standards for schemes. Scheme operators may apply additional voluntary requirements should they choose to do so, provided that they continue to meet the minimum requirements set out in the SORs.
3. The focus of this consultation is to seek views on identified options to improve the effectiveness of the SORs in tackling bad practice and detecting and preventing fraud. During the second half of 2015, DCLG conducted a review of scheme operations, and identified potential weaknesses in the production and oversight of Energy Performance Certificates (EPCs) creating vulnerabilities to fraudulent practices in relation to claims for eligibility for funding programmes such as Feed in Tariffs (FITs), Energy Company Obligation (ECO) and Renewable Heat Incentive (RHI). In all of these programmes, EPCs provide a means of either assessing eligibility for funding or verifying that grant funded work has been completed. Key data items, such as floor area, heating system, etc. can be manipulated to maximise grant eligibility and/or award levels.
4. The aim of the proposed revisions to the SORs is therefore to address concerns about both quality and accuracy of energy certificates to enhance consumer protection and tackle fraud.

2. Policy Context

The Directive

5. The first Directive on the Energy Performance of Buildings (Directive 2002/91/EC)³ (the directive) was adopted by the EU in 2002. It was designed to improve the energy efficiency of buildings and thus lessen the impact of climate change by reducing carbon emissions from buildings. Implementation of the Directive into law in England and Wales was completed on 1 October 2008. Energy performance of buildings is a devolved matter in Scotland and Northern Ireland. However, DCLG's SORs are adopted for schemes operating in Northern Ireland.

³ <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32002L0091&from=EN>

6. A recast of the Directive on the Energy Performance of Buildings (Directive 2010/31/EU)⁴ (the recast directive) was adopted in 2010 and replaced the first Directive. The requirements of the recast directive have been transposed into law in both England and Wales by the Energy Performance of Buildings (England and Wales) Regulations 2012 and apply to:
- dwellings and non-domestic buildings on sale or rent;
 - public buildings for display purposes;
 - air conditioning systems with an effective rated output of 12kW; and by regulations 29 to 33 of the Building Regulations 2010
 - dwellings and non-domestic buildings on construction.
7. Article 17 of the Energy Performance of Buildings Directive sets out what is required of independent experts carrying out assessments or inspections, including that:
- *“Member States shall ensure that the energy performance certification of buildings and the inspection of heating systems and air-conditioning systems are carried out in an independent manner by qualified and/or accredited experts”, and*
 - *“experts shall be accredited taking into account their competence”*
8. These requirements have been implemented by regulations 9(1)(c) (for Energy Performance Certificates on sale, rent and construction), 15(d) (for Display Energy Certificates in public buildings) and 19(1) (for Air Conditioning Inspection Reports) of the Energy Performance of Buildings (England and Wales) Regulations 2012 (SI 2012/3118)⁵ (the EPB Regulations) as amended⁶.
9. Article 18 of the Energy Performance of Buildings Directive sets out what is required of independent control systems for energy performance certificates and reports on the inspection of heating and air-conditioning systems, including that:
- *“independent control systems for energy performance certificates and reports on the inspection of heating and air-conditioning systems are established”; and*
 - *“Member States may delegate the responsibilities for implementing the independent control systems”.*
10. In England and Wales those requirements have been implemented through a combination of regulation 22 of the EPB Regulations, the letter of approval issued to each scheme by the Secretary of State and the SORs which set out the minimum requirements associated with the operation of each scheme.

⁴ <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32010L0031&from=EN>

⁵ http://www.legislation.gov.uk/ukxi/2012/3118/pdfs/ukxi_20123118_en.pdf

⁶ With effect from the 6th April 2016, the provisions in the Building Regulations concerning EPCs on construction have been taken out of those Regulations and incorporated into the Energy Performance of Buildings (England and Wales) Regulations 2012 (as amended).

11. All energy certificates must be prepared by qualified energy assessors, and entered onto the Register. An assessor must be a member of a scheme before they are able to enter any certificate onto the Register.
12. Schemes are responsible for accrediting energy assessors and for monitoring the quality of energy certificates by ensuring that their assessors are competent and possess the appropriate skills. In order to manage this process, most schemes will charge their assessors an administration fee each time an energy certificate is lodged on the Register. The administration fee covers the cost of processing the data that is entered onto the Register, and may also cover the quality assurance audit regime, handling of complaints, insurance and technical support services. Some schemes may also include in this the fee charged by the Register Keeper for entering data onto the Register, known as the lodgement fee. The lodgement fee is set out in regulation 28 of the regulations.

The Review

13. The review team received contributions from the Department for Energy and Climate Change, Ofgem, Accreditation Schemes and their representative body, the Property and Energy Professionals Association (PEPA), as well as a small number of individual energy assessors. The responses received highlighted the following broad themes as areas where action is required:
 - Quality assurance
 - Assessor accountability
 - Access to/sharing of data
 - Handling of complaints
 - Disciplinary tariffs for assessor malpractice
14. The results of the DCLG review of scheme operations will feed into the overall findings of the independent review of consumer advice, protection, standards and enforcement for energy efficiency and renewable energy being carried out by Dr Peter Bonfield⁷.

3. Proposals

15. Following the review of scheme operations, DCLG wishes to seek views on a number of potential changes to the SORs so that they are better focused on providing adequate consumer protection and detecting and preventing fraud.

⁷ <https://www.gov.uk/government/publications/bonfield-review-terms-of-reference>

Quality Assurance – Smart Auditing

16. The review identified a need to look at alternative approaches to Quality Assurance (QA) auditing procedures. In particular, it has been proposed that minimum requirements for QA auditing should be made smarter by placing greater emphasis on targeting known risk factors such as:

- improbable values, such as floor areas significantly higher than surrounding properties;
- data items that impact on eligibility for grant funding programmes; and
- multiple EPCs entered onto the Register for the same property.

Delegating authority to schemes collectively to determine factors to be targeted over a given audit period would introduce the flexibility needed to respond to emerging trends. Contributors to the review indicated that the current approach can be perceived as prescriptive and inflexible, and acting as a barrier to more proactive action to target poor performance and malpractice. The proposed approach, referred to as “smart” auditing, will be more flexible, and will enable better targeting of audits. “Smart” auditing will be focused on detecting poor performance and malpractice, as well as any evidence of fraud or actions that might support fraud being committed by others.

17. Under the current SORs schemes are required as a minimum to carry out QA audits on a random sample of 2% of all energy certificates entered onto the Register. In addition to this, schemes are required to carry out follow-on audits on energy certificates produced by assessors whose energy certificates have failed QA audits. In total, therefore, schemes audit approximately 3% of all energy certificates that are entered onto the Registers. We propose to amend these requirements to include that a minimum of 3% of all energy certificates must be subject to QA audits. This 3% would however meet all DCLG auditing requirements and could consist of a mix of random, “smart”, periodic and follow-on audits. Overall levels of QA activity would therefore be maintained at approximately 3% of all energy certificates entered onto the Registers, as it is now. This would enable schemes to identify and target both suspect data and poor performance, while reducing the number of audits on competent assessors, thus enabling schemes to make better use of resources. Schemes would still be required to ensure that all assessors are subject to at least one QA check every six months.

Question 1- Do you consider that smart auditing would improve quality assurance procedures for energy certificates, particularly in relation to consumer protection and prevention and detection of fraud?

Yes

No

Please set out the reasons for, and any evidence you may have in support of, your views.

Defective Energy Certificates

18. Schemes are required to have procedures in place to replace defective certificates free of charge to the building owner or occupant where prescribed standards are not met. Table 1 below shows the current permitted margin of error for each type of energy certificate that is produced.

Table 1

Energy Certificate Strand	Margin of Error
Existing Dwellings	+ or – 5 Sap Points
Newly Constructed Dwellings	The Dwelling Emission Rate calculation exceeds either 4% or 1 kgCO ₂ /m ² /annum difference from the true figure
Display energy Certificates	The absolute sum of errors exceeds + or - 5% or 5 absolute points from the true figure
Non-Domestic buildings Level 3 and level 4	The Building Emission Rate (BER) exceeds either 5 kgCO ₂ /m ² or 10% difference from the true figure
Non- Domestic buildings level 5	The absolute sum of any BER errors identified exceeds either 10% of the BER calculated or 5kgCO ₂ /m ² of the value calculated
Air Conditioning Inspection Report	Not applicable as Air Conditioning Inspection Reports do not involve any specific calculations and QA audits are based on assessment against a range of criteria

19. An energy certificate is currently defined as defective if the difference between the energy certificate produced by an assessor and the “true value” exceeds those error margins defined in table 1. The “true value” is defined as the energy certificate produced by the quality assurance auditor from the same evidence as that recorded by the assessor. The difference between the energy certificate produced by the assessor and the quality assurance auditor respectively should be the sum of the absolute errors associated with each data entry or field. If the sum of absolute errors is in excess of the margin set out above, the energy certificate should be marked as defective and replaced. An energy certificate can also fail an audit, but not be defined as defective, if the absolute sum of errors is less than the margin set out above. In these circumstances, an energy assessor may be required to take action to address the underlying cause of the error, but replacement of the energy certificate is at the discretion of the scheme.

20. The Department is keen to invite views, supported by evidence, about whether acceptable error margins as currently defined in table 1, should be tightened in light of the current range of uses to which EPC outcomes may be put. It is important when considering this question to bear two things in mind. First, that from 2018, the Department for Energy and Climate Change will be bringing into force regulations that will prohibit the letting of privately rented domestic and non-domestic buildings that achieve an energy performance rating of less than Band E. Second, an error of just 1 SAP point can be enough to move an EPC for a dwelling from one band rating on the A-

G scale to another. Similarly, an error of just 1 point on the A-G scale can move the EPC band rating for a non-domestic building from one band to another.

Question 2 - Should error margins, as shown in table 1, be tightened?

Yes

No

If yes, what should the acceptable margin of error be in each case?

Please set out the reasons for, and any evidence you may have in support of, your views.

Energy Assessor Membership - Unique Identification Number and Limiting the Number of Scheme Memberships

21. Currently, assessors are permitted to have multiple memberships both within one scheme and across a number of different schemes. The effect of this is that it is not always possible to track all of the activity of individual assessors. This creates the possibility that assessors who act improperly are able to spread their activity across different schemes and thus avoid detection. In order to overcome this, we propose to create a new system allocating a unique identification number for each individual assessor which would be associated with every energy certificate that they enter onto the Register.
22. A unique ID for each individual assessor would allow all energy certificates connected with an individual to be traced back to that individual, irrespective of the scheme through which they may have entered the energy certificate onto the Register.
23. We also want to seek views on whether the number of scheme memberships that an individual assessor can have should be limited to one per individual per type of energy certificate. This would make it easier to trace malpractice back to an individual assessor by making it difficult for them to exploit the system by spreading their activities across different scheme memberships. If introduced, this would have the effect of preventing each individual assessor from lodging energy certificates through more than one scheme. For this to work, it would also be necessary for each assessor to be allocated a unique ID.

Question 3 - Will allocating each energy assessor a unique identification number help to provide safeguards against abuse of Accreditation Scheme systems?

Yes

No

Please set out the reasons for, and any evidence you may have in support of, your views.

Question 4 - If you consider that a unique identifier does not provide sufficient safeguards, should individual energy assessors be limited to one scheme membership for each type of certificate that they produce?

Yes

No

Please set out the reasons for, and any evidence you may have in support of, your views.

Disciplinary procedures

24. Currently an energy assessor who has failed a QA audit, either after selection of their energy certificate, or as a result of a complaint, is subject to two further follow-on random audits. If the assessor also fails a follow-on audit they will undergo further follow-on audits until such time as the assessor is able successfully to pass all of his/her QA audits. In cases involving persistent errors of the same type or major breaches of professional conduct, assessors can be suspended or even struck off. However, the review has highlighted that while current rules are clear about when suspension is an appropriate course of action, it is not so clear when schemes are justified in striking assessors off. We therefore propose to introduce clearer rules about when it is reasonable for schemes to strike assessors off when they commit either serious or repeated transgressions. It will continue to be important for schemes to provide individual assessors with an opportunity to address any shortcomings they may have through remedial actions such as coaching or training. However, in cases where individual energy assessors are unable or unwilling to address their shortcomings, or to work to an acceptable level of professional conduct, the schemes would be given explicit authority to strike them off.

Question 5 – Would the introduction of clearer rules about when it is both proportionate and reasonable for schemes to strike off energy assessors, in cases of persistent or serious misconduct or malpractice, help to improve professional standards in the energy assessment industry?

Yes

No

Please set out the reasons for, and any evidence you may have in support of, your views.

Independent Third Party Appeals

25. Schemes must have procedures in place to respond promptly and efficiently to complaints from both customers and their members. In the event that a scheme is unable satisfactorily to resolve a complaint, the scheme must have procedures in place to refer the matter to an independent third party for resolution. Currently, this must be done at no cost to the complainant. If this fails to resolve the matter, both consumers and assessors retain the right to seek legal redress through the courts.

26. At present, the cost of handling all complaints is borne by schemes, irrespective of who makes the complaint or whether it is upheld. This includes the cost of referring complaints to the independent third party. The review has highlighted that this is a major cost to schemes which will in any case have conducted several internal reviews, each in turn at a higher level of management seniority, which itself can incur considerable costs, even before the case is referred to the third party. There may be an argument for permitting schemes, in some limited circumstances, to charge for the cost of the independent third party review, in cases where the complaint is not upheld. The third party appeal process would however continue to be available free of charge in the case of complaints by building owners or occupants who believe, for whatever reason, that the energy certificate produced on their building is incorrect.

Question 6 - Should Accreditation Schemes have the right to charge for the cost of referring complaints to the independent third party in those cases that are not brought by the building owner or occupant and where the complaint is not upheld?

Yes

No

Please set out the reasons for, and any evidence you may have in support of, your views.

Access to and Sharing of Data

27. The review has highlighted the important role that data can play in preventing and detecting fraud and malpractice. However, schemes have highlighted that restrictions on the data they can access on the Registers can inhibit their ability to detect fraud and malpractice. We are therefore considering the possibility of extending scheme access to register data so that they can carry out specific searches of all available data for the purpose of identifying where fraudulent activity may have occurred and taking appropriate action to address it – subject to appropriate agreements and controls being put in place. Specifically, this would include extending access so that schemes can search for all data lodged on the Register by an individual assessor who is a member of that scheme and all data lodged against an individual property. Schemes have also highlighted that a useful sense check for data concerning an individual building can be to carry out cross-checks against buildings in the same street or area. We also therefore propose to extend scheme access to data for buildings in the same postcode area as a property for which a certificate has been lodged through that scheme. Additional criteria may be agreed in the future as needed to support identification of fraudulent activity.

28. The review also highlighted the importance of relevant administrative bodies, such as Ofgem, and schemes, sharing information in a way that enhances their ability to coordinate efforts to tackle suspected cases of fraud.

29. To date, concerns about data protection and commercial sensitivity of data have acted as barriers to permitting greater sharing of, or access to, data about the activities of individual energy assessors for the purpose of preventing and detecting fraud. However, as is clear from other contexts in which personal data is shared between

regulatory, administrative, enforcement and other bodies for the purposes of preventing and detecting fraud, with appropriate safeguards in place, it is possible for personal data to be shared for these purposes in a manner which is compatible with data protection legislation. The Department is minded to place specific requirements on schemes to share data with regulatory or administrative authorities such as Action Fraud or Ofgem for the purpose of preventing and detecting fraud. The Department would provide guidance to schemes on circumstances in which data should be disclosed to these bodies and about how to ensure that any such disclosures are compatible with the DPA. .

Question 7 - For the specific purposes of preventing and detecting fraud should Accreditation Schemes:

- **have greater access to data stored on the EPB Registers?**
- **be required to share data that might be indicative of fraud with Regulatory bodies such as Ofgem and Action Fraud?**

Yes

No

Please set out the reasons for, and any evidence you may have in support of, your views.

30. The Department is keen to extend scheme access to data for the reasons set out above. We are also committed to putting in place appropriate measures to ensure that data collected for the purpose of producing energy certificates is managed properly. In particular, DCLG considers that data collected by energy assessors, and held by both schemes and assessors, for the purpose of producing energy certificates is personal data, and must therefore be managed in accordance with the Data Protection Act 1998. Through the EPC itself, the Department's website and the Register's website, certificate holders are provided with clear information about the ways in which information about their property, i.e. the data collected during the assessment process, will be used, about the information which will be made publicly available and about the purposes for which data may be shared with other bodies. Certificate holders are also able to opt-out of having data about their property published or shared for particular purposes. This ensures that data about people's homes is processed transparently and in a manner that is compatible with data protection legislation.

31. To prevent data from being disclosed or shared for purposes outside the regulatory framework, the Department is minded to place a specific requirement on schemes to ensure that both they and their members retain and process data collected only for specific purposes prescribed by the Secretary of State and that any such data is held securely.

Question 8 – Do you consider that the Department should place an express duty on accreditation schemes to ensure that data held by both them and their members are held securely and are retained or processed only for purposes specified by the Secretary of State?

Yes

No

Please set out the reasons for, and any evidence you may have in support of, your views.

Table 2

Summary table of consultation questions

Question 1	<p>Do you agree consider that smart auditing would improve quality assurance procedures for energy certificates, particularly in relation to consumer protection and prevention and detection of fraud?</p> <p>Yes</p> <p>No</p> <p>Please set out the reasons for, and any evidence you may have in support of, your views.</p>
Question 2	<p>Should error margins, as shown in table 1, be tightened?</p> <p>Yes</p> <p>No</p> <p>If yes, what should the acceptable margin of error be in each case?</p> <p>Please set out the reasons for, and any evidence you may have in support of, your views.</p>
Question 3	<p>Will allocating each energy assessor a unique identification number help to provide safeguards against abuse of Accreditation Scheme systems?</p> <p>Yes</p> <p>No</p> <p>Please set out the reasons for, and any evidence you may have in support of, your views.</p>
Question 4	<p>If you consider that a unique identifier does not provide sufficient safeguards, should individual energy assessors be limited to one scheme membership for each type of certificate that they produce?</p>

	<p>Yes</p> <p>No</p> <p>Please set out the reasons for, and any evidence you may have in support of, your views.</p>
Question 5	<p>Would the introduction of clearer rules about when it is both proportionate and reasonable for schemes to strike off energy assessors, in cases of persistent or serious misconduct or malpractice, help to improve professional standards in the energy assessment industry?</p> <p>Yes</p> <p>No</p> <p>Please set out the reasons for, and any evidence you may have in support of, your views.</p>
Question 6	<p>Should Accreditation Schemes have the right to charge for the cost of referring complaints to the independent third party in those cases that are not brought by the building owner or occupant and where the complaint is not upheld?</p> <p>Yes</p> <p>No</p> <p>Please set out the reasons for, and any evidence you may have in support of, your views.</p>
Question 7	<p>For the specific purposes of preventing and detecting fraud should Accreditation Schemes:</p> <ul style="list-style-type: none"> • have greater access to data stored on the EPB Registers? • be required to share data that might be indicative of fraud with Regulatory bodies such as Ofgem and Action Fraud? <p>Yes</p> <p>No</p> <p>Please set out the reasons for, and any evidence you</p>

	may have in support of, your views.
Question 8	<p>Do you agree consider that the Department should place an express duty on accreditation schemes to ensure that data held by both them and their members are held securely and are retained or processed only for purposes specified by the Secretary of State?</p> <p>Yes</p> <p>No</p> <p>Please set out the reasons for, and any evidence you may have in support of, your views.</p>

4. Next Steps

The Department invites consultees' views, comments on the key questions and any evidence relating to all aspects of this consultation by 6 July 2016.

5. About this consultation

This consultation document and consultation process have been planned to adhere to the Consultation Principles issued by the Cabinet Office.

Representative groups are asked to give a summary of the people and organisations they represent, and where relevant who else they have consulted in reaching their conclusions when they respond.

Information provided in response to this consultation, including personal information, may be published or disclosed in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 1998 (DPA) and the Environmental Information Regulations 2004.

If you want the information that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence. In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department.

The Department for Communities and Local Government will process your personal data in accordance with DPA and in the majority of circumstances this will mean that your personal data will not be disclosed to third parties.

Individual responses will not be acknowledged unless specifically requested.

Your opinions are valuable to us. Thank you for taking the time to read this document and respond.

Are you satisfied that this consultation has followed the Consultation Principles? If not or you have any other observations about how we can improve the process please contact DCLG Consultation Co-ordinator.

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