



***Sterling Accreditation Limited***  
*Setting the Standard*

## **Member Disciplinary Process**

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## **1. Introduction**

This process is to be read in conjunction with the Sterling Accreditation Code of Conduct, Terms and Conditions, the QA Auditing practices and procedures manual and the member complaints procedure.

The Disciplinary procedure is set out to provide a clear and effective process to deal with Energy Assessors who breach the duties and responsibilities of the Sterling Accreditation Scheme Standards.

Energy Assessors who are deemed to be in breach of these standards will be referred to the Sterling Accreditation Disciplinary Committee as described in this document.

The disciplinary process applies to the individual member and as such any infringement or breach of these standards will be considered to apply across all registered membership accounts held by the individual.

An Initial evaluation of the issue is undertaken by a senior manager at Sterling Accreditation, who decides whether the infringement is to be treated as a minor or major infringement and depending on the decision, the following sections are applicable.

Sterling Accreditation reserves the right to refer a case to the Disciplinary Committee if there is a complaint about an Energy Assessor from a third party, or suspicion of a breach of the code of conduct or the membership terms and conditions of the scheme.

In the case of a complaint being received from a customer about an Energy Assessor, the Sterling Accreditation Scheme Customer Complaint Policy is followed. Where the outcome of a complaint is deemed to be a breach of the Code of Conduct by the Energy Assessor, then the Sterling Accreditation Disciplinary procedure as outlined in this document is then implemented.

## **2. Severity of infringement**

**2.1 Minor transgression.** No significant impact on a Customer or other stakeholder associated with the transgression.

When Sterling Accreditation considers an infringement to be a minor breach or considers some other minor breach of the Membership Terms to have occurred then the following process is followed:

1. An informal warning is issued to the Energy Assessor identifying the breach and outlining what action is required to avoid future breaches
2. A formal written warning is issued if there is evidence the Energy Assessor has failed to comply with the informal written warning
3. If the Energy Assessor fails to comply with the formal written warning then the issues are dealt with as if it were a “significant transgression” (as detailed below).



**2.2 Significant transgression.** A transgression which has a significant impact on a Customer or other stakeholder.

When Sterling Accreditation considers an infringement to be a significant breach or considers some other significant breach of the Membership Terms to have occurred then the following process is followed:

1. A formal written warning is issued to the Energy Assessor identifying the breach and outlining what action is required to avoid future breaches
2. Depending on the nature of the transgression the Energy Assessor may be suspended and/or be required to complete additional training in order to provide sufficient evidence of compliance with regulations.
3. If the Energy Assessor fails to comply with the formal warning and or corrective actions, they will either remain suspended or the issues will be dealt with as if it were a “major transgression” (as detailed below).

**2.3 Major transgression.** Compelling evidence that an EA has failed to meet the code of conduct, in a way which has had a major impact on the Customer or other stakeholders.

When Sterling Accreditation considers an infringement to be a major breach, or considers some other serious breach of the Membership Terms has occurred, then the following process is followed:

1. Where a major transgression has been identified or a significant transgression has been escalated to become a major transgression, if not already completed the energy assessor will be immediately suspended. An internal investigation will take place to determine the impact of the transgression and the scope of impact to Clients and the Public. It may be necessary for the Energy Assessor to complete additional training and resign in ascent to the code of conduct prior to reinstatement of membership.
2. In some cases the matter may be referred to the disciplinary committee as set out below.

The rights of the Energy Assessor to appeal to such a warnings and actions are set out in section 3 Disciplinary Committee.

**2.4 Insurance Transgression.** It is a mandatory requirement for all members to maintain the appropriate level of insurance at all times; membership will be suspended if any of the following occur

1. An insurance policy expires and no replacement has been registered
2. Failure to provide a current insurance policy when requested
3. Insurance details are incorrectly recorded as part of a lodgement

Membership will only be reinstated upon provision of an appropriate insurance certificate or cover notice.



### **3. Considering members with multiple strands.**

When a member has an individual strand suspended and has a multiple strand membership, Sterling Accreditation will consider the severity of transgression to determine if it is appropriate for the individual to remain registered under other strands. This review will be completed on a case by case basis.

### **4. Dealing with members suspended by other schemes.**

Upon receipt of notification from Landmark that a member has been suspended by another scheme; the following actions will be taken:

1. Suspend the affected individuals strand(s) immediately
2. Send an email to the affected member advising that they have been suspended by another scheme and as a result, their Sterling membership has been suspended in line with the DLUHC SORs.
3. Obtain confirmation from the suspending Scheme the reasons behind the suspension.
4. A review of the circumstances of the suspension, to determine if any of the following actions need to be applied:
  - a) Suspension of overall membership, for breach of Sterling's code of conduct
  - b) Suspension of other accredited strands, e.g. to reduce the risk of additional defective reports being lodged to the registers.
  - c) To reinstate membership, based on unfair circumstances surrounding the original suspension
  - d) Under normal circumstances suspension can only be lifted once a new Landmark notification confirms a revised status of registered.
5. If the reason for suspension has been confirmed as multiple audit failures, requiring additional training. Suspension can only be lifted once confirmation has been received by the suspending scheme that all corrective actions and heightened auditing measures have been completed satisfactorily.

### **5. Disciplinary Committee**

The Sterling Accreditation Disciplinary committee will consist of three members of the Sterling auditing team , at least one of whom is a senior member and one who will be an accredited Energy Assessor qualified to the relevant strand to the enquiry.

The Sterling Accreditation Disciplinary Committee will convene to hear all matters within 14 business days of the matter being referred to it.

Full details of the allegations made against the Energy Assessor together with all relevant information presented to the Sterling Accreditation Disciplinary Committee is circulated at least seven business days prior to the date of the hearing. Such information includes:

- Specific details of the action which allegedly breached the Code of Conduct or Membership Terms
- Appropriate evidence to support the allegation.

An Energy Assessor may be accompanied and/or represented at the hearing.

Each party is given an opportunity to present their position, cross-examine the other party and present witnesses or independent experts as either party considers appropriate.



All hearings have a secretary who will minute the hearing, but who will have no right to vote. Decisions of the Disciplinary Committee are made by majority vote and subject to the Appeal Procedure shall be binding on the parties.

Within 7 business days of the hearing, Sterling Accreditation formally communicate the decision of the Disciplinary Committee in writing to the Energy Assessor. The decision states:

- Confirm whether or not there have been any breaches of the Code of Conduct or the Membership Terms
- Set out any sanction to be imposed on the Member including suspension, striking-off of membership or retraining as required
- Provide a copy of the Minutes of the hearing is also provided.

**Likely decisions to be made by the Disciplinary Committee are:**

- Insufficient information – further information requested
- Complaint not upheld - no further action to be taken
- Complaint partially upheld - corrective action to be undertaken as identified
- Complaint fully upheld - corrective action to be undertaken as identified.

If the Committee's decision is that the complaint is partially or fully upheld, this could involve the Energy Assessor:

- undertaking retraining in software / particular aspects of professional competence
- being suspended by Sterling Accreditation pending further training / assessments
- having a full revocation of Accreditation with all other Accreditation Schemes and the National Register being informed.

If the Scheme Member wishes to appeal against one or more elements of the Sterling Accreditation Disciplinary Committee's hearing; or Sterling Accreditation's decision under the Infringement Procedure they may, within 28 days of that decision seek to appeal any such decision by giving written notice that they wish to refer the matter to the Sterling Accreditation independent Appeals Committee and to state the reasons for the appeal and providing any relevant documentation on the Sterling member appeals form (See Sterling Accreditation member appeal process SQAD 7.1 and member appeal form SQAD 7.1.1).