

Green Deal Code of Practice Version 4 compliance requirements

Guidance ref number:	ORBCOMM018
Date of issue:	10 June 2014
Short summary of note:	The draft Green Deal Code of Practice (version 4) has been laid before Parliament on 2 April 2014. This communication provides guidance on compliance requirements, outlines the impact on Green Deal Participants and Certification Bodies and provides a summary of the key changes.
Type of guidance:	Guidance
Audience:	Green Deal Participants and Certification Bodies
Replacing guidance ref number:	ORBCOMM018 Version 1.0
Date guidance comes into effect:	Date of issue

Draft Green Deal Code of Practice (version 4)

The Green Deal Code of Practice (Code of Practice) is issued by the Secretary of State for Energy and Climate Change under regulation 10 of the Green Deal Framework (Disclosure, Acknowledgment, Redress etc.) Regulations 2012 and sets out requirements for those persons acting as Green Deal Providers, Assessors, Installers, or Certification Bodies.

The draft Code of Practice (Version 4) was laid before Parliament on 02 April 2014 and is due to come into force on 23 June 2014, subject to parliamentary approval. If approved, it will substitute and revoke the Code of Practice (version 3) issued on 31 July 2013. A summary of the key changes to the Code of Practice is provided in the Annex of this document. **It is a non-exhaustive list**, and all Green Deal Participants and Certification Bodies should familiarise themselves with the revised versions of the Code of Practice.

From the date the new Code of Practice comes into force, all Green Deal Participants and Certification Bodies must comply with the new version of the Code. Also, from the date the new Code of Practice comes into force, Green Deal Assessors, Installers and Certification Bodies must be certified/ accredited against and comply with the new versions of the Assessor Specification/ Assessor Certification Body Specification and PAS 2030.

Timelines of the compliance requirements are provided in the table below.

From date:	To date:	Code of Practice	Assessor/ Certification Body Specifications	PAS 2030/ PAS 2031
31 July 2013	22 June 2014*	Version 3	004/2013 204/2013	PAS 2030:2012 Ed2 PAS 2031:2012
23 June 2014*	Until next version	Version 4	005/2014 205/2014	PAS 2030:2014 Ed1 PAS 2031:2012

*Subject to Parliamentary Approval of the Green Deal Code of Practice (version 4).

How does it affect the Green Deal Participants and Certification Bodies?

- From 23 June 2014, subject to parliamentary approval, all authorised **Green Deal Providers, Assessors, Installers and Certification Bodies** must comply with the new version of the Code of Practice and must ensure that their business processes take into consideration any changes to the requirements of the Code.
- From 23 June 2014 **Green Deal Assessors** must operate in compliance with the new Assessor Specification (005/2014) and **Green Deal Installers** must operate in compliance with the new PAS 2030:2014 Edition 1.
- From 23 June 2014 **Certification Bodies** must be accredited against the new versions of the Assessor/ Certification Body Specifications and PAS 2030/31 and must certify **Green Deal Assessors and Installers** against those versions.
- From 23 June 2014 **Certification Bodies** must issue a copy of the new Code of Practice to their **Green Deal Assessors and Installers** and must ensure their compliance against the new Code. The **Certification Bodies** shall use their discretion on how the compliance to the new Code of Practice is monitored and there is no additional audits mandated by the GD ORB in light of these revisions.
- The GD ORB is responsible for monitoring **Green Deal Provider** and **Certification Body** compliance to the Code. The GD ORB will update the Fitness Test processes and the Provider/ Certification Body Compliance Audit Questionnaire, as necessary, to reflect the changes to the Code of Practice but there are no additional audits scheduled to take place in light of these revisions.

Further information

For further information in relation to Green Deal Provider/ Certification Body compliance requirements, Green Deal Providers/ Certification Bodies should contact the .GD ORB on GDORBhelpdesk@gemserv.com or +44 (0)20 7090 1031.

For further information on Green Deal Assessor/ Installer certification and compliance requirements, Green Deal Assessors/ Installers should contact their Certification Body.

Green Deal Oversight and Registration Body

Tel: +44 (0)20 7090 1031

www.greendealorb.co.uk

Annex - Summary of key changes to the Green Deal Code of Practice version 4

Set out below is a summary of the key changes to the Code of Practice that affect the operations of Green Deal Participants and Certification Bodies. **This is a non-exhaustive list**, and all Green Deal Participants and Certification Bodies should familiarise themselves with the revised versions of the Code of Practice. This document is produced for information purposes only.

2. General Provisions

- Section 2.5: Clarification that Green Deal customers may include the improver and/ or bill payer at the property.
- Section 2.7: Addition requiring that Green Deal Participants or Certification Bodies must not mislead customers.

3. Marketing and use of the Green Deal Quality Mark

Advertising and Promotion

- Section 3.1: Replacement of “information” with “advertising”. Addition to include any written information provided to customers.
- Section 3.2: Removal of the reference to “including but not limited to any oral or written statement”. Clarification that Green Deal Participant or Certification Body must not imply that it is authorised when it is not.

Sales and Cold Calling

- Section 3.8: Clarification that a same day assessment must be requested by the customer in writing.
- Section 3.11: Improvement of wording for clarification purposes.

Glossary of Terms

- Accreditation: Removal of the references to the Assessor Certification Body Specification, PAS 2031 and PAS 2030 and referring to standards set out in Annex A and Annex C.
- Assessor Certification Body Specification Updated to the new version of Assessor Certification Body Specification (205/2014).
- Assessor Services Specification: Updated to the new version of Assessor Specification (005/2014) and clarification regarding compliance requirements and dates.
- EEA: Addition of a new term, ‘European Economic Area’.

Energy Saving Advice

Service:

A link has been updated.

PAS 2030:

A reference to PAS 2030 and its publication date have been updated to reflect the new edition PAS 2030:2014 Edition 1.

Annex A: Green Deal Assessors

Complaints specific to the assessment

7: Removal of the “incorrect” and replacing with “being incorrect or of the failure to comply” for clarification purposes.

Annex B: Green Deal Providers

Part 1 Developing the Green Deal Quote

Provision of information to customers regarding the Energy Saving Advice Service and Considering packages of improvements

2, 3, 8, 21, 22,

32, 35, 57, 65,

67, 74 and 80:

Replacement of “customer” with “improver”, “bill payer” or “improver and bill payer”, or addition of these terms, as appropriate.

Domestic Properties

11, 12 and 18:

Replacement of “Occupancy Assessment” with “Green Deal Advice Report”.

Discussing energy use with improvers and bill payers

18:

Addition of two new sub-clauses (a) and (b), clarifying what steps a Green Deal Provider must take when information is provided to the bill payer.

Non-domestic properties - confirming the in-situ performance of improvements

20:

Replacement of “advised” with “required” in relation to the Green Deal Provider's obligation to carry out the affordability assessment. Removal of the reference to the Office of Fair Trading's Irresponsible Lending Guidance.

22:

Replacement of “inform customers” with “explain to the improver and the bill payer”.

24, 25, 26, 27, 28:

Moved to or consolidated with other clauses (and amended, as appropriate).

Part 2 Finalising and entering into a Green Deal Plan

Discussing quotes and terms of a Green Deal Plan with improvers and bill payers

30:

Clarification of wording in relation to the total price of the measures to be installed. An addition to state that a Green Deal Provider must not

encourage an improver to waive their right to obtain quotes from other Green Deal Providers.

32: An amendment clarifying what must be included in a Green Deal Provider quote if the improver and bill payer are different and if they are the same.

33 and 37: Consolidated with 32 and 47, respectively.

35 (c): Addition of new sub-clause stating that the Green Deal Provider must advise the customer on impact of early settlement.

Developing the specification of works

38: Inclusion of "single improvement" in addition to package of improvements, in relation to ensuring proper integration between products installed.

38A: Addition of a new clause clarifying that when developing the specification of works, the Green Deal Provider must have regard to product design and specification requirements.

38B: Addition of a new clause requiring that when installing Solid Wall Insulation (SWI) Green Deal Providers ensure that relevant walls are suitable for SWI.

Information and advice to be provided to improvers and bill payers before a Green Deal Plan is entered into

47: Consolidation with former requirement 37. Addition of (a) and (b) sub-clauses clarifying that the Green Deal Provider must advise the bill payer how to ask for further information and provide them with an opportunity to ask questions.

47A, 47 C and 47D: Formerly 24, 27 and 28 (with the removal of (b)) respectively.

47B: Formerly 26. Additional clarification stating that the Green Deal Provider must, on request and free of charge, provide a copy of the draft Green Deal Plan including any guarantee and proposed insurance to be provided under paragraph 111 to the improver, bill payer or other persons, as appropriate.

Pre-contractual information

47E: Addition of a new clause stating what pre-contractual information the Green Deal Provider must provide the bill payer with when the improver and the bill payer are different persons.

47F: An addition stating what the Green Deal Provider must provide a subsequent bill payer with when consent is requested from that person, pursuant to regulation 36 of the Framework Regulations.

48, 49, 50, 51, 52: Moved to or consolidated with other clauses (and amended, as appropriate).

Information on matters related to collection of instalments payable under a Green Deal Plan

- 54: Addition of two new sub-clauses (a) and (b) to require the Green Deal Provider to advise the bill payer how to ask for further information and provide them with an opportunity to ask questions.
- 57: Addition to require provision of information "in writing". Clarification stating what the Green Deal Provider must provide the improver and bill payer with if the property has a prepayment meter.

Information on any necessary building control sign-off /Advice regarding buildings insurance

- 57A and 57B: Formerly 48 and 49, respectively.

Information on improvements – general

- 57C: Formerly 50 with an addition stating what information the Green Deal Provider must provide regarding any mandatory charges and fees for maintenance and the cost of additional maintenance which the customer may wish to undertake on a voluntary basis during the lifetime of the Green Deal Plan.

Information regarding early repayments terms in a Green Deal Plan which is not to be regulated under the CCA

- 59: Amendment to require informing the improver "in writing".

Deposits and advance payments

- 64: Amendment to the method for determining the limit of the deposit to 25% of the difference between the total price of measures and the total amount of credit provided under Green Deal.
- 64 and 65: Addition of paragraph to require Green Deal Providers to explain the conditions of advanced payments.
- 65 (c)(i): Amendment to one condition of determining the limit of total deposit and any advance payments from 60% of the "agreed upfront payment" to "difference between the total price of measures and the total amount of credit provided under Green Deal".

Information to be provided to improvers and bill payers after a Green Deal is entered into

- 74: Addition of "the relevant subsequent bill payer".

Cooling off period and cancellation rights

- 75: Amendment to require explanation "in writing".

Part 3 Requirements of Green Deal Providers after installation of improvements

Ensuring work has been completed

- 81: Amendment to Green Deal Provider obligations with regards to receiving confirmation once improvements have been installed.
- 82A: Former 50 (b).

Part 4 On-going obligations during the period of the Green Deal Plan

Statement requirements where a Green Deal Plan is regulated by the CCA

- 96: Removal of "and the periodic statement provided for in section 77A of the CCA". Replacement of requirement in the accompanied text for the bill to be paid "in full" with "as agreed with your electricity supplier".
- 97: Removal of condition "after the final sum payable by that bill payer is received by the Green Deal Provider (or, if different, the person entitled to the instalments under the Plan)".
- 97A: Addition of the last paragraph to clarify how the payment under (b) is determined.
- 100 (c): Addition of "amount of compensation claimed".

Provision of information to assist future bill payers

- 109: Addition of "at no charge".
- 109A: New clause to require Green Deal Provider to provide an executed credit agreement and any relevant document, upon request from the improver.

Guarantees provided under the Green Deal Plan

- 111 1): Improvement of wording from "enter into a contract of insurance" to "must ensure that a contract of insurance is entered into".
- 111 4) (b)(i): Replacement of "Green Deal Provider" with "insurer".
- 111 6): Improvement to wording from "instead of taking out a contract of insurance" to "instead of ensuring that a contract of insurance is entered into".

Annex E Certification Bodies

- 1 and 2: Clarification of wording to require Certification Bodies to certify to PAS 2030.
- 8: New clause to clarify Certification Body responsibility to promptly notify the GD ORB of the suspension or revocation of the certification of a Green Deal Assessor or Installer.