

ECO Flex Installer Referral for ECO LA Flex Declarations

Code of Practice

East Devon District Council



The Council is keen to support high quality ECO schemes that can demonstrate tangible benefits to local residents and the local economy. It is willing to support (at no cost to the Council) installers and agents that can comply in full with the Code of Conduct for ECO businesses outlined below.

This agreement is not intended to create binding legal obligations on either party, it sets out a framework for delivering an ECO scheme. The Council reserves the right to withdraw from the agreement if there are any breaches of the code.

Installers must

- 1) From 30th June 2021, compliance with PAS 2035 and PAS 2030 is mandatory for all companies installing Energy Efficiency Measures (EEMs), including domestic retrofit and provide evidence of their accreditation.
- 2) Carry out only those activities, for which they are qualified, experienced and have appropriate equipment.
- 3) They should belong to a professional body where appropriate, and installers should be accredited for ECO scheme activity.
- 4) Transparent and provide customers with paperwork to confirm their identity
- 5) Comply with the legislation applicable to their business and activity undertaken.
- 6) Comply fully with ECO regulations; guidance and requirements.
- 7) Trade fairly, openly and honestly recognising the rights of consumers.
- 8) Have a robust customer complaints procedure in place and expect suitable records to be kept of all complaints and details of all action taken.
- 9) Comply fully with the requirements of the Data Protection Act 2018, The Freedom of Information Act 2000 and the Environmental Information Act 2004 and any amendments.
- 10) Provide the name of companies that carry out marketing and/ or canvassing or sales leads generation.

Buy with Confidence

The Council will maintain / introduce a list of 'On Board' good local installers (possibly in conjunction with Trading Standards Buy With Confidence scheme) and only sign off Declarations from these companies in due course.

Health and Safety

It is the responsibility of installers to ensure that when working in customers' properties, to follow appropriate safe working practices so as to avoid placing themselves, their customers or any other person at risk of danger or injury.

Cold Calling

The Councils aim to avoid distress to vulnerable residents from aggressive and unscrupulous cold-calling marketing practices, which has been of concern during past ECO funding rounds. To achieve this the council has produced this code of practice.

The installers or agents must take reasonable precautions and due diligence when outsourcing marketing functions to ensure companies do the following:

- (a) Adhere to the National Cold Calling Protocol
- (b) Comply with Trading Standards legislation, GDPR and EPC
- (c) Train staff on legal requirements
- (d) Provide regular refresher training
- (e) Keep records of staff training

The Council will sign declarations under the current Statement of Intent when the installing company/agent have agreed to the following

- 1) The referral company will provide to the council, name of their funders, names of any associated companies or sub-contractors before the council will accept declaration requests.
- 2) There will be no cold calling. Any evidence of cold calling will be reported to Trading Standards.
- 3) The relationship with the Council is not exaggerated and is to be used strictly for works funded under ECO
- 4) The survey visit be undertaken at a time agreed with the client. Particular care will be taken with elderly or vulnerable residents
- 5) The ECO flex contractor is responsible for ensuring that a customer verification form is completed and signed by the householder/applicant.
- 6) Installations will only happen after Local Authority Declaration has been signed

The information that the referral company will need to provide for a declaration request is

- 1) A fully completed ECO flex online declaration form
- 2) The EPC rating of the property
- 3) The measures that will be installed.
- 4) Proof of ownership and income

Incomplete declaration forms will be rejected until completed in full.

Data Protection

Installers must:

- 1) Ensure that it, its staff members, servants, agents and partners are aware of the provisions of the DPA and GDPR. Any personal information obtained in the course of the performance of this contract shall not be disclosed or used in any unlawful manner.
- 2) Have in place adequate mechanisms to ensure that Partners, agents and subsidiaries to whom personal information is disclosed comply with their obligations under this Contract to keep Personal Data and information secure and confidential in accordance with Data Protection Legislation.
- 3) Ensure that no data is shared unless there is a Legitimate Interest in doing so, or where Special Category Data needs to be obtained, without the expressed consent of the individuals concerned.
- 4) Ensure your ECO privacy notice is given to the client as soon as possible.

Data which is Personal Data, Sensitive Personal Data or special category data will be accessed and transferred between Parties electronically using secure means approved in advance in writing by the councils and follow an agreed process. This means as a minimum that all spreadsheets must be password protected, any emails containing personal data must be sent using the encrypted Egress service, or any other transfer protocol agreed in writing by the council.

Monitoring

In order to monitor the delivery of ECO4 scheme, the provider is required to submit quarterly returns which must include:

- Address of home and type of measures installed
- The value of works undertaken and value of home owners' contributions
- Estimated fuel cost savings for household
- Total Number of homes that have benefitted from energy saving measures in the quarter
- Number and type of measures installed in the quarter

Declarations will not be signed off if repeated verifiable complaints are received (including those made to other councils) about either the Supplier or sub-contractors.

The Council will

- 1) Invoice you monthly on completion of installation (£100 per declaration).
- 2) Review, support and approve (with or without amendments) any marketing/PR materials.
- 3) Review and consider any East Devon residents put forwards for consideration under the LA Flex SOI and sign declarations within 5 working days of receipt.
- 4) Refer customers to companies on a rotational basis working with the Council under the SOI, sending signed declarations containing customer details securely.
- 5) All companies that complete and return a valid Code of Practice and will have their company name and contact details published on the Councils ECO4 website.
- 6) Call the applicant households to verify evidence of eligibility at the time of application.
- 7) Call the applicant to verify that the installation has been completed to the satisfaction of the household.
- 8) Verified complaints from applicants will be referred to Trading Standards and may be shared with other Councils.

Indemnity

The Provider shall agree to indemnify and keep indemnified and defend at its own expense, the Council against all costs, claims, damages or expenses incurred by the Council or for which the Council may become liable due to any failure by the Provider or its employees or agents to comply with any of its obligations under this agreement.

The provider will have sufficient public liability insurance and indemnity.

Suppliers to formally acknowledge that they will abide by the Statement of Intent published on the EDDC ECO4 website and this Code of Practice.

Sign

Position in company

On behalf of

Date

Sign

Position

On behalf of

East Devon District Council

Date