

NE03 - Bacra EPC Assessor Scheme

Fit & Proper Person requirements

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1. Purpose and aim of policy

1.1 This policy has a number of key purposes and aims which are:

- a) To clarify how Bacra will approach verification of the identity of applicants and members of the Bacra Scheme in compliance with the *Scottish Government's Operating Framework for Approved Organisations*.
- b) To define the terms 'fit and proper'.
- c) To clarify the approach of Bacra to establishing whether or not an individual is a fit and proper person in relation to application to and membership of the Bacra Scheme.

2. Scottish Government Framework

2.1 The Scottish Government Operating Framework for Approved Organisations requires that Approved Organisations should undertake background checks on applicants and should verify that, subject to meeting entry criteria; there are no other barriers to membership.

2.2 Specifically the framework requires that:

- a) Approved Organisations (AOs) take all reasonable measures to verify the identity of applicants.
- b) All applications must be subject to a Criminal Records ('Basic Disclosure' or PVG) check, and determination made as to whether they are 'fit and proper' in terms of EPC (Energy Performance Certificate) production for existing dwellings.
- c) All applications should be checked to determine if the applicant holds or has previously held membership of another AO and, if the latter, whether circumstances under which previous membership ceased are relevant to the application.

3. Verifying the identity of applicants and scheme members

- 3.1 All applicants to the Bacra Scheme must provide satisfactory evidence to verify their identity. Any applicant who fails to provide satisfactory evidence will not be considered a fit and proper person and will have their application to join the Bacra Scheme rejected.
- 3.2 Members of the Bacra Scheme must provide satisfactory evidence to verify their identity at any time the Scheme requests that they produce such evidence. Any member of the Bacra Scheme who fails to provide satisfactory evidence will not be considered a fit and proper person and will have their membership of the Bacra Scheme revoked.
- 3.3 Production by the applicant or the Scheme member of three documents consisting of **one document from Group 1 and two from Group 2** as listed below OR five documents from Group 2 provided that one of these contains photographic identification, shall usually be sufficient evidence for establishing an individual's identity. Good quality colour photocopies are acceptable.

Bacra reserves the right to determine what will constitute satisfactory evidence of identity in any particular case and may require an applicant or member to provide other forms of evidence to establish that person's identity should this be necessary on the view of Bacra. All documents produced must be in the name of the applicant or the Bacra Scheme member:

a) **Group 1**

- Valid passport (any nationality)
- UK Driving Licence Full or Provisional – England/Wales/Scotland/Northern Ireland/Isle of Man; photocard only
- Valid photo identity card (EU countries only)
- UK Firearms licence
- HM Forces ID card (UK)

b) **Group 2**

- Marriage certificate/Civil Partnership Certificate
- Original UK birth certificate (issued within 12 months of date of birth, full or short form acceptable)
- P45/P60 statement
- Utility bill (electricity, gas, water, telephone – including mobile phone contract/bill)
- Valid TV licence

- Credit card statement
- Store card statement
- Mortgage statement
- Valid insurance certificate
- Certificate of British nationality
- British work permit/visa**
- Asylum Registration Card
- Personal correspondence or a document from a Government Department*
- Bank or Building Society Document**
- Financial statement e.g. pension, endowment, ISA **
- Valid vehicle registration document
- Mail order catalogue statement*
- Court summons
- Valid NHS card
- Court Claim Form
- Addressed payslip*
- Child benefit book

* documentation must be less than 3 months old at the date it is submitted as evidence)

** must be issued within the 12 months preceding the date it is submitted as evidence)

4. Satisfying the 'fit and proper' requirement

4.1 **Fitness** relates to a person's competence and capability to fulfil their responsibility as a member of the Bacra Scheme and in their practice under the Scheme.

4.2 When assessing the 'fitness' of an applicant or a member of the Scheme, Bacra will, among any other relevant and appropriate factors, take into account:

- The individual's possession of relevant qualifications and skills;
- the individual's knowledge, skills and experience levels relevant to their practice as a member of the Bacra Scheme; and
- an applicant's commitment to Continuing Professional Development (CPD) and, in the case of members of the Scheme, a member's achievement of the CPD requirement.

4.3 **Properness** relates to a person's character and suitability to fulfil their responsibility as a member of Bacra Scheme.

4.4 When assessing the 'properness' of an applicant or a member of the Scheme, Bacra will, among any other relevant and appropriate factors, take into account:

- An applicant's commitment to upholding the standards of conduct outlined in the Bacra Scheme Code of Conduct and outlined in the relevant National Occupational Standards (NOS)
- The individual's record as regards complaints received concerning their conduct or in respect of any investigation undertaken into their conduct by the Scheme.
- Whether or not an applicant has a criminal record, and the nature of any such record.
- In respect of members of the Scheme, factual information suggesting a member's involvement in actual or potentially criminal activity or behaviour and the nature of that activity or behaviour.
- The financial integrity of the applicant or member of the Scheme.

4.5 An applicant or a member of the Bacra Scheme is unlikely to be considered fit and proper if convicted or cautioned for a serious arrestable offence including but not limited to:

- murder;
- manslaughter;
- death by reckless driving;
- rape;
- kidnapping;
- firearms offences;
- hostage taking;
- hijacking or torture

4.6 An applicant or member of the Bacra Scheme is unlikely to be considered fit and proper if they have been convicted of offences that are less serious than those listed above if these are offences against the person or property, or offences which involve elements or acts of dishonesty, corruption, substantial financial gain or serious loss to anyone (including theft, fraud and deception), which resulted in a prison sentence within the last 5 years.

4.7 Applicants to the Bacra Scheme

- a) Applicants to the Bacra Scheme who are not determined by the Scheme to be 'fit and proper' shall have their membership application rejected, notwithstanding an appeal.
- b) Bacra shall request details in relation to an applicant's criminal history and take this into account in determining entry to the Bacra Scheme. Failure by the applicant to provide Bacra with information relevant to it reaching an informed decision on whether or not the applicant should be admitted to membership of the Scheme may be considered in itself to be a failure of the fit and proper person requirement. In such cases Bacra may reject the application for membership or where membership of the Scheme has been granted, be that probationary or otherwise, suspend that membership, pending investigation.
- c) As a minimum all applicants must produce an original or high quality colour scan or authenticated and valid copy of a Basic Disclosure (or PVG) certificate in their name before any form of membership of the Scheme will be granted, be that probationary or otherwise, and before their name is registered on the database for the statutory register of assessors. To be valid the Basic Disclosure (or PVG) certificate must not be more than three years old at the time it is presented for inspection by the Bacra Scheme. An authenticated copy can be made at Post Offices under the 'document certification service'.
- d) Where an applicant offence has been committed, before determining whether or not to accept the applicant into the Bacra Scheme and whether to or not to register the applicant with the statutory database register of assessors, Bacra will consider:
 - the relevance of the offence to the role of the applicant and their practice on becoming a member of the Bacra Scheme;
 - the seriousness of that offence;
 - whether there is any significant pattern of offending; and
 - how recently the offence was committed.

4.8 Members of the Bacra Scheme - General

- a) All members of the Bacra Scheme must at all times be 'fit and proper'. Where the Bacra Scheme enquiries, activities, or other evidence shows that an existing member is no longer 'fit and proper', that member shall have their membership revoked. Appeals against a decision to revoke an individual's membership are subject to the Appeals Policy (See SP02) of the Bacra Scheme.

- b) Bacra reserves the right to require members of the Bacra Scheme to provide updated Basic Disclosure (or PVG) certificates once a member's certificate is older than three years, or where the Scheme has reason to request a certificate as part of an enquiry into the fit and proper status of a member or in any other circumstances as may be necessary for Bacra to comply with requirements placed on it as an Approved Organisation by the Scottish Government or legislation.

- c) Where information is received that a member offence has been committed, before determining any action to be taken in respect of the member, Bacra will consider:
 - The relevance of the offence to the role of the member and their practice under the Bacra Scheme;
 - the seriousness of that offence;
 - whether there is any significant pattern of offending; and
 - how recently the offence was committed.

5. Appeals

5.1 Appeals against a decision to reject an application, to suspend a membership or to revoke a membership under the provisions of this policy are subject to the Appeals Policy (See SP02) of the Bacra Scheme.

6. Storing and disposing of Disclosure Certificates and other information used to Determine fit and proper person status

6.1 Bacra will not retain such information for longer than it is relevant to its needs to fulfill the requirements placed on it as an Approved Organisation by the Scottish Government and legislation. Bacra will comply with its obligations under the provisions of applicable data protection legislation in relation to information held on applicants and Scheme members.

7. Reporting of apparent criminal activity

7.1 Bacra will report to the police complaints, or other information received, that involve apparent criminal activity by an applicant or Scheme member.

Appendix A: Links with other policies and documents

SP01 Bacra Code of Conduct	AM05 Bacra Scheme CPD Guide
SP02 Complaints Policy	

Appendix B: Glossary of Terms

Approved Organisation –organisations approved by the Scottish Ministers who have a membership trained and qualified to produce energy performance certificates and recommendations reports. This is defined within The Energy Performance of Building (Scotland) Regulations 2008, as amended, Regulation 8(1).

Bacra membership –membership of the EPC scheme run by Bacra as an Approved Organisation

Bacra Scheme/the Scheme/BEPC – the scheme for training, registering, assessing and monitoring the practice of EPC assessors in Scotland managed by Bacra as an Approved Organisation.

Energy Performance Certificate (EPC) – A certificate produced by a member of an Approved Organisation which reflects the asset rating of the building using Government approved software which includes recommendation on how to improve the energy efficiency of the property. In order to be a legal document this must be lodged on the approved Government database, in accordance with Regulation 6 of The Energy Performance of Building (Scotland) Regulations 2008, as amended.

Members/Assessors – Member of the Bacra Scheme identified as having the education, training and expertise required to carry out and issue and EPC.