

## Northgate Energy Assessor Accreditation Scheme: Disciplinary Policy

### 1. Introduction

The Northgate EA Accreditation Scheme has various procedures in place, as outlined in the Scheme Code of Conduct, to review performance in accordance with defined criteria.

If Northgate considers an EA to be in breach of these criteria or in breach of the Membership Terms, the provisions of this disciplinary policy will apply.

In the case where a customer complaint is received about a EA, the Northgate EA Accreditation Scheme Customer Complaint Policy will be referred to. Where the outcome of a complaint is deemed to be a breach of the Code of Conduct by the EA, the disciplinary procedure as outlined in this policy will then be implemented.

The Disciplinary Policy is not designed to detract from the rights of a EA under human rights legislation, or other legal statutes.

Following consideration of the facts, Northgate will follow one of the following procedures, depending on the severity of the infringement:

- Minor Infringement
- Serious Infringement

### 2. Minor Infringement

Where Northgate considers an infringement of the Code of Conduct to be a minor breach or considers some other minor breach of the Membership Terms to have occurred then an informal written warning will be issued to the EA identifying the breach and outlining what action is required to avoid future breaches. If the EA fails to comply with the informal written warning, a formal written warning will be issued. If the EA still fails to comply with the formal warning then the issues will be dealt with as if it were a “serious infringement” (see below).

The rights of the EA to appeal to such a warning are set out below.

### 3. Serious Infringement

Where Northgate considers an infringement of the Code of Conduct to be a serious breach (or considers some other serious breach of the Membership Terms has occurred then following consideration Northgate will take one of the following actions depending upon the severity of the breach:-

- Where a minor infringement has been escalated to become a serious infringement a further formal written warning will be issued to the EA identifying the breach and outlining what action is required to avoid future breaches. The matter shall also be referred to the Disciplinary Panel; or
- Issue a formal written warning to the EA identifying the breach and outlining what action is required to avoid future breaches. If the EA fails to comply with the formal written warning then the matter will be referred to the Disciplinary Panel; or

- In cases of extremely serious infringement Northgate reserves the right to refer the matter directly to the Disciplinary Panel, giving the EA formal written notice of the reasons for doing so and suspending the EAs membership until the matter has been heard by the Disciplinary Panel.

#### 4. Disciplinary Panel

The Disciplinary Panel will consist of three members. The Panel will consist of a registered EA (appropriate to the type of scheme the individual is accredited to); and an independent technically qualified individual (details of whom are available on the Web Portal from time to time); and a senior executive of Northgate, The Panel will agree that one of them shall act as a Chairman who shall ensure that the hearing is conducted in a fair and proper manner.

The Disciplinary Panel will convene to hear all matters within 45 days of the matter being referred to it.

Full details of the allegations made against the EA together with all relevant information to be presented to Disciplinary Panel will be circulated at least 7 days prior to the date of the hearing. Such information will include:-

- Specific details (and instances) of the action which allegedly breaches the Code of Conduct or Membership Terms
- Appropriate evidence to support the allegation

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

Each party will be 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 will have a secretary who will minute the hearing (but who will have no right to vote).

Decisions of the Disciplinary Panel will be made by majority vote and subject to the Appeal Procedure (see below) shall be binding on the parties.

Within 7 days of the hearing, Northgate will formally communicate the decision of the Disciplinary Panel in writing to the EA, the decision will state: -

- Confirmation of whether there have been any breaches of the Code of Conduct or the Membership Terms
- any sanction to be imposed on the Member including suspension, striking-off of membership or retraining as required;
- a copy of the minutes of the hearing.

#### 5. Appeal Procedure

Should either party feel that they wish to appeal one or more elements of the Disciplinary Panel's hearing or Northgate's decision under either the Minor or Serious Infringement Procedure they may, within 28 days of that decision seek to appeal any such decision by giving written notice to the other, that it is to apply to the President or the Deputy President, for the time being, of the Chartered Institute of Arbitrators, for the appointment of a single arbitrator, for final resolution. The arbitration shall be governed by both the Arbitration Act 1996 and the Controlled Cost Rules of the Chartered Institute of Arbitrators (2000 Edition), (including any amendments to such Rules). The seat of the arbitration shall be England and Wales. Further details of these rules are available on the Web Portal. The Arbitrator shall be entitled to make such award at to costs as he/she considers appropriate.