



BER Assessors – Dwellings Technical Bulletin

Issue No. 2/10

March 2010

Contents:

1 Accuracy of DEAP assessments and audits	2
2 Disciplinary Process and the Penalty Points System	2
3 Audit Types	4
3.1 Data Review Audits	4
3.2 Desk Review Audits	4
3.3 Documentation and Practice Audits	4

The archive of previous bulletins is available under the [BER reports](#) of section of the SEAI website.

This month's technical bulletin details the accuracy of DEAP assessments and the Quality Assurance System and Disciplinary Procedure for BER Assessors.

1 Accuracy of DEAP assessments and audits

When publishing BER assessments on both new and existing dwellings it is crucial that BER Assessors follow the rules and guidance set out by SEAI. Incorrect assessments may need to be republished, and can cause difficulties for both the Assessor and their client along with increased costs.

On registering as a BER Assessor, the individual accepts and agrees to the obligations set out in the [BER Assessor's Code of Practice](#).

As stated in the Code of Practice: "A BER Assessor is required to act with integrity and diligence to ensure that each BER assessment is executed competently, in an independent manner and in accordance with the Regulations, this Code of Practice and all other directions issued by SEAI."

As part of the process to maintain the integrity of the scheme, BER Assessors can be audited by SEAI. Where SEAI identifies errors, omissions or non-compliance by a BER Assessor with any procedures, directions, with the Code of Practice or the Regulations, SEAI may issue specific directions to the Assessor requiring them to correct and re-publish that rating and any other ratings where they have made this error. Substantial errors in ratings or breaches of the Code of Practice can result in revocation of ratings and/or suspension of the BER Assessors registration.

All BER Assessors must be fully familiar with the [DEAP Manual and the DEAP Survey Guide](#). In addition to this, a number of frequently asked questions and issues are covered under the [BER FAQ](#), as well as the various Domestic BER Technical Bulletins available under [the BER Reports Section](#) of the SEAI website.

Any information required on **Building Regulations Part L** (current or previous) can generally be found on the [Department of Environment, Heritage and Local Government website](#).

In cases where there is doubt about the approach to be taken in a BER assessment, then Assessors should contact the [BER Helpdesk](#) on 1890 252 738 or registered@ber.seai.ie.

2 Disciplinary Process and the Penalty Points System

This section sets out the BER Quality Assurance (QA) disciplinary process for all BER Assessors.

As an integral part of the Quality Management System (QMS), the Disciplinary Process ensures that both the quality and integrity of the scheme is maintained. Disciplinary sanction can arise from audits or complaints. Audits can be selected on either a random or targeted basis at SEAI's discretion. While the Disciplinary Procedure is outlined below, the full detailed Disciplinary Procedure is available on the [SEAI website](#). The QMS currently comprises of a range data review audits, desk review audits and documentation and practice audits carried out on site or at the BER Assessor's premises, though SEAI is also free to ascertain compliance by any means at its disposal. Arising from audit findings it may in certain instances be necessary to undertake disciplinary action against Assessors.

Breach Classification and Penalty Points

SEAI classifies errors and breaches detected during QA audits on the basis of the seriousness of their impact on the integrity of the BER system with errors and breaches classified as one of three levels of Severity – Level 1, 2 or 3 for which a BER Assessor will be assigned points.

- **Severity 1:** A non-compliance that has a high potential to compromise the fundamental integrity of the BER scheme, damage public confidence or otherwise negatively impact the reputation of the scheme. Such a breach incurs **3 penalty points**.
- **Severity 2:** A non-compliance that is significant but, while not acceptable, is unlikely, on its own, to affect the reputation of the BER scheme. Such a breach incurs **2 penalty points**.
- **Severity 3:** A non-compliance that is less significant and would not affect the reputation of the BER Scheme. Such a breach incurs **1 penalty point**.

All findings of non-compliance are formally notified to the BER Assessor in writing in the Audit Report to the BER Assessor registered email address and filed on their record.

QA Points System and Registration Suspensions / Termination

A BER Assessor is assigned points for technical errors or breach of the Code of Practice on the following basis, depending on the severity of the error.

An Assessor's points tally shall be recorded on the BER Assessor's file. Points will remain on an Assessor's record for two years from the time the points are assigned by SEAI. Points accrue from any registrations held by the BER Assessor.

A decision on suspension or termination is based on points accumulated by Assessors. Assessors accumulate points, depending on the findings from the Audits.

Suspension or termination of registration of a BER Assessor is determined as follows:

- A suspension of 3 months will be invoked if a BER Assessor's record shows **10 points** or more accumulated within the previous 2 year period. Penalty points are removed from the BER Assessor's record on completion of the suspension period but the suspension remains on the BER Assessor's record.
- Suspension of registration for 1 year will be invoked if a BER Assessor receives a second suspension within a 2 year period of an initial suspension.
- Termination of registration will be invoked if a third suspension of registration results within two years of the second suspension.

Notwithstanding the above, SEAI reserves the right to summarily suspend or terminate the registration of a BER Assessor in specific circumstances involving a serious breach of the Code of Practice or technical error. An Assessor has the right to appeal all audit findings, penalty points resulting from findings, suspensions or terminations directly to the BER Steering Group within SEAI setting out any mitigating evidence or factors. Penalty point appeals must be made within 28 days of such points being formally notified to the Assessor. SEAI will consider at the time of a suspension whether particular conditions should be imposed on BER Assessor concerned before lifting of such suspension.

In the case of termination of registration, SEAI will consider, on a case by case basis whether re-registration would be permitted and if so what requirements must be met to facilitate re-registration of such a person as a BER Assessor.

The penalty points system will be effective from 1st May 2010.

3 Audit Types

3.1 Data Review Audits

Data Review Audits are high volume audits, selected on both a random and targeted basis, in which audit requests are sent by email to BER Assessors to check their compliance with a particular element of the Code of Practice and/or the relevant BER technical methodology.

3.2 Desk Review Audits

Desk Review Audits involve the review of a set of BER assessments carried out by an individual BER Assessor. Selection is on the basis of risk analysis which identifies potential errors within data files. Such audits may require provision of evidence/substantiation by a BER Assessor in support of entries made in the BER data file for one or more BER assessments.

3.3 Documentation and Practice Audits

Documentation and Practice Audits are detailed audits, which review a BER Assessor's compliance with both the relevant BER technical methodology and the Code of Practice. Such a process will comprehensively audit all relevant aspects of a BER Assessor's BER activities. A number of the BER Assessor's assessments will normally be audited to determine if any error patterns exist.

The selection of BER Assessors for Documentation and Practice Audits is at the discretion of SEAI, but may be informed by, inter alia, the volume of BERs published, the results patterns of BERs published, findings from Desk Review Audits, findings from Data Review Audits, and complaints received.

Documentation and Practice audits are categorised into two sub-types, namely:

- Documentation and Practice Audits (Office Based);
- Documentation and Practice Audits (With Site Inspection).

An audit non-compliance is primarily due to a technical error or a breach of the Code of Practice. The Severity of the findings are defined as detailed in Section 2 above.