

Energy Company Obligation (ECO) Reporting and Evidencing Forum Terms of Reference

Responsible ToR Owner	Last Reviewed Date
Ofgem	11 July 2023

Change history:

Version	Date	Description of changes made	Initials
1.0	14 July 2023		

Effective Date: 14 July 2023

Introduction

Ofgem (hereby referred to as 'we') have created these Energy Company Obligation (ECO) Reporting and Evidencing Forum (EREF) Terms of Reference (ToR) known as ECO Reporting Working Group (EWRG) in order to ensure that the role and processes surrounding EREF are clear and transparent.

These ToR take effect from the Effective Date and supersede all prior versions of the ECO Reporting Working Group (ERWG) Terms of Reference.

1. What is the role of EREF?

1.1. The purpose of EREF is to:

- i. Identify supplier and supply chain needs in terms of properly reporting and submitting evidence to Ofgem in relation to the ECO schemes and the Great British Insulation Scheme (GBIS)
- ii. provide clarity for industry stakeholders on the ECO and GBIS requirements set by Ofgem and the obligated suppliers where possible.
- iii. involve stakeholders in the development of Ofgem's ECO and GBIS templates and documentation, including consideration of appropriate fields, formatting, and usability.
- iv. provide a forum for constructive discussion between suppliers, supply chain, Trustmark, local authorities, retrofit coordinators and Ofgem.
- v. improve the consistency and standardization of evidence collected for ECO and GBIS.
- vi. facilitate discussion of revisions to relevant non-Ofgem documentation such as industry privacy notices

1.2. Ofgem will :

- i. Determine membership of the group (in accordance with parameters set out later in these ToR)
- ii. Arrange and facilitating meetings
- iii. Provide a chair and secretariat for meetings
- iv. Prepare and circulate drafts of ECO and GBIS forms
- v. Discuss potential risks and issues that could impact ECO and Great British Insulation Scheme projects or measures.
- vi. Maintain at all times the focus of the EREF on the agreed scope, outcomes and benefits

1.3 Ofgem will continually evaluate the need for the EREF and has the power to adjust the ToR or discontinue the group if it considers it appropriate to do so.

2. Membership

2.1. Membership of the EREF is open to four categories of stakeholders:

- i. **"Suppliers"**: which are all suppliers obligated to participate in ECO (listed [here](#)). We recommend that a maximum of two representatives from each obligated supplier join the EREF;
- ii. **"Supply Chain"**: which includes, but is not limited to retrofit coordinators, retrofit assessors, installers, managing agents, quality assurance agents and software providers. We aim to roughly align the number of supply chain members with the number of supplier members. As an aspiration, representatives should be drawn from broad areas of the ECO and Great British Insulation Scheme supply chain.
- iii. **"Trustmark"**: We recommend that no more than 5 representatives of Trustmark join the EREF.
- iv. **"Local Authorities and Local Government Association"**: We recommend representatives of Local Authorities and Local Government Association to join the EREF. Invited Local Authorities are only those who have taken on LA Flex.

2.2. The EREF will normally be consulted together as a single group, however in some cases Ofgem may decide to consult members separately.

2.3. Membership of the EREF is not limited, provided the members fall within one of the four categories of stakeholders listed 2.1., However, to ensure efficient and productive meetings, the number of attendees from each group may be limited by Ofgem.

- 2.4. It is at the discretion of Ofgem whether to allow new members to join the EREF or remove members. Members can leave the group immediately by informing Ofgem through a written communication to ECO@ofgem.gov.uk.
- 2.5. Meetings will usually be held remotely via Microsoft Teams, however, may also be held in-person. If meetings are held in person, Microsoft Teams meeting link will be available for those who wish to attend remotely.
- 2.6. Non-members such as the Department for Energy Security and Net Zero may be invited to group meetings from time to time where appropriate dependent on the agenda and at Ofgem's discretion.

3. Meeting details

3.1. EREF meetings will:

- i. be arranged quarterly, but Ofgem may adjust this on an as-required basis;
- ii. typically last a maximum of two hours
- iii. where held in person, have details of the venue communicated at least three weeks in advance; and
- iv. offer facilities for members to be present remotely via Microsoft Teams.

3.2. Ofgem and EREF members agree to work towards the following remit:

- i. Ofgem will set the agenda for meetings. Members may propose items, but Ofgem will decide whether to include these.
- ii. members will submit any proposals for agenda items to Ofgem in advance of any scheduled meeting. A member's proposal may act as the catalyst for a EREF meeting to be scheduled.
- iii. Ofgem will discuss any proposed agenda items with the proposing member and, where appropriate, ask them to present to the group on this item.
- iv. where possible, Ofgem will aim to inform members of the final agenda items no less than one week in advance of the meeting.
- v. other agenda items may be raised after this period. It will be at the discretion of Ofgem whether to include these items.
- vi. members presenting agenda items will prepare any necessary papers, slides or other materials and submit these to Ofgem no less than three days in advance of the meeting. Materials should be distributed to members a minimum of two days in advance of the meeting.

4. Chair and secretariat functions

4.1. Ofgem will provide a chair and secretariat for the EREF. The role of the chair and secretariat is to:

- i. administer the list of EREF members and related distribution and contact list;
- ii. collate agenda items and circulate the finalised meeting agenda;
- iii. schedule and finalise any meeting dates and times;
- iv. distribute any documentation in advance of meetings where necessary;
- v. deliver the opening address and welcome at any meetings;
- vi. aspire to keep any meetings running to time against the agenda;
- vii. facilitate discussion and promote consensus across the EREF;
- viii. note the proceedings of the meetings, discussions, and actions;
- ix. distribute minutes, agreements and actions following meetings where necessary;
- x. confirm progress against actions ahead of the next meetings where necessary; and
- xi. hold parties to account, requiring action where necessary.

4.2. Meeting running order – The running order for meetings will generally follow a set structure. The following assumptions will apply to the running order of EREF meetings:

Task	Responsible
Meetings will open with short updates from the Ofgem chair or from other invited stakeholders	Ofgem
Ofgem will then present agenda items to the group	
Meetings will be run in a way to maximize input and discussion depending on the topics on the agenda. Other information gathering platforms may be used during the meeting. Q&A sessions will be managed to suit the size of audience. The Teams meetings will be used for specific feedback and discussion points, and we will be address comments and questions which are in scope of the meeting. We will always offer a follow up communication option which is likely to via ECO@ofgem.gov.uk or GBIS.enquiry@ofgem.gov.uk;	
Other members presenting on specific agenda points will do so at the relevant time	

Minutes will be taken and actions recorded by the Ofgem secretariat. These will subsequently be distributed to all members following the meetings. Minutes will include a list of attendees and any key points raised under each agenda item as well as any actions or outcomes to emerge;	Ofgem
Meetings may be extended from time to time where there are additional items to discuss;	

4.3. The chair may refer agenda items to the different stakeholder groups as required.

5. Liaison outside of meetings

5.1. Where issues arise that require the group's immediate action or attention, details will be circulated to group members via email, with ad hoc meetings as required. In addition, some EREF documents may also be updated via email communications with the group, outside of formally arranged meetings where necessary.

5.2. Ofgem may draw on its contacts within the forum to facilitate communications or seek views on ECO and GBIS related issues.

6. Accountability:

6.1. The EREF is not an Ofgem decision-making body.

6.2. Documents developed in consultation with the EREF (EREF Documents) are owned by and belong to Ofgem. Ofgem will consider the views of member of the EREF when developing EREF Documents, but Ofgem is not obliged to implement these views and has total discretion as to how the EREF Documents are drafted.

6.3. The Privacy Statement¹ developed by the EREF (and previously, by the ERWG) template and any other non-Ofgem documents will continue to be owned and updated by the group collectively].

6.4. A schedule of documents will be maintained by the Ofgem chair and secretariat. Ofgem documents discussed within and brought to the EREF will be subject to version control to ensure that the relevant version is hosted on the Ofgem website.

6.5. Documents in ECO4, future ECO schemes and The Great British Insulation Scheme (GBIS) are owned and belong to Ofgem, apart from the Privacy Statement, which is a non-Ofgem document, therefore Ofgem will be responsible for maintaining and

¹ [The Great British Insulation Scheme and ECO4 Reporting Working Group Privacy Notice.pdf](#) and [ECO4 Privacy Notice Form v1.1.pdf](#)

updating the EREF Documents. However, EREF members should acknowledge and agree that:

- (i) to the fullest extent permitted by law, Ofgem owes no duty to EREF members, whether in contract or in tort (including in negligence) or under statute or otherwise with respect to or in connection with the EREF Documents;
 - (ii) to the fullest extent permitted by law, Ofgem has no liability to ERWG members for any loss or damage suffered or costs incurred by them, arising out of or in connection with the use of EREF Documents, however such loss or damage is caused.
- 6.6. Where any actions are raised following meetings or via email with the groups such as a proposal to update an EREF Document, members will be expected to report back to Ofgem in writing to confirm their views on the proposal. Members will report to Ofgem within a specified time frame after the meeting which will also be set by Ofgem. Members who do not attend meetings in person are also expected to report back to Ofgem.
- 6.7. It will be made clear in each email that where a member does not respond by a specified deadline, this will be taken as them being in favour of the proposal. If there is disagreement between the members Ofgem will where possible, facilitate agreement between the members. If there is still no agreement, Ofgem has total discretion as to whether to proceed with or publish the document.
- 6.8. EREF members agree to put forward the interests and views of the stakeholders they represent to the best of their ability. Where there is any conflict between these interests and views, and Ofgem's statutory duties or the requirements of the ECO and GBIS scheme, the latter will prevail.
- 6.9. EREF members agree to disseminate the proceedings of the group to the stakeholders they represent as appropriate, having regard as required to the confidentiality requirements set out at paragraph 8.1. Suppliers agree to disseminate any relevant outcomes and findings to their supply chain partners.
- 6.10. Ofgem will make efforts to limit the re-publication of new EREF Documents or updates to existing documents unless necessary. It will be at the discretion of Ofgem to determine what constitutes exceptional circumstances.

7. Disputes

- 7.1. If a dispute arises between members of the EREF the parties involved are expected to work together to resolve that dispute themselves or through the relevant industry escalation procedures. Ofgem will have no remit in resolving disputes between other members of the EREF.
- 7.2. These ToR are subject to the law of England & Wales and the courts of England & Wales have exclusive jurisdiction in respect of any disputes arising out of them.

8. Confidentiality

- 8.1. Confidential information may be shared through the EREF, and where this occurs, members agree to preserve the confidentiality of any information, as required. The submission of information to the group carries implied consent for its reasonable use, i.e. for the consideration amongst the suppliers in order to conduct the work of the group, and not beyond. Where confidential information is shared, it is the responsibility of the party introducing the material to ensure the extent to which any information is confidential is clearly highlighted and treated as such, as meeting minutes or materials could be subject to a request under the Environmental Information Regulations.

9. Publishing

- 9.1. ERWG members agree to respect the copyright over any materials or documents shared through the EREF. All documents developed through the EREF will be at 'draft' status until published on the Ofgem website by Ofgem.

10. Review and duration

- 10.1. Ofgem will aim to review the effectiveness of these ToRs within 12 months of the Effective Date and Ofgem will update the ToR as is required, at its own discretion.
- 10.2. This review of the ToR will be included in the agenda of the fourth quarterly meeting
- 10.3. Unless Ofgem decides otherwise, the EREF and these ToR will endure throughout the operational period of any ECO scheme and throughout The Great British Insulation Scheme (GBIS)

11. Competition Law:

- 11.1. EREF members acknowledge and agree that in participating in the EREF, they must comply with their duties under the law of competition.