
Implementation of the energy code reform: Second decision – response template

This document provides a template for responses to our new consultation questions on the proposed code text and current conflict of interest provisions.

If you are interested in responding to this consultation, please complete this word document and send it to industrycodes@ofgem.gov.uk by the end of the day on Friday 17 April 2026.

Guidance

We typically publish consultation responses when we publish our decision. To ensure that we can correctly attribute your response, please ensure that you enter all relevant details in the “Your organisation’s details” section (template part 1).

If you would like us to treat your response as being confidential, either in full or in part, please indicate this to us below. Further information on how we will treat your response, data and confidentiality can be found at the end of this document.

Please use template part 2 “Code text consultation responses” to provide your responses. For all questions, the template below provides space for you to enter free text comments. Some questions also ask whether you agree with our proposals. Please indicate the extent to which you agree or disagree with relevant proposals by deleting all but one of the bullets provided.

There is also a section for “General feedback” (template part 3). Please use this section to provide any views on the overall consultation process.

Template part 1: Your organisation's details

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Do you want your response treated as confidential? (If yes, please indicate whether you would like the whole of your response to be confidential, or just particular parts).	No

Template part 2: Code text consultation responses

Consultation section 2: Future code modifications process

For each section of the proposed code text, please answer the following question:

Question 1: To what extent do you agree that the proposed code text accurately reflects our policy decisions set out in the main document?

Sections A1-A2: To what extent do you agree that the proposed code text accurately reflects our policy decisions set out in the main document?

- Disagree

Comments:

We believe Section A6 requires a mandatory procedural link to the duties outlined in Section A2.8 to prevent constructive rejections via administrative timescales.

As currently drafted, the power to withdraw a modification for a 'Fail to Engage' lacks the necessary due process protections highlighted in Section 2.80 of the policy decision. We recommend that A6 explicitly cross-reference the A2.8 requirement for 'reasonable and proportionate efforts' to contact the proposer. To make this protection effective, the code should mandate a documented audit trail consisting of:

- At least three distinct contact attempts (e.g., email and telephone).
- Engagement with both the primary and secondary contacts over a minimum of 10 working days.

Furthermore, where the SAF formally disagrees with a proposed withdrawal under A6.3(d), the Code Manager should be subject to a 'Reasoned Override' requirement. This would mandate a detailed technical rebuttal explaining why the modification is no longer 'fit for purpose' despite industry consensus to the contrary. This ensures that the withdrawal process is transparent, auditable, and protected from subjective administrative closure.

Section A3: To what extent do you agree that the proposed code text accurately reflects our policy decisions set out in the main document?

- Agree

Comments:

During the initial transition, the volume of legacy modifications being mapped to the new prioritisation categories will be huge. A mandatory 14-day turnaround for every single rationale could lead to "template-style" responses that lack the depth industry expects.

We would suggest that for the first 6 months of Phase 1, this 14-day window is treated as a "target" rather than a "hard breach" limit, or that the Code Manager has the power to bundle rationales for similar lower-priority changes to manage the administrative load.

Section A3.4(d) currently says the report must *include* the SAF's views, but it doesn't say who *writes* them. If the Code Manager's staff writes the summary, there is a risk of "filtering" or softening the industry's technical concerns.

To stay true to Policy Section 3.84, the code text needs to be much more explicit. It should state that the section of the report containing the SAF's views must be "drafted and approved solely by the SAF Chair" (or an independent deputy).

This protects the independence of the SAF. If the Code Manager holds the pen, the SAF is just a "consultation body." If the Chair holds the pen, the SAF is a true "Check and Balance."

Section A4: To what extent do you agree that the proposed code text accurately reflects our policy decisions set out in the main document?

- Agree

Comments:

The requirement to track changes to prioritisation is a strong "paper trail," but it only solves half the problem identified in Section 8.19.

Stakeholders weren't just worried about *why* a single mod moved; they were worried about the "queue jump" effect. If Mod A moves from Category 3 to 1, it impacts the timelines of everything else.

A4.6(b) provides good individual traceability, but it doesn't provide systemic visibility.

To truly satisfy Section 8.19, the "Change Register" needs to show a "Last Updated" timestamp and a brief "Impact on Other Projects" note whenever a category changes. This prevents the prioritisation process from feeling like a "black box."

While Section A4 is detailed, it describes a Code-specific register, not a Centralized one. If every Code Manager has a slightly different format for their register, we've lost the "common language" that CACoP provided. We should suggest that Section A4 includes a requirement for the register to be "machine-readable" (e.g., via API or standard CSV export). This would allow third parties—or the Cross-Code Steering Group—to easily pull all registers into one "Central Dashboard" without requiring a manual, human-led CACoP process.

Section A5: To what extent do you agree that the proposed code text accurately reflects our policy decisions set out in the main document?

- Agree

Comments:

While we agree with the intent, we believe two safeguards are necessary to ensure fairness:

1. **Response Window (A5.4):** To provide market certainty, we recommend a standard minimum response window of 10 working days. The Code Manager should only be permitted to shorten this window for modifications formally designated as 'Urgent.' This prevents constructive rejections via administrative timescales while preserving the necessary agility for critical changes, ensuring that all proposers have a fair opportunity to respond to ownership offers.
2. **Rationale Depth (A5.2):** Given the lack of an appeal route (Sec 2.87), the 'Rationale' requirement must be more robust. The code should mandate that any rejection is explicitly linked to the Relevant Code Objectives. This ensures that the Code Manager's decision is based on technical merit rather than subjective preference, providing the necessary transparency that stakeholders requested.

Section A6: To what extent do you agree that the proposed code text accurately reflects our policy decisions set out in the main document?

- Disagree

Comments:

We recommend that Section A6 be restructured to explicitly reflect the Code Manager's core duties set out in Section A2. Specifically, the power to withdraw a modification for 'failure to engage' must be contingent on the Code Manager demonstrating they have fulfilled their duty under A2.8 to take 'reasonable and proportionate' steps to support the Proposer.

To ensure this alignment, the code should mandate that no withdrawal under A6 can proceed unless the Code Manager provides an Evidence of Engagement Audit, confirming they have:

- Actively facilitated the Proposer's participation (as per A2.1) by providing technical and administrative guidance to overcome roadblocks.
- Exhausted multi-channel contact attempts, mirroring the 'proportionate efforts' required by A2.8, including at least three documented attempts across a minimum of 10 working days.
- Provided a formal 'Notice of Potential Withdrawal,' offering the Proposer a final opportunity to seek assistance or transfer ownership, thereby preventing constructive rejections via administrative timescales.

This alignment ensures that 'Fail to Engage' is used strictly as a last resort, protecting the industry's modification pipeline from being cleared due to avoidable communication gaps or a lack of proactive support from the Code Manager.

Section A7: To what extent do you agree that the proposed code text accurately reflects our policy decision set out in the main document?

- Agree

Comments:

While we support the move to a more flexible Forum model, we suggest two additions to protect industry resources:

1. **Attendance Consequences (A7.16):** To fully address the concern regarding 'unsupported issues' (Sec 2.14), the code should specify a procedural consequence for non-attendance. If a Proposer fails to attend the designated Forum, the Code Manager should have the power to de-prioritise the modification. This ensures that forum time is reserved for proposers who are actively prepared to move their changes forward.
2. **Operational Safeguards (A7.21):** While 'Terms of Reference' are a necessary starting point, they do not effectively prevent procedural inefficiency and administrative over-extension. We recommend that any additional forum created be subject to a six-monthly necessity review by the SAF. This ensures that the number of active forums remains proportionate to the industry's capacity to engage, preventing the fragmentation of expertise.

Section A8: To what extent do you agree that the proposed code text accurately reflects our policy decision set out in the main document?

- Agree

Comments:

We recommend two specific refinements to Section A8:

1. **Guided Assistance (A8.11):** To ensure the 'Critical Friend' mandate is fulfilled, the Code Manager's power to reject a proposal after two failed attempts should be contingent on them providing documented, actionable feedback following the first attempt. This ensures the rule is used to prevent administrative burnout rather than to bypass the duty to assist less experienced proposers.
2. **Innovation Safeguard (A8.2):** To maintain the REC's successful 'open-access' model, the non-code party designation process must remain inclusive. We suggest the inclusion of a 'Light-Touch' designation track for small innovators and consumer groups. This ensures that as other codes move into the Phase 1 framework, the barrier to entry for non-traditional participants remains low, fostering a more innovative and competitive market.

Section A9: To what extent do you agree that the proposed code text accurately reflects our policy decision set out in the main document?

- Agree

Comments:

In the current drafting, even a tiny typo in an objection forces the modification back into the "Standard" lane. This can turn a 1-month fix into a 6-month project over a minor disagreement.

We would suggest a "Right to Rectify" before reclassification. If an objection is raised, the Code Manager should have a 5-working-day window to discuss it with the objector. If the objection was based on a misunderstanding or can be solved with a tiny wording tweak, the Manager should be able to keep it on the Fast-Track. This prevents the "administrative burnout" mentioned in the policy by avoiding unnecessary full-scale assessments for minor errors.

Given that the SAF cannot appeal (Sec 2.115), the individual Code Party appeal route must be supported by better data. We recommend that the Code Manager be mandated to produce a 'Materiality Statement' for all Fast-Track changes. This shifts the process from a 'burden of discovery' on industry parties to a proactive 'duty of disclosure' for the Code Manager, ensuring the appeal route in A9.13 is an effective safeguard against 'materiality creep'.

Section A10: To what extent do you agree that the proposed code text accurately reflects our policy decision set out in the main document?

- Agree

Comments:

While we acknowledge the need for the Code Manager to manage the modification pipeline dynamically, we have concerns regarding the 'predictability' of the current drafting:

1. **Slippage Backstop (A10.4):** To protect the commercial planning cycles of market participants, we recommend a 'Backstop Provision.' If a modification's timetable is adjusted more than twice, the Code Manager should be mandated to provide a detailed impact assessment to the SAF. This prevents non-urgent but essential changes from experiencing 'infinite slippage.'
2. **Agile Safety Valve:** We do not believe the bi-annual review (A10.4) is a sufficient safety valve for de-prioritised changes, given the pace of market change. We suggest the inclusion of an 'Ad-hoc Review Trigger' based on a 'Material Change in Circumstances.' This would allow proposers to request a prioritisation re-assessment ahead of the six-month cycle if external drivers (e.g., new legislation or system changes) alter the urgency of their proposal.

Section A11: To what extent do you agree that the proposed code text accurately reflects our policy decision set out in the main document?

- Agree

Comments:

While we support the move toward more agile modification planning, we believe the current drafting of Section A11 risks undermining process certainty for market participants:

1. **Materiality Check (A11.6):** The power to change the assessment plan 'at any time' creates significant unpredictability for industry resourcing. We recommend that any change extending the modification timeline beyond a specific threshold (e.g., 20 working days) must require prior consultation with the SAF. This ensures that adjustments are technically justified rather than administratively convenient.
2. **Upfront Transparency (A11.2):** To align with the policy decision in Section 2.159, the rationale for the proposed assessment path—specifically where workgroups are bypassed—must be documented at the Plan stage. Moving this requirement earlier in the process allows stakeholders to challenge an inappropriate assessment path before resources are committed, rather than only seeing the justification in the final report.

Section A12: To what extent do you agree that the proposed code text accurately reflects our policy decision set out in the main document?

-
- Agree

Comments:

The requirement for Workgroup members to "agree the report" is actually a potential trap for minority views. In a room full of competing commercial interests, "agreement" can often be misinterpreted as "unanimity," which pressures outliers to fall in line.

If the code doesn't explicitly mandate the inclusion of dissenting opinions, a Workgroup report might present a "false consensus" to the Code Manager and the Authority. This is particularly dangerous for innovative or disruptive ideas that the majority might find threatening.

To align with the SAF requirements for transparency, A12.9 should be amended to state that while the report must be "reviewed" by the group, it must "explicitly include any dissenting opinions or alternative technical interpretations" raised during the process.

"Agreeing the report" should mean agreeing that it is an *accurate record* of the discussion (including the disagreements), not necessarily that everyone agrees with the final conclusion.

The new power for the Code Manager to commission analysis *before* a Workgroup even meets (Sec 2.172) is a proactive move, but it leaves a major question mark over the checkbook.

If a Code Manager spends £50k on a technical study for a modification that the Workgroup then decides is unnecessary, who pays? Currently, A12.7(b) focuses on the *task* but ignores the *invoice*.

For the BSC and REC, where technical studies (like load profiling or system impact assessments) can be incredibly expensive, there must be a mandatory cross-reference to the Cost Recovery sections.

We would suggest that A12.7(b) includes a requirement for the Code Manager to provide a "Cost Estimate" to the industry (or at least the SAF) before commissioning external analysis that exceeds a certain financial threshold.

Section A13: To what extent do you agree that the proposed code text accurately reflects our policy decision set out in the main document?

- Agree

Comments:

To ensure the consultation process remains robust and inclusive, we recommend two specific improvements to Section A13:

1. **Mandated Consultation Floor (A13.10b):** To manage 'consultation peaks' (Sec 7.9) and ensure high-quality industry input, we believe the Code Manager's discretion should be limited by a minimum consultation period of 15 working days for all standard modifications. This provides the necessary window for market participants to conduct internal impact assessments and provide meaningful feedback on complex technical changes.
2. **Structuring Dissent (A13.9g):** To fulfill the policy intent of Section 2.203, the code must provide more detail on the representation of minority views. We recommend that A13.9(g) explicitly require the inclusion of a 'Summary of Non-Consensus Technical Arguments.' This ensures that the wider industry is presented with the full technical debate, allowing respondents to provide an informed view on contested points rather than simply seeing a filtered majority consensus.

Section A14: To what extent do you agree that the proposed code text accurately reflects our policy decision set out in the main document?

- Disagree

Comments:

We recommend that **Section A14** be strengthened to ensure the Final Modification Report (FMR) provides an unfiltered and transparent account of industry expertise. Specifically:

- **Standard for Dissent (A14.2):** The report should not merely 'include' minority views but must explicitly feature a 'Summary of Non-Consensus Technical Arguments.' This ensures that the Authority is made aware of the specific technical risks or alternative interpretations raised by the SAF, rather than receiving a sanitized majority view.
- **The 'Reasoned Override' Requirement:** To ensure the integrity of the expert-led process, if the Code Manager's final recommendation contradicts a unanimous or super-majority (75%+) vote of the SAF, the FMR must include a Detailed Technical Rebuttal. This document must provide a point-by-point evidence-based justification for why the Code Manager has departed from industry consensus.
- **Implementation Risk Assessment (A14.2f):** Given the shift to a fixed 'go-live' point in time (Sec 8.13), a simple timetable is insufficient. The FMR must include a mandatory Implementation Risk & Dependency Statement, highlighting the technical 'confidence level' for the proposed date to assist market participants in their own resource planning.
- **Independence of SAF Input (A14.2g):** To align with Section 3.84 of the policy decision, the code should explicitly state that the summary of SAF views is independently authored and finalized by the SAF Chair. This 'ring-fencing' ensures the industry's voice remains unfiltered by the Code Manager's executive summary.

Section A15: To what extent do you agree that the proposed code text accurately reflects our policy decision set out in the main document?

- Agree

Comments:

Consolidation by Default: To avoid resource-heavy parallel running, we suggest that combining or replacing a single modification should be the default procedure. If the Code Manager is empowered with more control over the technical solution (per our A2.12 recommendation), they can more efficiently merge similar proposals into a single "Consolidated Modification" early in the process.

Section A16: To what extent do you agree that the proposed code text accurately reflects our policy decision set out in the main document?

- Agree

Comments:

While we support the clear definition of Authority powers, we recommend two safeguards to ensure market certainty:

1. **Decision Deadlines (A16.4):** To prevent 'regulatory creep' and protect industry implementation windows, we recommend that the Authority's 'Send-Back' power be subject to a standard time limit (e.g., 30 working days from receipt of the FMR). This ensures that modifications do not sit in a state of 'procedural limbo,' allowing market participants to plan their resources with greater confidence.
2. **Enhanced Appeal Visibility (A16.9):** Given that the SAF cannot appeal (Sec 2.115), the individual Code Party appeal route must be supported by better transparency. We recommend that every Self-Governance decision be accompanied by a 'Standardized Impact Statement.' This allows parties to quickly identify if a modification has been incorrectly categorized as low-impact, ensuring the appeal route remains an effective check on 'materiality creep' without placing an undue monitoring burden on market participants.

Section A17: To what extent do you agree that the proposed code text accurately reflects our policy decision set out in the main document?

- Agree

Comments:

To prevent the Manager's role from becoming purely symbolic, we should suggest that the Authority's power to overrule under A17.11 must be accompanied by a published "Conflict Rationale." If the Authority blocks a mod, they should explain exactly how it jeopardizes the SCR. This prevents "precautionary blocking" where good mods are frozen "just in case."

We believe the 28-working-day window is insufficient for the industry to react to the end of a Modification Suspense Period. Following a long-term SCR, market participants require more time to re-evaluate the technical and commercial viability of reactivated mods. We suggest an extended window of 45 working days for any modification that has been suspended for over six months, allowing for a more orderly and 'staggered' resumption of workgroup activities.

Section A18: To what extent do you agree that the proposed code text accurately reflects our policy decision set out in the main document?

Agree

Comments:

To ensure that Authority-Led modifications maintain a balance between speed and technical integrity, we recommend two refinements to Section A18:

1. **Mandated Delivery Timetable (A18.7):** The phrase 'as soon as appropriate' is too vague to ensure the expediency required by Section 3.11. We recommend that for Authority-Led modifications, the Code Manager must submit a binding 'Assessment & Delivery Timetable' within 10 working days of the direction. This provides the Authority with certainty on speed while protecting the Code Manager's ability to conduct a robust technical review.
2. **SAF Technical Risk Register (A18.6):** Given that the SAF cannot appeal (Sec 2.115), their input on Authority-Led changes must carry more weight. We recommend that the requirement to provide 'reasons given by the SAF' be upgraded to a mandatory 'SAF Technical Risk Register.' This ensures that the Authority receives a formalized assessment of the industry's technical concerns, which must be explicitly addressed in the Authority's final decision letter.

Section A19: To what extent do you agree that the proposed code text accurately reflects our policy decision set out in the main document?

- Agree

Comments:

To ensure the integrity of the industry's modification pipeline and the financial stability of central systems, we recommend amending Section A19:

1. **Mandatory Impact Assessment (A19.6):** The Authority's power to suspend modifications should not be exercised in isolation. We recommend a formal '5-day SAF Consultation' requirement before a suspension is directed. This allows the Code Manager and industry experts to flag any critical technical dependencies or 'sunk cost' risks that the Authority may not have considered.

Section A20: To what extent do you agree that the proposed code text accurately reflects our policy decision set out in the main document?

- Agree

Comments:

As drafted, the Code Manager has total autonomy over the implementation dates for Self-Governance changes. While these are "lower impact," the cumulative effect of several "small" changes hitting at once can be just as disruptive as one "big" change. Without a "safety valve," a Code Manager could set a delivery date that clashes with a major industry milestone (like a pricing update or a central system release).

We would suggest that for Self-Governance changes, the SAF acts as the safety valve. If the SAF formally advises that a proposed delivery date is unworkable for the industry, the Code Manager should be required to seek Authority Consent to proceed with that specific date.

Section A21: To what extent do you agree that the proposed code text accurately reflects our policy decision set out in the main document?

- Agree

Comments:

Early Visibility: Currently, codes often interact only after a solution is drafted, which is too late to change core logic without significant delays. We propose a "Pre-Modification" notification step where the CCSG receives a high-level briefing on the *issue* before the *solution* is formalised.

The "Change Register" should function as a Live Cross-Code Dashboard, ensuring the CCSG and Workgroups have visibility of upcoming changes before they reach the formal Assessment phase.

Section A22: To what extent do you agree that the proposed code text accurately reflects our policy decision set out in the main document?

- Agree

Comments:

To provide the legal clarity required by Section 2.233, the term 'reasonable steps' must be clearly defined for non-licensed participants. We recommend that the Code Manager be required to publish a 'Cooperation Handbook' that outlines expected response standards and the process for requesting relief. This ensures that non-traditional participants are not deterred by vague legal language and understand their obligations under the new governance framework.

'Considering' other activities is insufficient to prevent 'consultation peaks' (Sec 7.9). We recommend that the Code Manager, via the CCSG, maintains a shared industry calendar. The code should mandate 'Soft Blackout Periods' around major industry milestones (e.g., central system go-lives), during which non-urgent data requests are restricted. This provides the concrete protection necessary to manage limited expert resource pools.

Question 2: Are any amendments needed to the proposed code text to ensure it reflects the specific requirements for the BSC and REC?

Comments:

We propose the following specific amendments to ensure the "Baseline" text is workable for Phase 1:

1. **Performance Assurance:** Explicitly add the Performance Assurance Board (PAB) into A2 and A11 to clarify their role in assessing implementation feasibility.
2. **Legal Drafting:** Amend A2.12 to include a "Technical Necessity" exception for CSDB compatibility.
3. **REC Open Access:** Amend A8.1/A8.2 for the REC to remove the designation hurdle for non-code parties, preserving its unique "open-access" model.
4. **Sandbox Path:** Add a "Sandbox Path" to A9 to ensure modifications exiting a BSC Regulatory Sandbox are handled with appropriate urgency.

Consultation section 3: Stakeholder Advisory Forum (SAF)

For each section of the proposed SAF text, please answer the following question:

Question 3: To what extent do you agree that the proposed SAF text accurately reflects our policy decisions set out in the main document?

Sections B1-3: To what extent do you agree that the proposed code text accurately reflects our policy decision set out in the main document?

- Agree

Comments:

We would suggest that while a standalone SAF objective wasn't introduced, the "Guidance to SAF Members" (under Section B) must explicitly state that "Facilitating Relevant Code Objectives" includes the assessment of carbon impacts and sustainability, as mandated by the Energy Act 2023. This turns an "indirect route" into a "mandatory consideration."

We do not believe that B2.1(b) is a sufficient route for environmental consideration without further guidance. Given the decision in Section 3.15, the code should mandate that the 'Guidance to SAF Members' includes a specific requirement to assess the carbon impact of modifications. This ensures that the SAF's duty to facilitate code objectives is interpreted in a way that is consistent with the UK's wider legal obligations toward decarbonization.

Section B4: To what extent do you agree that the proposed code text accurately reflects our policy decision set out in the main document?

- Agree

Comments:

VfM Framework: To protect Code Parties from excessive costs, we suggest a "Value for Money" framework for independent appointments. The Code Manager should use a "Skills Matrix" to hire independents only when specific high-level expertise (e.g., AI or Data Privacy) is not present among elected Party Representatives.

Section B5: To what extent do you agree that the proposed code text accurately reflects our policy decision set out in the main document?

- Agree

Comments:

We suggest that for the initial transition phase, those appointed to "short terms" (e.g., 1 or 2 years) should have a "Right of First Refusal" or a streamlined re-appointment process for a subsequent full term, provided they meet the performance criteria.

This maintains the staggering cycle (the slot still expires) but ensures that the individual isn't "penalized" by having to go through a full, competitive public recruitment process again just 12 months after starting.

Section B6: To what extent do you agree that the proposed code text accurately reflects our policy decision set out in the main document?

- Agree

Comments:

Pre-Appointment Vetting: The current drafting is "reactive." We suggest adding a "Pre-Appointment Disclosure Audit" clause. This shifts the burden of integrity from SAF members (who shouldn't have to self-police via unanimous votes) to the Code Manager, who should be legally responsible for the "Fit and Proper" status of their advisor.

Section B7: To what extent do you agree that the proposed code text accurately reflects our policy decision set out in the main document?

- Agree

Comments:

We are concerned that the drafting of B7.2(d)(ii) creates a significant barrier to entry for smaller market participants and innovators:

- **Recruitment Risk:** Small-to-medium participants often rely on a single 'lead expert' for both commercial strategy and technical code work. Requiring an employer to sign a blanket agreement that SAF impartiality 'prevails' over their employment duties may be legally and commercially untenable for these firms.
- **Diversity Gap:** To prevent the SAF from becoming dominated by larger organizations with surplus resource, we recommend that the code includes a 'Conflict Management Framework' as an alternative to the blanket waiver. This would allow experts to maintain their duty of impartiality on general technical matters while providing a clear, transparent process for recusal in instances of direct, material commercial conflict. This protects the integrity of the SAF without deterring the very experts the new framework aims to attract.

Section B8: To what extent do you agree that the proposed code text accurately reflects our policy decision set out in the main document?

- Agree

Comments:

To ensure the technical integrity of SAF decisions and minimize the risk of procedural appeals, we recommend strengthening the conflict provisions in B8:

- **Proactive Disclosure:** Relying on members to 'identify' their own conflicts (B8.2) is a reactive measure that may miss indirect technical biases. We recommend that for every modification under assessment, members must complete a 'Modification Interest Statement.'
- **Supporting the Chair:** This provides the SAF Chair with the necessary data to exercise their 'backstop' power in B8.3 effectively. A formal, mod-specific declaration creates a clear audit trail for the Authority and protects the SAF's reputation for impartiality, ensuring that technical recommendations are seen as truly independent of the commercial interests of the members' employers

Section B9: To what extent do you agree that the proposed code text accurately reflects our policy decision set out in the main document?

- Agree

Comments:

To ensure that SAF members can provide robust, expert technical advice without the fear of personal liability, we recommend a refinement to the indemnity provisions:

- **Operationalizing 'Good Faith':** The indemnity protection in B11 is currently contingent on the subjective measure of 'good faith.' To protect members and their employers, the Code Manager should be mandated to provide a formal 'SAF Liability & Indemnity Guidance' document.
- **Objective Standards:** This document should define the objective steps—such as adherence to the SAF Terms of Reference and conflict disclosure protocols—that constitute 'good faith' performance of duties. Providing this legal clarity is essential for the recruitment of high-caliber experts, particularly from participants who require certainty that their staff will not be exposed to personal litigation for technical judgments made during the code modification process.

Section B10: To what extent do you agree that the proposed code text accurately reflects our policy decision set out in the main document?

- Agree

Comments:

To ensure the integrity of the 'one member per corporate group' rule in B10.2(d), we believe the current drafting is insufficient.

The Code Manager does not have the investigative resources to map complex or international corporate structures. We recommend that the code includes an explicit duty for Code Parties to disclose all affiliates at the point of candidate nomination and voting.

To make this duty effective, the code should specify that failure to disclose affiliate relationships results in the disqualification of candidates and the voiding of votes from that corporate group. This shifts the administrative burden from the Code Manager to the participants and ensures that the SAF remains a balanced body of independent experts rather than a forum for 'block voting' by undisclosed corporate interests.

Section B11: To what extent do you agree that the proposed code text accurately reflects our policy decision set out in the main document?

- Disagree

Comments:

We are concerned that a 5-working-day notice period is inadequate for the review of complex modifications. We recommend that the code distinguishes between 'Meeting Notice' and the 'Information Deadline,' mandating that supporting papers must be delivered at least 7 working days in advance.

Furthermore, should the code include a 'Technical Readiness' provision, allowing a majority of SAF members to adjourn a meeting without a vote if the provided data is deemed insufficient or late? This would prevent the Code Manager from prioritizing administrative speed over the depth of technical scrutiny.

Section B12: To what extent do you agree that the proposed code text accurately reflects our policy decision set out in the main document?

- Disagree

Comments:

- Given that SAF votes are non-binding under B12.5, does the governance framework provide enough 'procedural weight' to prevent a Code Manager from routinely overriding industry consensus? To ensure the SAF's expertise has actual teeth, we recommend that any decision by the Code Manager to ignore a unanimous or super-majority (75%+) SAF recommendation must trigger a mandatory 'Detailed Technical Rebuttal' within the Final Modification Report.
- This rebuttal should be a formal, evidence-based document that addresses the specific technical risks identified by the SAF, thereby ensuring that departures from expert consensus are transparently justified to the Authority and cannot be executed via a simple 'administrative override'

Question 4: Are any amendments needed to the proposed code text to ensure it reflects the specific requirements for the BSC and REC?

Comments:

BSC Liaison: Amend B3 to require the SAF to consult the PAB on any modification impacting settlement risk.

Specialist Pool: Mandate that the BSC "Pool of Members" (B4.17) includes designated experts in Metering, Profiling, and Settlement.

CSDB Observer: For the REC, the Authority should use B4.21 to designate the CSDB as a permanent Technical Observer to ensure system-led changes remain feasible.

Meeting Cadence: Given the volume in the BSC and REC, we suggest these codes consider bi-weekly technical "surgeries" rather than relying solely on the monthly requirement in B11.5.

Question 5: Do you have any views on whether conflict of interest provisions should be introduced under current panel arrangements?

Comments:

Yes. We strongly support the early introduction of conflict of interest provisions under current Panel arrangements. To ensure a smooth transition to the SAF model, the standards of impartiality and the requirement for independent authorship of assessments (as seen in Section B) should be adopted as 'best practice' immediately. This will provide greater transparency during the transition period and ensure that the cultural shift toward expert-led governance begins ahead of the formal designation of the new Code Managers.

Template part 3: General feedback

We believe that consultation is at the heart of good policy development. We welcome any comments about how we've run this consultation. We'd also like to get your answers to the following questions.

Question	Response
Do you have any comments about the overall process of this consultation?	
Do you have any comments about its tone and content?	
Was it easy to read and understand? Or could it have been better written?	
Were its conclusions balanced?	
Did it make reasoned recommendations for improvement?	
Any further comments?	

Your response, data and confidentiality

You can ask us to keep your response, or parts of your response, confidential. We'll respect this, subject to obligations to disclose information, for example, under the Freedom of Information Act 2000, the Environmental Information Regulations 2004, statutory directions, court orders, government regulations or where you give us explicit permission to disclose. If you do want us to keep your response confidential, please clearly mark this on your response and explain why.

If you wish us to keep part of your response confidential, please clearly mark those parts of your response that you *do* wish to be kept confidential and those that you *do not* wish to be kept confidential. Please put the confidential material in a separate appendix to your response. If necessary, we'll get in touch with you to discuss which parts of the information in your response should be kept confidential, and which can be published. We might ask for reasons why.

If the information you give in your response contains personal data under the General Data Protection Regulation (Regulation (EU) 2016/679) as retained in domestic law following the UK's withdrawal from the European Union ("UK GDPR"), the Gas and Electricity Markets Authority will be the data controller for the purposes of GDPR. Ofgem uses the information in responses in performing its statutory functions and in accordance with section 105 of the Utilities Act 2000. Please refer to our Privacy Notice on consultations, see Appendix 4.

If you wish to respond confidentially, we'll keep your response itself confidential, but we will publish the number (but not the names) of confidential responses we receive. We won't link responses to respondents if we publish a summary of responses, and we will evaluate each response on its own merits without undermining your right to confidentiality.