
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

Contact name	Catherine Duggan
Role title	Senior Regulatory Contracts Manager
Company name	SP ENW
Telephone number	0777554764
Email address	Catherine.duggan@enwl.co.uk
Date of submission	16/04/2026
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?

[Please delete all but one bullet]

- Agree

Comments:

A1 - we have no comments

A2 - we have the following recommendations:

A2.6 - the inclusion of an additional requirement for the Code Manager to assist with the raising and progression of an "Issue" as well as Modification Proposal as follows:

This assistance shall include, but not be limited to, assistance with:

a) ~~Drafting~~ Submitting an Issue or Modification Proposal

b) Understanding the operation of the Code

c) Involvement in and representation during the progress of an Issue and Modification Proposal through the Modification Procedures (including, but not limited to meetings of the SAF and any workgroup established under the Modification Procedures)

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

[Please delete all but one bullet]

- Agree

Comments:

No comments

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

[Please delete all but one bullet]

- Agree

Comments:

We recommend the following requirement is revised, to ensure processing timescales are codified for Issues and Modification Proposals pipeline to prevent disproportionate delays to interested parties and SAF. Currently, there are examples where a modification proposal is effectively under the radar and has taken months before a decision is made by the Code Manager. As an example, SP ENW raised a problem statement on the 11 November 2024 (which subsequently become an approved modificationMP288

<https://smartenergycodecompany.co.uk/modifications/erroneous-section-j-default-notices/>.

SP ENW where required to proactively request updates and rational for SECAS not publishing the draft modification. SECAS only raised the issue at a Change Forum on the 5 February and which subsequently progressed and was published with a unique identifier on its website on the 11 March 2025. We suggest Ofgem decide what are reasonable timescales and we have used illustrative examples below.

*A4.2 Where submission of an Issue or Modification Proposal is accepted the Code Manager must assign a unique identifier to the Issue or Modification Proposal and add it to the Change Register. **The Code Manager must include the date they received the submission of an Issue or Modification Proposal and the date it was included in the Change Register.***

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

[Please delete all but one bullet]

- Agree

Comments:

No comments

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

[Please delete all but one bullet]

- Agree

Comments:

No comments

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

[Please delete all but one bullet]

- Agree

Comments:

As A4.2 only deals with Issues and Modifications which the Code Manager has accepted we recommend the following is a new requirement to ensure the Code Manager is required to process an Issue within certain timescales irrespective if they accept it or not to ensure transparency to the Proposer and to enable effective management of the pipeline:

A7.3 The Code Manager shall within 5 working days for Urgent or twenty working days for non Urgent Issues, acknowledge receipt and confirm if:

a) the Code Manager refuses to accept the Issue in accordance with A7.7; or

b) the Code Manager has decided the Issue can proceed to discussion at the Pre Modification Forum and provide the date of the Forum at which the Issue will be decided upon in accordance with A7.10; or

c) the Code Manager has accepted the Issue in accordance with A7.10.

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

[Please delete all but one bullet]

- Agree

Comments:

As A4.2 only deals with Issues and Modifications which the Code Manager has accepted we recommend the following is a new requirement to ensure the Code Manager is required to process an Modification Proposals within certain timescales irrespective if they accept it or not to ensure transparency to the Proposer and to enable effective management of the pipeline:

A8.16 The Code Manager shall within 5 working days for Urgent or twenty working days for non Urgent Modification Proposals, acknowledge receipt and confirm to the Proposer if:

a) the Code Manager rejects the Modification Proposal in accordance with A8.10 and A8.13; or

b) the Code Manager is seeking additional information in accordance with A8. 11; or

c) the Code Manager has accepted the Modification Proposal and it has been assigned a unique identification number in the Change Register

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

[Please delete all but one bullet]

- Disagree

Comments:

The drafting of Clause A9.7 should be amended as follows to specifically relate to the Relevant Code Objectives:

A9.7 A Modification Proposal which satisfies one or more of the following criteria will be classified as an Authority-Consent modification:

a) The proposal is likely to have a material impact on existing or future Energy Consumers

b) The proposal is likely to have a material impact on the Relevant Code Objectives;

~~b) c)~~ *c) The proposal is likely to cause undue discrimination in their effects between one Party (or class of Parties) and another Party (or class of Parties); or,*

~~c) d)~~ *d) The proposal is likely to have a material effect on the arrangements set out in this Section A and Section B.*

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

[Please delete all but one bullet]

- Disagree

Comments:

The drafting of Clause A9.7 should be amended as follows to explicitly relate to the Relevant Code Objectives. If the Objectives are contained in Section Legal text this is too obscure and not transparent.

A9.7 A Modification Proposal which satisfies one or more of the following criteria will be classified as an Authority-Consent modification:

a) The proposal is likely to have a material impact on existing or future Energy Consumers

b) The proposal is likely to have a material impact on the Relevant Code Objectives;

~~b) c)~~ *The proposal is likely to cause undue discrimination in their effects between one Party (or class of Parties) and another Party (or class of Parties); or,*

~~c) d)~~ *The proposal is likely to have a material effect on the arrangements set out in this Section A and Section B.*

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

[Please delete all but one bullet]

- Agree

Comments:

No comments

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

[Please delete all but one bullet]

- Agree

Comments:

No comments

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

[Please delete all but one bullet]

- Agree

Comments:

No comments

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

[Please delete all but one bullet]

- Agree

Comments:

No comments

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

[Please delete all but one bullet]

- Disagree

Comments:

We disagree that the Code Manager should instruct (and if they would have the powers) that the proposer of the Modification proposals to combine one or more Alternative Modification Proposals. Certain Proposer are bound by their licence on how they operate and it might not be appropriate for the Proposer to be mandated to work on an extended scope which goes beyond their licence boundaries. We understand the intent and have recommended some alternative wording below. A recent example of how this worked well was SECAS leading on an alternative modification for SECMP293.

A15.9 The Code Manager ~~can instruct~~ should inform the workgroup, other code parties and/or the Proposer of the Modification Proposal if an opportunity ~~to work together~~ to develop or combine one or more Alternative Modification Proposals has been identified. The Code Manager would lead on resourcing any co-ordination activity.

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

[Please delete all but one bullet]

- Agree

Comments:

We maintain our disagreement with DESNZ/Ofgem's recent and separate decision regarding code parties will be unable to appeal Ofgem decisions to the CMA if Ofgem agree with the Code Manager. However, regarding this consultation, DESNZ/Ofgem state their decision is to strengthen the send back process – we agree with this as it becomes more critical in light of Code Parties being unable to appeal to the CMA under the scenario mentioned earlier. Whilst we welcome Ofgem including the provision for Code Managers to consider SAF views before making a decision; we would recommend this is further strengthened and the Code Manager should also take account of the Code Parties, the Working Group and relevant sub committees views during refinement or it would undermine and devalue any Code Parties from responding to consultations and the advisory role of sub committees. We recommend the requirement is revised as follows:

A16.4 The Authority may send-back a Modification Proposal if it:

- a) Is not satisfied the Code Manager has demonstrated in the Final Modification Report that it has taken into account the views of consultation responses, the relevant Working Group and sub committees, SAF in forming its recommendation on the Modification Proposal; or,*
- b) Is not satisfied that the Code Manager has sufficiently assessed whether one of the Modification Proposals would better facilitate achieving the Relevant Code Objectives than the other(s); or,*
- c) Otherwise considers that it cannot form an opinion on consenting or refusing consent to the Modification Proposal.*

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

[Please delete all but one bullet]

- Agree

Comments:

No comments

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

[Please delete all but one bullet]

- Agree

Comments:

No comments

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

[Please delete all but one bullet]

- Agree

Comments:

No comments

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

[Please delete all but one bullet]

- Agree

Comments:

No comments

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

[Please delete all but one bullet]

- Agree

Comments:

No comments

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

[Please delete all but one bullet]

- Agree

Comments:

We recommend 22.2 is strengthened as follows to help all parties best respond to requests to ensure they are appropriate and targeted. There are examples of Code Managers sending inappropriate requests which are not targeted.

22.2 Where the Code Manager is considering proposed modifications relating to the content of a Strategic Direction Statement, it may request co-operation from a Code Party. In doing so, the Code Manager must have regard to the following:

*a) Nature of cooperation: the code manager must review existing information and attempt to engage informally prior to issuing a formal request for information. **The Code Manager must use its own independent expertise to ensure their request is targeted and appropriate to the Code Party category operations/licence.***

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

Comments:

No comments

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?

[Please delete all but one bullet]

- Agree

Comments:

We support the additional objective which has been recently added which will require the SAF to carry out its role in an open and transparent manner.

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

[Please delete all but one bullet]

- Agree

Comments:

We agree with the SAF responsibilities but we note that the current drafting only defines if SAF members should be independent or not and is silent regarding non SAF members - e.g. such as pool members are required to be independent or not. We recommend this is made explicit to avoid misinterpretation and confusion. The impartial assurance would be provided at the SAF member level and from the CM. Pool members who attend by invite and value will come from their expertise of their constituency party or service provision. We also recommend B4.22 is amended to allow Modification proposers to speak as well as attend SAF meetings to provide clarity. As the proposer of a recent Modification under the SEC, it was not clear if we were able to speak or not at the SEC Panel meeting.

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

[Please delete all but one bullet]

- Agree

Comments:

No comments

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

[Please delete all but one bullet]

- Agree

Comments:

No comments

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

[Please delete all but one bullet]

- Agree

Comments:

No comments

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

[Please delete all but one bullet]

- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree
- Don't know/no view

Comments:

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

[Please delete all but one bullet]

- Agree

Comments:

We recommend the B8 covers Alternative Modification Proposals aswell as Modification Proposals. Currently a SAF member who has raised a Modification Proposal is excluded from the vote and could be unfairly prejudiced if another SAF member who has raised an Alternative Modification Proposal is still eligible to vote. All SAF members who raised the original or alternative modification proposals should not participate in voting for that relevant modification proposal.

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

[Please delete all but one bullet]

- Agree

Comments:

No comments

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

[Please delete all but one bullet]

- Agree

Comments:

No comments

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

[Please delete all but one bullet]

- Agree

Comments:

No comments

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

Comments:

No comments

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

Comments:

No comments

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?	No comments
Do you have any comments about its tone and content?	No comments

Was it easy to read and understand? Or could it have been better written?	No comments
Were its conclusions balanced?	No comments
Did it make reasoned recommendations for improvement?	No comments
Any further comments?	No 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.