

**NAPIT Response to Ofgem Stage 2 Consultation on MCS Equivalence for dRHI****Background**

NAPIT Certification are an installer certification body whose scope includes MCS (all technologies), Competent Person Schemes (all self-certification activities including renewable and low carbon generation of electricity and heat) and Energy Efficiency Measures (PAS2030 for Green Deal, ECO and other applications). We have 10,000 registered companies on these schemes and have been active in the development and delivery of scheme design, standards, procedures and processes for all of them. David Cowburn, Managing Director of NAPIT Certification, sits on the MCS Steering Group as well as a number of working groups; he is Vice Chair of the Competent Persons Forum and is a member of the PAS2031 Steering Group.

**Question 1: The scheme requirements**

*1a. In your opinion, are the proposed scheme requirements (outlined in Section 5) sufficient to ensure that an equivalent scheme is set up appropriately? If not, please explain your answer.*

In principle, equivalence can be argued as either an equivalent outcome alone, or an equivalent process leading to that outcome. If the latter, it feels as though any equivalent scheme would be reliant upon accessing standards and processes that have been industry developed and nominally DECC owned (public domain), but which could become restricted access documents controlled by a commercial venture MCSCo/Charity. This would be avoided by following an equivalent outcome approach. Another issue that would arise if equivalent schemes are locked in to MCS documentation is that ongoing amendments to those documents is outside the control of DECC, Ofgem or the equivalent schemes. On the surface, this would appear to be a serious risk for Ofgem. Finally such an approach could make it difficult for an equivalent scheme to add value by improving on delivery when compared to MCS to date. One example of this would be the potential to integrate the delivery of technical compliance, consumer protection and warranty (in a manner similar to the Competent Person Schemes) rather than treating each element of compliance separately which currently adds cost, complexity and leads to pitfalls for both installers and consumers.

The certification of both equipment and installers is needed, but it should be sufficient for an equipment certification scheme or an installer certification scheme to be able to act independently as long as installers under any scheme are required to install certificated equipment. If not, manufacturers would be obligated to seek certification in every scheme that was developed in order to access installers and the marketplace, resulting in duplicated cost and time. Given the developments in product standards and regulations in the renewables sector, some products perhaps ought to be deemed acceptable on the basis of compliance with Europe-wide requirements alone. A centralised list of equipment would resolve this.

Appendix 1 mentions areas of equivalence including fees (which should not reasonably be expected to equate) and warranties (which MCS does not require other than indirectly).

Appendix 1 also specifically requires that installer members should sign up to a CTSI approved Consumer Code, which is unnecessarily restrictive. CTSI themselves list 4 “approved trader”

schemes: Consumer Codes, Trusted Trader Schemes, TrustMark and Kitemark Certified Schemes. We believe that TrustMark are already working with CTSI to map their equivalence and could, as a BIS approved consumer protection scheme, be afforded consideration in MCS equivalence. Competent Person Schemes are also required to provide consumer protection, including financial protection, which is verified by UKAS in line with DCLG's Conditions of Authorisation.

*1b. In your opinion, do the 'fundamentals' of a certification scheme as defined in EN ISO/IEC 17067 contain any requirements that are not necessary for equivalence to MCS? If so, please explain your answer and provide examples.*

No, we consider all of the fundamentals of ISO17067 to apply to an equivalent scheme and that one key measure of equivalence is that the scheme "type" identified in Table 1 of ISO17067 should be the same for both MCS and any equivalents.

## **Question 2: The assessment panel**

*2a. In your opinion, are the Terms of Reference for the assessment panel [outlined in Appendix 2] appropriate and sufficient? If not, please explain your answer.*

The Terms of Reference appear largely appropriate and sufficient. There are potentials for conflicts of interest to exist when identifying individuals who are both experts and independent, but the Terms don't cover management of conflicts. Applications for DCLG authorisation for Competent Person Schemes are vetted by the Building Regulations Advisory Committee (BRAC) and the operating guidelines and code of conduct in the BRAC Member's Handbook could be of interest in setting up the Assessment Panel. It is available at the following link:

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/35783/1784015.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/35783/1784015.pdf)

The reference to "review application of the proposed Standards against MCS procedures" would seem to be better phrased as simply "review application of the proposed Standards by scheme participants". It is not clear what would be meant by "review competence outcomes of proposed scheme" as there is no equivalent activity in MCS.

*2b. In your opinion what qualification, experience or organisational representation would suitably qualify someone to be a representative on this panel? Please explain your answer.*

The importance will be to achieve a balance of expertise on the panel. The BRAC document referenced in question 2a has some interesting content that I think would be relevant to the types of individual you are seeking.

**Question 3: The assessment process**

3a. *In your opinion, will the proposed assessment process [outlined in Section 6] enable Ofgem to robustly assess scheme equivalency to MCS? If not, please explain your answer.*

The process is well defined and sensible. It is important that it is applied to the function of the Scheme in terms of ISO17067 and overarching governance, and does not to any unreasonable degree duplicate the assessment work that would be carried out by UKAS on the certification bodies or by the certification bodies on their clients.

The timing of the technical audit could be an issue. It expects an installation to be available for audit prior to both acceptance of equivalence of the scheme and prior to accreditation of a certification body against that scheme. One solution is to carry out the first technical audit on an installation completed outside the proposed scheme, but then how does this help to validate equivalence as in all likelihood it would be done under MCS. An alternative would be to deem equivalence prior to any site audit, but subject to a successful technical audit of the first installation carried out thereafter.

There is a similar situation with the UKAS accreditation of certification bodies, it may prove difficult for a certification body to complete accreditation prior to Ofgem's approval of equivalence. Again, one approach is to determine equivalence but then not allow any certificates to be issued under that scheme until accreditation is completed for at least one certification body under the scheme.

Assuming the ongoing technical audits would be the same as those under the existing MCS, it is important that the meaning of equivalence is not one of finding fully compliant installations during such audits, but that the equivalent scheme handles any findings appropriately.

3b. *In your opinion, does the proposed assessment process [outlined in Section 6] contain any additional stages that are not necessary for assessing equivalence to MCS? If so, please explain your answer and provide examples.*

The stages outlined in the assessment process all seem necessary. There is a danger that the process could, intentionally or otherwise, impose things on a proposed equivalent scheme that are not in place for MCS – which could give rise to additional requirements (as opposed to additional stages).

In Question 2, I mentioned the role that the BRAC (independent panel) play in the DCLG authorisation of Competent Person Schemes. One approach they took was an interview between BRAC representatives and applicant scheme operators. It might be worth investigating if this was felt to add value to the process and consider doing something similar for MCS equivalence.