

1 Scope

This document sets out CIBSE Certification Limited's policies and procedures for preventing, identifying and dealing with cases of suspected fraud associated with the use of data from energy performance assessments carried out by energy assessors on their registers.

This procedure shall be made available without having to be requested i.e. on the CIBSE Certification website.

2 Definitions

The Fraud Act 2006 created a new general offence of fraud with three possible ways of committing it.

- Fraud by false representation, i.e. if an individual dishonestly makes a false representation and intends by making the representation to make gain for themselves or another, or to cause loss to another or expose another to risk of loss;
- Fraud by failing to disclose information, i.e. if an individual dishonestly fails to disclose to another person information which they are under a legal duty to disclose and intends, by means of abuse of that position, to make a gain for themselves or another, or to cause loss to another or expose another to risk of loss; and
- Fraud by abuse of position, i.e. if an individual occupies a position in which they are expected to safeguard, or not to act against, the financial interests of another person, and they dishonestly abuse that position, and intends, by means of the abuse of that position, to make a gain for themselves or another, or to cause loss to another or expose another to a risk of loss.

The procedures set out in this document are intended to address the risk of fraud being committed in any of these ways.

3 Responsibilities

The Certification Systems Manager is responsible for maintaining the procedures set out in this document as follows:

3.1 Prevention of Fraud

The primary control mechanism is the signing of the Code of Conduct. The Certification Systems manager is responsible for ensuring that all certified individuals have signed the current Code of Conduct, CCMP 006, before admission to the register and for maintaining records of this. CIBSE Certification Terms and Conditions, CCMP 002, also set out responsibilities in terms of registrants making information available on request.

3.2 Identification of Fraud

The QA audit procedure provides an opportunity to identify fraudulent activity in the production of energy performance certificates, for example identifying that stock

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photographs are being used in evidence for audits. This process is controlled by the QA audit procedure, CCP 115.

Fraudulent behaviour either in the production of energy performance certificates or in their subsequent use can also be identified as the result of a complaint. The CIBSE Certification Ltd Disputes and Complaints Procedure, CCP 101, available on the CIBSE Certification website, provides information on making a complaint as well as how these complaints are handled.

3.3 Dealing with Identified Cases of Fraud

Where a case of fraud is identified involving the production of a valid energy performance certificate, the energy assessor involved would be subject to the CIBSE Certification Ltd Disciplinary Procedure, CCP 141. Where the fraudulent activity involved the way in which the valid energy performance certificate was used after lodgement the case would be referred to www.actionfraud.police.uk. The Certification Systems Manager is responsible for recording this action in the complaints log, CCF 408.

The outcome of any substantiated complaint about a certified person or organisation will be communicated to the certified person or organisation in question at an appropriate time where such communication is appropriate.

4 Records

All dispute and complaint records are maintained and may be analysed to help in terms of preventive actions, training needs analysis and other continual improvement initiatives.

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