

SCHEDULE 40

Supply Point Administration Agreement

Approved Meter Installer Arrangements

Version : 1.0

Status : Neither Mandatory nor Elective – this Schedule sets out matters to be administered by SPAA EC

Effective Date : 1 April 2017

Version Control

Version Number	Implementation Date	Reason for Change
1.0	1 April 2017	Implementation of a new SPAA Schedule to support the migration of the Approved Meter Installer Scheme

1. Meter Installer Approval Scheme

- 1.1 The SPAA EC shall establish a scheme (the "**Scheme**") to:
- (a) approve persons (or classes or descriptions of persons) as Approved Meter Installers (in respect of one or more categories of meter installation) in accordance with this Schedule;
 - (b) audit persons (or classes or descriptions of persons) approved as Meter Installers in accordance with this Schedule;
 - (c) suspend or withdraw approval of persons as Approved Meter Installers in accordance with this Schedule; and
 - (d) publish a list of persons (or classes or descriptions of persons) who are from time to time approved (or deemed to be approved) as Approved Meter Installers (in respect of one or more categories of meter installation) in accordance with this Schedule.
- 1.2 The SPAA EC shall be entitled to delegate any or all of its duties under this Schedule to one or more third parties, including to:
- (a) a Scheme Administrator;
 - (b) a Scheme Auditor; and
 - (c) a Scheme Adjudicator.
- 1.3 Persons (or classes or descriptions of persons) previously approved by the Authority pursuant to the Ofgem Approved Meter Installers (OAMI) scheme that was administered on behalf of the Authority prior to 1 April 2017 shall be deemed to have been approved as Approved Meter Installers in accordance with this Schedule.

2. Meter Installer Code of Practice

- 2.1 The SPAA EC shall, from time to time, publish a code of practice (the "**Approved Meter Installer Code of Practice**") to be followed by Approved Meter Installers certified under the Scheme.
- 2.2 The Approved Meter Installer Code of Practice shall facilitate the delivery of the following objectives:
- (a) defining the specific registration requirements of an Approved Meter Installer; and
 - (b) defining the specific meter installation requirements and duties of an Approved Meter Installer for each of the categories of approval.
- 2.3 Matters pertaining to commercial relationships between Approved Meter Installers certified under the Scheme shall form no part of the Approved Meter Installer Code of Practice.
- 2.4 The Approved Meter Installer Code of Practice shall be subject to Clause 9 (Change Control) of the main body of this Agreement as if the code of practice formed part of this Schedule.

- 2.5 Approved Meter Installers (or persons seeking to become Approved Meter Installers) may from time to time suggest to the Scheme Administrator amendments to the Approved Meter Installer Code of Practice, which amendments will then be considered by the SPAA EC and may be taken forward by a Party as a Change Proposal.

3. Scheme Administrator

- 3.1 The Secretariat, as appointed in accordance with Clause 6.54 of the main body of the Agreement, shall undertake administrative duties in respect of the Scheme (the "**Scheme Administrator**").
- 3.2 The Scheme Administrator shall keep and publish (as required by the SPAA EC) lists of persons approved as Approved Meter Installers, and of the type(s) of work for which Approved Meter Installers have been approved.

4. Scheme Auditor

- 4.1 The SPAA EC shall procure an auditor to assess Applicants and audit Approved Meter Installers (the "**Scheme Auditor**").
- 4.2 The Scheme Auditor shall:
- 4.2.1 apply a robust and non-discriminatory management, quality and administrative system;
 - 4.2.2 ensure it has the technical ability to assess the competence of prospective and existing Approved Meter Installers, including assessors and inspectors that it employs, to deliver compliance with the requirements of the Approved Meter Installer Code of Practice;
 - 4.2.3 ensure that it has in place robust systems for identifying and avoiding or managing conflicts of interest between its commercial interests (or those of any sponsoring or parent organisations) and its role under the Scheme;
 - 4.2.4 promote the development and growth of the Scheme to potential Meter Installers and its use to consumers;
 - 4.2.5 assess the technical competence of Approved Meter Installers (and Applicants) against agreed minimum competence requirements set out in the Approved Meter Installer Code of Practice;
 - 4.2.6 assess whether Approved Meter Installers' competencies are kept up to date, for example as a result of changes to the Meter Installer Code of Practice and/or technical standards;
 - 4.2.7 provide ongoing technical help and advice to Approved Meter Installers as required by the SPAA EC, provided such help/advice does not cause any conflicts of interest with the approval and auditing activities of the Scheme Auditor;

- 4.2.8 undertake (as required by the SPAA EC) surveillance of Approved Meter Installers' work, including carrying out periodic random assessments of a representative sample of each Approved Meter Installer's work, during or after completion, to check compliance with the the Scheme;
- 4.2.9 set or approve remedial plans to be followed by Approved Meter Installers where instances of non-compliance are identified, and audit compliance with those remedial plans;
- 4.2.10 make recommendations to the Scheme Adjudicator concerning suspension or withdrawal of approval for dealing with non-compliance with the Scheme;
- 4.2.11 make available (as required by the SPAA EC) to interested parties the names of former Approved Meter Installers whose approval has been withdrawn under the Scheme and the reason for such withdrawal;
- 4.2.12 apply a robust and published process for handling complaints; and
- 4.2.13 provide the information the SPAA EC requires in order to carry out its oversight functions, both on a regular basis or ad hoc basis as required.

5. Scheme Adjudicator

- 5.1 SPAA EC shall procure an adjudicator (the "**Scheme Adjudicator**") in respect of the Scheme.
- 5.2 The Scheme Adjudicator shall:
 - 5.2.1 consider appeals from Applicants that have been refused approval as an Approved Meter Installer by the Scheme Auditor;
 - 5.2.2 consider appeals from Approved Meter Installers that have been found by the Scheme Auditor to not be compliant with the Meter Installer Code of Practice; and
 - 5.2.3 consider recommendations from the Scheme Auditor to suspend or withdraw an Approved Meter Installer's approval under the Scheme (in respect of one or more categories of meter installation).
- 5.3 The Scheme Adjudicator shall produce (and may from time to time update) a terms of reference document (for approval and publication by the SPAA EC) setting out the Scheme Adjudicator's procedure for hearing appeals under this Schedule 40 and for making determinations with respect to the suspension or withdrawal of approval under the Scheme. The Scheme Adjudicator and the Approved Meter Installer (or Applicant) shall follow the process set out in the terms of reference.

6. Operation of the Scheme

Approval of Meter Installers

- 6.1 Any person (an “**Applicant**”) may apply, via the Scheme Administrator, to be approved as a Meter Installer using the form approved by the SPAA EC. The Applicant shall specify the categories of meter installation for which approval may be sought, in accordance with the Scheme.
- 6.2 Upon receipt of a completed Application, the Secretariat shall instruct the Scheme Auditor to assess whether the Applicant should be approved by determining whether the Applicant can demonstrate that it is capable of complying with the Scheme on an ongoing basis.
- 6.3 The Scheme Auditor shall carry out at least one site visit and shall notify the Applicant of the timing and date of such site visit, provided that (prior to doing so) the Scheme Auditor will take reasonable steps to agree the timing and date of any site visit with the Applicant. The Applicant must respond to reasonable requests for information by the Scheme Auditor, allow the Scheme Auditor reasonable access to premises and facilities, and provide the Scheme Auditor with reasonable co-operation.
- 6.4 Within 10 Working Days of the completion of the assessment, the Scheme Auditor shall provide a report (an “**Initial Assessment Report**”) to the Applicant and to the Scheme Administrator, detailing whether the Applicant has demonstrated that it is capable of complying with all applicable requirements in the Scheme on an ongoing basis. The Initial Assessment Report shall state whether the Scheme Auditor proposes to approve the Meter Installer for each of the specified categories of meter installation for which approval was sought. The Initial Assessment Report shall set out reasons for any proposed decision not to approve the Applicant.
- 6.5 The Applicant shall have 10 Working Days to provide any comments or responses to the Scheme Auditor in relation to the Initial Assessment Report. Within 10 Working Days from the end of the Approved Meter Installer's period for response, the Scheme Auditor shall provide a final updated version of the report (an “**Assessment Report**”) to the Applicant and the Scheme Administrator. The Assessment Report shall state whether the Scheme Auditor approves the Meter Installer for each of the specified categories of meter installation for which approval was sought. The Assessment Report shall set out reasons for any decision not to approve the Applicant.
- 6.6 Within 15 Working Days after receipt of the Assessment Report, the Applicant may appeal any decision not to approve the Applicant to the Scheme Adjudicator. Such an appeal shall be made by giving written notice to the Scheme Administrator stating the grounds of the appeal.
- 6.7 On appeal, the Scheme Adjudicator may make any decision which the Scheme Auditor was entitled to make in accordance with this Schedule 40.

Audit of Meter Installers

- 6.8 Where a Meter Installer has been approved in accordance with this Schedule, the Scheme Auditor shall audit the Approved Meter Installer to ensure its continued compliance with all of the applicable requirements of the Scheme.
- 6.9 The first audit shall be conducted 12 months after first approval, and then there shall be a further audit every three years thereafter.

- 6.10 The Scheme Auditor shall audit an Approved Meter Installer's compliance by means of:
- 6.10.1 a paper based desktop audit and site visit to determine whether the Approved Meter Installer's policies and procedures are compliant with all applicable requirements of the Scheme; and
 - 6.10.2 at least one field visit during which the Scheme Auditor observes work in progress and reviews completed work to assess the Approved Meter Installer's compliance with the Scheme and its own policies and procedures.
- 6.11 The Scheme Auditor will notify the Approved Meter Installer of the schedule of target audit dates within a month of the Meter Installer's approval and subsequently during the first month of the calendar year. The Scheme Auditor and Approved Meter Installer shall ensure that any audits are carried out within one month of the target audit date.
- 6.12 Where the Scheme Auditor has carried out an audit, it shall meet with the engineer or manager who is appointed by the Approved Meter Installer to lead its audit, to discuss the preliminary audit findings and shall provide an initial report (an "**Initial Audit Report**") to the Approved Meter Installer within 10 Working Days. The Initial Audit Report shall include:
- 6.12.1 details of any non-compliance which the Scheme Auditor considers has taken place;
 - 6.12.2 details of any non-compliance which the Scheme Auditor considers to be ongoing;
 - 6.12.3 details of any remedial action which the Scheme Auditor requires the Approved Meter Installer to take and a required time period in which remedial action should be taken;
 - 6.12.4 whether the Scheme Auditor considers any past or ongoing non-compliance sufficiently serious to warrant a recommendation to the Scheme Adjudicator that approval should be suspended or withdrawn (on the basis that the Approved Meter Installer has not demonstrated that it is capable of complying and will comply with the Scheme on an ongoing basis); and
 - 6.12.5 details of any observations which the Scheme Auditor has, which relate to areas where the Approved Meter Installer could make improvements to ensure that its compliance is in accordance with best practice and areas where further audit is required on a future audit (in particular where the Scheme Auditor considers that there is a risk of non-compliance or future non-compliance).
- 6.13 The Approved Meter Installer shall have 10 Working Days to provide any comments or responses to the Scheme Auditor in relation to the Initial Audit Report. Within 10 Working Days from the end of the Approved Meter Installer's response period to the Initial Audit Report, the Scheme Auditor shall provide a final updated version of the report (an "**Audit Report**") to the Approved Meter Installer and the Scheme Administrator.

- 6.14 On receipt of an Audit Report which contains a recommendation for suspension or withdrawal of approval, the Scheme Administrator shall forward the report to the Scheme Adjudicator for a determination in respect of such recommendation.
- 6.15 Within 15 Working Days after receipt of the Audit Report, the Approved Meter Installer may appeal any finding of non-compliance to the Scheme Adjudicator. Such an appeal shall be made by giving written notice to the Scheme Administrator stating the grounds of the appeal.
- 6.16 On appeal, the Scheme Adjudicator may make any decision which the Scheme Auditor was entitled to make in accordance with this Schedule 40.

Suspension or Withdrawal of Approval

- 6.17 Where the Scheme Auditor recommends in an Audit Report that an Approved Meter Installer should have its approval (or approval in respect of one of more categories of meter installation) suspended or withdrawn, then the Scheme Adjudicator shall determine whether or not the Approved Meter Installer shall have its approval suspended or withdrawn.
- 6.18 The Scheme Adjudicator shall make its decision concerning suspension or withdrawal of approval on the basis of whether or not the Approved Meter Installer has demonstrated that it is capable of complying and will comply with the Scheme on an ongoing basis.
- 6.19 The SPAA EC may also determine that an Approved Meter Installer is to have its approval suspended or withdrawn where the Approved Meter Installer is bankrupt or insolvent or has failed to pay the charges due in accordance with paragraph 7.
- 6.20 No decision to suspend or withdraw an Approved Meter Installer's approval under the Scheme may be made by the Scheme Adjudicator or the SPAA EC without first inviting the Approved Meter Installer to provide written representations in respect of the matter.
- 6.21 Each decision to suspend or withdraw an Approved Meter Installer's approval shall specify the date from which such suspension or withdrawal is to have effect (being not less than 15 Working Days after the date of the decision), the extent of the suspension or withdrawal, and the reasons for the decision. An Approved Meter Installer's approval may be suspended or withdrawn in whole or part (including by reference to particular type of meter installations).

Appeals to the Authority

- 6.22 The following decisions shall each be capable of appeal to the Authority by any interested person within 15 Working Days after the date of the decision:
- 6.22.1 a decision by the Scheme Adjudicator to refuse an Applicant's application for approval under the Scheme;
- 6.22.2 a decision by the Scheme Adjudicator upholding a finding by the Scheme Auditor that an Approved Meter Installer is or was not compliant with the Scheme;

- 6.22.3 a decision by the Scheme Adjudicator to suspend or withdraw (in whole or part) an Approved Meter Installers approval under the Scheme; or
- 6.22.4 a decision by the SPAA EC to suspend or withdraw (in whole or part) an Approved Meter Installers approval under the Scheme.
- 6.23 The Authority may dismiss an appeal which it considers trivial, vexatious or wholly without merit. On appeal, the Authority may make any decision which would be open to the Scheme Adjudicator or SPAA EC to make in accordance with this Schedule. In addition, the Authority may determine that an Approved Meter Installer's approval shall not be suspended or withdrawn, subject to compliance with specified conditions.
- 6.24 A decision by the Scheme Adjudicator or the SPAA EC to suspend or withdraw an Approved Meter Installer's approval under the Scheme shall not have effect where the matter is appealed to the Authority in accordance with this Schedule (unless the Authority directs otherwise).

Notification of Suspension or Withdrawal

- 6.25 The Scheme Administrator shall notify the Approved Meter Installers, the SPAA EC, the Scheme Auditor and SPAA Parties where an Approved Meter Installer's approval under the Scheme is suspended or withdrawn, and where a suspension ends or is lifted. .
- 6.26 Once approval has been withdrawn, the Meter Installer must re-apply for approval.

Time Periods

- 6.27 The SPAA EC shall be entitled to determine that any time period specified in this Schedule is to be extended or shortened where reasonably necessary in the circumstances.

7. Cost Recovery

Schedule of Charges

- 7.1 The SPAA EC shall approve and update from time to time a schedule of those activities in relation to the Scheme to which an explicit fee shall from time to time apply and of the relevant charge to apply to each such activity (the "**Schedule of Charges**").
- 7.2 The SPAA EC shall ensure that each charge specified in the Schedule of Charges is reasonably reflective of the costs which SPAA Ltd incurs (or is likely to incur) in respect of the activity to which such charge relates.
- 7.3 Where it is reasonably practicable to do so, the SPAA EC shall specify a fixed fee for each activity specified in the Schedule of Charges. However, where it is not reasonably practicable to do so, the SPAA EC may specify a fee to apply by reference to the amount of time engaged in the relevant activity. The SPAA EC may specify different charges for activities relating to different categories of meter installation.
- 7.4 The Secretariat shall, following the request of any person, provide that person with a copy of the then current Schedule of Charges.

7.5 Without limiting the other activities for which a charge may be specified in the Schedule of Charges, the SPAA EC shall ensure that the Schedule of Charges contains charges for the following activities:

7.5.1 a charge for assessment of Applicants;

7.5.2 a charge for audits;

7.5.3 a charge for checking compliance with remedial plans; and

7.5.4 a charge for unsuccessful appeals to the Scheme Adjudicator.

Requirement to Pay Charges

7.6 Each Approved Meter Installer (or Applicant) shall pay to SPAA Ltd the relevant charge set out in the Schedule of Charges for each of the relevant activities which occur (or are to occur) in relation to that Approved Meter Installer (or Applicant). Each such payment shall be made in accordance with the payment terms specified by SPAA Ltd.

7.7 Although no contractual relationship exists between SPAA Ltd and Approved Meter Installers, a failure to pay a charge in accordance with this Paragraph 7 may result in:

7.7.1 SPAA Ltd (at its discretion) charging interest and/or administration charges at the same rates as apply under Clause 8 (Costs) of the main body of this Agreement;

7.7.2 the relevant activity to which the charge relates not being undertaken until payment is received in full together with any applicable interest or administration charges; and/or

7.7.3 the SPAA EC determining (at its discretion) that the Approved Meter Installer's approval under the Scheme is to be suspended or withdrawn.

7.8 Where a charge relates to a site or field visit by the Scheme Auditor, and the Approved Meter Installer:

7.8.1 fails to carry out activities which are scheduled to be considered as part of the visit; or

7.8.2 notifies the Scheme Auditor that a visit can no longer take place less than 5 Working Days in advance of its scheduled date,

some or all of the charge relating to the visit (as determined by the Scheme Auditor) shall be payable even if the visit is not completed on the scheduled date (and a further fee shall be payable in respect of any rescheduled visit).

Recovery of other Costs

7.9 The costs and expenses incurred by SPAA Ltd on behalf on the SPAA EC in relation to the Scheme (including in arranging for third parties to perform the activities provided for in this Schedule 40) shall be paid for by Suppliers under and in accordance with Clause 8 (Costs) of the main body of this Agreement; except to the extent that such costs and

expenses are paid by Approved Meter Installers (or Applicants) in accordance with this Paragraph 7.

8. Definitions

8.1 In addition to the definitions set out in Clause 1 (Definitions and Interpretation) of the main body of this Agreement, the following defined expressions are used in this Schedule 40:

Applicant	has the meaning given in Paragraph 6.1;
Approved Meter Installer Code of Practice	has the meaning given in Paragraph 2.1;
Assessment Report	has the meaning given in Paragraph 6.5;
Audit Report	has the meaning given in Paragraph 6.13;
Initial Assessment Report	has the meaning given in Paragraph 6.4;
Initial Audit Report	has the meaning given in Paragraph 6.12;
Schedule of Charges	has the meaning given in Paragraph 7.1;
Scheme	has the meaning given in Paragraph 1.1;
Scheme Adjudicator	has the meaning given in Paragraph 5.1;
Scheme Administrator	has the meaning given in Paragraph 3.1;
Scheme Auditor	has the meaning given in Paragraph 4.1;