

24 March 2021

This paper provides IPART's response to stakeholder submissions on the draft Energy Savings Scheme Stakeholder Engagement Charter (**Charter**).

Next Steps

Thank you to all our stakeholders for providing feedback on the Charter.

Throughout 2021 we will be developing a Stakeholder Engagement Strategy which will include a set of measurable outcomes. This will involve more consultation and opportunities for you to have your say.

Background

We consulted on a draft Charter in October-November 2020. The intent behind the Charter was to:

- clarify the roles and responsibilities of the government agencies involved in delivering the Energy Savings Scheme (**ESS**); and
- set expectations for both IPART and stakeholders about how we will engage with each other.

The table below lists the formal submissions received on the draft Charter and our response to the issues raised. The submissions are available in full on the ESS website.

Consultation process

We published the draft Charter on 26 October 2020, along with a request to provide feedback by 13 November 2020. This deadline was subsequently extended until 20 November 2020.

Consultation included:

- ▼ updating the ESS website and sending a broadcast email on 26 October 2020 to inform stakeholders that the draft Charter had been published and inviting written submissions
- ▼ presenting the draft Charter at the ESS Stakeholder Update (**Update**) on 29 October 2020 and inviting questions from attendees
- ▼ an on-line survey, sent to all Update attendees which provided an opportunity for stakeholders to provide feedback on all aspects of the Update.

We received five written submissions, three from Accredited Certificate Providers (**ACP**), one from the Energy Savings Industry Association (**ESIA**) and one from a lighting supplier. We also received three responses to the on-line survey, one from an ACP, one from government and a third from the 'other' category. Four Update attendees also provided feedback on the Charter. The following table groups feedback by theme and provides IPART's response.

Energy Savings Scheme Stakeholder Engagement Charter response to submissions

Topic	Summary of stakeholder submissions	IPART response
Other Charters	<ul style="list-style-type: none"> ▼ Will additional charters be put in place if the ESS expands? 	<ul style="list-style-type: none"> ▼ The Charter relates to the way IPART will engage with its stakeholders on all aspects of the current ESS program, as well as any future programs. ▼ IPART will update the Charter to cover other schemes as appropriate.
Commitment from IPART to deliver on the Charter	<ul style="list-style-type: none"> ▼ The development and publication of the Charter was typically welcomed, but it should include a Statement of Commitment. 	<ul style="list-style-type: none"> ▼ The publication of the Charter demonstrates IPART's commitment to the way we will engage with our stakeholders. ▼ We have added a Statement of Commitment to the Charter to further emphasise this.
Measurable outcomes	<ul style="list-style-type: none"> ▼ Detailed measurable outcomes should be included in the Charter. 	<ul style="list-style-type: none"> ▼ The Charter is a principles based document designed to set expectations for IPART and our stakeholders. ▼ The Charter is not an appropriate place to document measurable outcomes but we agree that measuring outcomes is important to understand that the elements of the Charter are being met and are relevant. ▼ The Charter is the first step in our efforts to improve our engagement with stakeholders. Throughout 2021 we will be working on a Stakeholder Engagement Strategy (Engagement Strategy), which will include a set of measurable outcomes
Mutual expectations	<ul style="list-style-type: none"> ▼ Consultation and being open to new ideas should be a mutual expectation. 	<ul style="list-style-type: none"> ▼ We amended the commitment to consultation to include that IPART will be open to feedback. ▼ The Engagement Strategy will set out how we will consult with stakeholders.
<u>Revised charter suggestions</u>		
Make it easy to engage with us	<ul style="list-style-type: none"> ▼ More detail about how we will make it easy to engage with us should be included in the Charter. Some suggestions included: <ul style="list-style-type: none"> - asking stakeholders if there are more practical ways for IPART to conduct its work - Customer query tracking system 	<ul style="list-style-type: none"> ▼ The Charter is a high level, principles based document and is not intended to provide this level of detail. The Engagement Strategy will provide further details about how we engage and how often. We will consult further on the development of the Engagement Strategy to better understand what you want and how you want it delivered.

Energy Savings Scheme Stakeholder Engagement Charter response to submissions

Topic	Summary of stakeholder submissions	IPART response
	<ul style="list-style-type: none"> - Establish an audit technical committee to review cases and technical decisions including DPIE/IPART, auditors, MVPs and ACPs - Measure, prioritising of enquiries and time taken in days/weeks to respond - Measure number of cases and technical decisions before each committee and the time taken to consider them, evaluate findings and applications of findings to deliver energy savings. 	<ul style="list-style-type: none"> ▼ We are improving the way we track customer queries and have updated our website to help direct queries better. We will continue to look for ways to improve our responsiveness. ▼ We note ESIA's suggestion to establish an audit technical committee to review cases and technical decisions. While we appreciate the feedback, we do not consider that the inclusion of regulated parties in the decision making process is appropriate. The Scheme Administrator, as the decision maker, already has access to technical expertise. ▼ We will consider measures for success where appropriate.
Keep you informed and be responsive	<ul style="list-style-type: none"> ▼ More information on how we will keep stakeholders informed and be responsive should be included in the Charter. Suggestions included: <ul style="list-style-type: none"> - Publication and commitment to response times and decision times for different types of queries/decisions - Implementing a public Q&A process for guidance material and centrally publishing clarifications - Publication of responses to questions to wider ACP community - Introduction of a ticketing system to provide automated responses - Information on when a response can be expected 	<ul style="list-style-type: none"> ▼ Our Engagement Strategy will provide detailed information on how we will keep stakeholders informed and how we will meet our commitment to be responsive. It will also set out the measures for success. ▼ We will consult with you further in the development of this strategy. ▼ In the meantime, we aim to continue to improve our responsiveness and will consider the detailed feedback provided. ▼ We currently publish all guidance on our website and inform our stakeholders of changes to information through broadcast emails and updates to our landing pages. This practice will continue. Stakeholders should also make sure that they are keeping themselves up to date on all relevant information.
Make timely decisions	<ul style="list-style-type: none"> ▼ Measures should be included in the Charter to determine that we make timely decisions. Suggested measures include: <ul style="list-style-type: none"> - Time taken (days in audit) 	<ul style="list-style-type: none"> ▼ The Charter is a high level, principles based document that sets out how we will engage with our stakeholders. It is not an appropriate document to set out decision making timeframes.

Energy Savings Scheme Stakeholder Engagement Charter response to submissions

Topic	Summary of stakeholder submissions	IPART response
	<ul style="list-style-type: none"> - Success/fail (and whether audit proceeds further, for example to formal Appeals Process and final outcome) - Certificate error rate (and what type of correction occurs for example more or less certificates, any penalty applied) - Any reversal of decisions, reasons and impacts to all parties, including certificate values and where this amount is to be / has been retrieved from (that is cost has currently been worn by the ACP as after a couple of years, it is very difficult to seek capital back from an end customer). 	<ul style="list-style-type: none"> ▼ We have made changes to the way we make some decisions to reduce the time taken. We recognise that sometimes decisions can take longer to make as we need to obtain all relevant information. This happens in a limited number of cases. We will continue to look at ways to reduce the amount of time taken to make decisions.
Act fairly, with empathy and respect	<ul style="list-style-type: none"> ▼ Measures on how IPART acts fairly, with empathy and respect for all parties should be included in the Charter. One stakeholder noted that this includes valuing the professional opinion of auditors and Measurement and Verification Professionals (MVPs). ▼ Suggested quarterly measures be put in place including how many decisions are overturned by IPART and how often. 	<ul style="list-style-type: none"> ▼ We will carefully consider any measure of success that could be applied to ensure that IPART has met the expectation of acting fairly, with empathy and respect as part of developing the Engagement Strategy. We do not agree that the number of decisions overturned by IPART will offer an insight into how this expectation is being met. ▼ Auditors undertake audits on behalf of the Scheme Administrator and where we identify a problem with the approach taken we act to address the problem. We rely on our auditors and respect their professionalism. ▼ Similarly, MVPs have an important role in M&V projects and are required to meet stringent criteria to be accepted as an MVP. We respect their professionalism, but will take action where we identify issues with their performance.
Consult	<ul style="list-style-type: none"> ▼ Concerned that the current format of some consultation, like the Stakeholder Update, isn't appropriate, or conducive to sharing knowledge and that there isn't sufficient time given to respond to consultation. ▼ Suggested changes include having small break out groups at Stakeholder Updates. 	<ul style="list-style-type: none"> ▼ The Charter sets our commitment to ongoing consultation. ▼ Time limits for responses to consultation are set taking into account the nature of the material being consulted on and the timeframes in which IPART has to come to a decision.

Topic	Summary of stakeholder submissions	IPART response
		<ul style="list-style-type: none"> ▼ We will continue to provide submission reports that report back on the outcomes of our consultation. ▼ We welcome the feedback on the format of the Update as we are always looking for ways to improve these sessions and to make them more useful for all attendees. <p>We do note that it is not an appropriate mechanism for providing specific answers to individual questions but you are welcome to contact IPART directly on these matters.</p>
<p>Provide clear accurate and accessible information.</p>	<ul style="list-style-type: none"> ▼ Measures on how IPART delivers clear accurate and accessible information should be included in the Charter. These measures could be: <ul style="list-style-type: none"> - Establishing and adhering to a process for publishing decisions and their rationale. - Publishing time taken in days/weeks to respond to published new guidance, outcomes of audit and the manner in which the information is conveyed and stored for quick retrieval etc. 	<ul style="list-style-type: none"> ▼ The Charter sets out the expectation that we will provide clear, accurate, and accessible information. We have started this process by updating our website and we will continue to improve the quality and accessibility of our documents. ▼ We take the privacy of ACPs seriously and we will not publish audit outcomes and Scheme Administrator decisions which are commercial in confidence.
<p><u>IPART's expectations of stakeholders</u></p>		
<p>Share knowledge and ideas</p>	<ul style="list-style-type: none"> ▼ Concerned that the current forum formats are not conducive to sharing knowledge and ideas 	<ul style="list-style-type: none"> ▼ We will seek further feedback from you to understand the best ways for us to share ideas.
<p>Provide timely, accurate and quality information</p>	<ul style="list-style-type: none"> ▼ Suggested that document management standards will support timely accurate and quality information (correct dates and intuitive archive retrieval i.e. on the ESS website, and use of push notifications of new information etc.) 	<ul style="list-style-type: none"> ▼ This expectation in the Charter was intended to highlight the importance of stakeholders providing timely, clear and accurate information to IPART. This helps us in providing you with a timely response. ▼ We are improving our documentation and website to help our stakeholders understand what is expected of them.
<p>Keep it respectful</p>	<ul style="list-style-type: none"> ▼ A suggestion to expand the expectation to "Keep it respectful" to be respectful, fair and empathic was made. The submission noted that IPART should provide a mechanism for reporting of inappropriate behaviour and a mechanism for escalation and review. 	<ul style="list-style-type: none"> ▼ We think the wording 'keep it respectful' encompasses the concepts of fair and empathetic. ▼ There are already a number of avenues for stakeholders to report inappropriate behaviour through the contact us section of our website.

Energy Savings Scheme Stakeholder Engagement Charter response to submissions

Topic	Summary of stakeholder submissions	IPART response
		<ul style="list-style-type: none"> ▼ We have published guidance on our website on how to have a decision reviewed.
Be open to new ideas	<ul style="list-style-type: none"> ▼ Being open to ideas should be multi-directional and engage all stakeholders. 	<ul style="list-style-type: none"> ▼ We have addressed this issue in the sections above on mutual expectations.
<u>Roles</u>		
The wording and the scope of the roles could be clearer	<ul style="list-style-type: none"> ▼ One submission suggested that some of the wording about the roles and the scope of these should be amended slightly. 	<ul style="list-style-type: none"> ▼ We welcome your feedback but in this instance have decided to retain the current wording because we believe it best reflects our intent in plain English and because it was not raised as an issue by the majority of submissions.
The delivery of the roles should be measurable	<ul style="list-style-type: none"> ▼ One submission suggested measures for meeting the role included reporting on failed audit outcomes, education and training of ACPs and MVPs and appeals processes including costs. 	<ul style="list-style-type: none"> ▼ We recognise that IPART is not the only party that is responsible for helping ACPs understand their compliance obligations. ESIA and DPIE both have roles to play as do the ACPs themselves. We welcome any contribution ESIA would like to make to educate their members to understand their compliance obligations. ▼ Information on the review process has been published on our website. IPART has no control over review costs. ▼ We note that the number of failed audits or the reasons for the failure is unlikely to provide insight into how well ACPs understand their compliance obligations.
Register Energy Savings Certificates	<ul style="list-style-type: none"> ▼ Information on the error rates in certificate registration should be published. 	<ul style="list-style-type: none"> ▼ IPART may be responsible for registering other types of certificates if the Scheme expands. We will change the role to “Register certificates”. ▼ Error rates in certificate registration are published in our annual report.
<u>Come to the Department to</u>		
Suggest changes to the ESS Rule	<ul style="list-style-type: none"> ▼ The Department may be responsible for developing other Rules. 	<ul style="list-style-type: none"> ▼ We will change this role to be “Suggest changes to the Rules”.

Energy Savings Scheme Stakeholder Engagement Charter response to submissions

Topic	Summary of stakeholder submissions	IPART response
Participate in testing and trial of new methods	<ul style="list-style-type: none"> ▼ Include a role for the termination of methods considered no longer relevant. 	<ul style="list-style-type: none"> ▼ The phase out of methods is part of changes to the Rule. The role – “Suggest changes to the Rule” adequately covers the termination of methods.
Other	<ul style="list-style-type: none"> ▼ The list of responsibilities is likely to change over time. 	<ul style="list-style-type: none"> ▼ Noted
Improvement opportunities	<ul style="list-style-type: none"> ▼ The following suggestions for improvement were made: <ul style="list-style-type: none"> – Improve the usability of IPART’s excel templates for the List of Sites and the Commercial Lighting Evidence Pack file to allow filters to be used and cells to be selected and copied. – Consider removing the protections on the spreadsheets to improve usability. – Update the duplicate address checks within the ESS Portal to reduce the number of duplicate addresses identified by the system. – Use assessment timeframes as an incentive to lighting applicants to provide accurate and correct paper work. – Make the Product Nomination System paperless. 	<ul style="list-style-type: none"> ▼ We will review the feedback in detail and take action where we can.