



3.4 Electrical Disciplinary Procedure

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1. Definitions

1999 Act	means the Electricity Regulation Act 1999 (as amended by the Act); Annual Inspection and Audit Programme means the report produced by the Body Performance Report under and in terms of Section B.3.5 of the Criteria Document;
ACT	means the Energy (Miscellaneous Provisions) Act 2006 (and any amendment thereto);
Authorised Officer	means an officer who has been appointed by the Commission under Section 9D(21) of the 1999 Act;
Body	means Safe Energy Ireland appointed by the Commission, pursuant to the Act, to act as an Electrical Safety Supervisory Body;
Commission	means the Commission for Energy Regulation as established further to the 1999 Act;
Criteria Document	means the Criteria Document which is specified and published by the Commission pursuant to the Act and as may be amended from time to time;
CRU	Commission for Regulation of Utilities
Disciplinary Process	means the process and procedures applied by the Body and/or the Commission pursuant to Section D of this Criteria Document
Register	means the Register of RECs published by the Body in accordance with Section B.5.2 of the Criteria Document;
Registered Electrical Contractor or REC	means any party who is registered by Safe Electric scheme pursuant to the Act and who has not had their Registration suspended or revoked by Safe Electric scheme;
Revocation of Registration	means the permanent withdrawal by the Body of an REC's Registration
Safe Electric Scheme	The Electric Safety Supervisory Body

2. Investigation of a Complaint by the Complaints Officer

When a Complaint has been conveyed to the Complaints Officer, they shall carry out an initial inquiry to establish if the Complaint is one which is legitimate, non-vexatious and within the remit of Safe Electric scheme to deal with and, if so, shall furthermore establish if the Complaint involves a matter specified relating to Clause 4 of the CRU Criteria. If so, then it shall with as per the procedure below.

The Complaints Officer shall notify the Respondent of the Complaint in writing and shall confirm that the Complaint is being dealt with pursuant to Safe Electric scheme's Disciplinary Procedure. The Complaints Officer shall be obliged to investigate the Complaint and to provide a factual report within the period as may be specified by the ESSB.

In preparing such a report, the Complaints Officer shall have the power to engage any technical or special expert (including an Inspector and/or Authorised Officer of the ESSB) to assist or to give any advice to them, to procure legal advice or assistance or to authorise any such party to do all such things as they may consider reasonable and necessary/conducive to carrying out their inspection and preparing their report ("Complaint Report").

The Respondent is required to comply with any reasonable requests of the Complaints Officer (and such other party as may be engaged in assisting the Complaints Officer, as per Clause 6.4 of the CRU Criteria) in the preparation of their Complaint Report. This may include attendance at the site subject to Inspection, if deemed appropriate.

Where applicable, an Inspector shall indicate in their Complaint Report whether or not, in their opinion, the works carried out by the Respondent meet the standards and requirements of the National Rules for Electrical Installations and to the extent that they do not where, in their opinion, the deficiencies lie.

The Complaints Officer shall furnish the Respondent with a copy of the Complaint Report by registered post. The Respondent will then have the opportunity (but will not be obliged) to provide a written response to the Complaints Officer within 10 working days from receipt of the Complaint Report. The Complaints Officer shall, having reviewed all relevant information pertinent to the investigation (including the submissions of the Respondent (if any) and any other party related to the investigation (including for the avoidance of doubt, the Inspector), shall decide whether or not there is a case to be answered by the Respondent.

The Complaints Officer shall present a final Complaint Report, setting out the facts and details of their investigation and their recommendation on whether or not there is a case to be answered by the Respondent to the Disciplinary Committee and any other such recommendation they may make.

The Complaints Officer may, if they deem it necessary in the interest of safety, make a recommendation to the ESSB Management to withdraw the entitlement to self-certify of the Respondent or to suspend the Registration of the Respondent, pending the conclusion of the Disciplinary Process.

3. Adjudication of the complaint by the Disciplinary Committee

The Disciplinary Committee shall adjudicate on any Complaint referred to it and shall send to the Respondent the following:

- (i) a copy of any written communication received by the Disciplinary Committee in respect of the Complaint;

- (ii) a summary of the material that was considered by the Complaints Officer and/or Inspector in preparing the Complaint Report;
- (iii) a copy of any written representation made by the Complainant;
- (iv) a copy of the Complaint Report prepared by the Complaints Officer;
- (v) a copy of any written representations made by the REC; and
- (vi) a copy of any other documentation which was provided, and which the Complaints Officer considered relevant to the decision that he made.

The Disciplinary Committee shall hold a hearing. As soon as practicable after the Complaint is remitted to it, the Disciplinary Committee shall notify the Respondent, the Complaints Officer and any Complainant of the time and place fixed for the hearing. The Disciplinary Committee shall give the Respondent the opportunity of:

- (i) attending and being heard at the hearing;
- (ii) hearing the evidence against them;
- (iii) questioning, through the chairperson of the Disciplinary Committee, witnesses called by the person or persons presenting and prosecuting the Complaint;
- (iv) adducing documentary evidence;
- (v) calling witnesses to give evidence on their behalf; and
- (vi) making such submissions as they wish to the Disciplinary Committee.

The Disciplinary Committee shall have the opportunity to provide for the following:

- (i) adducing the documentary evidence;
- (ii) calling witnesses (including the Complainant, Inspector and/or the Respondent) to give evidence; and,
- (iii) questioning witnesses called by the Respondent;

The Complainant, as may be determined by the Disciplinary Committee, may be requested to attend the hearing and participate in the hearing as a witness but shall not have any right to otherwise participate in the hearing.

At least 15 working days in advance of the hearing, the Respondent will be furnished with a copy of any documents or materials the Disciplinary Committee intends to rely on and/or a list of any witnesses to be called at the hearing. The Respondent must produce to the Disciplinary Committee a copy of any documents or materials it may wish to rely upon in its defence together with a list of any witnesses it intends to call at least 7 days in advance of the hearing.

If any party seeks to rely on expert evidence, the report by such expert must be served on the other party at least 15 working days in advance of the hearing.

Further to Clause 4.2 of Section D of the CRU Criteria Document, if the Respondent does not attend the hearing on the appointed day and time, the Disciplinary Committee may in its absolute discretion:

- (i) sit and hear the Complaint provided it is satisfied that the notice of the hearing was given to the Respondent; or

- (ii) adjourn the hearing to such other date, as it may in its absolute discretion, decide,

The Disciplinary Committee shall give to the Respondent notice of its decision.

The Disciplinary Committee shall adjudicate upon the Complaint fairly and impartially and in accordance with the requirements of natural justice. A decision by the Disciplinary Committee shall be by majority vote.

4. Findings and orders of the Disciplinary Committee

The Disciplinary Committee shall issue a written decision setting out its findings and setting out any Order to be made pursuant to its determination in respect of the Complaint. The standard of proof applicable shall be proof “on the balance of probability”. If the Disciplinary Committee makes a finding that the Complaint has been proved or upheld in whole or in part, it may make any one or more of the following Orders as it considers appropriate:

- (i) that the Respondent be reprimanded by way of an oral warning;
- (ii) that the Respondent be reprimanded by way of a written warning;
- (iii) that the Respondent be required to give a written undertaking to Safe Electric scheme on the terms set out by the Disciplinary Committee;
- (iv) suspension of the Respondent’s entitlement to self-certify for a defined period and the terms upon which the suspension shall be lifted;
- (v) requirement that the Respondent and any employees undergo training or attend specified courses;
- (vi) requirement that the Respondent be subject to a higher frequency of inspection and any resultant/consequent fees/charges associated with such additional Inspections as the ESSB/Disciplinary Committee may determine;
- (vii) suspension of the Respondent’s Registration for a defined period; and/or,
- (viii) Revocation of the Respondent’s Registration with the Safe Electric scheme.

Any other such Order that may be made upon such terms and conditions as decided by the Disciplinary Committee in its absolute discretion considers appropriate.

Such Order shall include specification by the Disciplinary Committee with respect to any further sanction or sanctions which may be imposed further to the failure of the Respondent to comply with the order and its terms and conditions.

A copy of the Order shall be given to the Respondent, the Complainant and to the ESSB as soon as practicable. In the case where the Order of the Disciplinary Committee is for Suspension of Registration or Revocation of Registration, that Order shall be required to have immediate effect and the Disciplinary Committee shall immediately notify the Commission of its Order.

The ESSB shall be obliged to implement and enforce the Order of the Disciplinary Committee in accordance with the provisions of such an Order.

5. Appeal to the Appeals Committee of the Commission

The Respondent may appeal against the finding or Order of an Appeals Panel to the Commission only in such circumstances where the sanction imposed/confirmed by the Appeals Panel is for the Suspension of Registration or Revocation of Registration.

The Respondent must submit its appeal in accordance with the requirements of Section E of the CRU Criteria Document (Appeals to the Commission).

6. Application of disciplinary sanctions by Safe Electric scheme

The ESSB shall apply any decision of the Disciplinary Committee or the Appeals Panel with respect to sanctions to be imposed on the Respondent further to the completion of the Disciplinary Procedure and in accordance with the Order of the Disciplinary Committee and/or the Appeals Panel (as the case may be).

Associated Documentation:

- CRU Criteria Document CER/16/001 (version 3)
- Safe Electric scheme Rules of Registration Booklet