

**Minutes of the 41<sup>st</sup> Meeting of the Supervisory Panel  
Renewable Energy Consumer Code  
Wednesday 14<sup>th</sup> September 2016**

**Meeting held at Osborne Clarke, One London Wall, London EC2Y 5EB**

**Present:**

David Laird - Chairman  
Gretel Jones - Independent expert  
Jim Thornycroft - Independent expert  
Steve Lisseter - Independent expert  
Zoe Guijarro - Citizens Advice  
Margarita Vigrande-Ashe – BEIS (Observer)  
Dale Winch – Ofgem (Observer)

**Apologies:**

Bryn Aldridge – Independent expert  
Walter Carlton - Deloitte  
Amanda Clark - Certsure  
Anna O'Connor – Ofgem  
Dave Sowden – Sustainable Energy Association  
Philip Wolfe – Independent expert

**In attendance:**

Mark Cutler - Operations Manager  
Abena Simpey - Dispute Resolution Manager  
Rebecca Robbins (part)  
Lorraine Haskell (part)  
Caroline Thomson (minutes)

**1. Introduction and Apologies**

The Chairman welcomed attendees to the 41<sup>st</sup> Supervisory Panel Meeting and noted apologies for absence received. He asked those present to introduce themselves.

The Chairman briefly spoke about the passing of Dr Gill Owen, former chair of the Supervisory and Non-Compliance Panels. He spoke of her extensive career in energy, regulation and consumer affairs policy, and highlighted that she had also been a great friend. He said that anyone who knew her was welcome to attend her funeral set to take place in Newcastle-Upon-Tyne on Monday 19 September.

It was agreed that item 6 on the Agenda (cases presented to Applications and Non-Compliance Panels) would not be discussed until the next meeting, as those responsible for the Panels could not attend most of the meeting.

## **2. Minutes of last meeting**

Panel Members agreed the Minutes of the 40<sup>th</sup> Supervisory Panel Meeting as being an accurate record of the meeting.

## **3. Matters arising**

The Executive confirmed that all the actions had been completed, and that the report on performance estimates for heat technologies with a shorter summary would shortly be made available on the RECC website.

## **4. Highlight report**

The Panel thanked the Executive for the work undertaken to compile the Highlight Report.

### *Membership activity*

The Executive explained that there had been a low level of deployment during 2016 and that fewer companies were applying to join RECC, though we continued to receive at least one application each day. Of these, the majority were plumbers interested in heat technologies, but that solar PV companies were continuing to apply. The Executive confirmed that more analysis on membership activity, particularly on new applicants, could be carried out if the Panel would find it useful.

### *Risk-based audits*

The Panel was keen to know more about the risk-based audits carried out in 2016. The Executive confirmed that a higher level of risk had been applied to the 2016 sample compared with previous years. Of these, a number had decided to leave the sector before the audit site visit had been carried out. Panel members asked that a further discussion be scheduled for the next meeting to agree on the best approach for the next round of audit site-visits in line with the monitoring strategy.

### *Consumer Satisfaction Surveys*

The Executive explained that consumers can provide feedback online or by hard copy. There are incentives available to encourage consumers to participate. The Executive agreed with the Panel that dissatisfied consumers are more likely to complete the online survey. As a result of this there is a bias towards negative results. Panel members suggested that the Executive should remind members in the Newsletter that they should be encouraging consumers to provide feedback to RECC.

### *Non-compliance activity*

The Executive provided a breakdown of non-compliance activity. The Executive explained that the team monitored carefully any evidence of members' non-compliance with the Code and Bye-Laws. If there was sufficient evidence of potential breaches the disciplinary process was invoked. The Executive explained that, as part of this, there were a number of sanctions available, including

requiring the member to agree a Consent Order with the member, failure to comply with which would be a serious breach. Only as a last resort would the Executive convene a Non-Compliance Panel Hearing.

Panel members also asked how long it takes to identify potential breaches, and asked whether information gathered was passed to Government and other regulators. Panel members congratulated the Executive and asked whether there was a possibility of speeding up the process. The Executive agreed that a fuller discussion on these issues would be scheduled for the following Supervisory Panel meeting.

Panel members asked whether there was more that the Executive could do to make it easy for members to comply. For example, they suggested whether a checklist for salesmen setting out key compliance in areas such as cancellation rights and vulnerable consumers could be useful. The Executive pointed out that the Consumer Contracts Regulations were difficult to interpret for 'mixed' goods and services contracts, but that there was ample scenario-based guidance as well as model documents and interactive training available for members on the RECC website. The Executive agreed to put together a checklist for salesmen for the next meeting.

Panel Members asked how long a non-compliant Code member should be allowed to remain a member following a Non-Compliance Panel Hearing if they continued to breach the Code in spite of sanctions. The Executive explained that it would once again examine all new evidence of potential breach, on a case-by-case basis. If the evidence was considered serious enough a further Hearing would be convened.

#### *Dispute resolution*

Panel members requested additional information in the next Highlight Report regarding the independent arbitration process. In particular they wanted to understand more clearly how often consumers' and members' fees had been refunded, and how often RECC's fee had been refunded.

### **5. Proposed amendments to Renewable Energy Consumer Code**

The Executive presented the proposed amendments to the Renewable Energy Consumer Code. These had been circulated to the Panel on 22 July 2016 for prior consideration.

The Executive reiterated that the proposed amendments were intended to: bring the Code up-to-date in view of recent legislation including the Consumer Rights Act 2015, the Alternative Dispute Resolution Regulations 2015 and the Privacy and Electronic Communications (EC Directive) Regulations; provide more clarity around the assignment of rights models and 'related products' linked to energy generators including battery storage; bring the Code into line with recent changes to the RECC Bye-Laws; re-order sections 4 and 5 and add sub-headings; increase the minimum level of public liability insurance to £2 million, in line with the Competent Persons Scheme; bring the Code fully into line with FCA regime and the CAP Code and the BCAP Code; remove section on independent conciliation service which is no longer required or offered; update definitions, glossary,

lists and contact details at the end of the Code; and generally tidy up and audit the Code for consistency.

Panel members stated that they had considered the proposed amendments and were content with their purpose and effect. The Executive confirmed that those comments which Panel members had already submitted had been taken into account. The Executive asked that, if there were any further points of detail or typographical errors, that Panel members submit them by the end of September. The intention was to make the amended Code available on the RECC website during October 2016.

## **6. Dispute activity summaries**

Panel members reviewed two examples of dispute activity summaries. The Executive outlined the key stages of a dispute's progress through the dispute resolution process including registration, allocation, mediation and independent arbitration if the dispute had not been resolved.

Panel members were pleased with the information presented and expressed their appreciation of the work of the Dispute Resolution Team. They noted that the examples of dispute activity reports provided showed more information than the Highlight Report. They noted that, in the example reviewed, the process took one year from registration of the dispute to its successful resolution. The Executive explained that they were always looking for ways to speed up the process.

Panel members requested more information about the factors which determined the status of the dispute as it passed through the process. The Executive explained that the status of a dispute would change from 'ongoing' to 'referred onwards' if there were technical issues involved. When the MCS Certification Body's role in resolving these issues had concluded, the dispute would be passed back to RECC if there were outstanding, Code-related issues.

## **7. RECC monitoring overview 2015**

The Executive presented an analysis of RECC's activities in 2015 broken down by Key Compliance Area (KCA). The Executive confirmed that this analysis was linked to the Annual Report and would be provided to CTSI.

Panel members recognised that there was a similar data pattern to that contained in the Highlight Report. They commented that the analysis helped them to understand the implications of the data in the Highlight Report in relation to consumer detriment. The Panel suggested that the analysis should be recirculated once it had been finalised and made available to CTSI. They suggested that it be posted on the RECC website.

## **8. A.O.B and date of next meeting**

Ms Vigrande-Ashe informed the Panel that she would no longer attend Panel meetings as she was moving on to another role within BEIS. Katy Reid would be stepping into her place.

Panel members noted that the next meeting was scheduled to take place 14 December 2016 at 1.30 pm. There being no further business the Chairman thanked those who attended and closed the meeting.