

# RECC's dispute resolution process

## TERMS AND DEFINITIONS

### **Certification Body**

An organisation which has been accredited by the United Kingdom Accreditation Service (UKAS) to assess products and/or installers to the MCS Standards.

### **Complaint**

An expression of dissatisfaction about a RECC Member about an issue/issues relating to the Consumer Code, which is submitted to RECC using a Complaints Registration Form and where a specific outcome is expressly requested.

### **Complainant**

The person submitting the complaint. This person may be a Domestic Consumer, or alternatively a friend or relative of a Domestic Consumer who has the Consumer's permission to submit and/or handle a complaint on their behalf.

### **Dispute resolution caseworker [Caseworker]**

This is the person employed by RECC that is allocated to manage the handling of a complaint.

### **Domestic Consumer [Consumer]**

This is defined by RECC as someone who has signed a contract, or intends to sign a contract, for an Energy Generator which is installed at or near private domestic premises occupied by them, and intends that the amount of electricity or heat generated by the Energy Generator will not significantly exceed the amount of electricity or heat consumed in those premises.

### **Energy Generator**

Any renewable or low carbon small-scale heat and/or power generator installed at the Consumer's premises.

### **Feedback**

Issues of customer dissatisfaction which are brought to RECC's attention, but not as a complaint, are recorded as 'feedback'.

## **Member**

A RECC member company.

## **Microgeneration Certification Scheme (MCS)**

The [Microgeneration Certification Scheme](#) is a certification scheme for renewable energy installation companies and products.

## **Related Product**

Any product supplied which will be connected or linked to the Energy Generator in any way. For example, a battery storage unit, voltage optimiser, immersion boost or remote monitoring device.

## **1. Introduction**

The expertise of Members together with the high standards of service set out in the Consumer Code should ensure that the overwhelming majority of the Energy Generators supplied to Domestic Consumers are advertised, sold, installed and maintained in a way that is compliant with the Code. Occasionally, however, problems can and do occur.

The RECC dispute resolution process has been set up with the intention of providing a means of complaint resolution that should be cheaper, faster and more effective than court action. Nothing in the Code prevents the Consumer from seeking a legal remedy to their complaint, if they consider this to be the more appropriate action.

MCS installation companies which sign contracts with Domestic Consumers for the supply and installation of renewable energy systems must also be a member of a Chartered Trading Standards Institute approved Consumer Code. The Renewable Energy Consumer Code (RECC) is currently one of the approved Consumer Codes for the small-scale renewable industry. RECC has a process for working with the MCS and the relevant Certification Bodies to handle complaints from Domestic Consumers. In some cases complaints may need to be handled by several parties to ensure a complaint can be fully investigated.

## **2. Defining a complaint**

For the purposes of RECC's dispute resolution process, a complaint is defined as an expression of dissatisfaction about a Member about an issue/issues relating to the Consumer Code, which is submitted to RECC using a Complaints Registration Form and where a specific outcome is expressly requested.

This process only handles complaints from Domestic Consumers and Complainants.

Issues regarding dissatisfaction which are brought to RECC's attention, but not as a complaint,

are recorded as 'feedback'. In general this could be:

- A complaint which is outside the remit of RECC.
- A complaint where a response or specific outcome is not expected.
- A complaint registered by someone who is not a Domestic Consumer or a Complainant.

## **2.1. Complaints that are within RECC's remit**

The following section provides examples of complaints which can generally be handled by RECC. This list is not exhaustive and all complaints will be reviewed on a case by case basis.

Complaints that are generally considered to be within our remit are:

- Issues relating to the Consumer Code including:
  - Where there are general communication issues / poor customer service;
  - Complaints about damage to property which relate to the installation of a renewable energy generator;
  - Complaints relating to the cancellation of a contract;
  - Complaints about an incomplete installation or contract;
  - Complaints relating to the information provided by a Member about eligibility, deadlines or application procedures for government grants or incentives, including the Feed-in Tariff and the Renewable Heat Incentive;
  - Where insurance for a deposit, advance payment or workmanship warranty has not been provided;
  - Complaints relating to information provided about the financial benefit of a system;
  - Complaints relating to the honouring of a workmanship warranty;
  - Where a system installed is not what was agreed in the contract;
  - Where the wrong brand of product has been installed;
  - Mis-selling of related products linked to a renewable energy generator. Related products include a battery storage unit, monitoring device and voltage optimisers. (Please see the definition above)

In the event that a Consumer is seeking compensation from a Member, please be aware that RECC can only handle requests for compensation of actual loss suffered.

If you are unsure as to whether your complaint is within RECC's remit, please contact RECC's dispute resolution team at [disputeresolution@recc.org.uk](mailto:disputeresolution@recc.org.uk) or 0207 981 0850.

## **2.2. Complaints outside of RECC's remit**

The following list gives examples of complaints which generally cannot be dealt with through RECC's dispute resolution process.

- Issues relating to the MCS installer standards including:

- Where the requirements of the relevant MCS standard (s) have not been met;
- Where a customer is unhappy with the standard of workmanship and / or safety of the installation;
- Where there are issues relating to the design, sizing and/or the quality of the installation;
- Where there are issues relating to the performance of the system and/or the performance calculations;
- Where there are issues relating to the content or provision of an MCS certificate.
- Any other issues which are not specifically mentioned in the Consumer Code.
- Complaints relating to products which are not small-scale Energy Generators, including loft insulation, gas boilers etc.
- Complaints relating to systems which have been installed wholly or partly for commercial purposes.
- Issues relating to the content of an Energy Performance Certificate.
- Issues relating to the formulation of government policy, in particular the Feed-In Tariff and Renewable Heat Incentive.
- Issues relating to Members where the complaint has not first been formally raised with the appropriate Member in writing.
- Complaints where the Consumer has already commenced legal proceedings against the Member.
- Requests for compensation regarding unsubstantiated losses (such as inconvenience, stress or personal injury).

### **3. Resolving complaints**

#### **3.1. Dispute resolution process**

The manner in which we deal with a complaint may vary dependent on the circumstances. In some cases complaints may need to be addressed by both RECC and the MCS Certification Body.

The following section provides a step-by-step guide on how complaints from Domestic Consumers against Members will be handled.

#### **Step 1 – Raise the complaint with the Member in writing**

The Consumer must tell the Member he or she agreed the contract with about any complaint they have in writing. This must be done as soon as possible after the issue has been noticed.

- a. The Member will consider the details of the complaint and report the findings clearly to the Consumer within 10 working days of receiving the complaint;
- b. If appropriate, the Member will arrange to inspect the Consumer's system, within 7 days of receiving the complaint or within 24 hours where a Consumer is without heating or hot water as a result of the situation that has led to the complaint;

- c. The Member will try to find an agreed course of action to resolve the complaint speedily and effectively to the Consumer's satisfaction;
- d. If a Consumer has asked a Complainant to act on their behalf, Members must co-operate fully with this person;
- e. If the Consumer is not satisfied with the remedy offered by the Member, and the complaint is about technical aspects of the installation of a system, they should direct it to the relevant MCS installer certification body (see [here](#) for their contact details);
- f. In the event that the complaint is not resolved to the Complainant's satisfaction within 10 working days, and the complaint is about any other issues linked to the Consumer Code, then the Complainant may refer the issue to RECC by filling in a [complaints registration form online](#).

## **Step 2 – Registering a complaint with RECC**

A complaint must be registered in writing by a Domestic Consumer or a Complainant acting on their behalf. We accept complaints in English only.

Complaints can be submitted to RECC using the Complaints Registration Form, either online or by post. If the Consumer is unable to fill in the online form, they may request a hard copy version by contacting the RECC office.

Please note: We allow for the complaint form to be filled out by a Complainant on behalf of a Consumer. The dispute resolution caseworker may contact the person(s) that the Complainant is acting on behalf of to verify their acceptance of the Complainant's involvement.

The Consumer may give their permission for a friend or relative to deal with a complaint on their behalf. In this case, Members must co-operate fully with this person. However, please note that RECC is not set up to communicate with either party's legal advisors.

The Complainant must include as much relevant information as possible on the Complaints Registration Form; including full details of the outcome they are seeking from the Member to resolve the complaint. It is not necessary for supporting documents to be attached to the form as these are normally requested at a later stage. Please note that the online Complaints Registration Form does not allow the uploading of documents.

## **Step 3 – Initial review and identification of the appropriate body to handle the complaint**

An initial review will be conducted by the dispute resolution team to ensure that the complaint falls within the remit of the RECC dispute resolution process.

Please note that if a complaint relates in any way to the technical aspects of the installation of a system or the products installed, we will ask for the Complainant's consent to refer the complaint to

the relevant MCS Certification Body, whose responsibility it is to resolve these issues. If necessary the complaint may be referred onto a third party in which case the Complainant will be informed in writing.

When a complaint requires investigation by both the MCS Certification Body and RECC, RECC's involvement will normally begin once the Certification Body's involvement has concluded.

If the complaint is within RECC's remit, we will send the Complainant a written acknowledgement of receipt within 3 working days. This will include a specific reference number relating to the complaint. At this point we will also notify the Member in writing that we have received the complaint.

If the complaint is outside of RECC's remit, the Complainant will be informed in writing. If possible we will provide the Complainant with advice on what they can do to resolve their complaint such as contacting Citizens Advice and/or other relevant bodies.

#### **Step 4 – Full review and mediation procedure**

As soon as reasonably possible, the complaint will be allocated to a dispute resolution caseworker who will review all of the information that RECC has on file, including any correspondence received from the parties since the complaint was registered.

Members will not take action through the courts without first trying to solve the problem as set out in this section and, if appropriate, through the arbitration service as set out in section 9.3 of the Code. Please also note that RECC is not able to communicate with either party's legal advisors.

The mediation procedure is conducted in English and does not result in a binding outcome. *Failure on the part of a Member to take part in this procedure when a complaint is registered about them may be considered a breach of the Code, in which case disciplinary action may be taken in accordance with the current version of the [Bye-Laws](#).*

- The Caseworker will contact the Member in writing within 3 working days to inform them that they have been allocated to the complaint and will be in touch again in due course with further details. At this point, the Member should cease communicating with the Consumer and/or Complainant unless advised otherwise by RECC.
- The Caseworker will contact the Complainant in writing within 5 working days to inform him or her that they have been allocated to the complaint and to request further details and any relevant documentation that has not already been provided. From the date the Complainant is contacted by email, the Caseworker has a total of 4 weeks to put together the 'complete dispute file' which consists of all the relevant documents, correspondence and information requested from the Complainant.
- Other than in exceptional circumstances\*, the Complainant and the Member should respond within any given timeframes to any requests made by the Caseworker. The Caseworker may request that certain communications and documentary evidence should be submitted by the parties in writing, if at all possible. However, communication by telephone may also be necessary during the dispute resolution process.
- If the Caseworker considers that the outcome being sought by the Consumer is not

reasonable or achievable, he or she will explain why.

- Once the Caseworker considers that they have received sufficient information about the complaint and that a reasonable outcome is being sought by the Consumer, they will begin mediating between the Member and the Complainant to try to reach a resolution that is fair and acceptable to both parties.
- The parties to the complaint will be notified in writing as soon as the Caseworker has received all the documents containing the relevant information relating to the complaint, constituting a 'complete dispute file'. RECC will consider this to be when all of the available documents, correspondence and information the Caseworker has requested from the Complainant have been received. The parties will be informed that this is the point at which the 60 days start for providing an outcome of the dispute resolution process.
- In the event that no resolution is reached within the 60 day period, the Caseworker will advise the Complainant of their options going forward in terms of resolving the complaint. These options are set out in the Code.

### **Circumstances in which a complaint will be closed**

- Other than in exceptional circumstances\*, if no response is received from the Complainant to the Caseworker's initial letter/email within 4 weeks despite the Caseworker having attempted various methods of contact, the complaint will be closed and the parties will be informed.
- Other than in exceptional circumstances\*, if the Complainant fails to provide any of the documents requested from them (if available) within 4 weeks of the Caseworker's initial letter/email, the complaint will be closed and the parties will be informed.
- If the Complainant decides to take legal action against the Member, the dispute resolution process will end immediately.
- The Complainant can notify RECC at any time that they wish to withdraw from the dispute resolution process, i.e. that they do not wish to take their complaint any further. If they do so, their complaint will be closed and it cannot be reopened. The Member may not withdraw from the process once it has started unless the Complainant agrees.

\*exceptional circumstances may include the following: holidays, illness, injury, and bereavements. These apply to the Complainant, the Member and the Caseworker.

## **3.2. Independent arbitration**

Please click the following link for information on [independent arbitration](#).

The independent arbitration service is operated by IDRS on behalf of RECC. Further information will be provided to the parties as and when appropriate.

## 4. Escalation procedure

If the Complainant is not satisfied with how a complaint has been handled by RECC, the escalation procedure is as follows:

- 1) Contact the RECC Dispute Resolution Manager  
(via email to [disputeresolution@recc.org.uk](mailto:disputeresolution@recc.org.uk) with “For the attention of the RECC Dispute Resolution Manager” clearly stated in the subject line, or by post to *RECC Dispute Resolution Manager, Renewable Energy Consumer Code, 6 Spring House, Graphite Square, Vauxhall Walk, London SE11 5EE*)
  
- 2) Contact the Chief Executive of RECC  
(via email to [info@recc.org.uk](mailto:info@recc.org.uk) with “For the attention of the RECC Chief Executive” clearly stated in the subject line, or by post to *RECC Chief Executive, Renewable Energy Consumer Code, 6 Spring House, Graphite Square, Vauxhall Walk, London SE11 5EE*)
  
- 3) Contact the Chartered Trading Standards Institute at:  
*Chartered Trading Standards Institute  
1 Sylvan Court  
Sylvan Way  
Southfields Business Park  
Basildon  
Essex SS15 6TH*

Please note that the above mentioned persons/organisations will not usually be able to take over the handling of an individual complaint.

## DATA PROTECTION

Please note that we will not share a consumer’s personal data with any other organisation under any circumstances unless they specifically give us their permission to do so in writing. We comply with the key principles of the Data Protection Act 1998. See the [relevant guidance](#) from the Information Commissioner in this respect.

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