

Dispute Resolution Process

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1. 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 regarding a Code Member about an issue (s) relating to the Consumer Code, which is submitted to RECC using a Complaints Registration Form and where a specific outcome is expressly requested.

Dispute

A complaint allocated to an Officer where there are issues in dispute between the parties (Consumer and Code Member) and the mediation period has commenced.

Complainant

A nominated person who acts on behalf of a Domestic Consumer to register a complaint. The person may be a friend or relative of the consumer and must have permission from the consumer.

Dispute Resolution Officer (Officer)

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

Consumer

This is defined by RECC as an individual or individuals acting for purposes that are wholly or mainly outside that individual's trade, business, craft or profession who has signed a contract with a Code Member.

Energy Generator

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

Feedback

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

Code Member

A person, or a corporate or unincorporated body (whether or not having a separate legal personality) accepted to join the Renewable Energy Consumer Code following a successful application for Code Membership.



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.

2. Introduction

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

RECC is a CTSI approved Alternative Dispute Resolution body under the Alternative Dispute Resolution for Consumer Disputes (Competent Authorities and Information) Regulations 2015. We have a team of experienced Dispute Resolution Officers who work with Consumers and Code Members to resolve complaints. The team consists of 1 Head of Dispute Resolution and 3 Dispute Resolution Officers. All Officers were appointed after a diligent application and interview process to assess their competency.


Our dispute resolution process has been set up with the intention of providing a means of dispute 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 through court if they consider this to be the more appropriate action.

MCS installation companies which sign contracts with Consumers for the supply and installation of renewable energy systems must also be a Code Member of a Chartered Trading Standards Institute (CTSI) approved Consumer Code. The Renewable Energy Consumer Code (RECC) is currently one of the approved CTSI 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 Consumers. In some cases, complaints may need to be handled by RECC and a Certification Body to ensure a complaint can be fully investigated.

3. Defining a complaint

For the purposes of RECC's dispute resolution process, a complaint is defined as an expression of dissatisfaction about a Code Member about an issue 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 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 Consumer or a Complainant; and
- a complaint registered against a company which is not a Code Member.

3a. Complaints 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;
 - Where damage has been caused to a consumer's property during the installation of an energy generator or related product;
 - Cancellation of a contract and deposit refund;
 - Complaints about an incomplete installation or contract;
 - Complaints relating to the information provided by a Code Member about eligibility, deadlines or application procedures for government grants or incentives;
 - Where insurance for a deposit, advance payment or workmanship warranty has not been provided;
 - Incorrect 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; and
 - Miss-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).
- If a Consumer is seeking compensation from a Code Member, please be aware that RECC can only handle requests for compensation of actual loss suffered.
- We do not have a financial threshold on the amount that can be sought through RECC's mediation procedure; however, a limit of £50,000 applies to the Adjudication Service.

If you are unsure as to whether a complaint is within RECC's remit, please contact RECC's Dispute Resolution Team at disputeresolution@recc.org.uk or 0207 981 0850.

3b. Complaints outside 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:

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- 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 or there is workmanship fault with the system;
 - 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. We have a separate process for this – Please see the “How to complain - for micro business consumers” section on our website for more information.
 - Complaints where the Consumer has already commenced legal proceedings against the Code Member.
 - Issues relating to Code Members where the complaint has not first been formally raised with the appropriate Code Member in writing.
 - Issues relating to the content of an Energy Performance Certificate.
 - Issues relating to the formulation of government policy.
 - Requests for compensation regarding unsubstantiated losses (such as inconvenience and stress) and personal injury.

4. Resolving complaints


The way we deal with a complaint may vary depending 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 Consumers or Complainants against Code Members will be handled.

4a. Step 1: Contact the Code Member

The Consumer must tell the Code 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. Code Members must have a process in place for resolving complaints in a timely manner. If a Consumer has asked a Complainant to act on their behalf, Code Members must co-operate fully with this person. The process for Code Members is as follows:

- a. The Code Member must make a record of the complaint and keep it updated with details of correspondence and progress made to investigate the issues.
- b. The Code Member will consider the details of the complaint and report the findings clearly to the Consumer within 10 working days of being notified.
- c. If appropriate, the Code Member will arrange to inspect the Consumer's system, within 5 working days of being notified 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.

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- d. The Code Member will try to find an agreed course of action to resolve the complaint speedily and effectively to the Consumer's satisfaction.
 - e. 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](#).
 - f. If the complaint is about technical aspects of the installation covered by the MCS Installer Standards, the Code Member should direct the consumer to register a complaint with the relevant certification body.

4b. Step 2 Register a complaint

A complaint must be registered in writing by a Consumer or a Complainant acting on their behalf with permission. The Complainant may be a friend or relative of the consumer. We accept domestic and cross border complaints. Complaints can be submitted to RECC using the Complaints Registration Form, either online or by post. A Consumer or Complainant can contact RECC using the details below to request a hard copy version. We accept complaints in English only. Our contact details are:

RECC
Dispute Resolution Team
York House
23 Kingsway
London
WC2B 6UJ
disputeresolution@recc.org.uk
+44 (0)207 981 0850

In cases where a Complainant is acting on behalf of Consumer, the Officer may contact the Consumer to verify their acceptance of the Complainant's involvement. 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 Code Member to resolve the complaint. Please note that supporting documents cannot be attached to the online Complaints Registration Form.

We will contact you after receipt of your complaint to request all relevant evidence. RECC's dispute resolution process has been designed for use without legal representation; therefore, the process is straightforward and user-friendly. We do not require the parties to have legal representatives because we are unable to communicate with them. However, either party can seek legal advice if desired or be assisted by a third party such as a friend or relative at any stage during the process.



Initial review

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 refer the complaint to the relevant MCS Certification Body, whose responsibility it is to resolve these issues. If a complaint is referred to an MCS Certification Body, the Consumer or Complainant will be informed in writing. We will also notify the Code Member of the complaint and inform them that it has been referred to the relevant MCS certification body. 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 Consumer or Complainant a written acknowledgement of receipt within 3 working days. This will include a specific reference number relating to the complaint and a request for all the relevant evidence. At this point we will also notify the Code Member in writing that we have received the complaint and request all the relevant evidence.

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

Conflict of Interest

When handling complaints, Officers are expected to uphold principles of independence, professionalism and impartiality towards the parties to a dispute at all times throughout the dispute resolution process. However, there may be cases where these principles are compromised due to an actual or potential conflict of interest between an Officer and either party of the complaint or their representatives. RECC has a Conflict of Interest Policy and Procedure which sets out our process for dealing with this. Full details can be found in the Appendix of this document.

4c. Step 3 Mediation

Preliminary points:

- The mediation procedure is conducted in English by oral and written means.
- Either party can be assisted by a third party at any stage of the procedure.
- The average length of the procedure is 45 working days and it does not result in a binding outcome on both parties, as a result the outcome of the procedure cannot be legally enforced.
- Failure on the part of a Code Member to take part in this procedure or comply with any outcome agreed 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 published on our website.
- The Code Member may not withdraw from the process once it has started. The




mediation procedure is free of charge for consumers, but Code Members may be charged an administrative fee. Members will be informed of the circumstances in which the fee will be payable in the complaint notification email and the information may also be published on the RECC website.

- Costs will not be awarded to either party at the end of the mediation procedure; each party must bear their own costs incurred from preparing and handling the complaint.
- In some circumstances, a consumer may be offered direct access to the Adjudication Service without use of mediation.
- While a complaint is being handled through RECC's dispute resolution process, Code Members will not take action through the courts without first trying to solve the issues as set out in this section and, if appropriate, through the Adjudication Service as set out in section 9.1.3 of the Code.

Mediation procedure:

1. As soon as reasonably possible, the complaint will be allocated to an Officer who will contact the parties. The Officer will send an allocation email to the Code Member within 3 working days to inform them that details of the complaint are being confirmed with the consumer. The Code Member will be invited to submit any further evidence that has not been provided already.
2. The Officer will send an allocation email to the Consumer or Complainant in writing within 5 working days to inform them that the complaint is being reviewed. A summary dispute will be sent within 5 working days including a request for further details and any relevant evidence that has not already been provided. When the dispute summary has been sent, the Officer has up to 15 working days to put together the 'complete dispute file' which consists of all the relevant documents, correspondence and information requested from the Consumer or Complainant. Both parties will also be informed that RECC expects all communication to take place directly through the Officer, unless directed otherwise.
3. The Officer will review the complaint file to gain a full understanding of the complaint and have regard for the following:
 - a. consumer legislations and regulations;
 - b. the Consumer Code published on the RECC website; and
 - c. principles of reasonableness and fairness.
4. If the Officer considers that the outcome being sought by the Consumer or Complainant is not reasonable, has not been substantiated or is not achievable through our process, the Officer will explain the reasons why and the complaint will be closed.
5. Once the Officer understands the elements of the complaint which are disputed by the parties and considers that the outcome(s) being sought are reasonable, the parties will be notified of the 'complete dispute file' and that the mediation period will commence from the date of notification for a period of 30 working days. For this purpose, RECC will refer to the complaint as a "dispute". During the mediation period, the parties will be given an opportunity to express their point of view about the dispute within a reasonable timeframe. The Officer will try to reach a resolution that is fair and acceptable to both parties.

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6. Mediation can be terminated if there are no reasonable prospects of achieving a resolution by continuing and if there are other valid grounds.
 7. Before the parties agree or following a proposed resolution, they will be informed that;
 - a. it is their choice as to whether or not to agree;
 - b. participation does not prevent the consumer from the possibility of seeking redress through court;
 - c. the resolution reached may be different from a decision made by a court; and
 - d. the resolution is not binding between the parties. It is not legally binding and cannot be enforced in court.
 8. Other than in exceptional circumstances*, the Consumer or Complainant and the Code Member should respond to emails or letters within any given timeframes to any requests made by the Officer. The Officer may request that certain communications and documentary evidence should be submitted by the parties in writing, if possible. Communication by telephone with the parties will also be used throughout the process as appropriate.
 9. At the end of the mediation period, both parties will be notified of the outcome of the mediation procedure and the grounds on which it is based. If no resolution is reached at the end of the mediation procedure, the Officer will advise the Consumer or Complainant of their options going forward. These options are set out section 9.1.3 of the Code.

4d. Renewable Adjudication Service

The Adjudication Service is the final stage of our dispute resolution process and is operated by the Centre for Effective Dispute Resolution Ltd (CEDR) on behalf of RECC. Full details of how to apply and the fees will be issued to a consumer and Code Member at the end of the mediation process. Further details can be found on RECC's website.

5. Circumstances for closing a complaint

- Other than in exceptional circumstances*, if the Consumer or Complainant does not submit any evidence about their complaint requested in the acknowledgement email within 3 weeks, the complaint will be closed.
- Other than in exceptional circumstances*, if no response is received from the Consumer or Complainant to the Officer's correspondence at any point during the mediation period within 3 weeks despite the Officer making reasonable efforts to contact the consumer or complainant the complaint will be closed, and the parties will be informed.
- If the Consumer or Complainant decides to take legal action against the Code Member, the dispute resolution process will end immediately.
- The Consumer or 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 Code Member may not withdraw from the process once it has started unless the Consumer or



Complainant agrees.

*Exceptional circumstances may include the following: holidays, illness, injury, and bereavements. These apply to the Consumer, Complainant, the Code Member, and the Officer.

6. Grounds for refusal

Generally, providing a registered complaint falls within our remit as set out in section 2.1 above, we can handle it through our dispute resolution process. However, there may be cases where although a complaint falls within our remit, we can refuse to deal with it on one of the following grounds:

- a. prior to registering a complaint, the consumer has not attempted to contact the Code Member in writing with full details of the complaint and the outcome sought as a first step to resolve the matter;
- b. the complaint is frivolous or vexatious;
- c. the complaint is being or has been considered by another CTSI approved ADR provider within the sector; or
- d. the value of the claim falls above the monetary threshold of £50,000 in cases where the consumer wishes to use the Adjudication Service as set out in section 9.1.3 of the Code.
- e. the consumer's behaviour is unreasonable.

7. Escalation procedure

We will do our best to handle every complaint received through our process in a fair and timely manner. However, we do appreciate that there may be occasions where a Consumer, Complainant or a Code Member is not satisfied with how a complaint has been handled by the Dispute Resolution Officer and / or the Dispute Resolution Team. The escalation procedure is as follows:

1. Contact the Executive's Head of Dispute Resolution in writing setting out the reason for their dissatisfaction. The Head of Dispute Resolution will consider the details of the issue(s) raised and provide a written response within 15 working days. Their contact details are:

Abena Asare-Frimpong
RECC Head of Dispute Resolution
York House
23 Kingsway
London
WC2B 6UJ
abena@recc.org.uk

2. If the Consumer, Complainant or Code Member is not satisfied with the response received from the Head of Dispute Resolution, they should explain why they are still not



satisfied in writing and ask for their complaint to be escalated to the Chief Executive of Renewable Energy Assurance Ltd. The escalation letter or email should be sent to the Head of Dispute Resolution using the details above. The Chief Executive will consider the details of the issue(s) raised and provide a written response within 15 working days.

3. If the Consumer, Complainant or Code Member is not satisfied with the response from the Chief Executive, they should contact the Chartered Trading Standards Institute (CTSI), setting out the reasons for their dissatisfaction in writing. Once a complaint is made to CTSI, its own timeframes for response will apply. Their contact details are:

Chartered Trading Standards
Institute 1 Sylvan Court
Sylvan Way
Southfields Business Park
Basildon Essex
SS15 6TH
ccab@tsi.org.uk

Please note that the CTSI will not usually take over the handling of an individual complaint.

Where the Complaint about which the Consumer, Complainant or Code Member has an issue was handled directly by the Head of Dispute Resolution in the first instance, a Consumer, Complainant or Code Member can request in writing for the matter to be escalated directly to the Chief Executive.

Data Protection

We will process consumers' personal data submitted to us in accordance with REAL and RECC's Privacy Policy Statement. We comply with the requirements of the General Data Protection Regulation and the Data Protection Act 2018. Further details about this can be found on our website using this link: <https://www.recc.org.uk/privacy>.



Appendix A

RECC Dispute Resolution Process


Conflict of Interest Policy

RECC's Dispute Resolution Team

1. Renewable Energy Consumer Code (RECC) is a CTSI approved Alternative Dispute Resolution (ADR) provider. RECC's Dispute Resolution Team provides mediation services to Code Members to help resolve disputes with consumers. As part of the approval criteria under the ADR Regulations 2015 Schedule 3 (Regulations), the ADR provider must have a Conflict of Interest Policy in place. This Policy must set out a process to ensure that a Dispute Resolution Officer (Officer) must disclose without undue delay any circumstance that may affect their independence and impartiality or give rise to a conflict of interest with any party in a dispute assigned to them.
2. In RECC's line of work, an actual or potential conflict of interest may arise during the mediation process or, in some cases, prior to mediation, which could affect the Officer's ability to effectively resolve a dispute. In order to comply with the requirements, this policy puts in place a process to identify, disclose and manage conflicts of interest and thereby fulfils the RECC Dispute Resolution Team's obligations set out in the Regulations.


Conflict of interest

3. All Officers are expected to uphold professionalism, independence and impartiality when handling a dispute at all times. An Officer must not use his or her official position to further private interests, or the interests of others.
4. A conflict of interest may arise when the conduct of an Officer or information relating to the handling a dispute is considered to affect the Officer's ability to act independently and impartially. In such instances, the situation might reasonably be seen to compromise the Officer's personal judgement or integrity. For example:
 - the Officer has a past or present personal relationship with the consumer as a friend or relative, or is connected to the consumer in any other way;
 - the Officer has a past or present business relationship with the consumer;
 - the Officer has a past or present personal relationship with an individual in the Code Member's business;
 - the Officer is a stakeholder in the Code Member's business or is connected to the business in any other way;

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- the Officer misuses or discloses information inappropriately; or
 - the Officer has a direct or indirect interest in the outcome of the mediation.

Managing conflict of interest

5. The Head of Dispute Resolution is responsible for overseeing the arrangements for disclosure and management of conflicts of interest from the point of registration, during the mediation process, and until the agreement of a resolution.
6. A system is in place for monitoring all disputes registered by consumers. This allows the team to routinely assess any circumstances surrounding a dispute which may directly or inadvertently affect an Officer.
7. All Officers are required to declare any business or personal interests which may affect their duties on a regular basis. Officers have a continuing obligation to disclose conflict when processing complaints and handling complaints through the mediation process. The process for declaring an actual or potential conflict of interest is set out below.



Appendix B

RECC Dispute Resolution Process

Conflict of Interest Procedure

When handling a dispute, Officers should take appropriate measures to avoid actual or potential conflicts of interest, including the perception of such conflicts, by considering whether an allegation of impropriety could be made against the Officer's handling of the dispute.

Identifying conflict of interest

1. Officers must undertake an assessment to identify whether there may be circumstances which may lead to an actual or potential conflict of interest when handling a dispute at all stages.
 - *Stage 1: registering a new dispute*
The Officer must carry out a conflict of interest assessment when registering a dispute. This must take place prior to sending the consumer the complaint acknowledgement email and the Code member the notification email. The assessment involves a review of a consumer's personal details to ascertain whether it falls into any of the categories listed in Section 4 of the Conflict of Interest Policy.
 - *Stage 2: before and during the mediation period*
In the period prior to allocation and when allocated a new complaint for mediation, the Officer must carry out a second conflict of interest assessment before starting the mediation process and throughout the mediation process, using all available information about the dispute.

Declaring conflict of interest

2. In cases where the Officer identifies a conflict of interest, the Officer must inform the Head of Dispute Resolution by email immediately on becoming aware of an actual or potential conflict of interest, or if he or she has any doubts about a situation at any stage when handling a dispute and during the mediation process.
3. In addition to sending an email to the Head of Dispute Resolution, the Officer must also complete a 'Log of Disclosure' declaration form.
4. Following disclosure of a conflict of interest, the Officer may be required to refrain from engagement in all or relevant activities related to the handling of the complaint which could be affected by the conflict of interest.



Managing conflict of interest

5. In order to address an actual or a potential conflict of interest, the Head of Dispute Resolution will need to take proportionate and appropriate actions including consideration of whether the conflict is obvious or remote. These may include:
 - not allocating the complaint to the affected Officer for mediation or any work prior to it or after it; or
 - reallocating the complaint to a new Officer at any stage of the mediation process or prior to it.
 - affected Officer must not engage in activity related to the complaint or share any information on the complaint file with the consumer, Code member and REAL employees.
6. The Head of Dispute Resolution will keep the Officer informed about key decisions relating to the handling of a conflict of interest.

Data protection

7. The information provided will be processed in accordance with REAL and RECC's Privacy Policy Statement. We comply with the requirements of the General Data Protection Regulation and the Data Protection Act 2018. Further details about this can be found on our website using this link: <https://www.recc.org.uk/privacy>.