

EVCC Dispute Resolution Process



Contents

1. Definitions	Page 2
2. Introduction	Page 3
3. Defining a complaint	
3.1 Complaints that are within remit of the Code	Page 3
3.2 Complaints outside of remit of the Code	
4. Resolving complaints	Page 5
4.1 Mediation	
4.2 Arbitration	Page 8
5. Circumstances in which a complaint will be closed	
6. Grounds to refuse to handle a complaint	
7. Escalation procedure	Page 9

REAL Dispute Resolution Process Conflict of Interest Policy for Electric Vehicle Consumer Code for Home Chargepoints **Appendix 1**



1. Definitions

Chargepoint

A dedicated chargepoint owned and supplied directly with electricity by a single household for the purposes of charging an electric vehicle.

Code

The Electric Vehicle Consumer Code for Home Chargepoints, administered by REAL.

Code Member

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

Complaint

An expression of dissatisfaction about a Code Member, about an issue(s) relating to the Code, which is submitted to REAL using an EVCC Complaints Registration Form and where a specific outcome is expressly requested.

Complainant

A nominated person who registers a Complaint on behalf of a Consumer with the permission of that Consumer. The person may be a friend or relative of the consumer and must have permission from the consumer.

Consumer

This is defined by REAL as a domestic consumer who has signed a contract, or intends to sign a contract or has received a quotation / estimate or is a prospect, for the purchase of a Chargepoint which is installed at or near private domestic premises occupied or owned by them.

Dispute

A Complaint allocated to a Caseworker where there are issues in dispute between the parties (Consumer and Code Member) which fall the remit of the Code and the mediation period has commenced.

Dispute Resolution Caseworker (Caseworker)

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

EVCC Complaints Registration Form

The form available on the EVCC Website which must be used to register a Complaint.

EVCC Website

www.electric-vehicle.org.uk

Feedback

An expression of dissatisfaction concerning a Code Member, which is brought to REAL's attention but is not a Complaint. These are recorded as 'feedback'.

REAL

Renewable Energy Assurance Ltd (company number 05720606), a wholly owned subsidiary of the Association For Renewable Energy and Clean Technology.



Related Product

Any product supplied which will be connected or linked to a Chargepoint in any way.

2. Introduction

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

REAL is a CTSI approved Alternative Dispute Resolution provider under the European Alternative Dispute Resolution (ADR) Directive. We have a team of experienced office based and external Dispute Resolution Caseworkers who work with Consumers and Code Members to resolve complaints. We have 4 ADR Officials, 3 of whom are based in the office and 1 who work externally. The team consists of 1 Head of Dispute Resolution and 3 Dispute Resolution Caseworkers. The Head of Dispute Resolution and 2 Caseworkers are employed on a permanent basis, and the 1 external Caseworkers is appointed on a contractual basis. All Officials 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.

3. Defining a complaint

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

This process only covers Complaints from Consumers and Complainants.

Issues regarding dissatisfaction which are brought to REAL's attention, but not as a Complaint, are recorded as 'feedback'. In general, this could be an issue which is:

- outside the remit of the Code
- not based on the Consumer seeking a specific response or outcome
- registered by someone who is not a Consumer or a Complainant.

3.1 Complaints that are within the remit of the Code

The following section provides examples of Complaints which can generally be handled by REAL. 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 Code including:

- general communication issues / poor customer service
- damage has been caused to a Consumer's property during the installation of a Chargepoint and/ or Related Product
- cancellation of a contract and deposit refund
- incomplete installations or contracts



- information provided by a Code Member about eligibility, deadlines or application procedures for government grants or any other incentives available from time to time
- insurance or adequate protection for deposits, advance payments or workmanship warranties
- information provided about the financial benefit of a Chargepoint and/or Related Product
- workmanship warranties
- the installation of a different product to that agreed in the contract
- miss-selling of a Chargepoint and/or Related Products.

Complaints in which the Consumer is seeking compensation from a Code Member can only be taken forward through this process where the request for compensation is based on the actual loss suffered by the Consumer. Whilst there is not a financial threshold on the amount that can be sought through RECC's mediation procedure a limit of £25,000 does apply to the Independent Arbitration Service.

If you are unsure as to whether a Complaint is within the remit of the Code, please contact REAL's Dispute Resolution Team at info@electric-vehicle.org.uk or 0207 981 0850.

3.2 Complaints outside of the remit of the Code

An issue will generally fall outside of the remit of REAL's Dispute Resolution Procedure where the cause of the issue is not specifically mentioned in the Code, including but not limited to:

- the formulation of government policy
- the installation of a Chargepoint for wholly or partly commercial purposes
- technologies which are not Chargepoints or Related Products within the definition of the Code.

Complaints will also fall outside of the remit of the Dispute Resolution Procedure where the Consumer is seeking compensation relating to an unsubstantiated loss (such as inconvenience, stress or personal injury) or where the Consumer has already commenced legal proceedings against the Code Member.

4. Resolving complaints

4.1 Dispute resolution process

The following section provides a step-by-step guide on how Complaints from Consumers or Complainants against Code Members will be handled.

Step 1 – Raise the Complaint with the Code Member in writing

- a. The Consumer must tell the Code Member they 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.
- b. The Code Member will consider the details of the Complaint and report the findings clearly to the Consumer within 10 working days of receiving the Complaint.



- c. If appropriate, the Code Member will arrange to inspect the Consumer's system, within 7 days of receiving the Complaint.
- 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. If a Consumer has asked a Complainant to act on their behalf, Code Members must co-operate fully with this person.
- f. In the event that the Complaint is not resolved to the Consumer's satisfaction within 10 working days, and the Complaint is about any issues linked to the Code, then the Consumer, or a Complainant acting on their behalf, may refer the issue to REAL by filling in an EVCC Complaints Registration Form online.

Step 2 – Registering a complaint with REAL

A Complaint must be registered by REAL in writing by a Consumer or a Complainant acting on their behalf. The Consumer will need to give the Complainant written permission to make the Complaint on their behalf and the Complainant may be a friend or relative of the Consumer.

REAL accepts domestic and cross border Complaints. Complaints can be submitted to REAL using the EVCC Complaints Registration Form, either online or by post. We accept Complaints in English only. The EVCC Complaints Registration Form can be downloaded from the EVCC Website. If Consumers need a hardcopy version of the form, or if they need assistance when completing the form, they should contact the REAL offices using the details below:

REAL Dispute Resolution Team

- EVCC
Brettenham House, 2-19 Lancaster Place, London, WC2E 7EN
info@electric-vehicle.org.uk
+44 (0)207 981 0850

In cases where a Complainant is acting on behalf of Consumer, the Caseworker 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 EVCC 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 EVCC Complaints Registration Form. We will contact you at a later stage to request all the relevant evidence.

REAL'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.



Step 3 – Initial review of the Complaint

An initial review will be conducted by REAL's dispute resolution team to ensure that the Complaint falls within the remit of its dispute resolution process.

If the Complaint is within the remit of the Code, 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 the remit of the Code, 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 a Complaint, Caseworkers 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 a Caseworker and either party to the Complaint or their representatives. REAL has a Conflict of Interest Policy and Procedure which sets out our process for dealing with this. Full details can be found at Appendix 1 of this document.

Step 4 – Allocation, full review and mediation procedure

Preliminary points to note: Mediation

- 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 and/or the Membership Terms, in which case disciplinary action may be taken in accordance with the current version of the Membership Terms published on the EVCC Website.
- The mediation procedure is free of charge for Consumers, but Code Members may be charged an administrative fee. Code Members will be informed of the circumstances in which a fee will be payable in the Complaint notification email and the information may also be published the EVCC 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.



The procedure is as follows:

1. As soon as reasonably possible, the Complaint will be allocated to a Caseworker who will contact the parties. The Caseworker will contact the Code Member in writing within 3 working days to inform them that they have been allocated to the Complaint and invite the Code Member to submit any further evidence that has not been provided already.
2. The Consumer or Complainant will be contacted in writing within 5 working days with a summary of the issues in dispute, to request further details and any relevant evidence that has not already been provided. From that date, the Caseworker has a total of 10 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 REAL expects all communication to take place directly through the Caseworker, unless directed otherwise.
3. The Caseworker will review the Complaint file to gain a full understanding of the Complaint and have regard for the following:
 - consumer legislations and regulations;
 - the Code published on the EVCC Website; and
 - principles of reasonableness and fairness.
4. If the Caseworker 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 Caseworker will explain the reasons why.
5. Once the Caseworker understands the elements of the Complaint which are disputed by the parties and considers that the outcome(s) being sought is 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. From this point, REAL 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 Caseworker will try to reach a resolution that is fair and acceptable to both parties.
6. 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.



7. 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 Caseworker. The Caseworker 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.
8. 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 Caseworker will advise the Consumer or Complainant of their options going forward in terms of resolving the Dispute. These options are set out section 8.2 of the Code.

While a Complaint/ Dispute is being handled through REAL'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 Independent Arbitration Service as set out in section 8.3 of the Code.

4.2 Independent Arbitration Service

The Independent Arbitration Service is the final stage of our dispute resolution process and is operated by the Centre for Effective Dispute Resolution (CEDR) on behalf of REAL. The Caseworker will provide full details of the application process to the parties as and when appropriate. This includes information on the costs (application registration fee) to the parties and the rules on awarding costs at the end of the process. Full details can be found on the EVCC Website and CEDR's website (<https://www.cedr.com/consumer/renewable-energy/recc-arbitration/>).

5. Circumstances in which a Complaint will be closed

- 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 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 Consumer or Complainant fails to provide any of the information or 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 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 REAL 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 Member and the Caseworker.

6. Grounds to refuse to handle a Complaint

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 value of the monetary value sought by the Consumer falls above the monetary threshold of £25,000 in cases where the Consumer wishes to use the Independent Arbitration Service as set out in section 8.3 of the Code.
- d. Dealing with the Complaint would seriously impair the effective operation of our Dispute Resolution Process.

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 Caseworker and / or the Dispute Resolution Team. The escalation procedure is as follows:

1. Contact the REAL'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 10 working days. Their contact details are:

Abena Simpey
REAL Head of Dispute Resolution
Brettenham House, 2-19 Lancaster Place, London, WC2E 7EN
Email: 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 the their complaint to be escalated to the Chief Executive of REAL, in writing. The Chief Executive will consider the details of the issue(s) raised and provide a written response with 15 working days. Their contact details are:

Virginia Graham
REAL Chief Executive
Brettenham House, 2-19 Lancaster Place, London, WC2E 7EN
Email: virginia@recc.org.uk



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, S15 6TH

Please note that the CTSI will not be able to 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 EVCC'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 the EVCC Website using this link: <https://www.electric-vehicle.org.uk/privacy>

February 2020 version

Date of issue 11.02.2020
Author R Robbins
Document number EVCC DRP 001
Version number 1.0
Version date 11.02.2020
Rationale for amendments Issued to comply with ADR Regulations 2015 Schedule 3.



REAL Dispute Resolution Process Conflict of Interest Policy for Electric Vehicle Consumer Code for Home Chargepoints

Dispute Resolution Team

1. The Electric Vehicle Consumer Code of Home Chargepoints (“the Code”) is administered by Renewable Energy Assurance Ltd (REAL), a CTSI approved Alternative Dispute Resolution (ADR) provider. REAL’s Dispute Resolution Team provides mediation services to members of the Code to help resolve disputes with their consumers. As part of the approval criteria under the ADR Regulations 2015 Schedule 3 (“the 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 Caseworker (“the Caseworker”) 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 REAL’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 Caseworker’s ability to effectively resolve a dispute. In order to comply with the requirements, this policy puts in place a process to identify, manage and disclose conflicts of interest and thereby fulfils the REAL’s Dispute Resolution Team’s obligations set out in the Regulations.

Conflict of interest

3. All office-based and external Caseworkers are expected to uphold professionalism, independence and impartiality when handling a dispute at all times. A Caseworker 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 a Caseworker or information relating to the handling a Complaint is considered to affect the Caseworker’s ability to act independently and impartially. In such instances, the situation might reasonably be seen to compromise the Caseworker’s personal judgement or integrity. For example:
 - the Caseworker has a personal relationship with the Consumer as a friend or relative, or is connected to the Consumer in any other way;
 - the Caseworker has a personal relationship with an individual in the Code Member’s business;
 - the Caseworker is a stakeholder in the Code Member’s business or is connected to the business in any other way; or
 - the Caseworker misuses or discloses information inappropriately.

Managing conflicts 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 Complaint which may directly or inadvertently affect a Caseworker.



7. All existing and new Caseworkers are required to declare any business or personal interests which may affect their duties on an annual basis. The process for declaring a potential conflict of interest is set out below.

Procedure for handling a Conflict of Interest

8. When handling a Complaint, Caseworkers 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 Caseworker's handling of the Complaint.

Identifying conflicts of interest

9. Caseworkers 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 Complaint at all stages.
 - Stage 1: registering a new Complaint
The Caseworker must carry out a conflict of interest assessment when registering a Complaint. This must take place prior to sending the consumer the Complaint acknowledgement email and the Code Member the notification email.
 - Stage 2: before and during the mediation period
When allocated a new complaint for mediation, the Caseworker 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

10. In cases where the Caseworker identifies a conflict of interest, the Caseworker must inform the Head of Dispute Resolution by email immediately on becoming aware of an actual or potential conflict of interest, or if they have any doubts about a situation at any stage when handling a Complaint and during the mediation process.
11. In addition to sending an email to the Head of Dispute Resolution, the Caseworker must also complete a 'Log of Disclosure' declaration form.
12. Following disclosure of a conflict of interest, the Caseworker 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.

Resolving conflicts of interest

13. 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. These may include:



- not allocating the Complaint to the affected Caseworker for mediation or any work prior to it; or
- reallocating the Complaint to a new Caseworker at any stage of the mediation process or prior to it.

14. The Head of Dispute Resolution will be keep the Caseworker informed about key decisions relating to the handling of a conflict of interest.

Data protection

15. The information provided will be processed in accordance with REAL and EVCC'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 the EVCC Website using this link: <https://www.electric-vehicle.org.uk/privacy>

Date of issue 11.02.2020

Author R Robbins

Document EVCC DRP 002

Version number 1.0

Version date 11.02.2020

Rationale for amendments Issued to comply with ADR Regulations 2015 Schedule 3.