

Quidos

Excellence in Efficiency

Title: Quidos Complaints, Disciplinary & Appeals Procedure
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Author: Catherine Garrido **Date:** 12/08/2019
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Revision History

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1.0	12/08/2019	12/08/2019	

Quidos Accreditation Complaints, Disciplinary & Appeals Procedure

1. Policy

1.1 As per our Scheme Operating Requirements (or Operating Framework in Scotland), the Qidos Accreditation Scheme is required to have procedures in place for disciplinary action against Energy Assessors, how the Scheme deals with these actions, and the methods of recourse for Energy Assessors.

1.2 Qidos Ltd aims to provide high quality service to both Energy Assessors and their customers. All complaints received by Qidos will be dealt promptly and professionally. We will endeavour to both understand the cause of the complaint, investigate and report on the validity of the complaint made.

2. Scope

2.1 This procedure shall demonstrate how complaints made against Qidos-accredited Energy Assessors are recorded, managed and resolved by the Scheme.

2.2 This procedure will focus on disciplinary issues relating to an Energy Assessor's obligations under the Qidos Code of Conduct (QMS Ref: 5.9).

3. Responsibilities

3.1 Responsibility for the implementation of this procedure will be vested in:

3.1.1 Head of Compliance (or delegate);

3.1.2 Scheme Quality Manager (or delegate).

4. Complaints

4.1 Member should notify Qidos of any complaint received and as Members are required to have their own complaints procedure. Complaints should only be passed to Qidos if issue is not able to be resolved. Complaints may be verbal or written including email and other forms of electronic communications.

4.2 All complaints shall be recorded on a register to be logged and accessed by the complaints processor.

4.3 Any complaints will be categorised in to types of complaint to include complaints against Quidos Ltd and Scheme members or individual reports. Complaints where the complainant is dissatisfied with the conduct of the Scheme, due diligence will be undertaken to ensure impartiality is maintained.

4.4 The complaints process will be available at no cost to the complainant and is available to all stakeholders (see Appendix A). Where the member fails to deal with complaints professionally, the Scheme reserves the right to recover costs from the member, except in exceptional circumstances, for example when Quidos have asked the assessor not to discuss things with the third party.

4.5 If a complaint is found to be vexatious (being obsessive, harassing or repetitious which results in a disproportionate amount of time and resources) Quidos may refuse the individual access to the complaints this document and will disclose such instances to MCHLG. If complaints going to third party become vexatious, all members of the panel will be informed of the vexatious communication.

If certain instances are defined as vexatious, Quidos will disclose details of the situation and any other relevant information to MHCLG, Crown Dependencies, Trustmark and Building Standards Scotland.

Where handling a dispute, Quidos where permitted by GDPR and where authorised to share data either by the complainant or defendant will disclose details to the relevant third party including other Certification Bodies.

Vexatious, or persistent complaints and correspondence, can be characterised in the following ways:

4.5.1 Behaviour which is obsessive, persistent, harassing, prolific, repetitious and/or;

4.5.2 Displays and insistence on pursuing unmeritorious issues and/or unrealistic outcomes beyond all reason;

4.5.3 Displays an insistence upon pursuing meritorious complaints or issues in an unreasonable manner;

4.5.4 Repeated and/or frequent requests for information, whether or not those requests are made under the access to information legislation.

4.6 Where a complaint is found to involve criminal activity, the issue will be reported to the police and or appropriate authority.

4.7 In all correspondence it will be made clear to the complainant that their statutory rights are not affected by the appeals process or outcome.

Disciplinary action will be taken depending on the outcome of the complaint, and will be judged on a case by case basis and in line with the disciplinary.

4.8 If the quality of the EPC/report is questioned, a Quality Assurance audit will in most instances be required. The outcome of this audit will be fed back to the Assessor. Re-lodgement of an EPC (including possible revisit) may result if EPC found to be defective.

4.9 If the actions of the Assessor are questioned, in most instances the assessor will be suspended pending investigation outcome. The resulting disciplinary action will be judged on the outcome of the investigation.

5. Disciplinary

5.0 Where an Energy Assessor has been found to have breached any of the articles within the *Quidos Code of Conduct for Energy Assessors*, the Scheme shall respond in an appropriate and proportionate way. This would include but not be limited to a suspension and internal review.

In order to identify the seriousness of an offence, the Scheme shall categorise using the following:

5.1 Minor Transgression

5.1 (a) No significant impact on Customer or other stakeholders associated with the transgression. The appropriate response here would be to inform the assessor of the nature of the shortcoming, and check that the Energy Assessor's behaviour changes. An example would be where a misunderstanding of an element of the *Code of Conduct* occurs which does not result in a significant impact on the Property owner or other stakeholder.

5.2 Significant Transgression

5.2 (a) A transgression which has a significant impact on a Property Owner or other stakeholder. This category falls between "Minor" and "Major" transgression. Depending on the nature of the transgression, the Energy Assessor may be required to undertake additional training to modify their behaviour whilst being allowed to continue to lodge certificates, or may be subject to suspension until a period of training has been completed. An example would be where feedback from clients as part of a standard Scheme user feedback exercise indicates a significantly higher than usual level of discontent with the Energy Assessor's behaviour, but where there is no actual complaint to the Scheme.

5.3 Major Transgression

5.3 (a) This is defined as the Scheme receiving evidence that a member has failed to meet the standards set by the *Code of Conduct*, in a way which has a major impact on the customer or stakeholder. The member will be suspended and a disciplinary hearing will be conducted following this. An example of this transgression could be where a member provided advice to a property owner which is outside their knowledge, which is aimed at securing themselves additional work. Or where there has been a failure to disclose Quidos' complaints procedure to the property owner or stakeholder on request.

5.4 In the case of "minor" or "significant" transgressions, the Scheme shall check on, and record, the effectiveness of remedial action. The Scheme shall have an escalation process in place if remedial action does not substantively remedy the shortcoming.

5.5 Where an Energy Assessor's actions are considered a 'major transgression', the Scheme will immediately suspend the Energy Assessor, pending an investigation which shall be carried out in a timely manner.

5.6 For certain breaches, Schemes shall operate a procedure as follows:

5.6.1 First Instance: Inform the member of the breach and what measures they should take.

5.6.2 Second instance: Reprimand the member and advise that any further breach will result in a suspension until remedial action is taken.

5.6.3 Third Instance: The member is suspended until appropriate remedial actions are taken. Additional checks will be implemented to check the effectiveness of the actions.

5.6.4 In the most serious of instances, which includes but is not limited to, use of stock images, failing to attend a Property as required, fraudulent activity, etc., the Scheme shall impose the most severe sanction – to revoke the accreditation of the Energy Assessor and have their name Struck-Off from the Central Register(s).

6. Appeal

The appeal process will be available to Stakeholders, prospective and existing members.

All appeal documentation will be recorded including any correspondence associated with an appeal.

6.1 Prospective members

Applicants who have their application for accreditation rejected will be able appeal to the Third Party panel.

6.2 Existing members

Quidos Members will be able to Appeal the following decisions:

- Audit Failure
- CPD Failure
- DBS Certificate Failure
- Code of Conduct
- Insurance

6.3 QA Appeals procedure ref 14.0 details the process for Quality Assurance audit failures, these will be heard by a person other than the auditor whose judgement has been challenged unless if a conflict of interest. The appeal decision will be final and binding, except, where an accreditation is revoked. An accreditation revocation can be taken to Third party panel.

6.4 Stakeholders are able to appeal a decision relating to a complaint. Quidos Ltd will act impartially, using an independent third party panel. As per all appeals the complainants, statutory rights are not affected by the process or outcome.

6.5 Appeals will be escalated, to third party appeal panel (only where accreditation has been revoked), consisting of three independent technically qualified persons. A list of panel members will be sent to all oversight bodies and all will have signed a terms of reference.

6.5.1 All third party members will have no commercial or other link to Quidos Ltd.

6.5.2 A request shall be sent to the complainant for evidence to be sent over a minimum of 7 days prior to the date of the hearing. Quidos Ltd will provide evidence also in accordance with this.

6.5.3 The decision from the appeal is final and binding. (In the case of application rejections, this does not prevent the applicant approaching another Accreditation Scheme).

Under exceptional circumstances, Quidos Ltd may refer a complaint to EASOB (Energy Assessor Scheme Operating Board). This is often proceeded with if another Scheme does not agree with the original decision made by the Accreditation Scheme.

6.5.4 Quidos will cooperate with all oversight bodies in terms of dispute handling and provide the oversight body with relevant documentation upon request in line with the relevant standards.

7. Third Party Panel

7.1 The Panel will be composed of three persons. All members will be independent and technically qualified. The Panel will have a Secretary who will record their deliberations. The Secretary does not have a vote in reaching decisions.

- 7.2 None of those, appointed to the Panel, should have personal knowledge or previous relationships with any EA brought before them. The findings of the Disciplinary Panel are determined by a majority vote of the appointed members.
- 7.3 When a Panel is convened, each member is to be notified of the time and place of the hearing, given the names of the EAs being considered, and copies of the documents comprising the allegations made by the all parties. If any member of the Panel identifies a potential conflict of interest or prior association with any of the Inspectors being considered, they must notify the QAS and withdraw from the Panel.
- 7.4 EAs are requested to attend the Disciplinary and or Appeals Panel, but cannot be compelled to do so. EAs can choose to be formally represented at hearings, and may elect to call witnesses in their defence. (Provided such are pre-notified to the QAS).
- 7.5 If a party concerned with the hearing wishes to submit written representations for consideration these must be presented to the QAS not less than 7 days before the hearing. The QAS will distribute copies of such to all the parties concerned.
- 7.6 Once the Panel has received all submissions it will discuss the issues raised in private, and arrive at a decision, by a process of majority voting. The decision may include any or all of the following;
- 7.6.1 a statement on whether the Panel considers the allegations against the EA to be valid;
 - 7.6.2 the award of compensation to any Customer who has suffered as a result of the EA not complying with the performance criteria;
 - 7.6.3 the award of costs which may include preparation time and any loss of earnings;
 - 7.6.4 a requirement on the EA to undertake further training;
 - 7.6.5 a requirement on the QAS to modify its procedures or improve staff training;
 - 7.6.6 a requirement on the QAS to suspend or revoke the registration of the EA;
 - 7.6.7 Recommendations to MHCLG/ Building Standards Division/ crown dependencies/ Trustmark, the QAS, the EA's employer or the EA regarding changes required to improve the overall reliability and accuracy of EPCs.
- 7.7 If the decision is made against the EA then the relevant rights of appeal shall be clearly explained, and confirmed in writing.
- 7.8 Decisions that involve compensation, costs, suspension or revocation of membership should include a clear statement of the time by which such matters are to be completed.

Appendix A



A 'stakeholder' can be classed as:

- anyone who owns or lives in, or who otherwise has an interest in, a building or buildings for which an Energy certificate or report has been prepared
- a person working on behalf of a property owner or landlord, e.g. estate agent, letting agent, solicitor etc
- a company who employs Energy Assessors
- another Accreditation Scheme
- a member
- an Energy Assessor from another Scheme
- Trading Standards Officer, Building Control Officer, or some other individual who has a formal role regarding ensuring compliance with the EPBR the Building Regulations, the Green Deal etc
- MHCLG or the Register Operator and
- Another interested party