

Quidos

Excellence in Efficiency

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Quidos Accreditation Complaints, Disciplinary & Appeals Procedure

1. Policy

1.1 As per our Scheme Operating Requirements (DLUHC), Operating Framework in Scotland, TrustMark Framework Operating Requirements, Code of Conduct and PAS 2035, The Energy Savings Opportunity Scheme Regulation (Environment Agency), the Qidos Accreditation Scheme is required to have procedures in place for disciplinary action against Assessors and Coordinators, with how the Scheme deals with these actions, and the methods of recourse for members.

1.2 Qidos Ltd aims to provide high quality service to both members 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 to Qidos- are recorded, managed and resolved by the Scheme.

2.2 This procedure will focus on disciplinary issues relating to a member's obligations under the Qidos Code of Conduct.

3. Responsibilities

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

- 3.1.1 Operations Director (or delegate);
- 3.1.2 Compliance Manager (or delegate).
- 3.1.3 Scheme Manager

4. Complaints Against Member or EPC

4.1 Members should notify Qidos of any complaint received within two weeks of receiving the initial complaint and as Members, are required to have their own complaints procedure. Complaints should only be passed to Qidos if the issue is not able to be resolved with the member in question. Complaints may be verbal or written including email and other forms of electronic communications. All written complaints are to be submitted in full to complaints@quidos.co.uk.

4.2 Qidos can only process complaints received relating to EPCs lodged under Qidos accreditation scheme and by Qidos accredited members. Complaints received against EPCs lodged by members of another accreditation scheme must be reported to the scheme in question.

4.3 All complaints shall be recorded on a register to be logged and accessed by the complaint processors.

4.4 Any complaints will be categorised in to types of complaint to include complaints against Qidos Ltd as a Scheme, Scheme members, individual reports or a Qidos staff member. Complaints where the complainant is dissatisfied with the conduct of the Scheme, due diligence will be undertaken to ensure impartiality is maintained. All complaints will be responded to initially within 48 hours with an aim to be investigated and resolved within 10 working days.

4.5 There will be no cost to the complainant.

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

4.7 If a complaint is found to be vexatious (being obsessive, harassing or repetitious which results in a disproportionate amount of time and resources) Qidos may refuse the individual access to the complaints process and will disclose such instances to the oversight body. 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, Qidos will disclose details of the situation and any other relevant information to DLUHC, Crown Dependencies, Environment Agency, Trustmark and Building Standards Scotland.

Where handling a dispute Qidos, 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 and comply with any full investigation as required.

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

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

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

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

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

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

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

4.10 If the quality or accuracy of a 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 member and complainant. If the energy assessor contests the audit result, then the QA appeals process is to be followed.

Re-lodgement of an EPC/Retrofit Assessment (including possible revisit) may result if the report is found to be defective. In this situation, the cost of any relodgement will be passed to the member who created the report.

If the member's conduct is found to have been unprofessional then the cost of any replacement report will be passed to the member responsible for the original report/behaviour.

If the EPC is found through the completion of a QA audit to be accurate then this result is final and binding unless further evidence can be provided by the complainant which challenges this. If this is the case then the complaint can be re-opened and investigated further.

If the member cannot be contacted, does not respond, has left the industry or is deceased then the EPC cannot be checked for accuracy and therefore cannot be removed. Quidos will only arrange for a replacement EPC if the complainant can prove the EPC to be defective at the point of issue.

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

Disciplinary action will be taken depending on the outcome of the complaint, and will be judged on a case-by-case basis.

5. Complaints against Quidos Ltd.

5.1 If a stakeholder has a complaint against Quidos Ltd. at a company level, this needs to be submitted ideally in writing to complaints@quidos.co.uk.

5.2 The complaint will then be reviewed by the Compliance Manager/Scheme Manager/Operations Director.

5.3 The findings of the review will be communicated to the complainant, the complainant can request for the complaint to be escalated to third party appeal if they disagree with the findings of the internal investigation, see process outlined in Section 9.

6. Complaints against Qidos staff conduct or the level of service offered

6.1 If a stakeholder has a complaint against an employee of Qidos Ltd. this needs to be submitted ideally in writing to complaints@quidos.co.uk along with full details of the reason for the complaint.

6.2 The complaint will then be reviewed by the Compliance Manager who will hold a professional discussion with both the staff member in question and their line manager to discuss the situation and obtain the staff member's account.

6.3 All communication between the staff member and complainant will be reviewed by both the staff member's line manager and the Compliance Manager.

6.4 If the staff member is found to have acted correctly then the Compliance Manager will respond in writing to the complainant outlining this and why their complaint has not been upheld.

6.5 If the staff member is found to have acted incorrectly or inappropriately then the Compliance Manager will notify the complainant in writing that their complaint has been upheld and an internal investigation will begin in line with the Qidos Disciplinary Procedure outlined in the Staff Handbook.

6.5.1 An internal investigation will include, but will not be limited to, a thorough review of the staff member's HR record, any previous complaints received, their communication with other customers and peer reviews in line with the Qidos Disciplinary Procedure.

6.6 The complainant can request for the complaint to be escalated to third party appeal if they disagree with the findings of the internal investigation, see process outlined in Section 9.

7. Disciplinary

7.0 Where a member has been found to have breached any of the articles within the Qidos Code of Conduct (*COC specific to the strand/sub scheme*), the Scheme shall respond in an appropriate and proportionate way. This would include but not be limited to a suspension and internal review. Qidos will carry out performance monitoring processes through quality assurance audits to identify reoccurring non compliances that could result in insufficient service delivery.

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

7.1 Minor Transgression

7.1 (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 members 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.

7.2 Significant Transgression

7.2 (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 member 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 members behaviour, but where there is no actual complaint to the Scheme.

7.3 Major Transgression

7.3 (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.

7.4 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. This escalation process will include but not be limited to requiring the member to have a professional recorded discussion with the department responsible for the issue; creating an action plan and completing retraining.

7.5 Where a member’s actions are considered a ‘major transgression’, the Scheme will immediately suspend the member, pending an investigation which shall be carried out in a timely manner.

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

7.6.1 **First Instance:** Inform the member of the breach in writing and what measures they should take.

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

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

7.6.4 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 member and have their name Struck-Off from the Central Register(s).

7.6.5 In the case of a Retrofit Assessor, in line with the PEPA Scheme Requirements, action will be taken to suspend/strike off the member as a Retrofit Assessor if suspended/struck off as a DEA.

8. 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.

8.1 Stakeholders

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. If the complainant wishes to proceed with this option, they need to request this in writing to Quidos Ltd.

8.2 Prospective members

Applicants who have their application for accreditation rejected will be able appeal to the Third Party panel if they disagree with the reasoning of Quidos following a review of the decision by the department manager

8.3 Existing members

Quidos Members will be able to Appeal the following decisions:

- Audit Failure
- CPD Failure
- DBS Certificate Failure
- Breach of the Code of Conduct
- Application Rejections
- Accreditation Revocation

The above reasons, apart from audit failure, can be taken to third party panel.

8.3.1 Audit Failure Appeal - The Quidos Quality Assurance Appeals Procedure 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 (strike-off) can be taken to third party panel if this is requested by the member.

8.3.2. Existing member appeals will be escalated, to third party appeal panel (only where accreditation has been revoked or rejected), 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 term of reference.

8.3.3 Under exceptional circumstances, Qidos Ltd may refer a complaint to EASOB (Energy Assessor Scheme Operating Board) or the relevant oversight bodies if escalation is needed. This is often proceeded with if another Scheme does not agree with the original decision made by the Accreditation Scheme.

8.3.4 Qidos 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.

9. Third Party Panel

9.0 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.

9.1 All third-party members will have no commercial or other link to Qidos Ltd.

9.2 None of those, appointed to the Panel, should have personal knowledge or previous relationships with any member brought before them. The findings of the Disciplinary Panel are determined by a majority vote of the appointed members.

9.3 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. Qidos Ltd will provide evidence also in accordance with this.

9.4 When a Panel is convened, each member is to be notified of the time and place of the hearing, given the names of the members 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 Qidos Ltd. and withdraw from the Panel.

9.5 Members are requested to attend the Disciplinary and or Appeals Panel, but cannot be compelled to do so. In person attendance is preferable, however virtual attendance can be facilitated if Qidos Ltd. are provided with notification at least 5 working days before the panel is due to convene.

9.6 Members can choose to be formally represented at hearings, and may elect to call witnesses in their defence. Provided such are pre-notified to Qidos Ltd. at least 5 working days before the panel is due to convene.

9.7 If a party concerned with the hearing wishes to submit written representations for consideration these must be presented to Qidos Ltd. not less than 5 working days before the hearing. Qidos Ltd. will distribute copies of such to all the parties concerned.

9.8 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;

- 9.8.1 a statement on whether the Panel considers the allegations against the member to be valid;
- 9.8.2 the award of compensation to any Customer who has suffered as a result of the member not complying with the performance criteria;
- 9.8.3 the award of costs which may include preparation time and any loss of earnings;
- 9.8.4 a requirement on the member to undertake further training;
- 9.8.5 a requirement on Qidos Ltd. to modify its procedures or improve staff training;
- 9.8.6 a requirement on Qidos Ltd. to suspend or revoke the registration of the member;
- 9.8.7 Recommendations to DLUHC, Building Standards Division, Crown Dependencies, Environment Agency, TrustMark, Qidos Ltd., the members employer or the member regarding changes required to improve the overall reliability and accuracy of reports.

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

If the decision is made against the Member then the relevant rights of appeal shall be clearly explained, and confirmed in writing.

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.

10. Quarterly reporting

10.0 Reporting will be carried out on a quarterly basis by top management.

10.1 Reporting will enable Qidos to detect patterns within complaints and analyse trends.

Qidos Ltd. maintains to carry out all actions in line with the FCA DISP 1.3 Complaints handling rules as well as the requirements set upon us from DLUHC, Crown Dependencies, Environment Agency, Trustmark and Building Standards Scotland.

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 an Assessor/ Coordinator;
- another Accreditation Scheme;
- a member;
- an Assessor/Coordinator 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; or Environment Agency;
- the Register Operator;
- Another interested party.