

EVCC Dispute Resolution Process

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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 regarding 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 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.

Dispute

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

Dispute Resolution Officer (Officer)

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 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.

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(s) 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; and
- 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; and
- 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 £50,000 does apply to the Renewable Adjudication 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 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.
- Requests for compensation regarding unsubstantiated losses (such as inconvenience and stress) and personal injury.

Complaints will also fall outside of the remit of the Dispute Resolution Process 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

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

4.1 Step 1 – Contact 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.



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 7 days of being notified.
- 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.

4.2 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
York House 23 Kingsway
London WC2B 6UJ
info@electric-vehicle.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 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.



4.3 Step 3 – Initial review

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.

4.4 Conflict of Interest

When handling a Complaint, 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 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 in the Appendix of this document.

4.5 Step 4 – Mediation

Preliminary points to note:

- 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 on 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 mediation procedure is as follows:

1. As soon as reasonably possible, the Complaint will be allocated to an Officer who will contact the parties. The Officer 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 Officer will send an allocation email to the Consumer or Complainant in writing within 5 working days to inform them the complaint that the complaint is being reviewed. 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 Officer has a total of 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 REAL 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:
 - consumer legislations and regulations;
 - the Code published on the EVCC Website; and
 - 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 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 Officer will try to reach a resolution that is fair and acceptable to both parties.
6. Mediation can be terminated if there are no reasonable prospects of achieving a resolution 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.

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.

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 in terms of resolving the Dispute. These options are set out section 8.1.3 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 Renewable Adjudication Service as set out in section 8.1.3 of the Code.

4.6 Renewable Adjudication Service

The Renewable Adjudication Service is the final stage of our dispute resolution process and is operated by CEDR Services Limited (CEDR) on behalf of REAL. The Officer will provide full details of the application process and fees to the parties as and when appropriate. Full details can be found on EVCC's website: <https://www.electric-vehicle.org.uk/consumers>

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 initial letter / email within 4 weeks despite the Officer 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 Officer'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 Officer.

6. Grounds for refusal

Generally, providing a registered Complaint falls within our remit as set out in section 3.1 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 amount sought by the Consumer falls above the monetary threshold of £50,000 in cases where the Consumer wishes to use the Renewable Adjudication Service as set out in section 8.1.3 of the Code;
- d. dealing with the Complaint would seriously impair the effective operation of our Dispute Resolution Process; and
- 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:

Contact 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 15 working days. Their contact details are:

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

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 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
York House, 23 Kingsway
London, WC2B 6UJ
Email: virginia@recc.org.uk

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.

8. 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>.



Appendix A

REAL Dispute Resolution Process

Conflict of Interest Policy

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 Officer (“the 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 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 Officer’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 REAL 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 of a Complaint 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 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;
 - the Officer misuses or discloses information inappropriately; and
 - the Officer has a direct or indirect interest in the outcome of the mediation procedure.



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 process 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 an Officer.
7. All new and existing 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 procedure. The process for declaring an actual or potential conflict of interest is set out below.



Appendix B

REAL Dispute Resolution Process

Conflict of Interest Procedure

Identifying conflicts of interest

1. When handling a Complaint, 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 Complaint.
2. 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 Complaint at all stages.
 - *Stage 1: registering a new Complaint*
The Officer 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. 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*
During 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

3. 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 they have any doubts about a situation at any stage when handling a Complaint and during the mediation process.
4. In addition to sending an email to the Head of Dispute Resolution, the Officer must also complete a 'Log of Disclosure' declaration form.
5. 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 conflicts of interest

6. 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 in 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.

The 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.

7. The Head of Dispute Resolution will keep the Officer informed about key decisions relating to the handling of a conflict of interest.

Data protection

8. 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>.