

DISPUTE RESOLUTION PROCESSES FOR FEED-IN TARIFFS COMPLAINTS RAISED BY GENERATORS

The delivery of the Feed-In Tariffs (FIT) scheme, introduced on 1 April 2010, involves a number of different organisations and processes.

To enable swifter dispute resolution, the Department for Business, Energy and Industrial Strategy (BEIS) has produced this guide to the complaints procedures for each of the organisations involved, according to the different types of issues that may be raised by people who are, or intend to, generate electricity supported by FIT, classed as “**FIT Generators**”. This should help establish who you need to contact to resolve your issue. Explanations of **Bold text** can be found in the glossary, where necessary.

Although this guide is for FIT Generators, it should be noted that only the owner of the installation or those who have been assigned FIT Payment rights (**nominated recipients**) may complain/raise a dispute. For those who have been assigned rights, the dispute resolution process may be limited because of data protection issues, and in those circumstances the owner of the installation would be required to take the **complaint**/dispute forward.

Nature of complaint	Examples	Complaint should be directed to:
You have a complaint about your FIT Licensee	<ul style="list-style-type: none"> • Disputes or delays in registration of installation • Delay in issuing/ processing of FIT payments • Miscalculation of FIT payments • Incorrect advice on FIT 	<ol style="list-style-type: none"> 1. Contact your FIT Licensee in the first instance – your complaint will be dealt with according to their complaints process, which should be set out in your contract with them – the Statement of FIT Terms - and be available on their company website. 2. If you are a domestic or micro business FIT Generator and a mutually agreeable outcome has not been reached after <u>8 weeks</u> from the complaint being lodged, you may refer your complaint to the Energy Ombudsman¹ (www.energy-ombudsman.org.uk).

¹ Please note that only domestic consumers and micro-businesses may apply to the Energy Ombudsman. A micro business is defined as an organisation that has a turnover of less than €2m and less than 10 employees; or an annual electricity consumption of less than 55,000kWh. For larger scale consumers the supplier remains the first point of contact. In most cases suppliers will allocate a relationship manager to its larger customers and this would be the normal route for a complaint. If there is no resolution after 12 weeks or if the complainant is not satisfied with the outcome the next stage is via the courts.

Nature of complaint	Examples	Complaint should be directed to:
		<p>3. Once the Ombudsman has received a complaint it will consider whether the supplier has been given sufficient time to deal with the complaint and also assess whether the complaint falls within the remit of the Ombudsman. If the Ombudsman takes on the case it will investigate and make recommendations to rectify the situation. The FIT Licensee then has up to 28 days to action any recommendations by the Energy Ombudsman.</p>
<p>You have a complaint about your FIT Licensee relating to information contained on the Central FIT Register (CFR)</p>	<ul style="list-style-type: none"> Disputes relating to information contained on the CFR 	<p>All FIT Generators are able to write to Ofgem's CFR Manager and request details held on the CFR about them. They can be contacted at:</p> <p>Central FIT Register Manager Renewable Electricity Ofgem 9 Millbank London, SW1P 3GE</p> <p>Or email to: FITRegister@ofgem.gov.uk</p> <p>1. If you dispute the information being held on the CFR, you should first raise this with your FIT Licensee, who will attempt to resolve your issue by requesting Ofgem to update the CFR on your behalf.</p> <p>2. If a mutually agreeable outcome is not reached in the case of whether or not the CFR manager will release/change the CFR data, you should follow the complaints process detailed above</p>

Nature of complaint	Examples	Complaint should be directed to:
<p>You have a complaint about the Authority (Ofgem)</p>	<ul style="list-style-type: none"> • Delays in accreditation for installations that apply through the ROO-FIT² process • Appeals around installations deemed not to meet the FIT criteria • Appeals where the generator feels they have unfairly been withdrawn from the FIT scheme 	<ol style="list-style-type: none"> 1. All disputes regarding the ROO-FIT accreditation process should be sent to the Senior Manager, Feed-in Tariffs at Ofgem in the first instance at the above address or via e-mail ROOFIT@ofgem.gov.uk 2. Appeals for ineligible installations and those suspended or withdrawn from the CFR should be sent to Ofgem's Central FIT Register Manager in the first instance at the above address or via e-mail FITRegister@ofgem.gov.uk 3. If a mutually agreeable outcome is not reached, the complaint should be escalated by sending your complaint to Ofgem in writing at: <ul style="list-style-type: none"> Ofgem Complaints Ofgem 9 Millbank London, SW1P 3GE <ol style="list-style-type: none"> i. Your complaint will be acknowledged within 2 working days. ii. Ofgem will reply with the outcome of your complaint within 10 working days. If it is not possible to reply in that time, Ofgem will write to update you on progress within 10 working days. 4. If after this process the complaint has not been resolved satisfactorily, you can write to the Senior Information Risk Officer at Ofgem (at the address above) for a further investigation, who will reply within 10 working days.

² PV and Wind with a declared net capacity of over 50kw, all AD and Hydro

Nature of complaint	Examples	Complaint should be directed to:
		5. If you are still not satisfied, you can take your complaint to the Parliamentary Ombudsman who carries out independent investigations into complaints about public bodies. www.ombudsman.org.uk/
You have a complaint about your EPC	<ul style="list-style-type: none"> • Concerns about validity of certificate • Issues with information on the certificate • Concerns about manner or quality of survey • Concerns that you did not know you needed an EPC, or weren't told by your installer that it had to be Level D or above to qualify for the higher FIT tariff 	<ol style="list-style-type: none"> 1. All complaints about an EPC should initially be discussed with the energy assessor who carried out the assessment. All energy assessors and/or the company for which the assessor works must have a complaints process in place. Therefore they should be able to provide you with a copy of their complaints procedure. 2. If you are dissatisfied with the results of the investigation, you should contact the accreditation scheme operator to which the energy assessor who carried out your assessment is accredited and follow their independent complaints process. 3. Complaints like those in the final bullet should go to the Renewable Energy Consumer Code (RECC) at www.recc.org.uk/how-to-complain
You have a complaint relating to the Microgeneration Certification Scheme (MCS)	<ul style="list-style-type: none"> • Lack of MCS accredited installers in the local area • Delays in receiving MCS certificate/Number. 	<ol style="list-style-type: none"> 1. Complaints should be made to the MCS Administrator. Further information can be found at: www.microgenerationcertification.org OR Tel: 0207 090 1082 <p>NB. Any complaints about the policy requirement to use MCS accredited equipment/installers should be referred to BEIS.</p>

Nature of complaint	Examples	Complaint should be directed to:
<p>You have a complaint relating to an installer</p>	<ul style="list-style-type: none"> • Quality of workmanship/ installation • Actual performance of installation differs from expectations/information given during pre-sale • Incorrect information/advice given regarding the FIT Scheme • To cancel a contract 	<ol style="list-style-type: none"> 1. Initial complaint should be referred to the relevant installer. 2. If the complaint is not resolved, you can approach the MCS Administrator, who will advise how to make a complaint about the MCS installer. The MCS complaints procedure can be found here: http://www.microgenerationcertification.org/consumers/complaints 3. Alternatively you can approach the RECC to escalate the complaint. RECC has a disciplinary process for non-compliant companies and a company's membership can be terminated in some cases and therefore stop them from trading under the MCS. See www.recc.org.uk/how-to-complain. 4. If the company is not a RECC member or MCS certificated, complaints should go to Citizens Advice, who can pass on common issues to the relevant Trading Standards. 5. If cancelling a contract, consumers are advised to do the following: <ol style="list-style-type: none"> a. Contact installer in writing or email, quote RECC code as per web link on cancellations on RECC's web site: www.recc.org.uk/scheme/consumer-code#tag6.2 b. Give installer a week to respond. c. If no response see point F on how to complain- www.recc.org.uk/consumers/how-to-complain

Nature of complaint	Examples	Complaint should be directed to:
<p>You have a complaint relating to product/equipment quality</p>	<ul style="list-style-type: none"> Generating equipment is not performing/is faulty 	<ol style="list-style-type: none"> Product complaints should be referred to the manufacturer, distributor or installer who sold the equipment. If the complaint is not resolved, you can approach the MCS Administrator, who will advise how to make a complaint about the MCS product. The MCS complaints procedure can be found here: www.microgenerationcertification.org/comsumers/complaints A table of what is handled by MCS and what is handled by RECC can be found on: www.recc.org.uk/complaint-form/important-information
<p>You have a complaint relating to existing FITs policy</p>	<ul style="list-style-type: none"> Raising issues regarding the existing FITs policy 	<ol style="list-style-type: none"> Complaints about the overall policy should be directed to the Secretary of State for Business, Energy and Industrial Strategy (BEIS) at the following address: Correspondence Unit BEIS 1 Victoria Street London SW1H 0ET Or e-mail BEIScorrespondence@beis.gov.uk

Key Terms

Authority:	The Authority (Ofgem) is the administrator of the Scheme and responsible for entering all generators who meet the eligibility criteria on the Central FIT Register (CFR).
Central FIT Register:	The register kept and maintained by Ofgem in which all FIT accredited installations are recorded.
Complaint:	Any expression of dissatisfaction that needs a response. A complaint may be about service delivery or policy.
EPC:	Energy Performance Certificate.
FIT Generator:	The Owner of an eligible installation used or intended to be used for small-scale low-carbon electricity generation.
FIT Licensee:	The supplier who pays you the FIT payments. A collective term for Mandatory FIT Licensees and Voluntary FIT Licensees (Electricity Suppliers).
FIT Payments:	Generation Payments and/or Export Payments.
Nominated Recipient:	A person appointed by a FIT Generator to receive FIT payments in respect of an accredited FIT installation owned by that FIT Generator and recorded as such on the CFR.
ROO-FIT accreditation process:	Accreditation for solar PV or wind installations with a DNC over 50 kW up to a TIC of 5 MW and anaerobic digestion or hydro installations with a TIC up to 5MW.
Microgeneration Certification Scheme (MCS):	Industry body which provides certification for installers and products related to microgeneration.