

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

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

To enable swifter dispute resolution, the Department of Energy and Climate Change (DECC) 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 FITs Generators.

Although this guide is for FITs Generators, it should be noted that only the owner of the kit or those who have been assigned FIT Payment rights 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:
Complaint about FITs Licensee (your supplier)	<ul style="list-style-type: none"> • Disputes or delays in registration of installation • Delay in issuing / processing of FIT payment • Miscalculation of FIT payment 	<ol style="list-style-type: none"> 1. Contact your FITs Licensee in the first instance – your complaint will be dealt with according to their complaints process, which should 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>12 weeks</u> from the complaint being lodged, you may refer your complaint to the Energy Ombudsman¹ www.energy-ombudsman.org.uk. 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 a situation. The FIT Licensee then has up to 28 days to action any

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 have 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>recommendations by the Energy Ombudsman.</p> <p>N.B. Only domestic consumers and micro-businesses may apply to the Energy Ombudsman. For larger scale FIT generators the FIT Licensee remains the first point of contact. In most cases FITs Licensees will allocate a relationship manager to its larger FIT generators 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 would be through the courts.</p>
<p>Complaint to FITs Licensee (your supplier) relating to information contained on the Central FIT Register.</p>	<ul style="list-style-type: none"> Disputes relating to information contained on the Central FIT Register 	<p>All FIT generators are able to write to Ofgem's Central FIT Register Manager and request details held on the Central FIT Register about them.</p> <ol style="list-style-type: none"> If you dispute the information being held on the Central FIT Register, you should first raise this with your FIT Licensee, who will attempt to resolve issue by updating the Central FIT Register. If for some reason they are unable to make the update, your FIT Licensee will contact the Ofgem Central FIT Register Manager on your behalf. If a mutually agreeable outcome is not reached you should follow the complaints process detailed above.
<p>A generator about the Authority (Ofgem)</p>	<ul style="list-style-type: none"> Delays in accreditation for kit (for those installations that are greater than 50kW) Appeals around installations deemed not to meet the FIT criteria Appeals where the 	<ol style="list-style-type: none"> Send your complaint to Ofgem in writing: Ofgem Complaints, Operations Division, Ofgem, 9 Millbank, London, SW1P 3GE

Nature of complaint	Examples	Complaint should be directed to:
	<p>generator feels they have unfairly been struck off the FITs register</p>	<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. <ol style="list-style-type: none"> 2. If after this process the complaint has not be 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. 3. 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. To make a complaint to the Parliamentary Ombudsman, you need to write first to your MP, asking them to refer the complaint on. www.ombudsman.org.uk/
<p>Complaints relating to the Microgeneration Certification Scheme (MCS)</p>	<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 Gemserv, who administer the scheme in writing to: Gemserv Ltd MCS Licensee 10 Fenchurch Street London EC3M 3BE Or email to: mcs@gemserv.com www.microgenerationcertification.org/Information+Menu/Gemserv+MCS+Licensee <p>NB. Any complaints about the policy requirement to use MCS accredited kit / installers should be referred to the Secretary of State for Energy and Climate Change (DECC).</p>

Nature of complaint	Examples	Complaint should be directed to:
Complaints about installers	<ul style="list-style-type: none"> Quality of workmanship / installation Actual performance of kit differs from expectations / information given during pre-sale 	<ol style="list-style-type: none"> Initial complaints should be referred to the relevant installer. If the complaint is not resolved, you can approach the Certification body for the installation company. Details of the correct Certification body can be found on the MCS website www.microgenerationcertification.org/ Alternatively you can approach the Renewable Energy Assurance Limited (REAL) to escalate the complaint. REAL can withdraw the company's membership from REAL and therefore stop them from trading under the Microgeneration Certification Scheme (MCS) www.realassurance.org.uk/how-to-complain
Complaints about product/ kit quality	<ul style="list-style-type: none"> Generating kit is not performing / is faulty 	<ol style="list-style-type: none"> Product complaints should be referred to the manufacturer or distributor who sold the kit. If you are not satisfied with the response, you can then approach the Certification body for the product to escalate the complaint. Details of the correct Certification body can be found on the MCS website www.microgenerationcertification.org/
A FIT Generator about the FITs policy	<ul style="list-style-type: none"> Raising issues regarding the final FIT policy. 	<ol style="list-style-type: none"> Complaints about the overall policy should be directed to the Secretary of State for Energy and Climate Change (DECC) at the following address: 3 Whitehall Place London SW1A 2AW

Key Terms

Authority:	The Authority will be the administrator of the Scheme and responsible for entering all generators who meet the eligibility criteria and have nominated a FIT Supplier on the Central FIT Register (Ofgem).
CEAR Act	The Estate Agents and Redress (CEAR) Act 2007, which came into force on 1 October 2008
Complaint:	Any expression of dissatisfaction that needs a response. A complaint may be about service delivery or policy.
FIT Generator:	The Owner, identified as such in the Central FIT Register, of an Eligible Installation used or intended to be used for Small-scale Low-carbon Generation, whether or not that person is also operating or intending to operate the Eligible Installation.
FIT Licensee:	Means the collective term for Mandatory FIT Licensees and Voluntary FIT Licensees (Suppliers).
FIT Payments:	Means, as applicable, the Generation Payments and/or Export Payments.
Generation Meter Reading:	Means the measure by a Generation Meter of the gross amount of electricity generated by an Accredited FIT Installation.
Nominated Recipient:	Means 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 Central FIT Register.