

SP02 - Bacra Complaints Policy

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1. Purpose and aim of policy	2
2. Scottish Government Operating Framework	2
3. Commitments and Responsibilities	3
4. Bacra Scheme Complaints Procedure	4
4.3 Stage 1 - Informal Investigation	4
4.4 Stage 2 – Formal Investigation	5
4.5 Stage 3 – Formal Investigation Review	5
4.6 Stage 4 - Appeals Process	6
5. Revision to timescales	7
6. Persistent and vexatious complaints and other problematic behaviour	7
7. Non-EPC scheme complaints	7
Stage 1 – Flowchart showing Complaints Process - Informal stage	8
Stage 2 – Flowchart of Formal Complaints Process	9
Stage 4 – Flowchart for Appeals process	10
Appendix A: Links with other policies and documents	11
Appendix B: Glossary of Terms	11

1. Purpose and aim of policy

- 1.1 The purpose and aim of this policy is to set out the policy and procedures covering complaints for:
- i) Applicants for membership of the Bacra Scheme,
 - ii) Scheme members
 - iii) Clients of Scheme members.

2. Scottish Government Operating Framework

- 2.1 Among other things the framework requires:
- a) Approved Organisations must have published procedures which are applied consistently and respond promptly and efficiently to customer complaints against Members.
 - b) Complaints processes must include details of:
 - initial response to any complaint
 - information on the process
 - evidence needed to be provided by the complainant
 - timescale for resolution
 - investigative action to be taken, including notifications to relevant parties

3. Commitments and Responsibilities

- 3.1 Bacra is responsible as the Approved Organisation for the service provided by the Bacra Scheme and as such is committed to providing high quality and effective services. Bacra welcomes feedback, both positive and negative, and will use this to inform a process of continual improvement for the operation of the Bacra Scheme.
- 3.2 Bacra is committed to treating complainants with respect and to adhering to the timescales set out in this policy.
- 3.3 It is important that complainants are clear about the substance of their complaint and, if possible, can clarify the outcome that they are seeking. Bacra is committed to providing assistance to complainants in expressing and recording their complaint should this be necessary or requested.
- 3.4 In accordance with the Scottish Government Operating Framework for Approved Organisations, where a complaint relates to a defective EPC issued through the Bacra Scheme, responsibility for providing a replacement certificate and the associated costs will rest with the assessor who provided the defective certificate. If the assessor cannot be contacted or is no longer practising then Bacra as the Approved Organisation must act to replace the defective certificate.
- 3.5 Any complaint which is found to involve apparent criminal activity will be reported to the relevant authorities.
- 3.6 After investigating and upholding a complaint, Bacra is committed to taking action against an assessor, as allowed for, and in accordance with both the Scheme policies and the requirements of Approved Organisations.
- 3.7 Section 4 of this document sets out the formal complaints procedure for the Bacra Scheme in accordance with the requirements placed on Approved Organisations by the Scottish Government.
- 3.8 Bacra is committed to continuous improvement both within its own organisation and those with whom it has a professional relationship. Complaints are a key tool in supporting this, and so they will be monitored and reviewed in order to identify areas for change.

4. Bacra (EPC) Scheme Complaints Procedure

- 4.1 The stages and associated processes of the complaints procedure that apply to the Bacra Scheme comprise both informal and formal stages for resolving complaints.
- 4.2 All complaints relating to the Bacra Scheme will be reported to Scheme Manager, or in his/her absence the appointed member of staff, and a decision reached on whether the complaint is sufficiently complex or serious in nature to warrant immediate escalation to an investigation under Stage 2 of these procedures. The stages of the complaints procedures in respect of the Bacra Scheme are set out below.

4.3 Stage 1 - Informal Investigation

A. Complaints by Bacra Scheme members and applicants

- Initially, complaints by applicants for scheme membership or from Scheme members regarding the service they have received from the Bacra Scheme should be raised informally and directly with the member of Bacra staff who is their normal point of contact.
- Bacra will normally offer an explanation and outcome within 5 working days.

B. Complaints by clients of Bacra Scheme members

- The client of a Bacra Scheme assessor wishing to make a complaint about a service received from that assessor should initially raise the complaint directly with the assessor.
- Bacra will not normally take further action or escalate the complaint to Stage 2 unless the complainant has already provided the assessor with the opportunity to resolve the matter.
- Should any complaint made by a client to a Bacra Scheme assessor remain unresolved for more than 5 working days from the complaint being made to the assessor, the complainant should contact the Bacra Scheme Manager in writing or email with :-
 - details of the complaint
 - the name and contact details of the assessor
 - the date the complaint was made to the assessor.
- Bacra will then informally attempt to resolve the complaint.

4.4 Stage 2 – Formal Investigation

- a) Bacra Scheme members, applicants or clients of Scheme members who are unhappy with the explanation they have received and/or the resolution offered at the 'informal stage' of the Bacra Scheme complaints procedure, will normally be expected to contact Bacra through the dedicated complaints email address (complaints@bacra.co.uk), by separate email, or in writing to the Scheme Manager.
- b) The Scheme Manager or a member of Bacra staff of equivalent seniority, shall acknowledge the complaint as quickly as possible and normally within 5 working days of its receipt.
- c) Bacra shall investigate the complaint and advise the complainant of the outcome as quickly as possible and normally within 20 working days of receipt of the complaint.
- d) The investigation will include contacting the member concerned, the complainant and taking any other reasonable steps to establish the facts.
- e) If the complaint is upheld, then suitable action will be taken
- f) It is expected that this Stage 2 investigation will produce a satisfactory response and outcome to the complaint. Also that Bacra has given the complaint serious consideration and amended its working practices if necessary

4.5 Stage 3 – Formal Investigation Review

- a) Where a complainant is dissatisfied with the outcome of the Stage 2 investigation they should advise the Director of Bacra (or a member of Bacra staff of equivalent seniority), normally in writing, within a maximum of 14 days of the date of the first stage response from Bacra.
- b) This member of staff shall acknowledge the complaint as quickly as possible and normally within a maximum of 5 working days of its receipt
- c) This member of staff shall review the Stage 2 investigation against Bacra Scheme procedures and policies, undertake any further investigation of the complaint that he/she feels may be necessary.
- d) This member of staff shall respond to the complaint as quickly as possible and normally within a 10 working days from receipt of notification from the complainant.

4.6 Stage 4 - Appeals Process

- a) Should be complainant still be dissatisfied with the response, and then they should advise the Director in writing or by email. Should he/she accept that escalation of the complaint is justified, then the complaint will be passed to the Appeals Panel and the complainant advised. An appeals fee must be paid (as shown in the fee schedule), which is refundable in the event of the appeal being resolved in favour of the Appellant.
- b) Bacra will maintain a list of suitably experienced persons from whom to select the members of an Appeals Panel. A number of these persons will be invited to form the panel on receipt of an appeal from a current or prospective member or client. Panel members will be selected to avoid conflicts of interest. Panel members are external to Bacra and include a representative of the Building Standards Division.
- c) The Appeals Panel will review the appeal and attempt to resolve the complaint in a manner which upholds the integrity of the Scheme. The Appellant will be invited to make a representation to the panel. The Panel will then deliberate whether to uphold or quash the decision. If the Panel finds in favour of the Appellant, the certification of the Assessor is reinstated and the appeals fee is refunded.
- d) The response to the Appellant provided by the Appeals Panel shall be a definitive response will represent the end of the Bacra Scheme complaints process in respect of that complaint.
- e) The Appeals Panel may offer a review of the complaints & any other linked processes to improve it in the light of this complaint.

5. Revision to timescales

5.1 Some complaints may take longer to deal with than the time allowed for under this procedure. This may be because:

- The complaint is so complex that it will require more careful consideration and detailed investigation
- Persons critical to the complaint are not available to be interviewed.

5.2 If at any stage it becomes apparent to Bacra that the response to the complainant will be delayed beyond the normal timescales, Bacra shall advise the complainant of this as soon as possible, and on the reason why the normal timescale cannot be met and seek agreement with the complainant for an appropriate revision to the relevant timescale for reaching and communicating an outcome.

5.3 After discussion with the complainant on a revised timescale, Bacra will advise the complainant in writing of the revised timescale for it providing a response and outcome to the complaint.

6. Persistent and vexatious complaints and other problematic behaviour

6.1 Should a complainant's behaviour fall below that which is acceptable, the Bacra Scheme Manager shall advise the complainant what aspect of their behaviour is unacceptable. He/she should then advise them of a suitable modification and warn that a regression may result in more serious action.

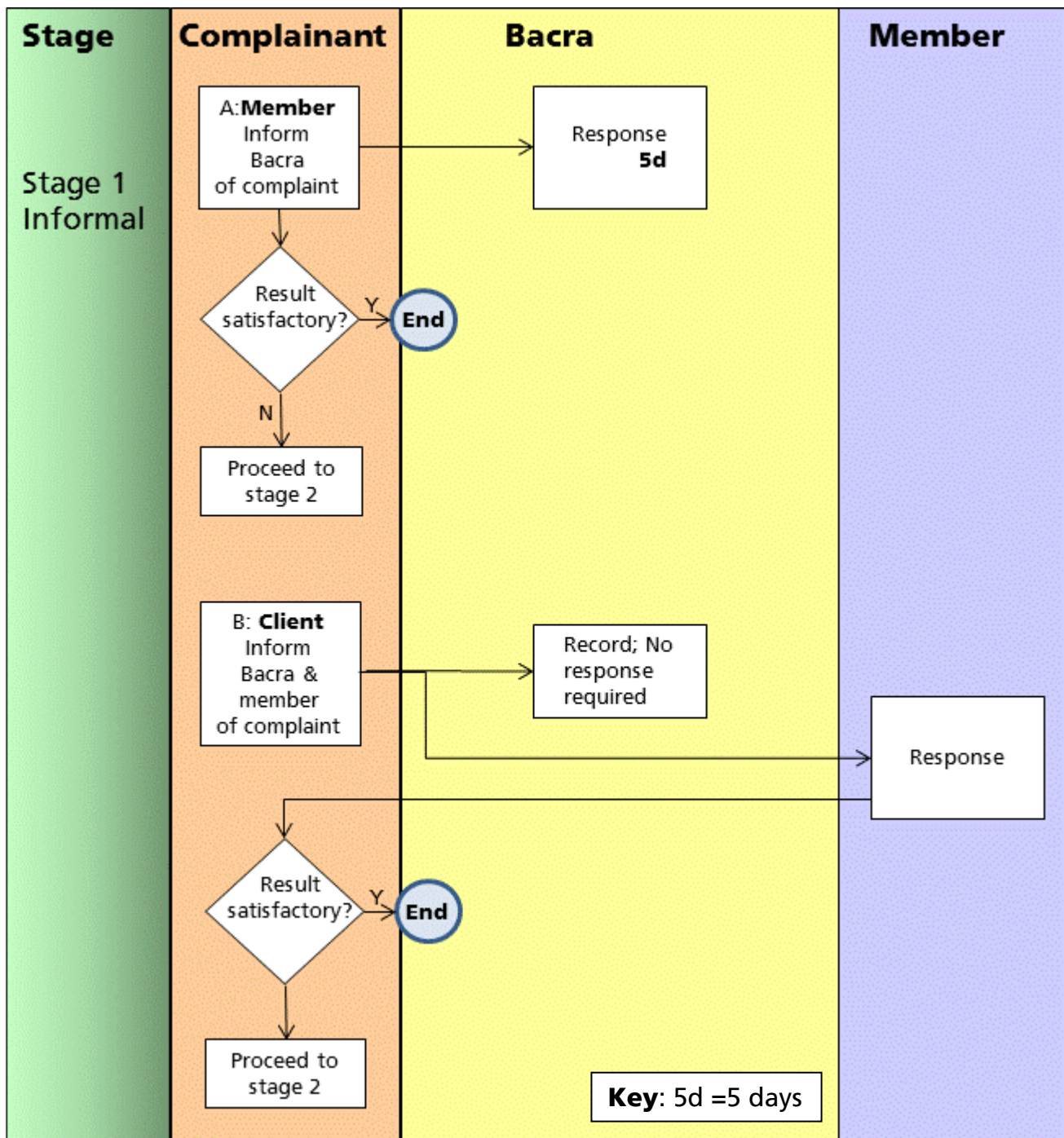
6.2 How unacceptable behaviour is managed will depend on its nature and extent. In extreme circumstances where a complainant's behaviour adversely affects staff's ability to carry out their work and provide a service to others, the complainant's contact with Bacra and its staff may need to be restricted. In such cases the Bacra will advise the complainant on the way he/she can contact Bacra and the changes to his/her behaviour that would allow normal contact and access with Bacra and its staff.

7. Non-EPC scheme complaints

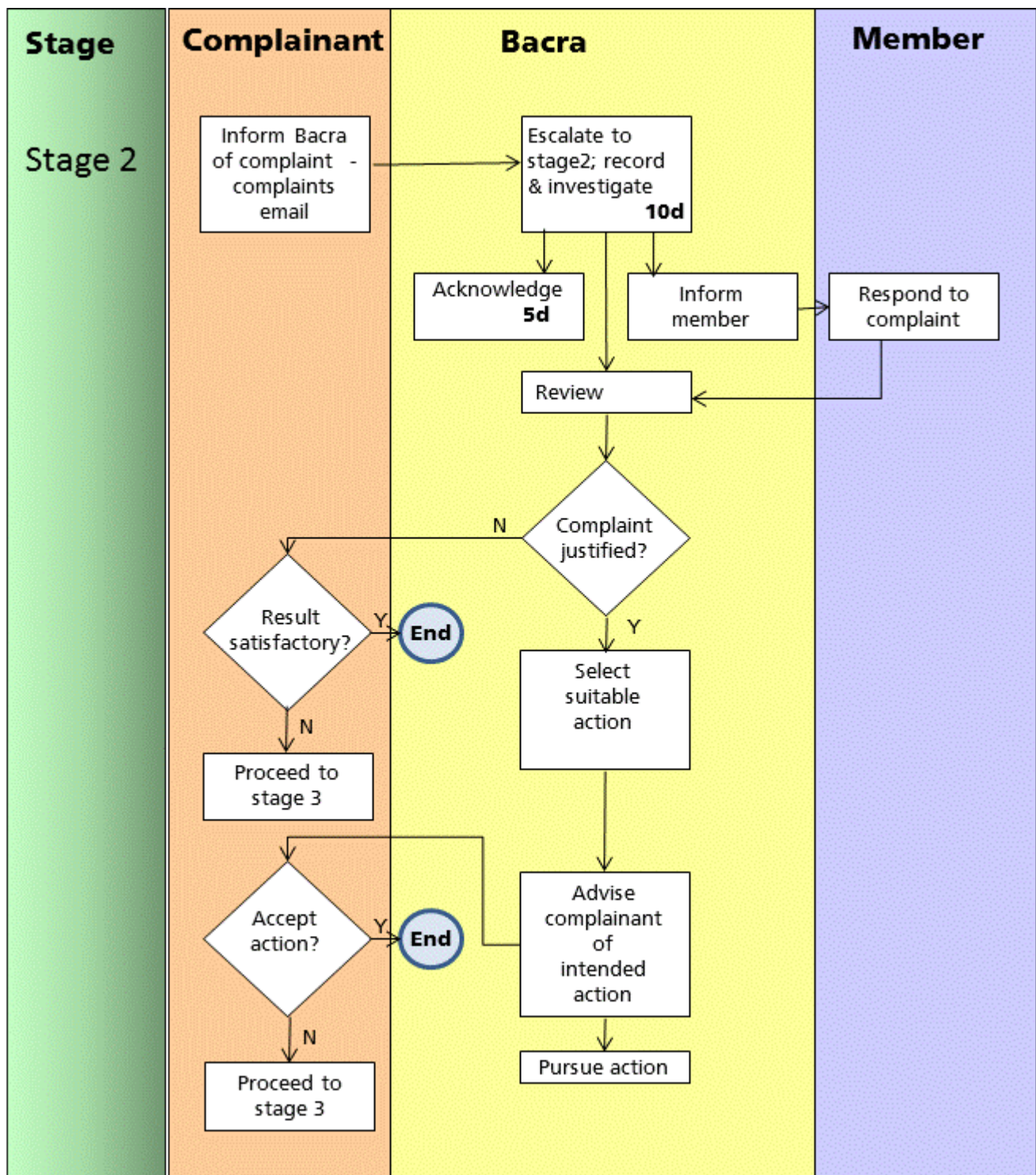
7.1 There may be instances where there is dissatisfaction or criticism of Bacra that is not specifically related to the standard of service received by a Scheme applicant, member or their client. In such cases complaints shall be addressed to the Director.

Stage 1 – Flowchart showing Complaints Process - Informal stage

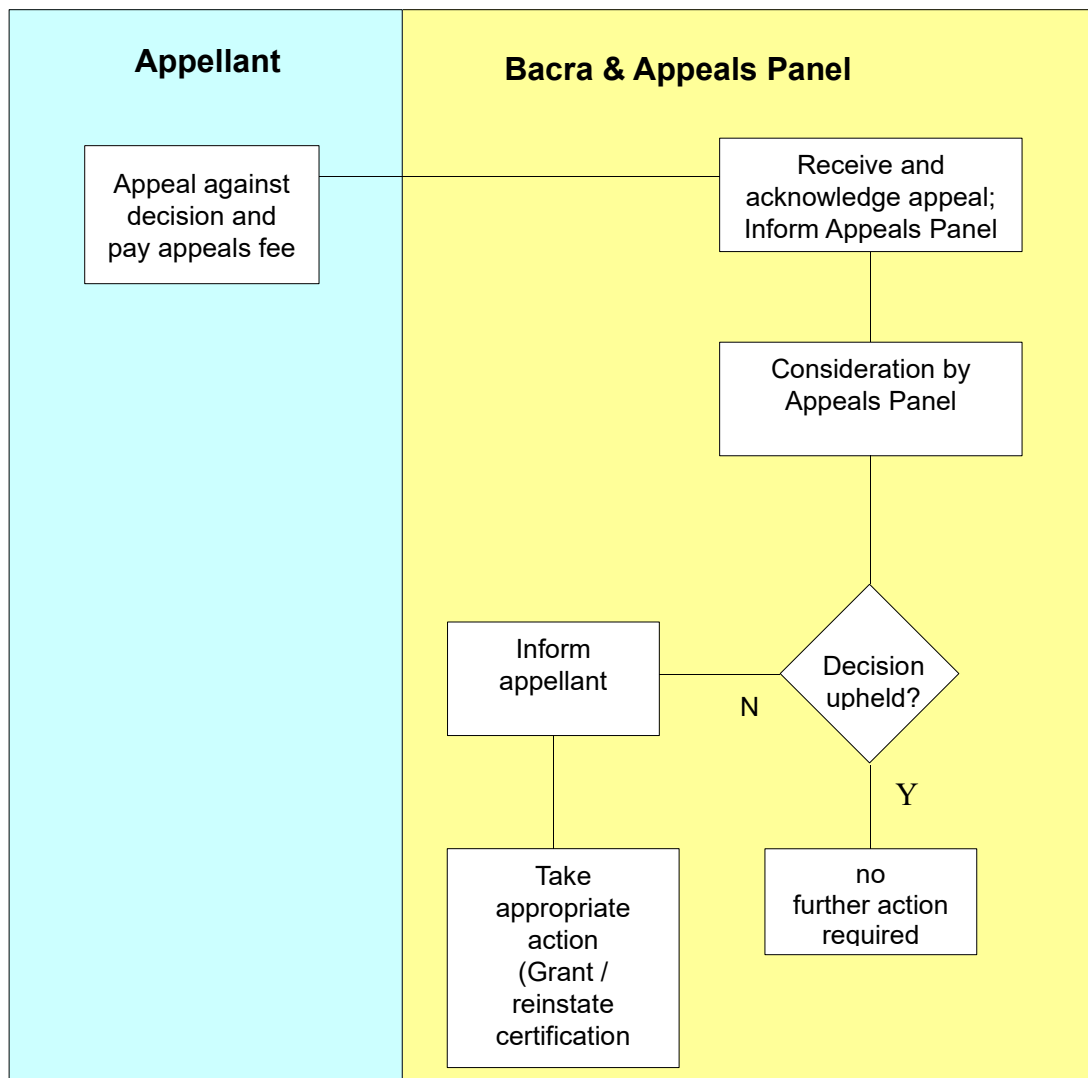
Process for handling complaints from the members and clients.



Stage 2 – Flowchart of Formal Complaints Process



Stage 4 – Flowchart for Appeals process



Appendix A: Links with other policies and documents

SP01 - Bacra Code of Conduct	
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Appendix B: Glossary of Terms

Appellant – the person who is appealing

Approved body – any scheme approved by the relevant Government to produce EPCs in Scotland, but also England & Wales, Northern Ireland and other parts of the European Union. In Scotland it is known as an ‘Approved Organisation’ as defined below.

Approved Organisation – the designation given to organisations approved by the Scottish Government to train and register EPC assessors in Scotland. This is defined under regulation 8(1) of SSI 2008/309.

Bacra membership –membership of the EPC scheme run by Bacra as an Approved Organisation

Bacra Scheme/the Scheme/BEPC – the scheme for training and registering, assessing and monitoring the practice of EPC assessors in Scotland managed by Bacra as an Approved Organisation.

CPD – Continuing Professional Development

Disciplinary matter and ‘potential breach of the Code’ are treated interchangeably in this document

EPC – Energy Performance Certificate, lodged on the statutory database, for dwellings only. They are produced in accordance with Regulation 6 of SSI 2008/309.

EPC Register - the statutory database containing ‘lodged’ EPCs; the domestic register was formerly known as the Home Energy Efficiency Database (HEED).

Members/Assessors – Member of the Bacra Scheme registered as EPC assessors on the Scottish Government statutory database Register Of Assessors.

NOS – National Occupational Standard

RSL – Registered Social Landlord