



RECC Dispute Resolution Process Member Guidance

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Dispute Resolution Process

Our aim is to resolve the disputes Domestic Consumers may have with our Members. As you are a member of the Renewable Energy Consumer Code (“the Code”), we are here to help where you have been unable to resolve a complaint directly with a consumer.

We recognise that disputes happen

As a member of the Code, you are required to resolve complaints speedily and effectively wherever possible, and mostly, you will be able to sort things out directly with the Consumer. However, we recognise that some complaints can get complicated and that good lines of communication can breakdown. That is where we are here to try and help you and your consumer resolve the complaint through the Dispute Resolution Process.

Our Dispute Resolution Process consists of two stages: **Mediation**, aimed at resolving the complaint without the need for formal action, and **Independent Arbitration**, giving a legally binding outcome to the complaint if mediation has been unsuccessful.

Stage 1: Mediation

When a Domestic Consumer makes a complaint to RECC, and that complaint falls within our remit, in the vast majority of cases the complaint will be allocated to one of our Dispute Resolution Caseworkers for Mediation. Once Mediation begins, the complaint will be referred to as a “dispute”.

What is Mediation?

Mediation is a process whereby a neutral third person assists parties to work towards a negotiated resolution to a dispute. The person will help each party to consider the key issues in dispute and the possible ways forward to resolve them.

RECC’s Mediation Process

Before Mediation formally begins, the Caseworker will ask both you and the Consumer to comment on the complaint and provide any relevant supporting documentation. This gives the Caseworker a clear idea of what elements of the complaint are in dispute and require resolution. Our Mediation Process is largely paper based and is undertaken by email/post, and phone only. **For the avoidance of doubt there is no physical meeting involved as part of this process.**

The Caseworker's role is mediatory and they will remain impartial towards both parties. Once they have a clear understanding of the key issues and the outcome the Consumer is seeking, they will begin the process of negotiating between both parties to reach a fair and satisfactory outcome. When a resolution has been reached, this will be agreed formally between you and the Consumer. The dispute will remain open until that resolution has been fulfilled within a reasonable timeframe – usually within the mediation period.

Stage 2: Independent Arbitration

We appreciate that it is in the best interests of you and the Consumer to resolve the dispute as quickly as possible. Therefore, in the event that a resolution is not reached through Mediation, or if a complaint is made to RECC at a point when mediation may not be the best next step, the Consumer may have the option of proceeding to Independent Arbitration¹. The object of this Arbitration is to obtain a fair, legally-binding resolution of the dispute by an impartial third party, at a reasonable cost and without delay.

What is arbitration?

Arbitration is a legal process for the resolution of disputes where an independent third party, an Arbitrator, makes a decision that is binding on all parties. The process is carried out in accordance with the Arbitration Act 1996 and the role of an Arbitrator is similar to that of a judge, who will consider all of the evidence in front of them before issuing an award.

CEDR's Independent Arbitration

We have appointed an organisation called CEDR² to operate the Independent Arbitration on our behalf. An application is made by the consumer directly to CEDR who will request a full defence to that application from you. CEDR will then appoint an Arbitrator to consider the dispute and make an award based on their findings, which would be legally binding on both you and the Consumer. If the Consumer is offered the option of referring the dispute to Independent Arbitration, we will provide you with all the information you will need to fully understand the process. General details about our Independent Arbitration Service are available on our website at: www.recc.org.uk/consumers/how-to-complain/independent-arbitration. Information can also be found on CEDR's website at: <https://www.cedr.com/consumer/renewable-energy/recc-arbitration/>.

¹ A consumer may request direct access to arbitration if at least 56 days have passed since they first registered a complaint with the Code Member.

² CEDR stands for the Centre for Effective Dispute Resolution.

Things to Consider

The Consumer Code

In preparation for the Mediation Process, we would advise you to take this opportunity to remind yourself of your responsibilities under the Code: <https://www.recc.org.uk/scheme/consumer-code>.

Consumer withholding payment

Please note that if a Consumer is withholding payment from you, they will have to demonstrate that the amount they are withholding is proportionate and the reasons for doing so are genuine. We have advised consumers to inform you in cases where they are withholding payment to cover an area disputed and explain the reasons why. Furthermore, they should be prepared to negotiate to resolve the dispute and our process cannot be used to delay any payments due.

We would appreciate it if you would refrain from taking court action against a Consumer before first trying to resolve the issue through the Dispute Resolution Process.