

HETAS Complaints Policy

*HETAS Complaints Policy (Public download HTCCP v2.1 Nov 2021) See website for currently available version:
www.hetas.co.uk/app/uploads/Forms-and-Documents/complaints/complaintsPolicyGDPRinformation.pdf*

Where there are any concerns for safety, stop using the appliance immediately. If smoke or fumes are coming into the room or space, all persons must leave the building and get to fresh air, and not return until the fuel is no longer alight and the space is ventilated.

The HETAS Competent Person Scheme is concerned with the safety and Building Regulations compliance of work carried out by its registrants. Complaints arise from time to time. Where we investigate a complaint, we are aiming to establish whether the registrant has failed to comply with the relevant Building Regulations. Within the scope of their scheme registration, if there are any specific defects that amount to a failure to comply, we aim to apply the HETAS Complaints Process for a registrant to rectify their own work. We act in a proportionate, fair and independent manner.

The HETAS Complaints Process is over and above a consumer's statutory rights. Rectification of any installation faults will require that the registrant is allowed to attend the property, either to do remedial work or in some cases to attend an inspection with a HETAS Inspector (where that is necessary for HETAS to understand the problem - many cases are solved without inspection). We can only direct remedial work towards the registrant associated with the installation. We are unable to instruct a third party to carry out any work for which the registrant is responsible.

If a complainant is not willing to let a registrant back in to the property to rectify faults or for an inspection visit, our ability to help will be very restricted and even if we do accept the complaint it will not be possible to get defects resolved through the HETAS Complaints Process. In these cases HETAS will use available information to review whether the registrant is working safely and within our scheme rules. If there is a clear case to say that they are not, we will use the rules and our disciplinary processes to deal directly with the installer. HETAS review all cases individually. The consumer may prefer to pursue their normal statutory rights through consumer protection legislation, through an Alternative Dispute Resolution (ADR) process, or through the Courts.

We have no statutory power to compel registrants or consumers to act. HETAS is not an enforcement agency. Those powers lie with the Health & Safety Executive, Trading Standards, and Local Authorities through court action. In some cases we are able to work with enforcement agencies which do have legal powers to take action. HETAS is sometimes asked to provide technical expertise to assist the relevant agency.

The ultimate sanction available to a Competent Person Scheme is to remove registrants. This is a last resort and only applied if it is impossible to bring a registrant's competence and performance up to the level required.

PLEASE NOTE *that HETAS is not party to any contract entered into between a customer and the HETAS registered business. Even if we take action against the registrant where it is deemed they have breached their conditions of registration with HETAS, we cannot accept responsibility for their performance in meeting the conditions of a contract with a consumer. Except as explicitly set out in this policy, HETAS shall have no other obligation, duty or liability whatsoever in contract, tort or otherwise. We shall not be liable in contract, tort or otherwise for any direct loss or loss of revenue, business, contracts, anticipated savings, profits or any indirect or consequential loss however arising.*

We recommend that consumers take great care in choosing a solid fuel appliance and deciding who will install it. We have set out further guidance and advice for consumers in the HETAS Guide and in leaflets, available on the HETAS website.

On making a complaint to HETAS you are asked to sign to say that you agree with these terms.

To make a complaint to HETAS about a registered installer, please contact us using the form at:

www.hetas.co.uk/consumer/complaints-policy or at the address below:

HETAS Limited, Severn House, Unit 5, Newtown Trading Estate, Green Lane, Tewkesbury GL20 8HD
complaints@hetas.co.uk 01684 278170

Scope of the HETAS Complaints Process

- 1) When a consumer has contracted a HETAS registrant to carry out an installation covered by our scheme, and within the installer's areas of registration:–
 - i) Installation of solid fuel, wood, biomass or multifuel burning heat-producing appliances. These may be “wet” appliances (associated with hot water and central heating), or may be dry units (no boiler).
 - ii) Heating systems and some types of plumbing work, if within the work categories of the registrant. Some installers are registered with HETAS for heating systems supplied with water heated by other fuels but the boilers themselves (electrical, oil, etc) are not covered by HETAS registration.
 - iii) Some installers of biomass equipment may also be registered by HETAS to install Solar Thermal renewable heating.
 - iv) Installation of flue liners and non-masonry chimney systems, where the registrant is listed for the relevant type of work.
- 2) Where a registrant has installed an item (or carried out other work) that they are not registered for, this may have contravened HETAS's rules. We may discipline the installer and this may lead to removal of their registration in some circumstances.

Consumers should always ask to see the installers' ID card which lists the type of work they are registered for on the reverse of the card. , or check directly with HETAS (such as on the HETAS website) to ensure that the potential installer is registered for the type of work to be undertaken. Businesses may choose to commission legitimate sub-contractors who have the necessary skills and registrations.

The more recent the installation, the better the prospect that HETAS can establish the facts of a complaint and have a reasonable chance of promoting a successful resolution. The work in question must have been completed no more than 24 months before the date the complaint is formally logged with HETAS. After that time, the enforcement authorities do not usually commence action under Building Regulations. For installations older than 2 years, only in extreme cases will HETAS be able to validate evidence about an older installation and take disciplinary action against the installer for non-compliance. The process does not cover any installations over 6 years old.

The process is most effective for those with a direct interest in the work being complained about. A complaint should be made by the relevant customer (i.e. the person who ordered the original work), or someone acting on their behalf and at their request. Full access to the property is essential. Any other person who identifies faults in the work of a HETAS registrant should encourage the relevant customer to raise a complaint – initially with the registrant and then (if that fails) with HETAS. If the complaint arises from the visit of a different installer, technician or chimney sweep, that third party may help the consumer by listing any defects that they feel are relevant.

HETAS rely on being well-informed about the competence of its registered installers, from a range of sources. There are times when HETAS receive information about the standard of work of an installer direct from a third party “whistle blower”. Whilst we may be unable to pursue the actual complaint without proper contact details and the permission of the consumer, HETAS can assess the information and its relevance to a registrant e.g. whether there is a history of complaints and therefore a need to investigate further.

Where the HETAS Complaints Process cannot apply remedial work to resolve a complaint:

Any breach of HETAS rules by a registrant may result in action under our disciplinary process. We can still accept complaints and review individually but HETAS would not generally take up a case for remedial work if any of these apply:-

- a) Work carried out by anyone other than a HETAS registrant, (except where the contract for work was with a registered installer and they chose to allocate that work to a non-registrant).
- b) Complaints where action has already been taken to correct, alter or remove the work complained about and the original defect is no longer in place.
- c) There may be times when we can't progress a complaint if the work is unfinished and we can't tell what the final standard of work would have been on completion for example where the registrant has not had reasonable opportunity to rectify their work or is not permitted back to site.

- d) Complaints about matters which are the subject of current or intended litigation by the complainant (the HETAS Complaints Process exists as an initial alternative to litigation). We reserve the right to put any part-completed case on hold whilst awaiting the outcome of civil, legal or enforcement action.
- e) Technical faults which fall outside the scope of required Building Regulations and mandatory safe installation standards.
- f) Financial or contractual matters. Note that under consumer protection legislation a business may be required to allow customers to make a claim, directly with them, up to 6 years from provision of a product or service.
- g) Due to the age of the installation, where it is not possible to determine whether compliance had been met at the time of commissioning or any product warranty has been exceeded.

HETAS Complaints Process

- 1) The complainant must first contact the registered installer allowing them a reasonable period of time in which to respond to the complaint and rectify any non-compliances. All HETAS registered installers should set their own complaints policy and make it available to all customers. The business should be keeping records of all complaints received and action taken, for a minimum of 6 years.
- 2) If this does not resolve the problem, or the registrant fails to respond within a reasonable period of time, the complainant may where appropriate submit their case to the HETAS Complaints Process as follows:
 - i) Formally register their complaints with HETAS in writing e.g. letter or email
 - ii) Clearly detail elements of the work in question that the complainant considers unsafe and/or non-compliant with Building regulations, along with the reasons why
 - iii) Include any relevant documents - receipts, copy of a Certificate of Compliance, photos etc.
- 3) HETAS will review information provided and may request a Complaints Questionnaire (if not already completed) or get confirmation that the complainant agrees with the terms of this complaints policy.
- 4) On receipt of the completed form, HETAS will log each case and confirm receipt. We will examine the issues and will verify whether the HETAS Complaints Policy is applicable. An internal complaint reference form will be filled in. Where appropriate we will pass a copy of your complaint to the installer for action by them. We may make a request to the Registrant for comments in writing. Please note that we will find ways to support people who are vulnerable, or cannot write or are affected by disability where we are made aware.
- 5) If the facts surrounding the complaint are not in dispute, HETAS will request both parties to liaise (utilising the installers complaints process initially) and provide information to HETAS. Where we do not receive a suitable response or information to deem compliance has been met, HETAS may invoke formal complaint proceedings and take appropriate action on the installer.
- 6) Where the complaint is considered as serious and the facts surrounding the complaint are in dispute, and when it is clear that the complainant and the registrant have been unable to resolve the complaint between them, arrangements may be made by HETAS for an on-site inspection. Except in severe cases, this will not be scheduled until the registrant has had the opportunity to comment on the complaint. If an inspection is authorised, a HETAS Inspector will arrange a suitable appointment to carry out the inspection.
- 7) It is important that wherever possible, both the complainant and the registrant will be present, or their nominated and agreed representative, with our Inspector. No other party should be present without the prior written consent of HETAS. The purpose of any on-site inspection is to determine whether or not the items of work in the complaint are compliant with the requirements of the Building Regulations and Conditions of Registration have been met.
- 8) After the on-site inspection has been carried out, the HETAS Inspector will prepare a written report about the work inspected, detailing the results of any tests and/or investigations and any Building Regulation deviations they detected. A copy of the report will normally be provided to the registrant and the complainant. There may be a request for remedial works.

- 9) If the report reveals any non-compliances with the Building Regulations that are solely the responsibility of the registrant, HETAS will require the registrant to carry out such remedial action as we deem necessary to make the installation safe and compliant. In most cases we would expect this to be without any additional cost to the complainant, if it was within the scope of the initial customer contract.
- 10) HETAS may set a date for completion. The registrant must advise HETAS, with suitable evidence, when the required action has been completed. HETAS will in normal circumstances also ask the complainant to confirm completion.
- 11) If a registrant does not comply with required remedial action in accordance with HETAS's rules, the scheme disciplinary process may be invoked. For reasons of confidentiality and Data Protection, it will not generally be possible to inform consumers of action that we are taking at this stage. However, if installers are removed from the public register that can be confirmed. HETAS will always consider whether any action is needed in relation to the registrant. It is not always possible to inform the Consumer of specific review progress or outcome.
- 12) HETAS reserves the right to make all decisions regarding the application and interpretation of the HETAS Complaints Policy. This includes the safety and technical standards of any work, the decision whether we will inspect and issuing of inspection reports. HETAS will detail non compliances it believes are present.
- 13) HETAS may decide to vary this Complaints Policy where we believe it is in the interests of safety or good practice. For example, where there is a significant safety issue we reserve the right to inspect without waiting for elements of the process to take place and/or in some cases, without the installer present. It must be noted that HETAS will try to involve the installer wherever appropriate.
- 14) All complaints will be dealt with by HETAS as quickly as reasonably possible. However, due to the need to deal with and investigate complaints fairly and consistently, often taking conflicting claims into consideration, some complaints can take a considerable time to resolve. We ask that complainants and registrants respond promptly and fully please, at every stage, to facilitate completion.
- 15) The HETAS Complaints Process is supplementary to the legal and statutory rights of any complainant/customer and registrant. It must be remembered that any contract was entered into between the consumer and their chosen business. Therefore both parties have all the rights normally associated with purchase of products and/or services. The HETAS Complaints Policy does not in any way reduce or modify any such rights.
- 16) Whilst we commit to work with all concerned for a resolution, there may be times when the HETAS complaints policy is not the most appropriate process and/or cannot result in the outcome you desire. In these circumstances you should seek legal advice e.g. from a solicitor or your local Trading Standards. Where appropriate, HETAS will offer support on technical issues.
- 17) Where HETAS attends site to inspect as part of a Competent Person Scheme complaints investigation, on the grounds of safety, compliance with the Building Regulations/Conditions of Registration or in some cases the conduct of the registrant, HETAS reserves the right to charge the registered installer for the inspection visit at a rate set (currently £260 + vat per ½ day or part thereof).
- 18) If communication from the complainant becomes inappropriate or abusive, HETAS frontline staff will refer the case to managers, and HETAS reserves the right to cancel any further action on the original complaint.
- 19) HETAS will be proactive in its contact with consumers and will try to warn of any predicted delays or problems in taking action or following the process. Where despite efforts from HETAS to contact a consumer there is no response, we will close the complaint.
- 20) Where registrants/complainants elect to seek remedy outside of this process, HETAS may at its discretion suspend, end, or alter any action as it feels appropriate.
- 21) Where a registrant refuses to co-operate with the Complaints Process, HETAS may take disciplinary action which in more serious cases can lead to suspension or removal of registration.
- 22) Following removal from the HETAS Competent Person Scheme, details of the excluded registrant may be shared with other parties. This includes passing information to Trading Standards, Government departments and other Competent Person schemes as applicable. Details of removals of registration may be published.

Other certification schemes

HETAS-registered businesses which cover multiple categories of work may also be accredited by other organisations. Where a business has dual registration with two or more certification bodies, it may be that a complaint is better addressed elsewhere, even if part of the work was certified through HETAS.

In particular, for businesses registered under the Microgeneration Certificate Scheme (MCS) for installation of various types of renewables, that regime sets wider obligations, including membership of an approved Consumer Code. HETAS is itself is UKAS approved to EN17065 standards as certification body 4360, and we grant MCS registration to some of our registered installers. HETAS would expect a consumer's complaint about any MCS-certified renewable installer to be addressed to the body which accredited that business for MCS.

Mediation/Arbitration

Where a consumer has a continuing dispute with a contractor, as an alternative to court action they may consider the Alternative Dispute Resolution (ADR) process. Legislation has established consumers' rights to access ADR services in various sectors.

A number of ADR providers are available to customers and to registered installers. One that HETAS has details of is ProMediate (UK) Ltd, which is approved by the Chartered Trading Standards Institute.

To contact ProMediate, call **0203 621 3908** or email **enquiries@promediate.co.uk**.

Insurers

All HETAS registered installers should have business insurance cover. If a business previously registered with HETAS has been removed from the scheme and is no longer trading, and the relevant work was completed in the last 6 years, HETAS may be able to support consumers through the HETAS Compliance Guarantee. However if a business is still trading in some form, all insurance claims or requests for rectification should be addressed to the business.

Technical surveys

If there are technical issues which relate to HETAS's areas of expertise but are outside the scope of the HETAS Complaints Policy (e.g. work carried out by a business not registered with us), consumers may wish to commission a HETAS-registered business to carry out a survey. Details of businesses local to you in each category can be found on the HETAS website. Many businesses offer a free quotations service, if you have an interest in repair, improvement or replacement of your existing installation.

Various companies offer specialist inspection services e.g. forensic investigations or "expert witness" reports. HETAS can provide some contact details on request, but it is for each party involved in a dispute or incident to choose professional services to fit their needs.

Data protection

When a consumer submits a complaint, HETAS will use the data provided to:

- 1) Evaluate their complaint.
- 2) Advise them of progress.
- 3) (Where relevant) assess whether the installation is compliant and whether the registrant meets the requirements of the HETAS scheme.

HETAS is listed with the Information Commissioner's Office (ICO) as a "controller" of personal information. We will not use complainants' contact details for marketing purposes unless they have given specific permission for that. We follow the requirements of the EU General Data Protection Regulation (GDPR). For further details, refer to our Privacy Notice published on our website: www.hetas.co.uk/privacy-policy

Note: HETAS may close a complaint which has not met the satisfaction of the complainant, for example, a final decision may conclude that either:

- a consumer's expectations are unreasonable and HETAS can no longer provide assistance, or
- the registered installer has failed / refused to correct an agreed complaint and the only recourse HETAS can take are disciplinary proceedings, with potential removal from the HETAS CPS. The consumer will be advised to take separate legal action, but will be supported with any technical evidence.
- if HETAS finds the complaint cannot be justified, they will write to both parties informing of its decision that they are unable to take the matter further.

Whilst acting impartially we commit to work on behalf of all concerned for a resolution, there may be times when the HETAS complaints policy is not or cannot result in the outcome the complainant desires. In these circumstances we recommend contacting a Solicitor or Citizens Advice.

Where HETAS has not managed to arrange a satisfactory conclusion, yet the information provided suggests the fault lies with the installer, then HETAS will advise to seek legal advice in pursuing a claim with Citizens Advice or your Local Authority or through a solicitor. The installer is likely to jeopardise his HETAS registration in such cases.

Alternatively, where the information suggests the complainant has acted unfairly or unreasonably, (withholding payment for example), and has not given the installer opportunity to complete / correct the installation, then HETAS will advise the installer to seek legal advice and support their potential claim.

We will offer any appropriate support to all concerned.

HETAS Complaints Policy

www.hetas.co.uk

HETAS Limited,
Severn House,
Unit 5, Newtown Trading Estate,
Green Lane, Tewkesbury
GL20 8HD

complaints@hetas.co.uk

01684 278170

