

# SOLAR RETAILER CODE OF CONDUCT COMPLAINTS PROCEDURE

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This document details the process by which the Code Administrator will respond to alleged serious breaches of the Solar Retailer Code of Conduct (the Code).

There are 2 types of non-compliance that the Code Administrator will action:

**Alleged Breach** – Any serious non-compliance of the Code.

**Rectification** – Any signatory that receives 3 requests to rectify minor non-compliance of the Code within 12 months will have their 3<sup>rd</sup> issue treated as a breach and these procedures should be followed. Please refer to the Complaints Procedure for Rectifications document on how to process rectifications.

The Code Administrator, as defined in the Solar Retailer Code of Conduct, means the Clean Energy Council.

## 1. Alleged breach

1.1 Alleged breaches of the Solar Retailer Code of Conduct can be raised via:

- a) self-reporting by Code signatories;
- b) consumers emailing the Code of Conduct inbox directly;
- c) consumers using the complaints form available on the CEC website at <http://www.solaraccreditation.com.au/retailers/complaints-form.html>; or
- d) any other person or body using the above complaints form or directly emailing the Code of Conduct inbox;
- e) Code Administrator as signatory has had 3 requests to rectify minor non-compliance of the Code within 12 months; and
- f) Evidence of alleged breaches can also be taken from any other source, including:
  - i. proactive audit compliance checks;
  - ii. mystery shopping;
  - iii. feedback from consumers obtained through consumer satisfaction surveys;
  - iv. investigation of cases in which signatories may have breached the Code;
  - v. analysis of conciliation and arbitration cases;
  - vi. analysis of consumer complaints;
  - vii. media reports;
  - viii. renewal process;
  - ix. information received from other Code signatories; and
  - x. any additional sources.

1.2 All communication will be recorded in full and retained on electronic file by the Code Administrator in P:\10 Code of Conduct\05. Complaints & Breaches and Salesforce.

1.3 Written acknowledgment of receipt of a complaint will be sent to the complainant within three business days of the Code Administrator receiving the complaint.

1.4 Having lodged a complaint with the solar retailer or the relevant consumer protection organisation, the complainant may still lodge a complaint regarding an alleged breach of the Code with the Code Administrator.

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- 1.5 If the Code Administrator determines that the alleged behaviour does not fall within its jurisdiction as the retailer is not an Approved Solar Retailer or the complaint does not relate to the Code, the Code Administrator will:
    - a) pass the complaint to the Installation Integrity team to investigate any potentially poor workmanship by an Accredited Installer.
    - b) inform the complainant within five business days of receiving the complaint that he or she should redirect the complaint to the relevant body, for example, the solar retailer or, if the consumer is unsatisfied with the resolution of a complaint by that retailer, to the relevant consumer protection agency.
  - 1.6 If the Code Administrator determines that the alleged behaviour is minor non-compliance from an Approved Solar Retailer the Complaints Procedure for Rectifications process should be followed.
  - 1.7 If the Code Administrator determine that the alleged behaviour may constitute a serious breach of the Code then a full investigation will take place using section 2 and section 3 of these procedures.

## 2. Investigating an alleged breach

- 2.1 Where the Code Administrator determines that a breach may have occurred then further investigation will take place to allow the Code Administrator to gather the necessary information to inform the signatory. The Code Administrator will provide the signatory with:
  - a) a complete list of allegations made against it including what sections of the Code have been potentially breached; and
  - b) copies of all documentation provided to the Code Administrator as evidence of the alleged breach or breaches; and
  - c) where the complainant is not an individual consumer, the name of the complainant.
  - d) summary of how many breaches have been recorded against them in past 12 months.
- 2.2 The signatory will have 21 days from the date of being notified by the Code Administrator of the alleged breach to respond to the allegations and provide evidence of its response (see section 3.5.2(b) of the Code).
  - a) Where the signatory does not dispute the allegation, it must provide the Code Administrator with a written explanation of the action it has taken to rectify the breach and to ensure the breach will not occur again. Sanctions will be imposed according to section 2.5 of the Code.
  - b) Where the signatory disputes the allegation and does not provide the Code Administrator with evidence to support its position, the Code Administrator will proceed with its investigation of the complaint
- 2.3 The Code Administrator will investigate an alleged breach of the Code where it has classified the alleged behaviour as constituting a breach of the Code and:
  - a) the signatory disputes the allegation made against it and does not provide the Code Administrator with a satisfactory explanation or evidence to support its position; and
  - b) the signatory does not provide a response to the allegation made against it within 21 days of the Code Administrator's request (see section 2.2 above).
- 2.4 Where the Code Administrator determines to investigate an alleged breach of the Code, they may at their discretion, convene three appropriately credentialed CEC personnel to adopt and document a sound investigation plan. They may also choose to solely investigate the

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alleged breach and develop an investigation plan. The plan will be designed in accordance with this Complaints Procedure and to meet the specific requirements of the investigation.

The Code Administrator will investigate complaints using various means, including one or more of the following:

- a) speaking with all involved parties;
- b) requesting more information as required;
- c) auditing the Code signatory's procedures where relevant;
- d) talking to external organisations if required; and
- e) the Code signatory presenting information to the Code Administrator as requested.

2.5 Before reporting the Code Administrator's findings to the signatory or to the complainant, all the Code Administrator personnel who devised the investigative procedure will consider the findings and the sanction.

### 3. Imposing Sanctions

3.1 Where a breach of the Code is determined and section 2.3 of this document has not been satisfied, the Code Administrator will:

- a) inform the signatory in writing of its decision and any sanction to be applied in accordance with section 3.6 of the Code.

3.2 After one month has passed from the date of the notice given in 3.1 above, the Code Administrator will:

- a) if the signatory **has not** appealed the decision:
  - i. notify the complainant of the outcome; and
  - ii. ensure sanction requirements have been completed in required timeframe
  - iii. record the outcome for the Quarterly Report, Annual Report, Code Complaints spreadsheet and as otherwise required; or
- b) if the signatory **has** appealed the decision:
  - i. notify the complainant and signatory that the matter has been referred to the Code Review Panel; and
  - ii. prepare the necessary documentation for the Code Review Panel.

3.3 Where a breach of the Code is determined not have occurred, the Code Administrator will inform the signatory in writing of its decision

### 4. Appealing a decision of the Code Administrator

4.1 A signatory is entitled to appeal the Code Administrator's ruling to the Code Review Panel (see Section 3.7 of the Code). An appeal may be made if:

- a) a Code signatory believes that the Code Administrator did not exercise reasonable discretion; or
- b) new evidence is revealed that was not made available to the Code Administrator in the process of making the original determination.

4.2 Appeals must be lodged within one month of the original determination by the Code Administrator.

4.3 Appeals must be lodged by completing the Appeals form on the Solar Accreditation website at <http://www.solaraccreditation.com.au/retailers/code-review-panel.html>.

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- 4.4 Where an appeal is lodged, the Code Administrator will acknowledge receipt of the Appeal form within 3 business days of receipt and will advise the signatory of the date of the next Code Review Panel meeting at which the appeal will be heard.
  - 4.5 Suspension will remain in place while waiting to have appeal heard by Code Review Panel and 5.7 of these procedures must be followed.
  - 4.6 If a breach is referred to the Code Review Panel (either by the Code Administrator, or by appeal), the Code Administrator will provide documentation relating to the breach, along with a recommended course of action to the Code Review Panel for consideration.
  - 4.7 The Code Review Panel will determine if a breach has occurred and the subsequent action, if any, that will be taken. The Code signatory may be called to present information to the Panel.
  - 4.8 All parties involved in the breach will be notified in writing of the outcomes of the investigation, along with reasons for the determination, as soon as reasonably practicable.
  - 4.9 All decisions by the Code Review Panel are binding and there is no further right of appeal.

## **5. Suspensions and Cancellations**

- 5.1 When a signatory has been issued 3 sanctions due to Severe or Major non-compliance in a 12-month time period, the Signatory will automatically be suspended.
- 5.2 Signatory given 30 days to remove suspension by providing proof that non-compliance has been rectified. Suspension will remain until Code Administrator is satisfied with signatories' response.
- 5.3 If Code Administrator not satisfied with signatories' response, then breach will be referred to Code Review Panel (refer to 4.6 of this document).
- 5.4 If this is the 3<sup>rd</sup> suspension for the signatory in a 12-month time period, the matter will be referred to Code Review Panel to have the signatory cancelled.
- 5.5 Code Review Panel may choose to hear and decide on the cancellation of signatory status outside of scheduled sitting sessions.
- 5.6 Any signatory that has their Approved Solar Retailer status cancelled will be unable to re-apply for six months from date of cancellation.
- 5.7 Suspended or cancelled signatories from the Code are given 5 business days to cease:
  - (a) describing itself as a signatory to the Code or an Approved Solar Retailer;
  - (b) use the Code brand mark; and
  - (c) advertise or portray itself as in any way being connected to the Code.
- 5.8 Signatories who do not comply with 5.7 of these procedures will have a severe breach recorded against them.
- 5.9 Where a Code signatory is cancelled from the Code, fees will not be refunded.
- 5.10 Subsequent application fees will occur.

## **6. Data collection and reporting**

- 6.1 It is critical to record and analyse data on industry complaints in order to ensure the Code remains effective. The Code Administrator will do this by:
  - a) collating relevant data from state and federal consumer protection agencies; and
  - b) collating complaints data supplied by Code signatories.

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- 6.2 This data will be analysed and used to track the effectiveness of the Code, and to highlight newly arising problem areas that may need to be addressed by the Code. A regular summary of this data will be reported to the Code Review Panel by the Code Administrator.
- 6.3 All investigations of alleged breaches that result in a sanction or rectification will be recorded on Code Complaints spreadsheet and in Salesforce.
- 6.4 All investigations of alleged breaches that result in a sanction or rectification will also be available on Code website (see section 3.6.6 of the Code) as follows:

**Rectification** – Will be listed on Current Complaints table under Rectification heading. No company name listed.

**Breach:** Will be listed on Current Complaints table under Breach heading. No company name listed.

**Breach resulting in Suspension:** – Will be listed on Suspensions table. Signatory name, Complaint Reason and date of suspension will be listed.

**Cancellation** – Will be listed on Cancellations table. Signatory name, Cancellation Reason and date of cancellation will be listed.

**Appeals** – Will be listed on Suspensions table. Date of hearing and outcome of appeal will be listed.

- 6.5 De-identified report of sanctions that have been imposed for breaches of the Code will be reported on Code website.
- 6.6 This Complaints Procedure will be analysed in the annual review of the Code by the Code Review Panel or as requested by Code Administrator.
- 6.7 This procedure will be located on the Solar Accreditation website at <http://www.solaraccreditation.com.au/retailers/complaints-form.html>.

**END**