

BSL COMPLAINTS PROCEDURE

SCOPE

This procedure covers the expectations, limits of support and standards of service a complainant will receive once a complaint is lodged against a BSL supplier

This procedure covers the following:

- 1.0 BSL Policy statement
- 2.0 Limitations
- 3.0 Standards of Service
- 4.0 Receipt of a complaint and management of the process
- 5.0 Flow chart of complaint process and expected time frames
- 6.0 Process where a complaint cannot be actioned
- 7.0 Recourse for the registered supplier
- 8.0 Appealing a decision

REFERENCES

Trading Standards
<http://www.tradingstandards.gov.uk/>

BS EN ISO 17225:1 , BS EN 14961:1, Onorm

DOCUMENTATION

Pro-forma consumer complaints questionnaire

CONTACTS

BSL Complaints process ~ Complaints should be directed to BSL complaints team
Email ~Complaints@bsladmin.org
Telephone ~01684 278188
Post ~
BSL
Severn House
Unit 5 Newtown Trading Estate
Green Lane
Tewkesbury
GL20 8HD

BSL COMPLAINTS PROCEDURE

The BSL Complaints Procedure is described below.

- 1) The complainant must formally register the complaint with BSL in writing e.g. a completed complaints questionnaire, letter, email. This must clearly detail that:-
 - a) the complainant considers the product to not meet the standards set out by the scheme along with the reasons why, and
 - b) include any relevant documents e.g. receipts and communications
- 2) On receiving all relevant information and having verified that the BSL Complaints Procedure is applicable, we will confirm receipt of the complaint and contact the registrant informing them of the concern.
- 3) BSL will advise the registrant of any information to provide in order for internal investigations to proceed and complaint to be addressed.
- 4) In the event that a site audit of the product supplied is required, contact will be made by an auditor.
(Note in most cases a site assessment is not required and BSL may use other means to review the product.)
- 5) A review of any evidence collected and/or report will be undertaken and where appropriate, tested by BSL to determine compliance. The purpose would be to obtain a relative sample and observe any storage or supply methods.

NOTE: Where the complaint is justified, BSL may charge the registrant for the site visit or additional audit at a rate agreed.

- 6) If BSL find the complaint to be valid, they will issue the registered supplier with a notice to resolve the issue with the consumer in the most practical way, without cost to the consumer. BSL will expect this to be within 14 working days.
- 7) Where a response has not been received from either the complainant or supplier and the notice period has elapsed, BSL will progress the status with both parties. Where any request has not been carried out, and no valid justification can be given by the supplier, the supplier will be notified that a disciplinary process will start.
- 8) Where action or improvement is required, a period for rectification will be given, normally within an appropriate achievable timeframe.
- 9) Where the supplier fails to address the items on an improvement notice, then a disciplinary process may start subject to review by BSL.
- 10) Where a disciplinary process is invoked, it will not generally be possible to inform consumers of action that we are taking. However, if a registrant is removed from the BSL, the customer will be informed.

BSL COMPLAINTS PROCEDURE

NOTES

- a) BSL reserves the right to make all decisions regarding the application and interpretation of the Complaints Procedure, including the content of any site reports or tests in connection with the complaint.
- b) All complaints will be dealt with by BSL as quickly as is reasonably possible within the guided times scales given. However, due to the need to deal with and resolve complaints fairly and consistently, taking into consideration often conflicting claims, some complaints can take time to resolve. We therefore ask that complainants and registrants respond promptly.
- c) The BSL Complaints Procedure provides benefits in addition to the legal and statutory rights of any complainant/customer and registrant. It must be remembered that any Contract entered into is between the consumer and the supplier. It may also be noted that the direct supplier may not be Registered on the scheme. Therefore, both parties have all the rights normally associated with purchasing products and/or services. The BSL Complaints Procedure does not in any way reduce or modify any such rights.
- d) Whilst we commit to work on behalf of all concerned for a resolution, there may be times when the BSL complaints policy is not or cannot result in the outcome you desire. In these circumstances you would be advised to seek legal advice e.g. from a solicitor or Trading Standards Department at your Local Authority. We will offer any appropriate support to all concerned.
- e) Where registrants or complainants elect to seek remedy outside of this process, BSL may at its discretion suspend or alter any action as it feels appropriate.
- f) Following expulsion from the BSL scheme, details of the excluded registrant may be made available to Trading Standards

BSL COMPLAINTS PROCEDURE

1.0 BSL Policy Statement

The Biomass Suppliers List (BSL) is a list of wood-fuel that has proven it meets the eligibility requirements for the Renewable Heat Incentive (RHI) scheme. It allows RHI participants to easily demonstrate to Ofgem that the fuel they are using in their biomass boilers meets the RHI Sustainability and Fuel Quality criteria required to claim their RHI payments.

The purpose of the BSL scheme is to provide a recognized fuel sustainability and quality standard for wood fuel products. Woodfuel carrying the BSL logo meets the requirements for those claiming the RHI.

Customers purchasing from a BSL certified supplier can be assured that the supplier has been checked and tested, and have demonstrated they are able to produce and supply a quality product. The BSL logo enables consumers to easily identify whether fuel is of an appropriate standard for their boiler systems and carries the sustainability requirements as required by OFGEM.

The BSL Certification scheme comprehensively checks woodfuel producers to ensure that they produce and supply woodfuel to the correct standard.

All BSL suppliers are audited periodically to ensure they are compliant with scheme requirements and are supplying woodfuel to consumers that meet standards set out by the scheme.

During the course of the supplier's business they may encounter complaints against the quality, sustainability or supply of their product.

BSL offers the consumer a point of contact for escalating complaints against suppliers for issues regarding the certified and tested product. We look to ensure the product meets scheme standards at the point it is supplied by the Registered Business.

The emphasis is initially on the supplier to appropriately investigate and resolve any complaint through their own complaint handling process. If this does not resolve the concern, or the consumer wishes to raise the concern over the fuel, they can contact BSL.

BSL does not provide compensation or insurance against any loss or damage caused by any fuel or the registered business failure to meet Standards

BSL will provide a fair, balanced and impartial point of contact, and administer the complaint with the intent to come to an amicable conclusion.

Where we investigate a complaint, we are aiming to establish whether the registrant is responsible for the fuel supplied not meeting the required standard at the point of sale or delivery.

If it is deemed that the registrant is responsible for not meeting the Scheme standards, BSL will request that registrant accepts return of the product(s) to a point before any supply was made (or reasonable amicable resolution) and to ensure relevant standards are achieved. This does not affect any Statutory Right of the consumer or alter the rights of a consumer under the Consumer Rights Act 2015.

BSL has a disciplinary process that, in some cases of poor performance, can result in the removal of a registrant from the Scheme. It should be noted that BSL has no legal power to compel either registrants or consumers to act. However, we may investigate a complaint that is brought on behalf of an enforcement agency which may have such legal powers.

The BSL complaints and admin teams will be treated in a courteous manner at all times. BSL reserves to the right to terminate any communications or suspend registration at any time where it is considered that this has not been adhered to.

BSL COMPLAINTS PROCEDURE

2.0 Limitations

The BSL Complaints Procedure **does not deal with:**

- a) Complaints about the supply of fuel carried out by anyone other than a registered BSL Business against a product that is correctly marked as certified under BSL.
- b) complaints where action has been taken to correct, alter or remove product being complained about*
- c) complaints about matters which are the subject of current or intended litigation by the complainant (the BSL Complaints Procedure exists as an initial alternative to litigation)
- d) complaints where all the fuel has been used and evidence to sample is not available
- e) situations where a third party, or the consumer, has influenced the complaint post supply or purchase (i.e. incorrect storage/transport) or where it is not possible to determine fault.
- f) the commercial aspects of any contract
- g) damage caused by either the product itself or delivery/supply of the product
- h) a complainant that does not want the original Supplier to rectify any defect. This restricts what we can do to help the consumer, BUT we are still interested in the complaint and may wish to pursue the supplier if they have breached rules or regulations. This may be acted upon outside the BSL complaint process.
- i) a concern received from a third party, who reports a perceived issue with the product supplied. Unless the concerns are reported by the consumer, we are unable to act, though dependent on the seriousness of the concern raised, in BSL's opinion, we may record the concern and address the issue with the business outside of this complaint's procedure.

NOTES:

**Where a solution has been reached between the supplier and customer, BSL may still use information provided to complete internal investigations.*

We have no power to insist that anyone, other than the registered business in question, remedies any defective product.

It is possible that a consumer will purchase a BSL product from a supplier or retailer that themselves are not Registered. In these occasions, we can only investigate the supply of goods from the Registered Business to the respective supplier. However, we can request the business address the concerns with their direct supplier.

BSL COMPLAINTS PROCEDURE

3.0 Standards of Service

To provide a standard of service, information will need to be requested, reviewed, verified and acted upon between all parties before a decision is made. BSL's policy is to provide a fair and balanced review of complaints received.

BSL has no legal right to demand information from a registered supplier or from a consumer. The timings given are a fair period for all parties to provide information requested, but no guarantees can be made by BSL on time scales to transfer information.

BSL can only support a complaint that is covered under a contract between the two parties (a purchase and receipt is considered to form a contract.)

Complaints received where the supply or purchase of goods is considerably older than 30 days will be reviewed on a case by case basis and BSL may not be able to support the complaint in these cases. Evidence of purchase will be required.

BSL will not provide any financial support, guarantee or compensation to either party.

Any attendance to site are at our discretion. The purpose would be to obtain a relative sample and observe any storage or supply methods. All findings will remain confidential; it will be at the suppliers discretion on whether they impart any sample results to the consumer.

If BSL decides a site audit is required, the cost may be afforded to the registered business if such inspection is found not to comply with Scheme Standards.

If BSL find the complaint to be valid, they will issue the registered business with a notice to resolve the issue with the consumer in the most practical way without cost to the consumer and within a reasonable timeframe set by BSL.

Progress of the complaint will be reviewed periodically.

Where no conclusion has been made within 24 weeks of a complaint being registered, the complaint shall be escalated to the Head of Department or CEO to advise on a suitable course of action.

NOTE: BSL 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 BSL can no longer provide assistance
- the registered business has failed to correct an agreed complaint and the only recourse BSL can take are disciplinary proceedings, with potential removal from the Registered Scheme.
- that insufficient evidence is available to determine any breach of scheme standards

Where BSL has not managed to arrange a satisfactory conclusion, yet the information provided suggests the fault lies with the product and/or Registered Business, then BSL will advise to seek legal advice in pursuing a claim with Citizens Advice or your Local Authority or through a solicitor. The business is likely to jeopardise BSL 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 business opportunity to complete / correct the installation, then BSL will advise the business to seek legal advice and support their potential claim.

If BSL 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.

BSL COMPLAINTS PROCEDURE

4.0 Receipt of a complaint and management of the process

Complaints about the fuels supplied by, or actions of, scheme participants may arise from time to time. The BSL complaint procedure covers only the BSL product itself. This will be determined by:

- Collecting information from both sides
- Obtaining a representative sample and testing the fuel
- A site audit (when necessary.)

The complainant should first inform the BSL Supplier of the problem and allow the supplier reasonable time in which to respond to the complaint. If this does not resolve the problem satisfactorily or the supplier fails to respond to the complaint within a reasonable period of time, the complainant may escalate their complaint to BSL. A BSL Suppliers complaints procedure should consider:

- All complaints must be registered by the BSL Supplier and actioned appropriately. The complaint must clearly detail the nature of the complaint and refer to any relevant supporting documentation or evidence.
- A method to provide a recorded complaint resolution with the complainant.

Complaints against the scheme, our process, or a member of staff

There may be times when consumers, fuel registrants or associated organisations feel dissatisfied with the service provided by BSL or a member of our staff.

Should this matter arise, we would ask that complaints are made in writing.

By email – Complaints@bsladmin.org

Or by post – BSL Complaints, Severn House, Unit 5, Newtown Trading Estate, Green Lane, Tewkesbury, GL20 8HD 01684 278170

When a complaint is received, it will be assigned to the appropriate manager and allocated a unique reference number. The complainant will be acknowledged and made aware of the person dealing with their complaint together with an indication of how long it will take to investigate and report back to them. It may be necessary to contact the complainant a number of times to ensure that we have all the necessary information and that they are kept up to date.

On completion of the investigation the manager concerned will contact the complainant and advise them of the outcome. The complainant should be advised that if they are dissatisfied, they can contact our CEO, giving the name, direct contact details and reference number.

Resolution matters:

- i. If the complaint cannot be resolved by the department manager or is about the manager then the complaint should be referred to the CEO, Bruce Allen. The complainant will be given direct contact details.
- ii. There may be times when a complaint is about a policy or process that BSL has no control over e.g. there are some requirements that BSL must adhere to but which others may find

BSL COMPLAINTS PROCEDURE

unsatisfactory. In these cases, we may be able to refer the complaint on to an appropriate authority.

iii. If in doubt or if there are particular concerns please contact a manager or the CEO and every effort will be made to help.

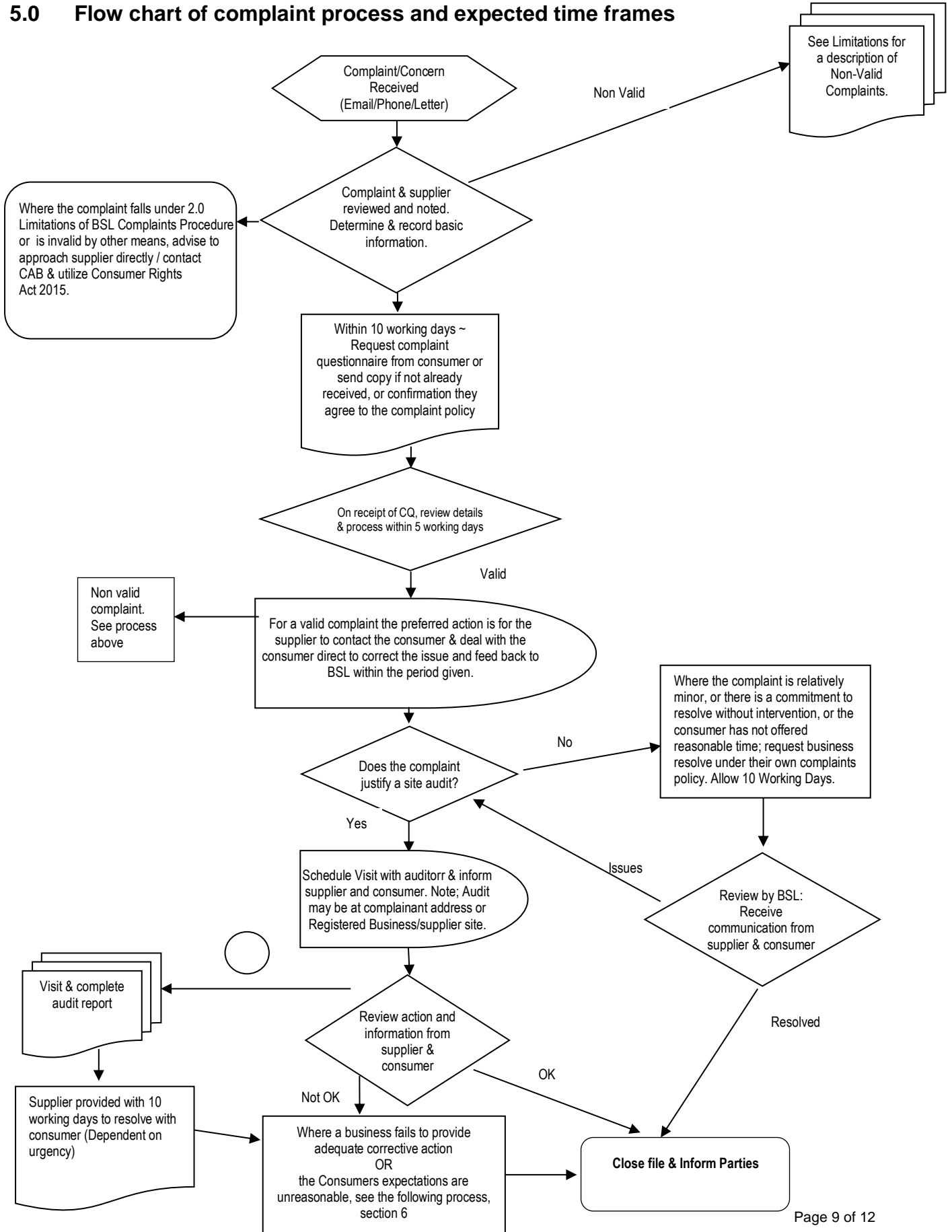
Where the complaint falls under section 2.0 Limitations of BSL Complaints Procedure or is invalid by other means, the advice to the complainant will be to approach supplier directly to try and resolve issues or contact Citizens Advice for information on whether the complaint falls within the Consumer Rights Act 2015.

If the woodfuel is deemed within specification then the issue between the Supplier and Customer is deemed resolved. If the fuel is found to be non-compliant, the supplier will be expected to provide a replacement fuel delivery (if sold directly from the supplier), or offer other appropriate resolution. The supplier may be asked to report what corrective actions have been taken to prevent reoccurrence. BSL may also request submission of a sample for retesting following any corrective action to the process. This may be charged for.

Any prolonged dispute between the parties arising under, or in connection with, these rules and not resolved by agreement may be referred to mediation or Alternative Dispute Resolution (ADR). Current consumer regulation requires all businesses which sell directly to consumers to be able to point consumers to a certified ADR scheme.

BSL COMPLAINTS PROCEDURE

5.0 Flow chart of complaint process and expected time frames



BSL COMPLAINTS PROCEDURE

6.0 Process where a complaint cannot be actioned

A Complaint may be closed for the following reasons:

- a) Non valid complaint received
- b) The business or product is no longer registered or listed under the scheme
- c) Business Fails to respond within the times scales given or fails to correct to an acceptable standard.

Then the following procedures or responses will be taken:

- a) **Non valid complaint received** covering for example the following scenarios, will be acknowledged to the complainant with the recommendation to pursue a claim by alternative means or directly with the supplier/retailer.
 - There was no evidence of purchase or contract between the consumer and the Registered Business,
 - There is a dispute over payment
 - The product supplied is acceptable within BSL view

Issues raised against the Business will remain on our internal CRM to review any trends received.

- b) **Business fails to respond / fails to meet the required Standard.**

During the complaint process the business will be given sufficient opportunity and time to acknowledge complaints and respond to arrange correction. Unless there is a valid reason why an amicable solution is not carried out within a reasonable and agreeable time frame, or where the solution is considered substandard and no further effort is made to correct, then a disciplinary action will be pursued with the registered supplier . The business may be removed subject to appeal in the cases (See section 7.0)

BSL COMPLAINTS PROCEDURE

7.0 Recourse for the Registered Supplier

Suggested actions for investigating Concerns;

Attending site and assessing product

Measuring site samples at either;

- a) point of sale
- b) at point of supply
- c) at point of delivery (to consumer)

Investigating any other supply chain factors

Requesting an independent sample test

Offering an alternative product or replacement

Failure to meet Standards can result in the following conditions;

- Additional site audits / sample testing
- Conditions imposed on Registration
- Action / Improvement Notices
- Removal from the BSL

Where it appears to BSL that a supplier may be in breach of the scheme rules for certification, or does not meet the required standards, certification can be refused, deferred or suspended by notice whilst the matter is investigated further.

Decisions: BSL will decide whether an applicant or existing supplier meets the required conditions and whether certification is offered or maintained. In making those decisions, BSL may take into account all matters of which it is aware including (without limitation) those relating to periods prior to the date of application. BSL shall give written notice to the applicant of its decision stating:

- the reason for the decision including details of any records taken into account
- the effect of the decision
- the procedure for applying for appeal of the decision

BSL COMPLAINTS PROCEDURE

8.0 Appealing a Decision

BSL's objective is to administer the scheme in a fair and unbiased way whilst complying with all relevant scheme standards, legislation and regulations. Registrants or applicants may formally request to appeal a registration decision by BSL (removal of Registration or rejection of an application to the scheme) within 15 working days of removal. Where this is received, the following process will be offered:

- i. First Stage Review of the decision. A first stage review will include a senior BSL employee who has not have been involved in the decision making process so far. This review will decide whether correct procedures have been followed by BSL in making decisions to date. The outcome of this first review is not limited to upholding a previous decision or not. It may offer alternative suggestions or outcomes thus avoiding the need for a full appeal hearing.
- ii. Appeal Hearing. Where the first stage review upholds the original decision, but the appellant wishes to continue with their appeal, the appellant will be given the opportunity to submit evidence that they do meet all the requirements for registration on the scheme
- iii. BSL will assess any evidence submitted by the appellant and decide whether there are reasonable grounds to set up a final Appeal Hearing. This decision will only be undertaken where there is new or compelling evidence not presented as part of the First Stage Review.

Appeal Hearing: Where BSL decides there are reasonable grounds, subject to receipt of the relevant deposit (current price of this available on request) within 15 Business Days of that decision it will set up an Appeal Hearing at its offices where an Appeal Panel will meet and hear the case. The panel will include:

- i. a representative from BSL not previously involved in the case
- iii. two other persons with sufficient experience to hear the case
- iv. the appellant may bring legal or other professional representation and BSL may be represented by an appropriate person where necessary.

Each party will present its case and each may be cross examined. A decision will be arrived at by the panel, based on what it sees as most probable bearing in mind the information provided to it. The panel members may be guided on matters relating to the conditions of registration by a BSL registration representative in order to facilitate a final decision. The decision of the Appeal Panel is final and will be notified to the appellant within 10 business days in writing.

The result of the appeal may not be limited to a decision on registration status alone and will be binding on all parties.

Appeal Panel Costs: The cost to BSL is considerable and BSL will only convene a final Appeal Panel if a deposit has been paid. Details of the current deposit required are available on request. If the appellant's account already has outstanding debts to BSL, those must also be paid along with the appeal deposit. Where the appeal is found in favour of BSL then the deposit is not refundable. Where the appeal is found in favour of the appellant, then the deposit is returned. No other costs or fees will be paid by BSL to the appellant or anyone acting on their behalf.

If the registrant or applicant is dissatisfied with the findings of this review, they are invited to raise concerns directly to the Department for Energy Security and Net Zero (DESNZ formally known as BEIS) who authorise the scheme.