

Complaints Procedure

Purpose

The purpose of this procedure is to describe how **ecmk** processes all complaints.

- from stakeholders against scheme members or their work; and
- from scheme members or applicants against **ecmk**, and to describe the responsibilities of all staff involved in complaints processing activities.

Scope

This procedure relates to the **ecmk** Accreditation Scheme.

Complaints may be submitted free of charge, subject to the provisions relating to the Independent Appeals Panel set out later in this document, and do not affect the statutory or legal rights of the Complainant.

This procedure has been created to cover only complaints relating to unexpired Energy Performance Certificates; complaints about ecmk members; complaints about ecmk; complaints relating to retrofit projects and assessments as outlined later in this document; and appeals against rejection of applications or revocation of accreditation based on breaches of the ecmk Code of Conduct or failure to meet 'fit and proper' standards. These matters are encompassed by the term 'Complaint' within this document.

No changes to this procedure are permitted without the authorisation of the Scheme Manager.

For complaints about unexpired Energy Performance Certificates lodged by an ecmk-accredited member, the complaint will, in the first instance, be sent to the member to initiate their own complaints procedure and resolve the matter. If the complaint remains unresolved to the satisfaction of the stakeholder, the complaint may then be escalated to ecmk and the following process will apply:

Responsibilities

The Scheme Manager has overall responsibility for the implementation of this procedure, for ensuring that all staff have access to the current issue of the procedure and that they are adequately trained or experienced to carry out the tasks specified.

Procedure

Complaints to ecmk will be accepted in writing and should be addressed to:
ecmk Complaints Team, ecmk Ltd, Fore 2, 2 Huskisson Way, Shirley, Solihull, B90 4SS
or emailed to: support@ecmk.co.uk or by telephone on 0333 123 1418.

Once a complaint has been received, it will be logged and assigned to the Complaints Administrator, who will:

- Acknowledge receipt of the complaint to the Complainant within one working day, quoting their case reference ID number. The Complaints Administrator will investigate the complaint and work with the appropriate departments to investigate the matter fully, contacting the Member as required. As part of this process, ecmk may be required to complete a desktop audit of the Energy Performance Certificate. This initial process may take up to forty-five working days to complete. If an audit is completed, other than to confirm compliance or non-compliance of the Energy Performance Certificate, ecmk will not disclose details of any technical audit to a stakeholder. Once a complaint enters the initial investigation stage, ecmk will not accept any further information or evidence from the Complainant, unless evidence was genuinely unavailable at the time of submission and is material to the outcome. Therefore, we strongly recommend that all relevant details and supporting documentation are provided before the investigation stage begins.
- Provide the Complainant with a written response, including a full explanation and decision.
- If the Complainant considers that the matter remains unresolved, they may appeal and request that the complaint be escalated to the Scheme Manager, who will respond within thirty working days with a full explanation and decision. In certain circumstances, where deemed necessary by ecmk, the Scheme Manager may deal with the initial complaint themselves, rather than the Complaints Administrator.
- If the matter remains unresolved to the satisfaction of the Complainant, the Complainant may further appeal and request that the matter be referred to the Scheme Director to review the complaint and the appeal. The Scheme Director will respond to the Complainant within thirty working days of the appeal escalation.
- If the Complainant remains dissatisfied with the conclusion of the Scheme Director, they may appeal and request that the matter be referred to the Independent Appeals Panel. The Independent Appeals Panel's terms of reference are set out in ACC-006.
- The Independent Appeals Panel will report to ecmk within thirty working days of the matter being referred to it.
- If the Independent Appeals Panel recommends any further action to finally resolve the complaint, ecmk will implement it and then report to the Complainant within a further twenty working days.
- It should be noted that from time to time an Oversight Body may require ecmk to provide details of complaints and disciplinary actions against either an individual member or all ecmk members.

Policy

Retrofit Coordination and Retrofit Assessment Complaints

ecmk does not accept direct responsibility for investigating or resolving operational complaints regarding retrofit projects. Primary responsibility for addressing project-specific grievances rests with the member or registered professional responsible for the work. ecmk's role is limited to providing oversight and ensuring that members are managing and resolving complaints appropriately in accordance with their own documented complaints processes.

For the avoidance of doubt, ecmk will not investigate complaints regarding retrofit installers, as these matters fall outside ecmk's regulatory scope and complaints remit.

ecmk will not consider, review, or investigate any complaint relating to retrofit coordination or assessment unless the corresponding project has been officially lodged with TrustMark. If a retrofit project or assessment has not been formally lodged with TrustMark, the complaint falls outside ecmk's regulatory scope and will be rejected without review.

ecmk will investigate procedural complaints regarding retrofit assessments, provided that they relate to a project lodged with TrustMark. ecmk may choose to complete a desktop audit of a retrofit assessment as part of an investigation; however, ecmk will not disclose details of any technical audit or arbitrate technical or subjective disputes regarding the content, findings, data, or conclusions of an assessment audit.

Where a stakeholder disputes the findings, data, or content of a retrofit assessment, ecmk is not responsible for arranging, funding, or undertaking new or independent assessments.

Vexatious Complaints

A vexatious complaint is defined as a complaint, or complaints, brought by a complainant, regardless of merit, solely to harass or subdue the subject of the complaint.

A single action, even a frivolous one, is not sufficient for a complaint to be declared vexatious. However, repeated and severe instances by an individual, or by others on behalf of that individual, may result in the complainant being considered vexatious.

ecmk may judge vexatious complainants to be abusing the complaints process and, as such, may refuse the individual access to its complaints process and/or the IAP, although ecmk shall disclose such instances to a government oversight framework.

ecmk may consider a complaint to be vexatious at any stage of the complaints process. Examples of complaints that ecmk may consider vexatious include, but are not limited to, the following:

- Complaints regarding the EPC methodology or EPC descriptions, where data entries have been confirmed as correct by ecmk through validation checks or the auditing process.
- Persistent pursuit of a complaint without reasonable justification or new information, where the complaint has already been addressed.
- Continued complaints from the stakeholder or interested party on the same matter, where an audit has been completed and ecmk has determined that the Energy Performance Certificate is compliant based on the applicable Scheme Operating Requirements and audit requirements.
- Attempts to prolong contact with ecmk by continually changing the content and substance of a complaint.
- Continual raising of further complaints or questions while the complaint is already being addressed.
- Failure by the complainant to clearly identify the substance of a complaint, or the precise issues that may need to be investigated, despite reasonable efforts by ecmk to assist them.
- Complaints only about trivial matters to an extent which is out of proportion to their significance for a lodged Energy Performance Certificate.
- Excessive contact with ecmk or attempts to impose unreasonable demands or expectations on resources, such as requiring responses outside the scope of ecmk's documented complaints process.

Note:

If ecmk receives queries or questions about EPC methodology or EPC element descriptions, ecmk will, in the first instance, refer the queries or questions to the accredited member who lodged the EPC. From time to time, to assist the stakeholder, ecmk may provide an initial response to a stakeholder's queries and questions; however, persistent queries and questions may be regarded as vexatious.

Complaints about Members

If a complaint involves an ecmk member, ecmk will investigate the complaint and respond to the Complainant within the timescales set out in this procedure, but will not disclose details of the member's accreditation.

Oversight Body Involvement in Complaints

The Oversight Body would normally expect to become involved in complaints in the following instances:

- Any complaint regarding ecmk being in breach of its approved status shall be copied to the Oversight Body, and they shall decide whether they wish to be involved in the complaint.
- Instances where an Energy Assessor has been suspended by one scheme, preventing them from trading, and another scheme has considered the evidence and sees a compelling case that the Assessor has been treated in a vindictive or perverse manner.

Note:

There may be occasions where ecmk considers that escalation to the Independent Appeals Panel is not justified because the conclusion of the appeal is clear and obvious. In such circumstances, the Scheme will inform the Complainant that an administration charge may be levied if the Panel agrees with the Scheme's findings on the complaint.

Version	Description of Change	Editor	Date of issue
1.0	Initial issue	Kirsty Deighton	18/09/2019
1.1	Periodic Review	Stephen Farrow	12/10/2020
1.2	Periodic Review	Joe Mellon	11/11/2021
1.3	Minor changes and corrections	Joe Mellon	12/08/2022
1.4	Formatting	Chris Wilkes	01/10/2022
1.5	Periodic review	Joe Mellon	04/10/2023
1.6	Document review	Ian Rowley	07/11/2024
1.7	Amendments to wording for vexatious complaints to align with scheme operating requirement changes and other minor corrections	Ian Rowley	12/09/2025
1.8	Document review, minor changes, updated timescale of responses and definition added for vexatious complaints and retrofit projects	Ian Rowley	12/08/2026