

Energy Broker Alternative Dispute Resolution (ADR) Scheme

24 November 2022

Agenda

1. Meet the team – introductions
2. Recap
3. Key messages
4. Complaint journey run through
5. Broker register
6. Q&A

Recap

- About Ombudsman services – our role
- Stakeholder engagement
- Information and advice
- Sign up to the ADR scheme
- Engagement today
- Thank you



Key messages around the Energy Broker ADR scheme



Ofgem's licence condition that suppliers only work with energy brokers signed up to a qualifying ADR scheme



As far as possible run along the lines of the Energy Ombudsman



Funded by energy brokers



Achieve the intention of OFGEM's microbusiness strategic review

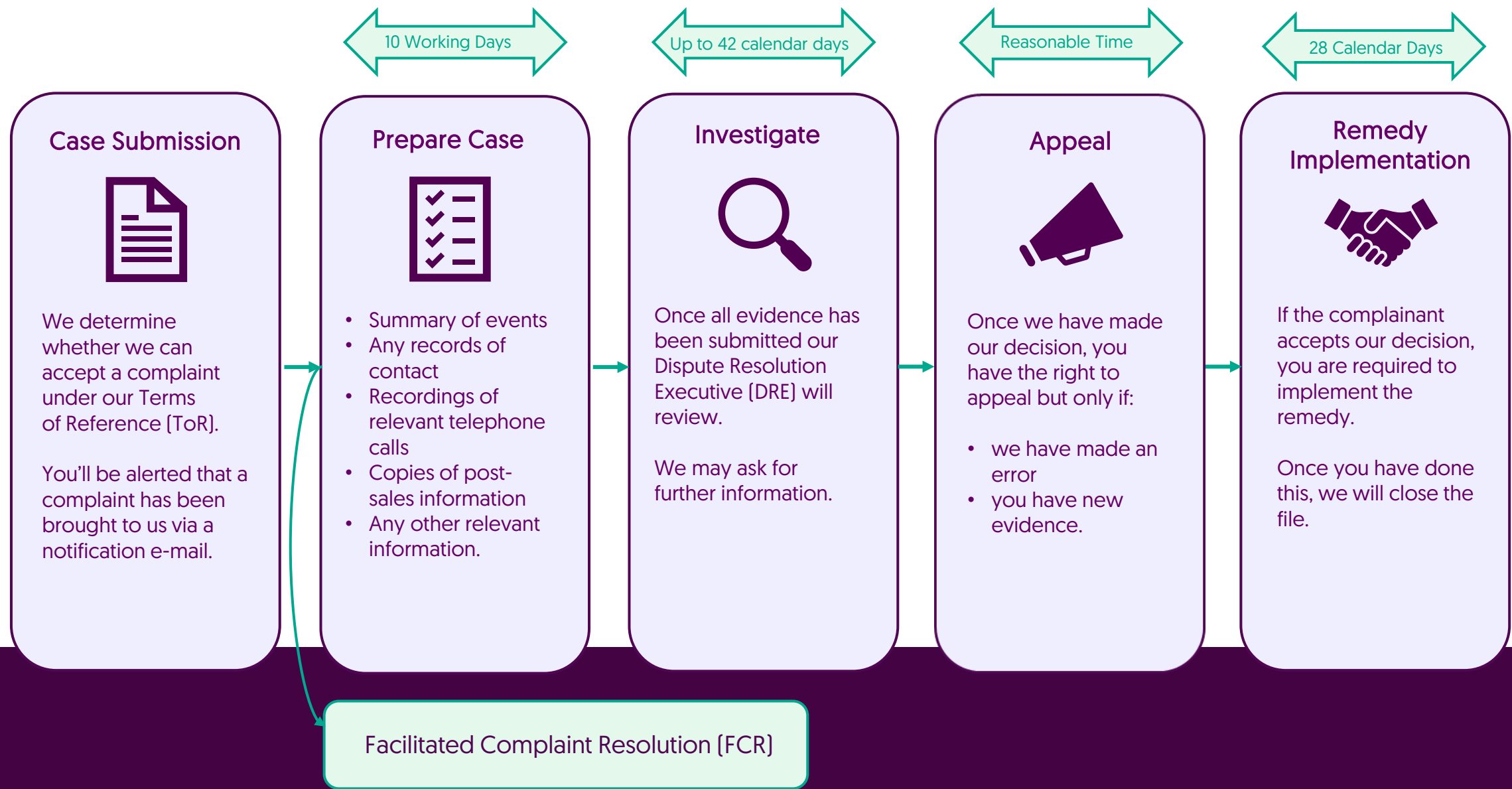


Review the scheme in the first year



Ofgem's other proposals and Department for Business, Energy and Industrial Strategy looking at regulation in the energy sector

Case Journey and Milestones



Case submission

- We determine whether we can accept a complaint under our Terms of Reference (ToR)
- Once accepted, you'll be alerted that a complaint has been brought to us via a notification e-mail, to the e-mail address you have provided us with
- It is important that you monitor inboxes for any email address provided so that you are aware of the complaint. If there are any changes or updates to the e-mail address, it is important that you let us know ASAP
- A Dispute Resolution Executive (DRE) will be assigned from the outset and remain your one point of contact throughout the process
- If you have any questions or need any assistance, you will be able to message or call your assigned DRE throughout the case journey

Hello

A new dispute with reference number [redacted] has been created. You and the customer will now have a maximum of 10 working days to upload any outstanding information or evidence in relation to the dispute.

You can access CMS to view any updates, provide any further evidence or contact us during the complaint.

[Click here to view your complaint](#)

For more information on how our complaints process works please visit our website at: <https://www.ombudsman-services.org/how-it-works/process>

Thanks

Your Ombudsman Services team

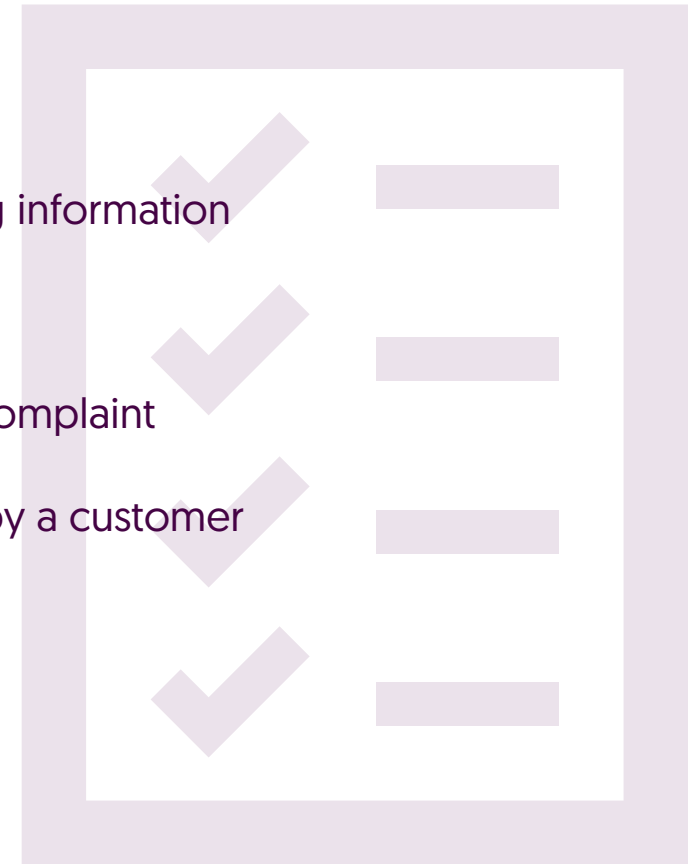
[What do I do if I am having issues with my online account?](#)

[How do I reset my username and password?](#)

Why not check out our handy 'How To' videos for further support: [Click here to view](#)

Prepare Case

- Both you and your customer will have **10 working days** to provide evidence/supporting information
- Opportunity to comment on the other party's evidence (**4 calendar days**)
- Opportunity to offer an early resolution to the complaint/query our acceptance of the complaint
- Every case file should be tailored to the subject matter of the specific complaint raised by a customer
- In every case, we would expect to see:
 - A summary of events and your opinion of the complaint
 - Any records of contact with the customer – account notes, correspondence etc
 - Action taken so far to try to resolve the complaint
 - Recordings of relevant telephone calls
 - Copies of any post-sales information sent to the customer
 - Any other relevant information



It is essential that you provide the information at this stage in the process. If provided later, it may not be considered.

Please see our video from 26th May 2022 on our Broker page for further details around what to include in a case file.

Facilitated Complaint Resolution (FCR)

- This will be an option in the case management system, where you can make a proposal to the consumer to resolve the complaint, prior to the case being investigated.
- Only consumers who have access to our online portal can receive these offers.

Email verified
Yes

- There are 2 outcomes:

Accept - we will not investigate the complaint and will only charge you for the case handling until this point

Decline/No Response – the case will proceed for a full investigation, and you will need to provide a case file

- The resolution must be implemented within 28 days of your customer accepting your proposal. If it is not completed within **28 calendar days**, the customer can challenge the FCR, and the complaint will then continue for investigation.

NB: Any resolution offered should put the customer back in the position they would have been if the issue had not occurred.

Dispute

- You will be able to query the case acceptance, by submitting a dispute, if you do not believe that it meets our Terms of Reference (ToR).
- For example;
 - you've not deadlocked or had 8 weeks to investigate and resolve the complaint yourself
 - the complainant was aware of the issue before the date when the relevant broker joined Ombudsman Services unless the broker consents otherwise
 - the complaint is subject to court proceedings or other independent procedure for the determination of complaints brought by the complainant
- You can only dispute case acceptance once, with up to 3 reasons.
- When a dispute is raised, we will have a **10-working day** period to review your dispute and respond accordingly.
- There are 2 outcomes:

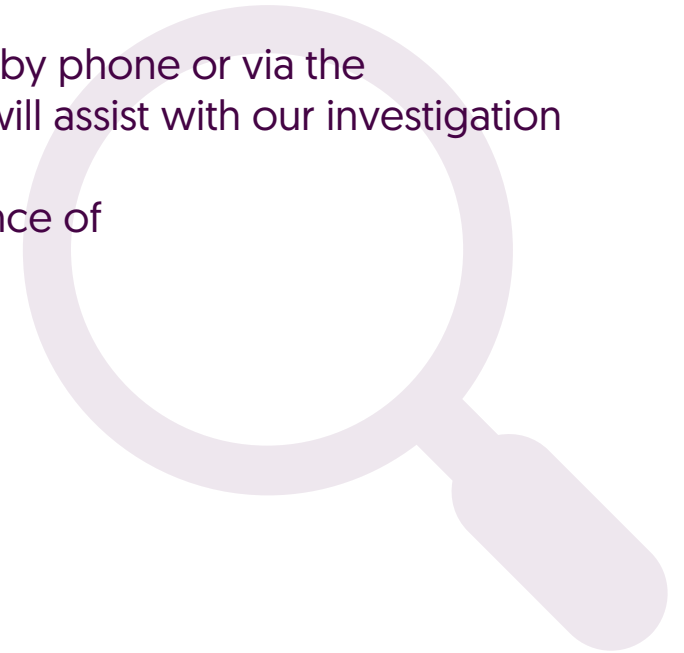
Accept - we will not investigate the complaint and we will close the case

Decline – the case will proceed for a full investigation, and you will need to provide a case file

NB: If a case is withdrawn by a complainant prior to reaching the investigation stage, the case will be closed, and the broker will be charged for the case handling until this point

Investigate

- Our aim is to give a fair consideration to both parties' viewpoints in order to reach an appropriate conclusion
- Our DRE will look at the dispute raised, and the information submitted by both parties. They will identify what the best solution is, considering the rules and what should have happened. The conclusion will be reached with fairness and impartiality in mind.
- We may decide to ask you or the complainant for further information -- this might be by phone or via the messaging function. We would really appreciate a prompt response from you as this will assist with our investigation
- Where there isn't definitive evidence available, we will base our decisions on the balance of probability, considering our industry experience and knowledge



Investigate

- Our aim is to put the customer back in the position they would have been had the issue not occurred. We also consider detriment caused by the issue. There will be times where the broker has got something wrong and will need to put this right
- We will always take into consideration that everyone is different. For example, if two customers experience the same issue, the impact on them can vary – we will take this into account in our investigation
- We have up to **42 calendar days** to complete our conclusion, once the case reaches the investigation stage, however, we aim to issue our conclusions before then
- Once we've reached our conclusion, we will issue a report to both parties. You will have up to **14 calendar days** to respond to the conclusion issued



Investigate

There are 3 outcomes of an investigation; Upheld, Maintained and Not upheld.

Upheld

Complaints where something went wrong that the broker didn't fully resolve before the dispute was brought to us

Maintained

Complaints where something went wrong but the broker took reasonable actions to resolve the complaint before it came to us. We would not make minor changes and select 'Upheld' as an outcome

Not upheld

Complaints where nothing went wrong – the broker acted appropriately

Appeal

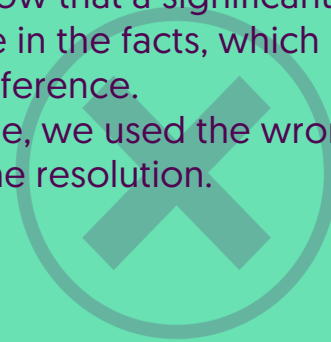
New information not previously available

You can share new supporting information and give a reason why it was not available to us before. For example, a further bill has been produced that shows our conclusion may be incorrect.



Factual error

You can show that a significant error has been made in the facts, which make a material difference. For example, we used the wrong bills to calculate the resolution.



You will need to provide a clear explanation of why the new supporting information should make a difference to the conclusion.

Both parties will see the appeal information. The Dispute Resolution Executive dealing with the appeal will review all the information supplied by you and the microbusiness, before issuing the Appeal Decision. This decision is final and requires acceptance by the complainant to become binding. There is no option to appeal this final decision.

Remedy implementation

- Any remedy we require, is to put the customer back in the position they would have been if the issue had not occurred.
- If the complainant accepts our decision, the decision becomes binding, and you will be expected to provide the required remedy to the complainant **within 28 calendar days**.
- This period starts from the first day after we notify the energy company that the consumer has accepted our decision. Once the remedy has been implemented, we will close our file.
- You will need to upload evidence of the remedy implementation to the case management system.



Remedy implementation

- If the decision is rejected by the consumer, it is a non-binding decision and we do not require the company to implement it. The case is closed, and the Energy Ombudsman's involvement is at an end.
- If the remedy is not completed in full at the end of the 28-day period, the failure to implement remedy policy will begin. If we have not heard from the company that the remedy is implemented in full, we may contact the consumer to verify the status of the remedy.
- We recognise that not all failures to implement remedies are due to unnecessary delays or willful refusal but are due to issues presenting specific individual challenges preventing the company from doing what is required of them. It's important that you communicate with us at the earliest opportunity so we can assist you.



Register of Broker ADR Scheme Members

Member Register

Available today on <https://www.ombudsman-services.org/sectors/energy-brokers>

- Located in the Useful Documentation section
- Broker Name, Trading Names, Company Registered Number (if applicable), Membership Number, Membership Start Date.
- Updated daily showing active members only

Updates:

- Weekly additions and removals will be sent to suppliers including the Member Register info plus leave date for brokers exiting the scheme. No leave reason will be provided.
- From early 2023, we will launch a new website serving suppliers and energy brokers. A real-time report with active members for Broker ADR will be available for download.

Register of Broker ADR Scheme Members

Application Progress Register

Available today on <https://www.ombudsman-services.org/sectors/energy-brokers>

- Broker Name, Application Status, Company Registered Number (if applicable), Trading Names, Application submission date, Broker Application Number.
- Updated daily

Any questions?
