

Bioenergy Association Professional Standards and Complaints Committee

Introduction

This paper sets out the policy and processes the Bioenergy Association has established to maintain high standards across the association's scope of interests and activities.

The Bioenergy Association has set up schemes for the registration or accreditation of members involved in specified sector activities. In order to back these schemes and ensure that they are meaningful the association has established procedures where any performance less than best practice can be referred to the relevant scheme administrator.

The Bioenergy Association seeks to position bioenergy as a main stream energy source which is delivered by sector participants who are reliable and working at all times to best practice.

Where any complaint of performance of a member is received by the association it will be referred to the Bioenergy Association Professional Standards and Complaints Committee (Standards Committee).

Bioenergy Association policy and procedures which determine best practice are set by the Board and its Interest Group Committees and distributed through its websites.

The Standards Committee also has oversight of compliance to the Bioenergy Association Code of Conduct.

The Committee's function and purpose, in relation to a member's professional conduct or with regard to accreditation compliance, is to:

- Receive formal complaints
- determine how formal complaints should be investigated;
- determine remedial actions for investigations; and
- make rulings and determine recommendations for disciplinary measures.

The Standards Committee comprises three members appointed from the membership at each Bioenergy Association Annual General Meeting.

This document sets out how and when the Standards Committee will become involved in a dispute or complaint relating to bioenergy products or services.

Principles

Any problem or dispute between a Bioenergy Association member and their customer is a matter for those parties to resolve in the first instance.

The complaints process is in two parts;

Part A: Problems or disputes. These are resolved informally with assistance from the Bioenergy Association Executive Officer (EO).

Part B: Formal complaint to the Standards Committee

- If not sorted then the Standards Committee considers complaint "on papers" only (i.e. analysis and determination of written evidence)
- Only in exceptional circumstances would the Standards Committee undertake an investigation and hearing based "on the papers", including contracting for an independent inspection if required

Complaints on engineering professional services should be referred to the Institute of Professional Engineers New Zealand (IPENZ).

Any communication by the Bioenergy Association will be advisory only to a complainant and will in no way interfere with the normal contractual relationship between the customer and the member nor affect the protections of the customer under consumer law.

The Bioenergy Association will become involved only if a party lodges a Formal Complaint in writing that it has a problem/dispute.

Any such Formal Complaint must be lodged on the form provided for the purpose and sent to the association's EO by post or email. The EO will acknowledge receipt of the complaint and notify affected parties within 5 working days.

The Standards Committee will restrict its investigation or consideration of the complaint to matters involving bioenergy products or service and professional conduct. The Committee will not uphold any complaint it believes is frivolous or vexatious.

A Formal Complaint will be based on the Standards Committee receiving a complaint and evidence provided by the complainant and response from the member. No formal investigation or hearing will be held and complaints will be handled and assessed on the papers.

The Standards Committee may refer the complaint to any relevant government agencies for advice; e.g. Consumer Affairs, Commerce Commission etc.

The Standards Committee will send a draft report to the parties for comment at the completion of the investigation. It will then consider the comments and produce a final report including any recommendations.

Outcomes may include sanctions or recommendations relating to:

- participation in government schemes;
- re-training and supervision;
- accreditation; and
- complaint to IPENZ with regard to professional engineering matters.

Processes

Part A: Problems or disputes (resolved informally)

1. This process begins when a problem or dispute is identified by a customer and brought to the attention of the EO.
2. The EO will provide guidance to a complainant regarding:
 - current best practice and
 - their rights under consumer law; and then
 - encourage them to sort out a problem directly with the member.

The EO will provide neutral advice and not provide comment on the validity of a complaint or claim so as to not interfere with the contractual arrangements between the parties or to affect any subsequent hearing or Adjudication.

3. The EO will advise the customer to raise, discuss and try to resolve the matter with the member as follows:
 - Use open and honest communication
 - Explain the nature of the problem and what you want done
 - Document the process used and the outcome including photos
4. If the problem/dispute is not resolved to the customer's satisfaction in step 3, then the customer will be provided with the following options:
 - a) Do nothing
 - b) Revisit step 3
 - c) Officer facilitation to assist resolution (EO writes to both parties)

5. If the customer is not satisfied with the Step 4 options, then the complainant will be invited to submit a Formal Complaint.

Part B: Formal Complaints to Standards Committee

The Complaints Investigation Process and is commenced when the Standards Committee:

- i. Receives a written Formal Complaint, or
- ii. Identifies an issue raised by the EO or member of the public that warrants investigation, or
- iii. Becomes aware that a member has been found to be at fault in a Disputes Tribunal or a Court of Law or by IPENZ.
- iv. The EO records details of the complaint in an internal register.
- v. The EO notifies the nature of the complaint to the parties named by the complainant and seeks a response to the matter within a set timeframe.
- vi. The Standards Committee may dismiss the complaint if it believes it is frivolous or vexatious.

Rationale for processes

The above approach is based on a variety of currently operative disputes and complaints processes.

The key premise in the approach is that the Standards Committee has no powers. It can therefore only make recommendations to the Association board for disciplinary action against the person who is the subject of the complaint if that person is a member of the association.

Consequently, the role of the Standards Committee will be to recommend what action should be taken by the association against the member who is the subject of a complaint, notwithstanding that the complaint has been dealt with by another body. Accordingly the process will always be to encourage a complainant to seek resolution of a problem in the first instance through an organisation that has primary jurisdiction over the member.

The Standards Committee will therefore complete the complaint cycle by addressing the problem within the bioenergy industry context. This will enable the complainant, the public and the industry to see that action will be taken for breaches of the Code of Conduct. That action could include cancellation of membership or suspension or revocation of accreditation and/or a recommendation that the member is not eligible for any government-backed scheme.

Committee costs

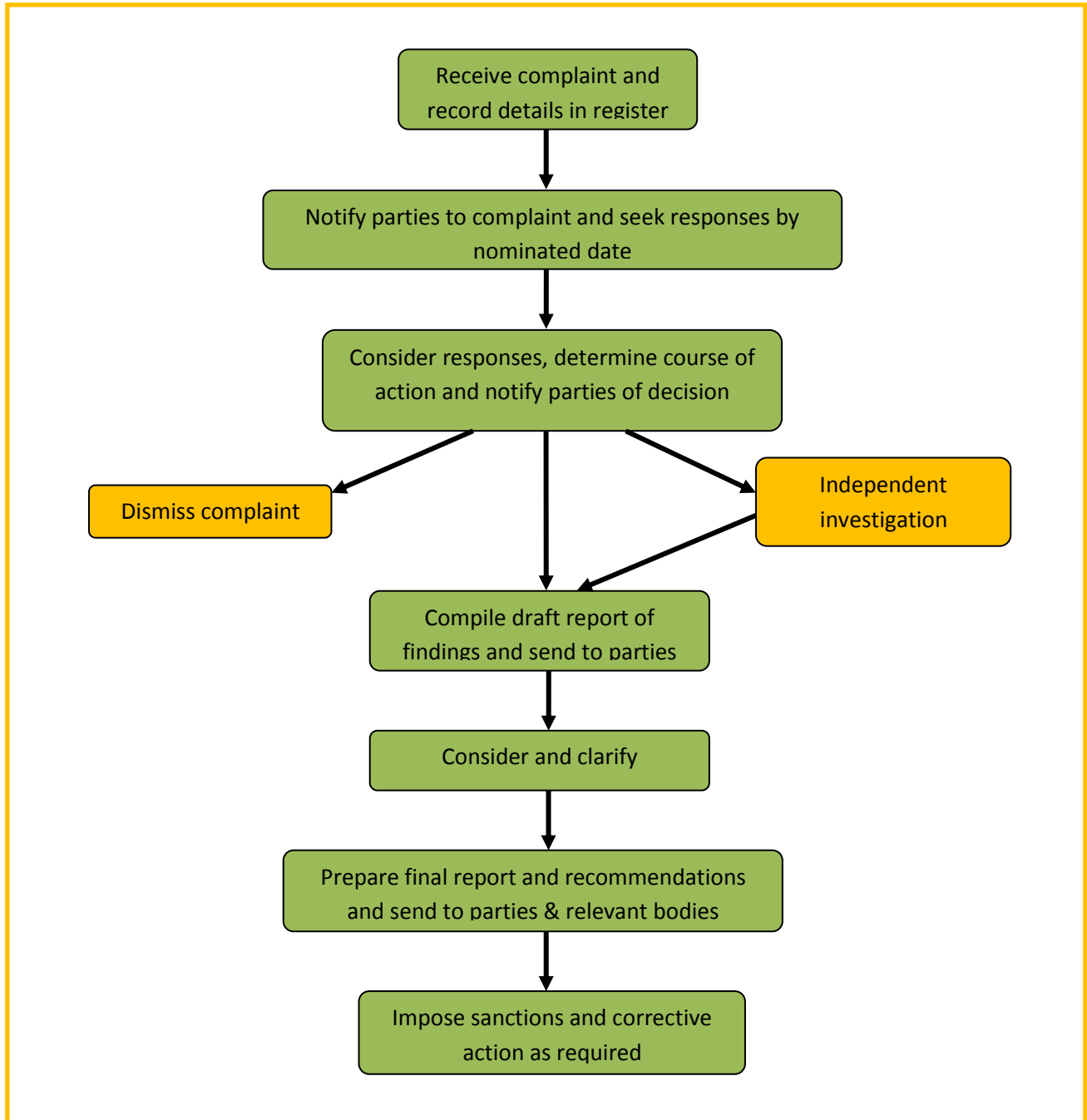
While it is recommended that full cost (the Standards Committee, inspection costs) be recovered from members against whom the complaint is upheld the association will have to fund the operating expenses and carry costs until recovered.

Unless the nature of a complaint is so serious that an investigation and/or a hearing or such similar formal meeting process is required, the Standards Committee's function will be "done on papers" using a standard form and conducted by telephone conference to minimise costs.

APPENDIX 1

Formal Complaint Process

(for complaints lodged with the Standards Committee)



APPENDIX 2

Complaint Form

This form is issued by the Bioenergy Association Accreditation and Compliance Committee (the Standards Committee), and must be used to register a Formal Complaint in respect of bioenergy products, supply and services

1. Complainant details

| | |
|-----------------------|--|
| Name: | |
| Address: | |
| | |
| | |
| Contact phone: | |
| Email address: | |

2. Complainant details

| | | |
|--|----------------|-----------------------------|
| Name of organisation: | | |
| Contact details: | Name: | |
| | Phone: | |
| | Email: | |
| Name of person dealt with to date: | | |
| Nature of complaint: please circle the relevant categories | | |
| Product | Service | Professional conduct |
| Other (please specify) | | |
| Please explain (i) what the problem was; (ii) what action you took and (iii) what has happened since | | |
| | | |

3. Status of complaint

Please explain where the matter has got to and what is now in dispute:

4. Authorisation

Signed

Date:

5. Documentation

Please attach copies of any correspondence or other documentation that you have in relation to this matter:

6. Other information

You can help us to progress this complaint by providing as much information as you have:

7. Notes

- Please photocopy this form or use extra pages if required to complete the questions
- Your complaint will be acknowledged within 5 days of its receipt and the other party will be notified of the complaint at the same time.
- Please ensure any supporting documentation is securely attached to the form. Send the form by post or email to the Standards Committee as follows:

| Postal address | Email |
|--|------------------------|
| The Standards Committee P O Box 11595 Wellington | admin@bioenergy.org.nz |