

**Minutes of Cross Party Group in the Scottish Parliament on
Consumer Protection for Home Energy Efficiency and Renewable Energy**

Held on Tuesday 4th June 2019

1. Welcome, Apologies and General Update

Tom Arthur MSP introduced himself and welcomed members of the CPG.

Present

MSPs: Tom Arthur MSP (Chair), Ivan McKee MSP, Clare Haughey MSP, Gerry Chambers and Sean Rodgers (both representatives from the office of Clare Haughey MSP)

Non MSP Representatives

Emma Ash (Secretariat)	Citizens Advice Scotland
Michael O'Brien	Citizens Advice Scotland
Angela Lowe	Glasgow North East Action Group
Shirley Buchanan	Glasgow North East Action Group
Anne McLaughlin	Glasgow North East Action Group
Cllr Christina Cannon	Glasgow, Ward 17
Cllr Graham Campbell	Glasgow, Ward 17
Cllr Allan Casey	Glasgow, Ward 22 / Chair of City Building LLP
Louise Hampson	Hamilton CAB
Bruce Clayson	Hamilton CAB
Linda Corbett	East Ayrshire CAB
Ian Symington	Motherwell and Wishaw CAB
Isabell McNicoll	HELMS Ayrshire Action Group
Irene Harris	HELMS Ayrshire Action Group
Jamie Apted	MBM
Peter Randall	Solar Trade Organisation
Colin Meek	RECC
Adrian Simpson	HIES
George Arbuckle	Trading Standards Scotland
Sarah Freshwater	Energy Savings Trust

Gerry Chambers advised that STV had been in contact to ask about progress since the last meeting. He referenced number of appeals that have been sent to Secretary of State for Business, Energy and industrial Strategy (BEIS), there have been two resolved out of 100 lodged. The waiting time has been around 18 months for a resolution, slightly quicker and better rate of success for consumers who fulfil the vulnerability criteria. Tom Arthur advised that Gavin Newlands has been leading on this in his constituency.

Ivan McKee stated that he and Anne McLaughlin have been doing work around this locally. More people are coming forward and there is a feeling that progress is being made. In regards to cladding, Anne McLaughlin raised the issue of building warrants and retrospective group applications. Core testing has been carried out on 12 properties with the aim of reducing costs. She hopes to be able to

report news on this front shortly. Ian Symington reported that there was a similar situation in North Lanarkshire, although with different cost implications.

Gerry Chambers advised that a letter has been sent to Claire Perry at BEIS to advise that the CPG endorses the CAS *Bad Company* report.

Allan Casey spoke of his experience of in-kind work from 'Arm's Length External Organisations' (ALEOs) part of Glasgow City Council. He said this is effectively a question of the value of work undertaken which is worthless in some instances. He suggested that Councils should be able to help if people have any queries.

2. Approval of minutes from 19th February 2019

Tom Arthur addressed the minutes of the last meeting – proposed and seconded.

3. Update on HELMS led by Citizens Advice Scotland

Emma Ash of CAS advised that since Marcus Wilson's meeting with Claire Perry at BEIS, CAS has had a further call with BEIS officials who let us know that they have increased their staff resources to help handle complaints. CAS has updated their online advice pages to let consumers know they can complain to GDFC, BEIS or both.

CAS has been made aware by some consumers and CAB energy advisers that correspondence from BEIS has been requesting further and more detailed information and for this to be provided within two weeks. As such, CAS has asked BEIS if they can:

- Increase the two week limit to give a more realistic and flexible timescale
- Wherever possible, information relating to a complaint that has already been provided to GDFC is shared with BEIS: e.g. the details of the complaint, energy bills, contracts etc.
- Provide copies of all correspondence to both the adviser and the consumer, where a third party adviser initiated the complaint.
- Provide consumers who raise complaints with more support, such as signposting to their local CAB

CAS continues to monitor data coming in from CABs on the number of HELMS complaints.

CAS advised that feedback has been given to BEIS about the issues with the FIT scheme specifically from the information we are aware of through the CAB network.

CAS is taking the lessons learned from Green Deal and HELMS into the consultation for the Scottish Government's Energy Efficient Scotland. They are also undertaking research into Consumer Protection frameworks and legislation and what best practice should look like.

Emma Ash invited others from the CAB network to share updates. Linda Corbett advised that East Ayrshire CAB has had 9 complaints in the last week-and-a-half. She had concerns about the quality of letters, for example BEIS asking for documents that had already been sent and some letters having no name or address for the consumer. Linda feels that the two week deadline is unrealistic, it would be very difficult to meet this deadline without support from a third party. Anne McLaughlin echoed

these concerns and stated that Ivan Mckee's office is frequently excluded from correspondence. Linda Corbett believes this is discouraging engagement with the complaints process.

Louise Hampson provided an example from Hamilton CAB where a consumer received a letter from BEIS dated 24th May with a deadline for response by 3rd June – it is almost impossible to collate evidence and send it back within this time period. Irene Harris was initially given a two week deadline, but she was given two subsequent extensions by BEIS. Ian Symington did not encounter the difficulties that others have reported.

Linda Corbett talked about misinformation and the golden rule being broken. She made reference to an advice guide that she has produced, there were comments that it has been very useful in practice.

Jamie Apted referred to the legal opinion in *Bad Company* and suggested this can be used to quote relevant parts of the Act in complaints.

Bruce Clayson provided an update on a case he has been involved in at Hamilton Sheriff Court against PVS, this was not successful.

Gerry Chambers added that BEIS has added two further members of staff to the team handling complaints. George Arbuckle was at a meeting with BEIS recently. He stated that complaints initially with the Energy Ombudsman were reallocated to the Financial Ombudsman, but this process faltered following the liquidation of HELMS. Complaints were subsequently taken on by the Green Deal Finance Company (GDFC) and responsibility now lies with GDFC and ultimately BEIS. He added that Claire Perry is "horrified" at the department's current timescales and has promised a further response on this shortly.

Irene Harris asked why complaints were sent to GDFC in the first place when the framework states this is the responsibility of the Secretary of State. George responded that, it was a gesture of goodwill on the part of GDFC to try and find a resolution, but the consumer's recourse to refer this to the Secretary of State remains intact. Angela Lowe read out some Green Deal regulations in relation to borrowing, ring-fencing and limits of redress. Linda responded that consumers can apply to the Secretary of State for the cancellation of a plan and a full refund, or a partial write-off, but this only applies to complaints against liquidated companies.

4. Presentation – HIES Adrian Simpson – presentation on Consumer Codes updates

Adrian Simpson has been attending the CPG since February 2018; he does not want consumers to be disadvantaged and finds the group very useful. He spoke about protections and actions that HIES can take to remove members from their scheme. HIES share information with RECC where there are any concerns about the legitimacy of an applicant. At one stage, HIES declined between 60% and 70% of all accreditation applications. HIES are watching the situation closely – they want to learn lessons from HELMS.

Adrian gave an example of a company who recently attempted to join the assignment of rights scheme. The company had taken deposits of up to £200 with a view to completing EPCs, but consumers were subsequently unable to contact them. In such instances, HIES will share information with Ofgem and BEIS as well as RECC. HIES recognises that controlling a company's licence to trade is

a powerful position and they accept the responsibilities that come with this. They will continue to work with Trading Standards around consumer rights and will support the CPG to try and prevent such failures happening again in future.

5. Questions

Louise Hampson asked if PVSIs were a member of RECC – Colin Meek responded and clarified the situation in regards to HELMS. PV Solar UK Ltd (who are connected to HELMS) had their membership of RECC revoked following a disciplinary process.

Jamie Apted asked if PVSIs were obligated to have indemnity insurance – Peter Randall responded that as a FIT recipient they are only required to have liability insurance. The company are only the nominated recipient, so the paperwork is somewhat misleading. Jamie Apted advised that PVSIs are obligated to inform consumers about assignment or this is invalid. Bruce Clayson added that intimation is a now largely a non-observed formality.

Irene Harris stated that she was not benefiting from her solar panels as they were not routed through her electricity meter. She was unsuccessful with a claim to the Independent Warranty Association (IWA) but Armour Risk Management (ARM) found in her favour.

6. Open discussion

Jamie Apted raised the prospect of crowdfunding to bring a test case to court. Anne felt this was a good idea and suggested raising this with the APG at Westminster. Isabel McNicoll added that she has a fundraising contact through previous media work she has done.

Jamie Apted informed the CPG that although group proceedings are likely to be introduced into Scots law shortly, this is not yet the case.

AOB

Peter Randall raised the issue of marketing e-mails being sent to consumers in relation to FITs. He feels there has been a data breach here, as the company involved seem to have contact details of the relevant households.

Linda Corbett recently wrote a letter of support for a client as part of a complaint to GDFC – the client was awarded a full write-off. This is the first successful case she has had with GDFC and this may indicate that letters of support have value in this process.

Tom Arthur brought proceedings to a close and confirmed that the next meeting will be the AGM on 29 October 2019.