

The NICEIC Complaints Procedure

INTRODUCTION

NICEIC Group Limited, a wholly owned subsidiary of The Electrical Safety Council (previously the National Inspection Council of Electrical Contracting), operates the following schemes to further the Council's aim of protecting users of electricity from unsafe and unsound electrical installations.

■ NICEIC Approved Contractor Scheme

■ NICEIC Domestic Installer Scheme.

NICEIC Approved Contractor Scheme has been operating since the foundation of NICEIC in 1956, to assist contractors carrying out electrical installation participate in a voluntary scheme that demonstrates their competence to their customers.

NICEIC Domestic Installer Scheme is operated by NICEIC Group Ltd as a government approved competent persons self certification body and assists enterprises in meeting the requirements of Part P of the Building Regulations, which was introduced on 1 January 2005. The Building Regulations deal with the health and safety of people in and around buildings by providing functional requirements for building design and construction.

The law states that any persons carrying out fixed electrical installations in households in England and Wales must ensure that electrical installations are:

- Designed and installed to afford appropriate protection against mechanical and thermal damage, and so that they do not present electric shock and fire hazards to people
- Suitably inspected and tested to verify that they meet the relevant equipment and installation standards.

Every enterprise that applies for enrolment/registration is subjected to a detailed assessment by NICEIC, including the technical standard of their electrical work, before being admitted to the Roll of Approved Contractors or the Register of Domestic Installers. The Approved Contractors and Domestic Installers (hereafter referred to as Approved Enterprises) are subjected to periodic assessments (normally annually) to check that they are continuing to comply with NICEIC's Rules.

One of the conditions for continued approval with NICEIC is that the electrical work of Approved Enterprise must comply with the national safety standard BS 7671 - Requirements for Electrical Installations and where applicable the Building Regulations of England and Wales. In the event of the electrical work of an Approved Enterprise being found to be below the standard required, NICEIC requires the enterprise concerned to undertake remedial actions, at no additional cost to the customer.

In the event of a complaint, the complainant should firstly bring the matter directly to the Approved Enterprise's attention in writing, allowing a reasonable period of time for the enterprise to respond. Should this prove to be unsuccessful in resolving the complaint, this Complaints Procedure may be applicable.

In respect of its Complaints Procedure, NICEIC is concerned solely with the safety and technical standard of the electrical work, certification, and where applicable the Periodic Inspection Reporting or notification of said work to local Building Control via NICEIC.

The Complaints Procedure does not deal with:

- Complaints about electrical work carried out other than by NICEIC Approved Enterprises.
- Contractual or commercial matters of any kind, such as the price charged for work or the time taken to complete it.
- Complaints about aspects of work which are not directly related to electrical safety or, where applicable, the Building Regulations.
- Complaints where action has been taken to correct, alter or remove the features of the work complained about. In such cases NICEIC would be unable to firmly establish, by means of an on-site inspection, whether or not the work originally complied with BS 7671 and, where applicable, the Building Regulations.
- Where applicable, complaints about a periodic inspection report, where the relevant features of the electrical installation have subsequently been altered or removed.
- Where applicable, complaints about scope of work that is outside the Approved Enterprise's scope of NICEIC approval.
- Complaints about matters which are the subject of current or intended litigation by the complainant. NICEIC offers its Complaints Procedure as an alternative to litigation.



- Non-compliance with technical specification requirements which fall outside the scope of BS 7671 and, where applicable, the Building Regulations.

The Complaints Procedure is only offered for works that have been completed less than three years before the date the complaint is first registered with NICEIC and only to persons having a direct interest in the matter being complained about.

This normally means that any complaint must be made by the customer (the person who ordered the electrical work) or someone acting on their behalf and at their request. Any other person wishing to make a complaint, such as a tenant who is not the customer, should normally refer the matter to the customer in writing; only in exceptional circumstances will NICEIC offer its Complaints Procedure to a third party.

To enable NICEIC to implement its Complaints Procedure, the complainant must be willing and able to permit the Approved Enterprise to be present at any inspection carried out by an NICEIC Engineer, and to allow reasonable access for the Approved Enterprise to carry out any necessary remedial work. The complainant must also be willing and able to arrange access for these purposes.

PROCEDURE

Complainants are invited to formally register their complaint by completing the Notification of Complaint form, which may be downloaded from NICEIC website, and to specify as clearly as possible:

- The aspects of the electrical work which are considered to be unsafe, and why; and/or
- The aspects of the certification that the Approved Enterprise is required to produce in connection with the safety of an electrical installation, which are considered to be unsatisfactory, and why.

On receipt and validation of the completed complaints form, NICEIC makes a written request to the Approved Enterprise to comment, in writing, concerning the contents of the form. If the complaint is of a relatively minor nature and the facts are not in dispute, it may be possible for NICEIC to arrange for the matter to be resolved without direct intervention. Otherwise, following receipt of the Approved Enterprise's written comments, arrangements are made for an on-site inspection to be carried out by an NICEIC Engineer. The Engineer arranges the appointment with the complainant and the Approved

Enterprise for a mutually agreed date and time. Where NICEIC considers that there may be real and immediate danger arising from the electrical work complained about, the arrangement of the site inspection is treated as matter of urgency by NICEIC.

A representative of the Approved Enterprise must be present at the inspection. The complainant, or a representative, is also required to be present, but no-one else unless expressly agreed in advance by NICEIC Engineer.

The inspection is concerned solely with the items which are specifically the subject of the complaint. The purpose is to determine whether or not these items satisfy BS 7671 and, where applicable, the Building Regulations. After the inspection, NICEIC Engineer prepares a report giving relevant details of the electrical work, the results of any tests and inspections, and the details of deviations, if any, from BS 7671 and, where applicable, the Building Regulations. This report is forwarded to the Approved Enterprise, and the complainant is given a general indication of the NICEIC's findings. Should the complainant require a copy of the report, it should be sought from the Approved Enterprise.

If the report reveals deviations, NICEIC requires the Approved Enterprise to carry out remedial action, without additional cost to the customer, to correct those deviations which were not a result of specification requirements. Usually, a further inspection of the installation is made after completion of the remedial action so that confirmation can be given to the customer that the deviations have been corrected.

In the unlikely event of an Approved Enterprise that is an Approved Contractor not honouring the requirement to undertake remedial action at no additional cost to the customer, NICEIC Guarantee of Standards Scheme may be applicable. Details of this scheme will be provided in the appropriate circumstances.

All decisions, regarding the application and interpretation of NICEIC Complaints Procedure, the safety and technical standard of an electrical installation, the technical standard of certification relating to the electrical safety of an installation, and remedial action, rest with NICEIC.

Due to the need to address complaints in a fair, consistent and methodical manner, it may take NICEIC several weeks to resolve a particular complaint, even if both the complainant and the Approved Enterprise are fully cooperative and respond promptly to all correspondence etc. However, in all cases the complaint will be dealt with as quickly as possible.

NICEIC Complaints Procedure provides benefits in addition to statutory and other legal rights. The Complaints Procedure does not reduce or modify these rights.

Questions & Answers

Answers to frequently asked questions about the scope and application of The NICEIC Complaints Procedure

1 I am concerned about the safety of certain aspects of the electrical work I have recently had carried out by an Approved Enterprise. Would NICEIC investigate a complaint from me about the work?

Yes, NICEIC would investigate your complaint if it fell within the scope of The Complaints Procedure.

2 I have good reason to believe that certain aspects of the electrical work recently carried out for me by an Approved Enterprise does not comply with BS 7671 (the Wiring Regulations) and/or, where applicable, the Building Regulations. Would NICEIC investigate this under The Complaints Procedure?

Yes, NICEIC would investigate your complaint, subject to the conditions given earlier.

3 Is there a charge for using The NICEIC Complaints Procedure?

No. Use of The Complaints Procedure is free of charge to complainants.

4 Will NICEIC investigate a complaint if I haven't brought the matter to the Approved Enterprise's attention in writing?

Generally, no. NICEIC does not normally become involved unless it can be demonstrated that the complainant has already brought the matter to the Approved Enterprise's attention in writing and given the enterprise an opportunity to respond.

5 Will NICEIC investigate a complaint if I'm not prepared to allow the Approved Enterprise to be present at any inspection carried out by an NICEIC Engineer or to carry out any necessary remedial work?

No. The complainant must be prepared to allow the Approved Enterprise to be present at the inspection, and allow reasonable access for the Approved Enterprise to carry out any necessary remedial work. Otherwise The Complaints Procedure cannot operate.

6 In how much detail must I write my complaint about electrical work?

You need to state as clearly as possible what aspects of the electrical work you consider to be unsafe or unsatisfactory, and why.

7 Do I have to put my complaint about electrical work in technical language?

No. This isn't normally necessary. The important thing is to express your complaint clearly.

8 Can I use The Complaints Procedure to complain about work that is not yet complete?

Yes, in certain circumstances. Approved Enterprises are required to inspect and test their work during construction and on completion, and to carry out tests before putting the new work into service. Any defects or omissions discovered during the process of inspection and testing should be corrected before a certificate is issued by the Approved Enterprise, however, depending on the circumstances, NICEIC at its discretion can investigate a complaint regarding work that has not yet been completed.

9 I want to complain about the standard of certification issued by an Approved Enterprise, in relation to the safety of an electrical installation. Does this fall within the scope of The Complaints Procedure?

Yes. Such complaints fall within the scope of The Complaints Procedure, subject to the conditions given earlier.

10 Does NICEIC investigate complaints about the standard of non domestic electrical installation work carried out by an Approved Enterprise who is a Domestic Installer?

No, such complaints falls outside the remit of The Complaints Procedure as Domestic Installers are only approved by NICEIC to carry out domestic electrical installation work.

Questions & Answers

11 Does NICEIC investigate complaints about work that is outside the scope of an Approved Enterprise's NICEIC approval?

No, the complaint falls outside the remit of The Complaints Procedure as Approved Enterprises are not approved by NICEIC to carry out this type of electrical work.

12 Can The Complaints Procedure be used for complaints about the time taken to complete the work, or the price charged, or about damage caused by the enterprise's workmen to furniture or interior decorations etc during the work?

No. All contractual and commercial matters are outside the scope of The Complaints Procedure.

13 I have a complaint concerning non-compliance with specification requirements which go beyond, or conflict with, the requirements of BS 7671 or, where applicable, the Building Regulations of England and Wales. Will NICEIC investigate this under The Complaints Procedure?

No. Such matters fall outside of the scope of The Complaints Procedure.

14 Will NICEIC investigate a complaint about features of an electrical installation that have now been subject to remedial work or have been removed?

No. In such cases NICEIC cannot firmly establish the relevant facts about the installation, by means of an on site inspection.

15 Can The Complaints Procedure be used for complaints about work carried out other than by an Approved Enterprise?

No. The Complaints Procedure does not apply to work carried out by other than an Approved Enterprise.

16 Can The Complaints Procedure be used for complaints about matters which are the subject of current or intended litigation by me?

No. NICEIC regards its Complaints Procedure as an alternative to litigation.

17 Can I obtain financial compensation through NICEIC Complaints Procedure?

No. The Complaints Procedure does not provide for financial compensation.

18 The enterprise who carried out the electrical work that I wish to complain about, was an Approved Enterprise at the time the work was done, but is not now an NICEIC Approved Enterprise. Is it still possible for NICEIC to investigate my complaint?

Yes, in some circumstances. Provided the complaint falls within the scope of The Complaints Procedure in all other respects and the former Approved Enterprise is still trading as an electrical enterprise, NICEIC will, where practicable, call on the enterprise to honour the continuing obligations imposed by its former approval with NICEIC. In the event of the enterprise failing to respond satisfactorily or having ceased trading, NICEIC Guarantee of Standard Scheme may be applicable.

19 If NICEIC carries out an on-site inspection, can I obtain a copy of the Engineer's report?

Complainants will be advised of the outcome of any on site inspection in general terms. If a copy of NICEIC inspection report is required, it should be requested from the Approved Enterprise. NICEIC does not provide complainants with a copy of its inspection report unless legally obliged to do so.

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