



## **INCA Complaints Procedure**

### **Introduction**

The Insulated Render and Cladding Association (INCA) takes complaints against its members very seriously. The INCA Complaints Procedure is designed to ensure that any complaint made against an INCA member is fully investigated on behalf of all the parties involved in order to uphold INCA's objective of promoting the highest standards in quality, conduct and workmanship.

INCA members adhere to the INCA Code of Professional Practice which sets out the high standards expected by INCA. In the event that an issue arises between an INCA member and one of its clients that cannot be resolved, it may be referred to the INCA Secretariat (herein referred to as INCA) which will follow the steps outlined in this Complaints Procedure in an attempt to bring it to a satisfactory conclusion. INCA aims to resolve all valid complaints within the target timescales specified in this Complaints Procedure; however, there may be circumstances where this is not possible if, for example, the case is particularly complex. Should this situation arise, INCA will keep the parties fully informed of the anticipated timescale for resolution of the complaint.

All complaints and associated correspondence will be dealt with by INCA in strict confidence. Should it be necessary to share information with other parties in order to resolve the complaint, permission will be sought from the complainant prior to any information being disclosed.

### **Notification of a Complaint**

1. If a client is dissatisfied with the service provided by an INCA member, the client should in the first instance contact the INCA member. In accordance with the INCA Code of Professional Practice, the INCA member shall investigate the complaint and, where possible, take any action necessary to rectify the situation. Any remedial steps should be taken in consultation with the client and within 21 days of such steps being agreed,

subject to weather and availability of materials. If the INCA member decides that the client does not have grounds for complaint, this should be explained in writing to the client with reasons for the decision.

2. A client who believes that the assessment of their complaint by an INCA member is incorrect, or who remains dissatisfied after remedial action is taken by the INCA member, should submit the complaint in writing to INCA.
3. Any complaint submitted to INCA must be made in writing by post, fax or email. It should include the full facts of the case and all relevant information required for it to be understood by parties who have no previous knowledge of its history, including correspondence, photographs and quotations.

Complaints should be sent to:

INCA 6-8 Bonhill Street London EC2A 4BX	F: 0844 249 0042  E: <a href="mailto:info@inca-ltd.org.uk">info@inca-ltd.org.uk</a>
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4. INCA will not deal with complaints where:
  - The contractor or system designer involved in the work is not a member of INCA at the time that the complaint is made.
  - The issue relates to aesthetics on an installation which has been completed within tolerances that meet British Standards.
  - The issue has arisen after the expiry of the warranty period.
  - The issue is the subject of current or pending litigation or legal contractual proceedings.
  - A judgement has already been made on the issue through a dispute resolution procedure such as adjudication.
5. On receipt of a valid complaint, INCA will allocate a unique complaint reference number to which all future correspondence will refer.
6. An acknowledgement letter will be sent by INCA to the complainant within 5 days of the date of receipt of the complaint, which confirms:
  - Receipt of the complaint

- The INCA unique complaint reference number
- An outline of the next steps within the complaint resolution process including the anticipated timescale for resolution
- The possibility that a fee may be charged for investigation of the complaint if it is not upheld.

### **Validation of a Complaint**

7. The complaint will, in the first instance, be referred to the Chairman of the INCA Technical Committee within 5 days of the date of receipt of the complaint. The Chairman of the INCA Technical Committee will respond within 21 days of the date of referral requesting further information if required. If the Chairman of the INCA Technical Committee is unavailable for whatever reason, the complaint will be referred to the INCA Chairman.
8. If it is decided by the Chairman of the INCA Technical Committee that there is no case to answer, the complainant will be notified in writing by INCA with the reasons for the decision. The complainant has 28 days from the date of notification to lodge an appeal in writing to INCA. The appeal must state the grounds on which the appeal is being made.
9. If it is decided that there is a case to answer and further investigation is required, INCA will inform the complainant in writing that an investigation is to be carried out, stating an estimate of costs, up to a possible maximum limit, that could be incurred. The complaint will be referred to the INCA Board of Management which will nominate a sub-committee to carry out the investigation. The sub-committee will be independent and have no previous history or knowledge of the complaint. INCA reserves the right to seek reimbursement for any costs incurred in connection with the investigation, either from the complainant or the INCA member, whosoever is found to be at fault.

### **Investigation of a Complaint**

10. Where an investigation is to be carried out, INCA will ensure that all sub-committee members have copies of all relevant correspondence and other information in connection with the complaint.

The sub-committee will consider the complaint with the aim of reaching a conclusion within 28 days of the date of the decision to proceed with the investigation. If the sub-committee deems that it does not possess the expertise to judge any particular aspect of the complaint, it reserves the right to seek advice from bodies or individuals that are qualified to provide such advice. Payment of any upfront fees for such bodies or individuals shall initially be split equally between the parties. Depending on the outcome of the complaint, one party may be required to reimburse the other for all or part of its share of the fees.

11. Following investigation by the sub-committee, a report recommending whether the complaint should be rejected or upheld will be submitted by the sub-committee to the INCA Board of Management, copied to the INCA Secretariat.
12. The report will be considered by the INCA Board of Management which, based on the reasons given in the report, will decide on the complaint and any action to be taken.

### **Outcome of a Complaint**

13. INCA will notify the parties of the INCA Board of Management's decision in writing within 5 days of the date of the decision.
14. In the event that the complaint is upheld by the INCA Board of Management, the INCA member will be required to provide a programme of remedial works to the satisfaction of the INCA Board of Management within 14 days of the date of the written decision. The INCA Board of Management will impose an appropriate sanction on the INCA member as outlined in paragraph 16.
15. Should the INCA member fail to rectify the situation satisfactorily, the INCA Board of Management shall invoke appropriate disciplinary action.
16. The INCA Board of Management shall impose one of the following sanctions on any INCA member that has had a complaint upheld against it:
  - A written reprimand with a warning as regards to future conduct
  - A period of probation during which the conduct and performance of the INCA member will be monitored
  - Temporary suspension of membership

- Expulsion from INCA membership in accordance with the procedure laid down in the INCA Articles of Association.

## **Notice of Appeal**

17. The complainant and/ or the INCA member have 28 days from the date of the written decision to lodge an appeal in writing to INCA. The appeal must state the grounds on which the appeal is being made.
18. In the event of an appeal, details will be circulated to the INCA Board of Management which will decide whether to accept or reject the appeal. The INCA member is entitled to be present at any meeting where the complaint is discussed and will retain the benefits of INCA membership whilst the appeal is in progress.
19. The INCA Board of Management has the final decision in the case of an appeal which shall represent the views of an INCA Board of Management majority. In the event of a hung decision, the INCA Chairman shall make the final ruling. If the appeal is rejected, the decision and sanction previously imposed will remain in place; if the appeal is successful, the complaint shall be dismissed and the sanction retracted.
20. The results of the appeal will be final and no further recourse shall be made available through INCA.
21. The statutory rights of the complainant remain unaffected by this Complaints Procedure.

## Anticipated Timescale

Day 1	<ul style="list-style-type: none"><li>• INCA receives complaint in writing</li></ul>
Day 6	<ul style="list-style-type: none"><li>• INCA sends acknowledgement letter to complainant</li><li>• INCA refers complaint to INCA Technical Committee Chairman</li></ul>
Day 27	<ul style="list-style-type: none"><li>• INCA Technical Committee Chairman responds to INCA on whether there is a case to answer</li><li>• INCA notifies complainant of INCA Technical Committee Chairman's response and whether investigation will be carried out</li><li>• If investigation is required, complaint is referred to INCA Board of Management</li><li>• INCA Board of Management appoints sub-committee to investigate complaint</li></ul>
Day 55	<ul style="list-style-type: none"><li>• Sub-committee reaches decision on complaint and submits report to INCA Board of Management</li><li>• INCA Board of Management decides on complaint and any action to be taken</li></ul>
Day 60	<ul style="list-style-type: none"><li>• INCA notifies parties of the INCA Board of Management's decision</li></ul>
Day 74	<ul style="list-style-type: none"><li>• If complaint is upheld, INCA member provides programme of remedial works to the satisfaction of INCA Board of Management</li></ul>
Day 88	<ul style="list-style-type: none"><li>• Deadline for appealing the INCA Board of Management's decision</li></ul>

**Any questions on the INCA Complaints Procedure should be directed to:**

**INCA**  
**6-8 Bonhill Street, London, EC2A 4BX**  
**T: 0844 249 0040 F: 0844 249 0042 [info@inca-ltd.org.uk](mailto:info@inca-ltd.org.uk)**  
**[www.inca-ltd.org.uk](http://www.inca-ltd.org.uk)**