

Independent Reviewer – Terms of Reference

Introduction

The Independent Reviewer (“the Reviewer”) plays a very important part in ensuring that CEDR is able to fulfil its obligations to customers and users of the dispute resolution services it provides and that it consistently acts in a fair, considerate and effective manner, complying with the service performance standards it has set and published for this purpose. The Reviewer is appointed by and reports to the Board of Directors of the Company through its Managing Director. The Reviewer will publish a report each year, for inclusion within the Company’s Annual Report.

Terms of Reference

1. The Reviewer may only consider user complaints about the performance of the Company’s staff and / or about customer service if they have not been resolved by our internal complaints review procedure. A complaint may be referred to the Reviewer by the complainant or the Managing Director of the Company, who may not unreasonably refuse to make such a referral.
2. The Reviewer cannot consider any complaint, or element of a complaint, which relates to the performance of any Neutral** appointed by the Company to conduct or assist in the resolution of any dispute, or a complaint about any award, decision or determination made by such a Neutral; nor can the Reviewer make any decision which may change the effect of any such award, decision or determination.

** A Neutral is an arbitrator, mediator, adjudicator or other professionally qualified individual appointed by us to deal with a dispute.

3. The Reviewer cannot consider any complaint or issue arising from a contract or commercial transaction between the Company and any other organisation.
4. The Reviewer cannot consider any issue relating to a Contract of Employment between the Company and any individual.
5. The Reviewer cannot consider any complaint arising directly from any business decisions made by the Company.
6. When a user complaint is referred to the Reviewer for investigation, then the Reviewer shall have access to all related files, computer records and persons relevant to the investigation, subject only to compliance with the provisions of the Data Protection Act 1998. The Reviewer

shall have complete freedom to decide how to investigate the complaint but will normally be expected to report the outcomes and to produce a final recommendation / proposal letter within one calendar month of referral.

7. If the Reviewer decides that a user complaint should be upheld then he or she may require that the Company should make an apology, or take some other corrective action and / or pay appropriate compensation, or equivalent to that which a neutral would award against a firm in similar circumstances, for damage, distress or inconvenience to the person or organisation making the complaint.
8. The Reviewer can consider cases if he or she is concerned that an identified administrative error or failing could have had an impact on the outcome of that case. At his or her discretion, the Reviewer can recommend action to rectify or address such matters.
9. Except where it contains obvious error, which may be identified by either the complainant or the Company, the Reviewer's "Final Report" and any recommendations within it will be binding on the Company.
10. Subject to paragraph 9 above, there is no appeal against the Reviewer's "Final Report".

CEDR administered ADR services include claims related to:

