

## Guidance Notes for Customers

### Arbitration

#### Who are CEDR?

We are the Centre for Effective Dispute Resolution – the largest provider of alternative dispute resolution (ADR) in Europe. In the last 25 years we have dealt with over 100,000 consumer and commercial disputes across dozens of industries.

#### What is ADR?

ADR is a way of sorting out conflicts or disputes informally and confidentially without the matter having to go to court. Arbitration is one of the ADR methods that we provide.

#### What is arbitration?

Arbitration is a legal process, carried out in line with the Arbitration Act 1996, by which an independent and impartial person (the arbitrator) decides the outcome of a dispute. The arbitrator has wide powers to decide on a case.

#### What is the legal effect of the arbitrator's decision?

Once the arbitrator's award is published it is legally binding on both sides and can be enforced by a court if either side does not keep to it.

#### Do I need a solicitor to represent me?

No, you do not need a solicitor but you can ask one to submit your claim for you if you want to. However, you cannot claim any charges your solicitor may make for their services.

#### Will I be expected to go to a hearing?

No, the whole process is conducted in writing.

#### Will I be able to speak to the arbitrator by phone?

In order to stay completely impartial, the arbitrator has no direct contact with either you or the company. But you can speak to one of our team of case managers, who will be able to give you guidance on how to use the service.

### **How much does arbitration cost?**

There is a small fee, which is less than the cost of taking a claim to the Small Claims Court or Money Claim Online.

### **When can I apply?**

You can apply for arbitration if a company who is registered with us has not been able to sort out the dispute to your satisfaction through their own complaints process. With some schemes, the industry trade body will try to sort the matter out for you before it can be referred to us.

Please read the guidance notes on the scheme pages that relate to your dispute for more details.

### **How long will it take?**

We must complete cases within 90 days of accepting an application, but in most cases the process takes about 60 days.

### **How does it work?**

Arbitration schemes are run under a set of rules, which are available on this website. On each page that relates to a scheme that we run, there will be a set of rules for that scheme. All applications must meet the rules. If yours doesn't, we will tell you why and if there is anything you can do so that it does.

### **Who will decide my case?**

Once we have received all the necessary documents from you and the company you are in dispute with, we will refer the matter to a trained arbitrator. The arbitrator will review all the evidence and make a written decision, which they will send to you and the company at the same time.

### **How does the arbitrator decide how much compensation to award?**

The arbitrator will take account of how much you have claimed, all the circumstances you and the company have described in your evidence, and the terms and conditions of the service you used. They will also consider the law and any relevant customer service standards.

### **How do I make an application?**

You can fill in an application form from our website and send it to us, or contact the relevant trade body who will provide you with an application form. When you submit your application, you should include all your supporting documents. You can apply online or download the form from our website. Simply choose the industry that relates to your claim and you will be taken to a page that will provide all the information for that scheme, including the relevant application form.

### **What happens when you receive my application?**

Once we receive your application we will check that it is valid and that we can handle it under the relevant rules. We will then send the application and your supporting evidence to the company and give them 10 to 15 working days to respond in writing (the time period will vary between different schemes).

### **Will I see the company's response and evidence that they submit about my claim?**

Yes, we will send you a copy of the company's response and give you time to submit further comments to us if you want to. However, you cannot raise any new claims at this point.

### **How long does the arbitrator take to publish their award?**

The arbitrator usually publishes their award within 15 working days of receiving all the case files. However, some cases may take longer if the matter is complex.

### **What happens if I disagree with the award?**

The award is legally binding under the Arbitration Act 1996 and cannot be overturned unless a court decides it is a result of fraud, corruption or serious misconduct by the arbitrator. Court action like this is very rare and should not be attempted without legal advice and representation.

### **What if the company and I decide to settle the complaint ourselves?**

You and the company can still settle the matter between yourselves at any time before the arbitrator publishes their award. If you decide to do this, it is up to you to contact the company yourself and negotiate with them.

**How do I stop the arbitration if I agree a settlement with the company?**

If you both agree to settle the dispute you must contact us immediately, in writing, to stop the arbitration. We will contact you and the company to confirm that you have settled the dispute and the arbitrator will issue what is known as a 'consent award', which will confirm the details of the settlement in writing.

**Can I send copies of the award to consumer forums or publish it on a website?**

Arbitration is a confidential process, by contract, between you and the company. By arbitrating through CEDR you agree to keep the case and outcome confidential. If you choose to publish a copy of the award in a public forum, the company may take action against you for breaking this contract.

**What should I do if the company fails to keep to the arbitrator's award?**

If the company does not do as the arbitrator directs within the time given, you should contact us. We can give you guidance on how to enforce the award in the courts of England and Wales, Scotland or Northern Ireland. This is a relatively straightforward and quick process, but we recommend you hire a lawyer to do it for you.

**What should I do if I have any other questions?**

Contact our office on 020 7520 3800 for more guidance.