

## Guidance Notes for Customers

### Adjudication

#### **Who are CEDR?**

We are the Centre for Effective Dispute Resolution – the largest provider of alternative dispute resolution (ADR) in Europe. We help customers in 12 different industries, including house-building, funerals, lotteries, post, residential, travel, telecoms and water.

#### **Who regulates CEDR?**

We are approved to provide ADR for customers by the Chartered Trading Standards Institute, the Civil Aviation Authority, the Gambling Commission and Ofcom.

#### **What is ADR?**

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

#### **What is adjudication?**

Adjudication is where an adjudicator, who is legally trained or an industry specialist, weighs up the documents and evidence you and the company provide to reach a written decision. The adjudicator will take into account any law that is relevant to the dispute, as appropriate.

#### **What is the legal effect of the adjudicator's decision?**

Once you receive the adjudicator's decision you will be given a few weeks to decide whether you accept or reject it. If you accept the decision, the company has to provide you with the remedies the adjudicator has set out in the decision. If you reject the decision it has no effect on you or the company.

#### **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 done in writing.

**Will I be able to speak to the adjudicator by phone?**

So that they stay impartial, the adjudicator has no direct contact with either you or the company. But you can speak to our team of case managers, who will be able to give you guidance on how to use the service.

**How much does it cost?**

Depending on the nature of your claim, you may have to pay a small fee. The application form relevant to the claim you are making will give details if you have to pay a fee. All application forms can be found on this website.

**When can I apply?**

You can apply for adjudication 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 65 days.

**How does it work?**

Adjudication 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 professional adjudicator. The adjudicator 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 adjudicator decide how much compensation to award?**

The adjudicator 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 must fill in an application form and send it to us, with 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 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 the 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 adjudicator take to publish their decision?**

The adjudicator usually publishes their decision within three weeks of receiving all the case files.

### **What happens if I agree with the decision?**

If you are satisfied with the adjudicator's decision you should tell us as soon as possible and we will tell the company. The company must then carry out the decision within a short time, normally within four weeks.

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

The decision has no effect in law if you choose not to accept it. All we ask is that you tell us so that we can tell the company. If you reject the decision, you can take your claim to court.

**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 adjudicator makes a final decision. If you decide to do this, you must do this directly with the company and not through us.

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

If you do settle the matter, we need the company to let us know in writing, and we will call you to confirm that you have indeed settled your claim before closing the file.

**Can I send copies of the decision to consumer forums or publish it on a website?** Adjudication is a confidential process, by contract, between you and the company. By adjudicating through CEDR you agree to keep the case and outcome confidential. If you choose to publish a copy of the decision in a public forum, the company may take action against you for breaking this contract.

**What should I do if the company does not keep to the adjudicator's decision?**

If the company does not carry out the adjudicator's decision within the timescale set, you should contact us.

